



**United Nations Treaty Bodies:
References to Sexual Orientation,
Gender Identity, Gender Expression
and Sex characteristics**

Annual Report 2018

This fourth edition of *United Nations Treaty Bodies: References to Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics* was written and researched by Kseniya Kirichenko and Maria Ihler, edited by Marisa Hutchinson, and published by ILGA World. It is copyright-free provided you cite both the author and the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World).

This report provides the analysis of references to sexual orientation, gender identity, gender expression and sex characteristics made by nine Treaty Bodies in 2018. An additional compilation of references with keywords is provided. The compilation was prepared by Kseniya Kirichenko and Maria Ihler.

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List of Acronyms

CAT	Committee against Torture
CAT Convention	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (1984)
CED	Committee on Enforced Disappearances
CEDAW	Committee on the Elimination of Discrimination against Women
CEDAW Convention	Convention on the Elimination of All Forms of Discrimination against Women (1979)
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CMW	Committee on Migrant Workers
COs	Concluding Observations
CRC	Committee on the Rights of the Child
CRC Convention	Convention on the Rights of the Child (1989)
CRPD	Committee on the Rights of Persons with Disabilities
CSO	Civil Society Organisation(s)
DPR Korea	Democratic People's Republic of Korea
DR Congo	Democratic Republic of the Congo
GRT	Gender reassignment treatment
HIV/AIDS	Human immunodeficiency virus infection and acquired immune deficiency syndrome
HRCtee	Human Rights Committee

ICCPR	International Covenant on Civil and Political Rights (1966)
ICED	International Convention for the Protection of All Persons from Enforced Disappearance (2006)
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination (1965)
ICESCR	International Covenant on Economic, Social and Cultural Rights (1966)
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
ICRPD	International Convention on the Rights of Persons with Disabilities (2006)
ILGA World	International Lesbian, Gay, Bisexual, Trans and Intersex Association
L / G / B / T / I	lesbian / gay / bisexual / trans / intersex
LGR	Legal gender recognition
LOI	List of Issues
LOIPR	List of Issues prior to reporting
NGO	Non-governmental Organisation(s)
OHCHR	Office of the High Commissioner for Human Rights
SM	sexual minorities
SO / GI / E / SC	sexual orientation / gender identity / gender expression / sex characteristics
UN	United Nations

Executive Summary

This report is a comprehensive annual compilation and analysis of all the SOGIESC references made by nine UN Treaty Bodies (CESCR, HRCtee, CEDAW, CRC, CAT, CRPD, CERD, CMW and CED) in 2018. It investigates the Treaty Bodies' General Comments (interpretations of the international human rights treaties), Individual Communications (complaints brought by individuals or organisations), Lists of Issues (issues and questions sent to the States parties before the main review) and Concluding Observations (country-specific concerns and 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.

The main part of the report consists of nine committee-specific chapters. Each chapter includes quantitative and qualitative data on SOGIESC references made by the respective committee in 2018 with an analysis of the changing dynamics between 2014 and 2018; specific data on references to trans, intersex and LGBTI women by the committee; information on General Comments and decisions on Individual Communications adopted by the committee, as well as information on Follow-up Procedure; and information on Sex Work and HIV/AIDS references in Concluding Observations that were not SOGIESC-specific. Based on this information, advice for LGBTI defenders' future engagement is provided.

The annexes to the report include a list of SOGIESC-related civil society submissions sent to the committees for countries reviewed in 2018, a list of the countries reviewed in 2018, and quantitative data on SOGIESC references in Treaty Bodies' Concluding Observations made in 2014–2018.

This report is accompanied by a separate document with the compilation of all SOGIESC references made by nine Treaty Bodies in their General Comments and decisions on Individual Communications adopted during 2018 and the Lists of Issues and Concluding Observations on countries reviewed in 2018. In the beginning of the compilation report, a list of keywords is provided to facilitate searches within the document.

The conducted analysis revealed several developments, trends and achievements in the Treaty Bodies' practice on LGBTI human rights. In 2018, the highest ever number of SOGIESC references (138 references) were made by the committees. At the same time, the percentage of SOGIESC-inclusive Concluding Observations remained almost the same, compared to 2016 and 2017, which supports the idea expressed in the previous edition of Treaty Bodies report, namely that after significant quantitative progress made by the committees from 2014–2016, some sort of 'equilibrium point' has been achieved.

Particular progress has been made by CEDAW (including more recommendations on LBT women and intersex persons) and HRCtee (which issued SOGIESC references in each and every Concluding Observations for the second year, and whose recommendations are becoming more specific and concrete). More recommendations on LGBTI were selected by Treaty Bodies in 2018 for their follow-up mechanisms.

ILGA World's focus on LB women's advocacy in 2018 could be considered as one of the reasons for the developments within CEDAW during this year. It also allowed for the testing of the possibility of specific advocacy oriented on LB women, within other committees, particularly CESCR and HRCtee. As a result of the project, a number of common specific problems faced by LB women in different parts of the world were identified, and challenges faced by LB women human rights defenders – particularly, the need for disaggregated data collection and increasing financial and human resources, were revealed.

2018 Treaty Bodies' SOGIESC Achievements in Numbers

- 8 Treaty Bodies made 64 SOGIESC-inclusive Concluding Observations on 56 different states
- 49% of country periodic reviews ended with making SOGIESC-inclusive Concluding Observations
- 43 states received their first SOGIESC-inclusive Concluding Observations from the respective Committees
- 138 SOGIESC-inclusive references were made by the Committees – the highest number ever and 2.5 times higher than the number of such references in 2014 [54 in 2014, 89 in 2015, 132 in 2016 and 122 in 2017]
- For 9 states – the highest number ever – SOGIESC recommendations were selected for the follow-up procedure by three Committees (HRCtee, CESCR and CEDAW)
- Among the 138 SOGIESC-inclusive references, there were:
 - » 104 trans-inclusive references and 24 stand-alone trans references
 - » 74 intersex-inclusive references and 15 stand-alone intersex references – both numbers are the highest ever
- HRCtee's dialogues with each and every state addressed SOGIESC, and HRCtee made SOGIESC-inclusive Conclusive Observations on each and every state under review
- CEDAW achieved its highest percentage of SOGIESC-inclusive Concluding Observations (71% of country periodic reviews), with the highest ever number of SOGIESC-inclusive references (62 references) among all the Treaty Bodies
- 6 decisions on SOGIESC Individual Communications were made by three Committees – the absolute record in the Treaty Bodies' history, with the first decision adopted by CEDAW
- All 4 General Comments adopted by the Committees included references to SOGIESC

Introduction

United Nations Treaty Bodies, the independent Committees of experts that monitor State compliance with international human rights law treaties, provide civil society with an effective and fairly accessible advocacy mechanism. Whilst no UN human rights treaty mentions lesbian, gay, bisexual, trans and intersex (LGBTI) persons, or sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) explicitly, the Treaty Bodies' practice has developed during the last two and half decades to include these concepts; they have consequently become an integral part of human rights language.

Since May 2015, ILGA World has implemented a programme to better engage with Treaty Bodies and has been gathering information on their work to ensure that, where relevant, SOGIESC are covered by them. Through assisting LGBTI civil society engagement and exploring the work of the Treaty Bodies, ILGA World has gained insight into the approach of the nine Committees:

- The Committee on Economic, Social and Cultural Rights (CESCR);¹
- The Human Rights Committee (HRCtee);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
- The Committee on Migrant Workers (CMW);⁸ and
- The Committee on Enforced Disappearances (CED).⁹

This report is a comprehensive annual compilation and analysis of all the SOGIESC references made by these nine bodies in 2018.¹⁰ It investigates the Treaty Bodies' General Comments (interpretations of the international human rights treaties), Individual Communications (complaints brought by individuals or organisations), as well as Lists of Issues (issues and questions sent to the States parties before the main review) and Concluding Observations (country-specific concerns and recommendations).

The introduction to the report explains the methodology of the research and provides an overview of trends, developments and opportunities relating to the treatment of SOGIESC issues by the Treaty Bodies.

The main part of the report consists of **nine Committee-specific chapters**. Each chapter includes quantitative and qualitative data on SOGIESC references made by the Committee in 2018, and analysis of changing dynamics between 2014 and 2018; information on topics covered during the year, with special attention to (de)criminalisation of consensual same-sex sexual acts or certain forms of gender expression; specific data on references

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 Responsible for monitoring State compliance with the International Convention for the Protection of All Persons from Enforced Disappearance.

9 Responsible for monitoring State compliance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

10 The annual compilations from other years are available at https://www.ilga.org/treaty_bodies_annual_reports.

to trans, intersex and LGBTI Women by the Committee; information on General Comments and decisions on Individual Communications adopted by the Committee, as well as information on Follow-up Procedure; and, information on Sex Work and HIV/AIDS references in Concluding Observations that were not SOGIESC-specific. Based on this, advice for LGBTI defenders' future engagement is provided.

The Annexes to the report include a list of SOGIESC-related civil society submissions (shadow reports)¹¹ sent to the Committees for the countries reviewed in 2018, a list of the countries reviewed in 2018, and quantitative data on SOGIESC references in Treaty Bodies' Concluding Observations made between 2014 and 2018.

This report is accompanied by a separate document with the **compilation of all SOGIESC references** made by nine Treaty Bodies in their General Comments, decisions made on Individual Communications adopted during 2018, Lists of Issues and Concluding Observations on countries reviewed in 2018. At the beginning of the compilation report, a list of keywords is provided to facilitate searches within the document.

Methodology¹²

In preparing this report, ILGA World examined all the Lists of Issues,¹³ Concluding Observations, General Comments¹⁴ (draft and finalised) and decisions on Individual Communications published by CESCR, HRCtee, CEDAW, CRC, CAT, CRPD and CERD, CMW and CED in 2018, as well as the civil society submissions made for the country reviews performed in 2018.

The investigation was restricted to documents made public on the website of the Office of the High Commissioner for Human Rights (OHCHR). It does not include submissions by UN agencies, confidential civil society submissions, most of the information provided orally, or reports that were not uploaded to the OHCHR website.

In some cases, we also analysed press releases by the Committees, submissions made by civil society in the context of draft General Comments, and summary records of country review sessions.

Due to practical limitations, the research was unable to examine comprehensively whether human rights defenders attended a review to share information in person (while individual examples were included in the analysis). It was also difficult to determine whether questions asked by the Committee relating to SOGIESC issues did or did not translate 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.

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

When it comes to the quantitative analysis, we use the terms 'reference' and 'recommendation.' They should be understood differently.

A **reference** means any mention of SOGIESC/LGBTI by a Committee, and we count the following four types of items in Concluding Observations as a reference:

- a. A paragraph made within the positive development section (e.g. when a Committee commends a State

11 Hyperlinks to the reports and brief description of SOGIESC-related content are also provided.

12 The initial methodology for ILGA World's annual Treaty Bodies reports was developed by Helen Nolan who wrote the first two reports on 2014 and 2015.

13 List of Issues, List of Themes or List of Issues Prior to Reporting. The research analysed the documents issued both in 2018 and earlier if the main review was held in 2018.

14 Some Committees issue General Recommendations, but substantially both General Recommendations and General Comments are similar.

- party's new anti-discrimination law that includes SOGIESC);
- b. A paragraph expressing the Committee's concerns, plus a following paragraph suggesting particular recommendations to mitigate the mentioned problem;
- c. A paragraph with recommendations where there is no concern paragraph preceding (particularly relevant for the CRC's structure of Concluding Observations); or
- d. A paragraph on follow-up recommendations where SOGIESC issues are selected for the follow-up process.

A **recommendation** means particular measures and activities recommended, suggested or required from a State party by a Committee. Recommendations could be a part of a reference, but not every reference includes recommendations.

This report presents the separate analysis of nine Treaty Bodies' work in 2018. The general overview for each of the Committees includes quantitative information about country reviews, Concluding Observations and SOGIESC references; information about SOGIESC inclusion into previous Concluding Observations, Lists of Issues, constructive dialogues and following Concluding Observations; and data on CSO submissions.

For each of the Committees, there is also a general description of themes covered during the year. Thematically, each Committee's practice was studied specifically from the perspective of:

- a. **Criminalisation**, including a comparison of the list of countries criminalising consensual same-sex sexual acts with the list of countries that received SOGIESC recommendations, as well as their content;
- b. **Gender Identity and Gender Expression**, including quantitative information about trans-inclusive and stand-alone trans references, as well as analysis of topics covered by these references;
- c. **Sex Characteristics**, including quantitative information about intersex-inclusive and stand-alone intersex references; and
- d. **Women**, a section introduced by 2017 report with the analysis of how the Committees' SOGIESC references reflect the realities of LGBTI women.

For each of the Committees, we also provide information about the year's achievements and developments relating to Individual Communications, General Comments and Follow-up Procedure.

Lastly, a list of references to sex work and HIV/AIDS not related directly to SOGIESC is compiled for each Committee.

Overview of 2018

Compiling SOGIESC references from 2014–2018 has allowed ILGA World to identify SOGIESC-related trends and language in Lists of Issues, Concluding Observations, General Comments and decisions on Individual Communications; to consider strategies to ensure that SOGIESC issues are increasingly on the Treaty Bodies' agenda; to offer some observations on thematic opportunities; and finally, to highlight a few achievements.

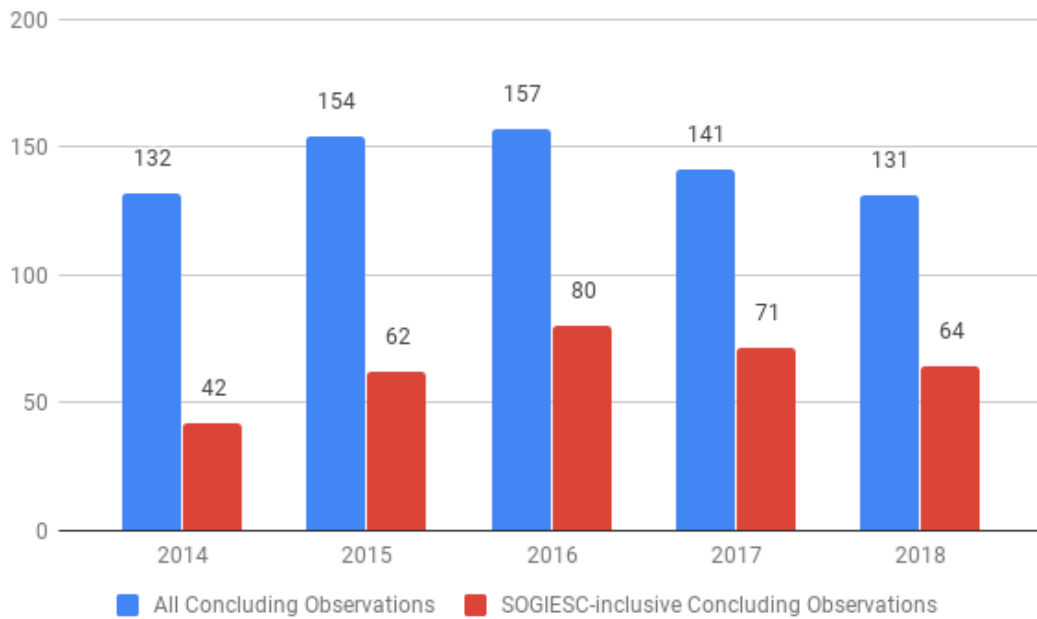
In doing so, we are aware that UN work is only meaningful to the lives of LGBTI people if the Committees' recommendations are actually implemented in the States concerned, and this can only be done if local SOGIESC advocates are equipped with the knowledge and skills to do so.

1. General Overview

(a) Periodic Country Reviews

Between 2014 and 2016, we have seen an overall increase in the number of country reviews that resulted in Concluding Observations containing SOGIESC issues: from 32% (42 out of 132 country reviews) in 2014 to 40% (62 out of 154) in 2015 and to 51% (80 out of 157) in 2016. In 2017, this increase stopped, and SOGIESC references were made in 50% of the Concluding Observations (70 out of 141 country reviews), almost the same percentage as in 2016. In 2018, 64 out of 131 (which amounted to 49%) Concluding Observations made by Treaty Bodies included SOGIESC references (see Fig. 1).

Figure 1: Treaty Bodies' Concluding Observations (2014-2018)



While there was a stable and significant increase in percentage of SOGIESC-inclusive Concluding Observations from 2014-2016, during the last three years (2016-2018) the proportion remains almost the same, with approximately half of the Concluding Observations includes SOGIESC references.

With that, different Treaty Bodies demonstrated different patterns throughout the last five years (2014-2018) with almost every Committee having fluctuating trends instead of either a stable increase or a consistent decrease (see Fig. 2, 3 and 4).

Figure 2: Number of SOGIESC-inclusive Concluding Observations by Treaty Bodies (2014-2018)

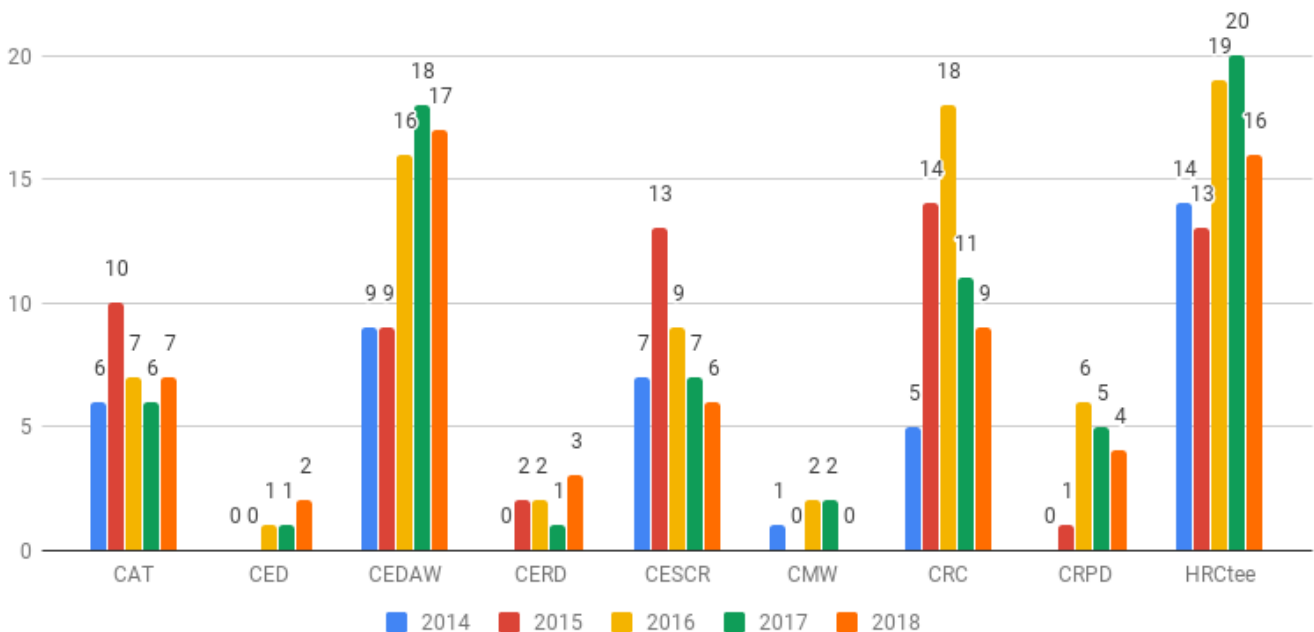


Figure 3: Percentage of SOGIESC-inclusive Concluding Observations by Treaty Bodies (2014-2018)

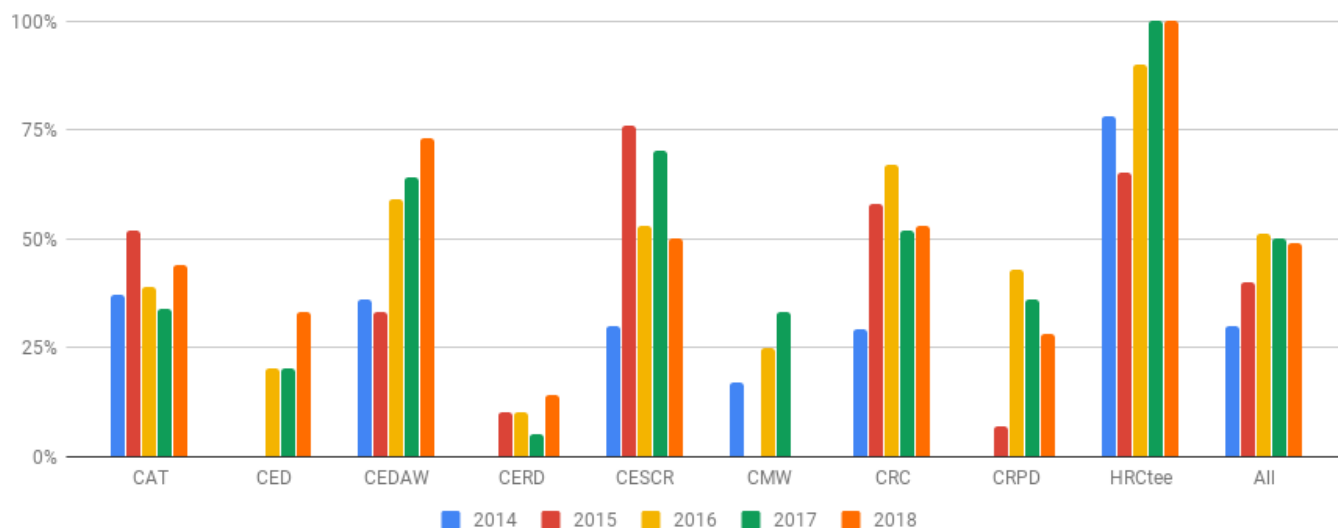
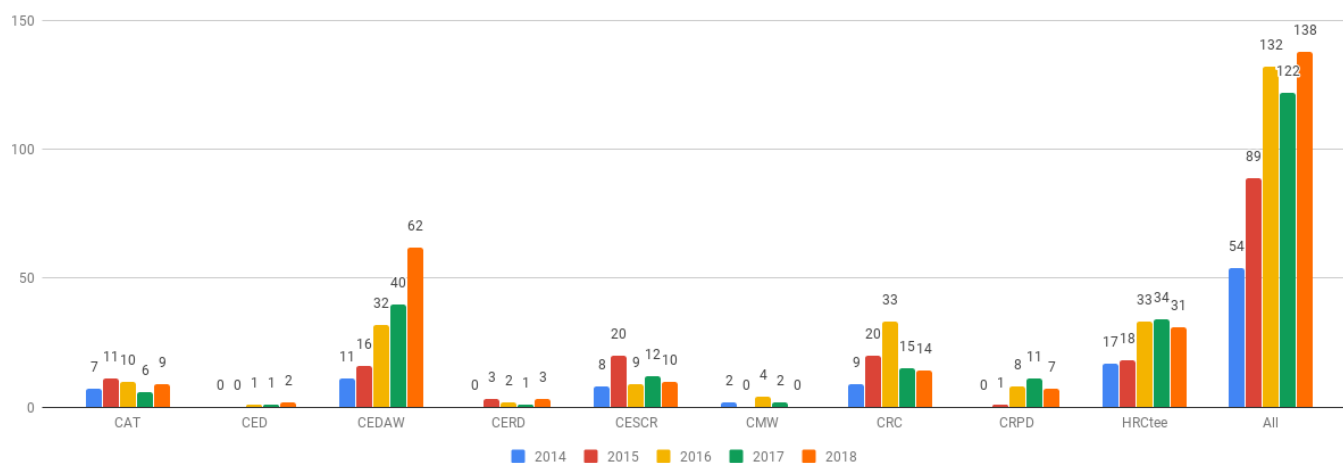


Figure 4: Number of SOGIESC references in Concluding Observations by Treaty Bodies (2014-2018)



From the results produced in 2018, however, the following trends and achievements can be identified.

While the percentage of SOGIESC-inclusive Concluding Observations made by Treaty Bodies in 2018 is slightly lower than it was in the two previous years (49% in 2018 with 51% in 2016 and 50% in 2017), the overall number of SOGIESC references made by the Committees in 2018 was the largest in history, exceeding the number of SOGIESC references made in 2014.

In 2018, two Committees, namely CEDAW and HRCtee, showed particular progress in terms of SOGIESC references.

CEDAW achieved its highest proportion of SOGIESC-inclusive Concluding Observations (71%) and the highest number of SOGIESC references among all the Treaty Bodies (62 references). One of the key factors contributing to these achievements with CEDAW in 2018 could be the active engagement of LGBTI defenders, specifically those working for LB women.

HRCtee made references to SOGIESC in all its Concluding Observations, similar to 2017. The recommendations made by the Committee became more concrete and specific (see more detailed analysis in a chapter on HRCtee).

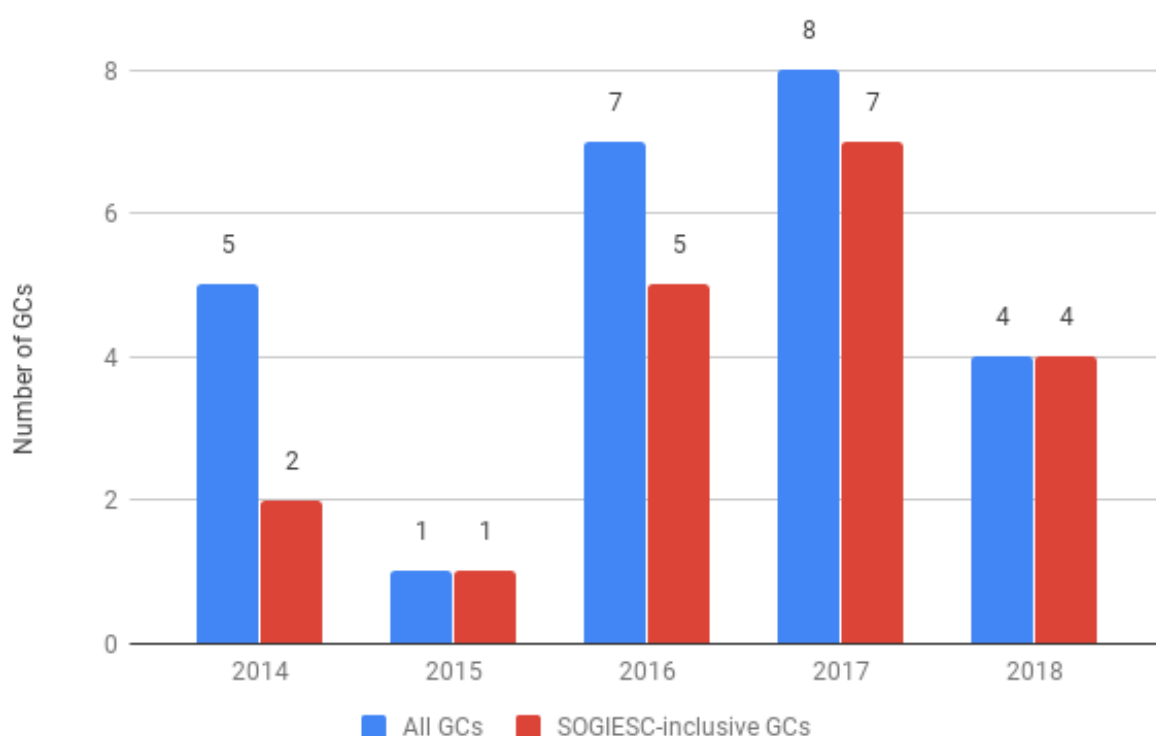
Other Committees did not show significant dynamic in terms of the SOGIESC agenda. CAT, CED and CERD made some progress in terms of both the number of SOGIESC references and the percentage of SOGIESC-inclusive Concluding Observations. However, CESCR, CED and CERD showed a decrease, while CRC's SOGIESC references remained almost the same as in 2017.

In 2018, the highest number of LGBTI recommendations were selected by Treaty Bodies for follow-up procedure (9 recommendations overall, including 1 by CESCR, 4 by HRCtee and 4 by CEDAW). For CESCR, it was the first time a SOGIESC recommendation was chosen for the follow-up.

(b) General Comments

In 2018, all General Comments adopted by Treaty Bodies (1 by HRCtee, 1 by CEDAW and 2 by CRPD) included references to SOGIESC.

Figure 5: General Comments by Treaty Bodies (2014-2018)



Therefore, for the last five years, 19 SOGIESC-inclusive General Comments were adopted by the Treaty Bodies, ensuring a more stable and consistent interpretation of treaties as including SOGIESC aspects.

(c) Decisions on Individual Communications

In 2018, Treaty Bodies made a total of 6 decisions on a record number of individual complaints covering SOGIESC issues; 3 decisions were made by HRCtee, 2 by CAT, and 1 by CEDAW. For CEDAW, it was the first decision made on the topic, while other cases are pending before this Committee.

Out of the 6 decisions, 5 were related to the situation of asylum-seekers and the *non-refoulement* principle.

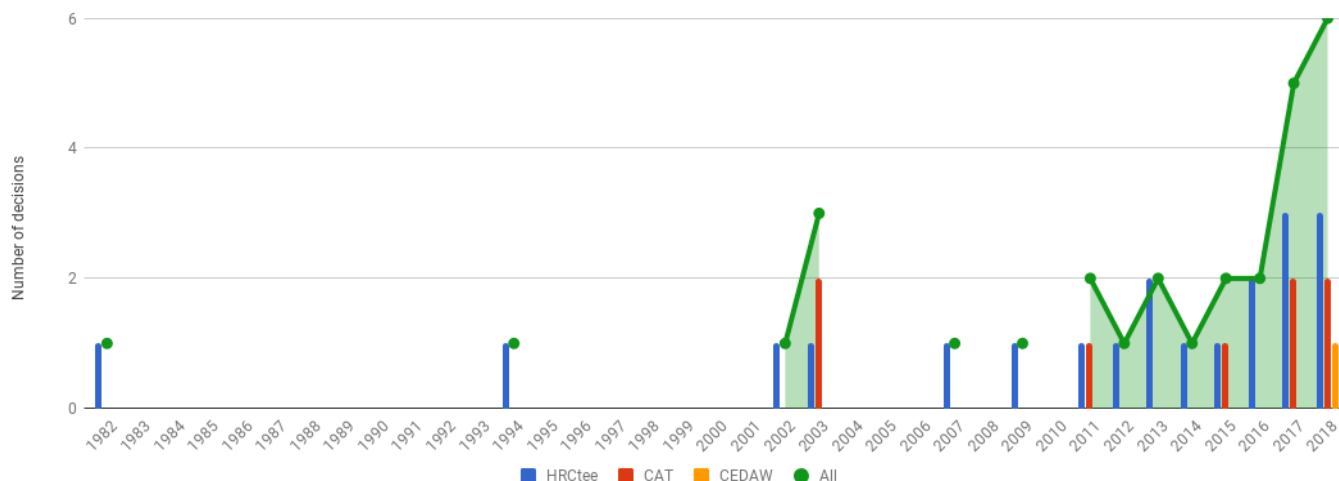
In 2018, all the six decisions revealed no violations – 3 communications were declared inadmissible, with the other 3 cases declaring no evidence of violation.¹⁵

¹⁵ It is important to note that decisions on this topic, namely non-refoulement and asylum seekers, generally show an approach different from cases on other themes. By June 2019, out of 30 decisions made by Treaty Bodies, 18 (60%) revealed violations. However, out of 12 inadmissibility or no violation decisions

Another case considered by HRCtee was regards to freedom of expression and freedom of assembly, and administrative liability for the so-called ‘propaganda of non-traditional sexual relations among minors’ in Russia.

Generally, the development of Treaty Bodies’ jurisprudence on individual cases concerning SOGI(ESC),¹⁶ especially over the last ten years, goes in line with the broader UN progress on LGBTI human rights (see Fig. 6).

Figure 6: Number of decisions on Individual Communications on LGBT made by Treaty Bodies



2. Specific Populations

As the research methodology involves particular consideration of trans and intersex persons, as well as, LGBTI women from 2017, the present section will focus specifically on these three groups. However, developments related to other groups within LGBTI communities, such as those facing discrimination and violence based on the intersection of SOGIESC and other factors, including race, disability and youth, will be described in chapters on relevant Committees (particularly, CERD, CRPD and CRC).

(a) Sex Characteristics – Intersex

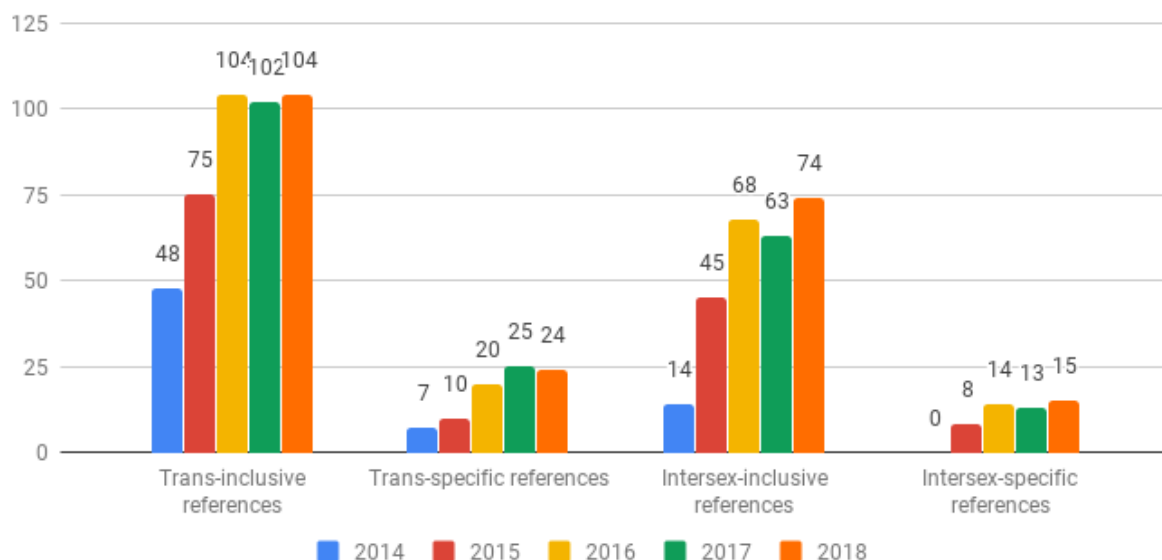
In terms of **Sex Characteristics**, the absolute number of both intersex-inclusive and stand-alone intersex references increased (see Fig. 7), with the percentage of intersex-inclusive references increasing from 52% in 2017 to 54% in 2018. The proportion of intersex-specific references (11% out of all SOGIESC references) remained the same.

Particularly significant progress was achieved by CEDAW which made 10 stand-alone intersex references in 2018, compared to none in 2014, 1 in 2015, 3 in 2016 and 3 in 2017. Furthermore, CEDAW analysed not only direct medical aspects of the situation of intersex persons such as IGM but also the broader topic of discrimination.

9 were those on cases on non-refoulement and asylum seekers. Overall, there were 14 decisions on this topic, and therefore only in 25% of them violation was found.

16 So far, there were no decisions on gender expression and sex characteristics made by Treaty Bodies.

Figure 7: Number of GIE- and intersex- inclusive and specific references (Concluding Observations, 2014-2018)

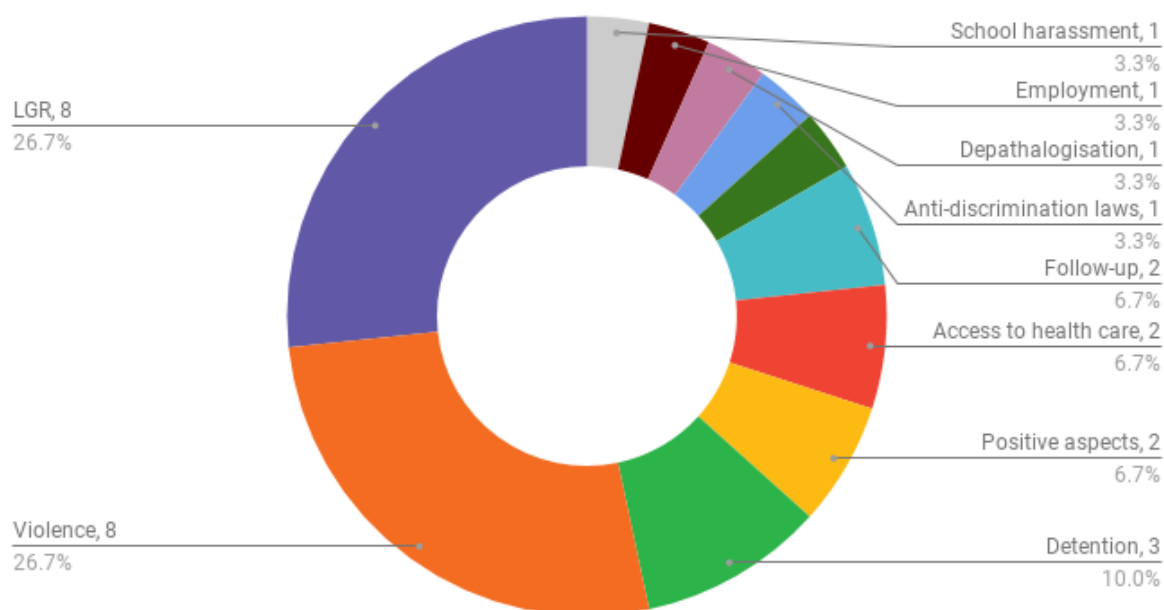


(b) Gender Identity and Gender Expression – Trans

When it comes to **Gender Identity and Gender Expression**, however, the progress was not as significant. While the absolute number of trans-inclusive references increased slightly from 102 in 2017 to 104 in 2018, the proportion of such references decreased from 84% in 2017 to 75% in 2018. Trans-specific references decreased slightly in terms of both absolute numbers (from 25 in 2017 to 24 in 2018) and percentage (from 20% in 2017 to 17% in 2018).

Similarly to previous years, most of trans-specific references were related to LGR procedures and violence. Among other topics covered by Treaty Bodies were detention, access to health care, anti-discrimination legislation, employment, school harassment, criminalisation of cross-dressing and depathologisation.

Figure 8: GIE-specific references in Concluding Observations (2018)



(c) Lesbian and Bisexual Women Following the previous analysis of SOGIESC references in Treaty Bodies' practice, we have identified in particular, the invisibility of **LB women**, as stand-alone references to their situations remained an exception. For that reason, in 2018, ILGA World's Treaty Bodies efforts were mostly aimed at providing support and trainings to LB women human rights defenders. Throughout the year, we supported several representatives of local groups from different regions who engaged primarily with CEDAW (as the committee naturally focuses on gender aspects), but also with CESCR and HRCtee. Defenders attending CEDAW sessions were also supported for participation in training on CEDAW advocacy provided by the women's human rights organisation, IWRAW Asia Pacific. After the engagement with Treaty Bodies, defenders were asked to complete a feedback form with questions about their concrete experience, challenges they face in advocating for LB women's rights and suggestions on future support needed for such advocacy. ILGA World also prepared two rounds of video interviews with defenders about their experiences and advice for fellow activists.¹⁷

'I found it [engagement with CEDAW] as a very powerful experience. I had a chance to talk about the situation of LB women in the country but also of my personal experiences. I felt understood and I felt heard by the [CEDAW] Committee members. I think it was a success because the Committee went back to our government with additional questions that were recommended by us in the list of issues.'

Biljana Ginova, LGBTI Support Centre, North Macedonia

These activities supported the growth in the percentage of SOGIESC-inclusive Concluding Observations by CEDAW from 64% in 2017 to 71% in 2018, and the increase in the number of SOGIESC references from 40 to 62 (which is more than 150% growth). However, the Committee still referred mostly to LBT(I) rather than to LB women specifically. The only explicit exception was the List of Issues for **Ethiopia** where CEDAW addressed the criminalisation of consensual female same-sex sexual acts and so-called 'corrective rape.' At the same time, recommendations and other references to same-sex couples/families by CEDAW naturally make sense for LB women rather than TI persons *per se*, and therefore they should also be considered within the analysis of CEDAW's practice on LB women's human rights.

*Two concrete examples of engaging with other Treaty Bodies with specific agendas relevant to LB women were the review of **Kazakhstan** by CESCR, and of **El Salvador** by HRCtee. While both the ICCPR and ISECR include provisions on women – which in theory could be the basis for developing LB women's issues further within HRCtee and CESCR practice – implementation of this strategy in reality turned out to be quite challenging. There were detailed CSO reports on the situation of LB women in both countries, and representatives of organisations also attended meetings with the Committees' members in Geneva. However, HRCtee only provided general questions, references and recommendations on LGBTI persons broadly. CESCR also made recommendations of a more general nature, while one of the Committee members was interested in the root causes of the different situations of LB women compared to LGBT persons in general (or gay men) in Kazakhstan.*

Advocates supported by ILGA World in 2018 highlighted a number of specific problems faced by LB women in their countries. Due to the intersectional nature of exclusion and discrimination, LB women encounter invisibility in general, in access to particular spheres, such as health care, in particular, sexual and reproductive health, and the lack of friendly professional service providers, education, labor market and housing. They also face various forms of violence, specifically sexual violence, harassment, abuse from family members and attempts of

17 First video: <https://ilga.org/LBTI-women-human-rights-defenders-CEDAW-70>; second video: <https://ilga.org/voices-LBTI-women-human-rights-defenders-Treaty-Bodies>.

termination of their parental rights or custody over children. There are also particular mental health issues such as depression and anxiety caused by lesbophobia, and attempts to subject LB women to 'conversion therapies.' Some LB women, particularly 'butch lesbians', face additional problems because of their gender expression, which significantly affects their access to employment and other aspects of their life.

Many defenders mentioned that they encountered issues while gathering disaggregated data on the situation of LB women in their countries. In the absence of any official statistics, and being severely under-resourced, LB women's groups struggle with researching the situation of their populations and organising evidence-based advocacy. While some data on LGBT in general are usually collected by CSOs, they rarely allow the extraction of specific information on LB women. An additional challenge is the invisibility of LB women and their vulnerable situations, forcing them to remain in the closet. Consequently, even for LB organisations, it is difficult to reach out to this population.

At the same time, some defenders presented good practice examples on the issue. For instance, in North Macedonia, a specific research on LBQ women was conducted. In 2016-2017, Kazakhstan Feminist Initiative 'Feminita' carried out an LBQ women needs assessment in 16 cities in Kazakhstan. As a result, the group collected significant data, including surveys of 227 LBQ women, 43 interviews, descriptions of cases, quotes from LBQ women, and statistics.

Among other challenges identified by advocates when it comes to LB women's advocacy, including the one before Treaty Bodies, was the issue of finding financial resources for travel to ensure inclusion in international advocacy. Additionally, language issues/barriers also pose a problem as for many non-English speaking countries, writing reports in English presents a serious problem, especially taking into account issues of exclusion in education, along with institutional barriers, such as difficulties in obtaining an official NGO registration and, consequently, limited opportunities for project implementation and fundraising.

Accordingly, among the ways to support and improve LB women human rights advocacy, the following solutions were suggested: increasing financial and human resources available for LB women's groups, networking and support from other countries or international institutions/NGOs, support from other LGBTI women organisations, joint efforts organised by LGBTI women groups to plan and strategize specific UN advocacy agenda, conducting studies and researches on the situation of LB women globally and locally, and trainings on UN mechanisms, community human rights education and awareness-raising.

3. Conclusion

The conducted analysis revealed several developments, trends and achievements in Treaty Bodies' practice on LGBTI human rights. In 2018, the highest number of SOGIESC references (138 references) were made by the committees. At the same time, the percentage of SOGIESC-inclusive Concluding Observations remained almost the same, which supports the idea expressed in the previous edition of Treaty Bodies report, namely that after significant quantitative progress was made by the committees between 2014 to 2016, some sort of 'equilibrium point' has been achieved.

Particular progress has been shown by CEDAW, which included more recommendations on LBT women and intersex persons, and HRCtee which presented SOGIESC references in each and every country's Concluding Observations for the second year, and whose recommendations are becoming more specific and concrete). Additionally, more recommendations on LGBTI were selected by Treaty Bodies in 2018 for their follow-up mechanisms.

In 2018, four new General Comments were made by the committees, and seven new decisions on individual communications were issued by HRCtee, CAT and CEDAW.

ILGA World's focus on LB women's advocacy in 2018 led to some developments in the practice of CEDAW, and also allowed for the testing of an intersectional approach with some other committees. A number of common specific problems faced by LB women in different parts of the world were identified along with challenges faced by LB women human rights defenders – particularly, the need for disaggregated data collection and increasing financial and human resources, were revealed.

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Committee on Economic, Social and Cultural Rights

General Information

SOGIESC references were made in 50% of the Concluding Observations of CESCR's country reviews in 2018 (6 out of 12 countries). It is the lowest absolute number since 2014 (7 in 2014, 13 in 2015, 9 in 2016 and 7 in 2017), and the second lowest when it comes to the percentage (30% in 2014, 76% in 2015, 53% in 2016 and 70% in 2017).

Three countries (**Bangladesh, Cabo Verde and Turkmenistan**) received their first SOGIESC recommendations from the Committee.

In 2017, CESCR received CSO information on the situation of LGBTI persons for 8 out of 12 countries reviewed. Stand-alone SOGIESC reports were submitted for only three countries including **South Africa**, which did not receive any LGBTI recommendations. However, LGBTI references were made in the Concluding Observations on **Cabo Verde and Turkmenistan** where no CSO submissions (at least publically available) were provided.

In three cases (**Argentina, Germany and Turkmenistan**), CESCR made SOGIESC recommendations after issuing relevant Lists of Issues. In one case (**Mexico**), LGBTI-inclusive recommendations were made in the absence of SOGIESC references in the List of Issues, and in another case (**Spain**), there were neither List of Issues nor Concluding Observations referring to LGBTI. Further, two countries (**New Zealand and South Africa**) did not receive any SOGIESC recommendations after being requested to provide additional information on the topic in the Committee's Lists of Issues.

The case of **South Africa** was particularly disappointing as the [List of Issues](#) asked about legal gender recognition as well as preventive and reparative measures to address surgery on intersex children. The [civil society submissions](#) included a stand-alone report on trans, gender diverse and intersex persons, while others touched generally on LGBTI discrimination, particularly in health care. Additionally, in the Committee's [meeting with civil society](#), the Legal Resources Centre spoke about the marginalization of diverse gender identities, expressions and sex characteristics, the lack of appropriate trans health care, surgeries on intersex children, and the need for proper implementation and shorter processing times for legal gender recognition. Nevertheless, the state did not receive any recommendations on SOGIESC from the Committee.

Table 1: CESCR's Country reviews, 2018

COUNTRY	SOGIESC IN PREVIOUS COS	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	SOGIESC IN THE CONSTRUCTIVE DIALOGUES	COS	
Argentina	Yes	Yes	Yes	Yes	Yes	Yes	LGBTI; GI + T; I
Bangladesh	n/a	n/a	Yes	No	Yes	Yes	SOGI + same-sex + hijras; SOGI + same-sex (+ hijras)
Cabo Verde	n/a	n/a	No	No	Yes	Yes	same-sex
Central African Republic	n/a	n/a	Yes	No	Yes	No	n/a
Germany	Yes	Yes	Yes	Yes	Yes	Yes	SOGI; I + T
Mali	No	n/a	No	No	No	No	n/a
Mexico	Yes	No	Yes	No	Yes	Yes	LGBTI
New Zealand	No	Yes	Yes	No	Yes	No	n/a
Niger	n/a	n/a	No	No	No	No	n/a
South Africa	No	Yes	Yes	Yes	No	No	n/a
Spain	No	No	Yes	No	Yes	No	n/a
Turkmenistan	No	Yes	No	No	Yes	Yes	LGBTI + homo-sexual

The Committee seems to be relatively open to discussing SOGIESC issues once it is provided with detailed information, especially in the form of a specific LGBTI submission. It is advisable to push for the inclusion of the SOGIESC agenda into the List of Issues through submitting relevant information to the pre-sessional working group and, if possible, participation in the Committee's work in Geneva.

Themes

One of the main topics relevant to LGBTI persons covered by the Committee was **discrimination**. Particularly, CESCR recommended states to combat discrimination based on sexual orientation and to raise public awareness on the issue,¹⁸ and further it also expressed concerns on the lack of prohibition of discrimination against LGBTI persons.¹⁹ States under review were asked about discrimination of LGBTI persons in employment and health care,²⁰ measures to protect LGBT people from discrimination,²¹ inclusion of sexual orientation and gender identity as protected grounds in anti-discrimination law or gaps in such legislation,²² and the impact of anti-discrimination measures taken.²³

However, the Committee's references mostly were of a general nature. An example of a more detailed analysis was the List of Issues on **Kazakhstan** which included elaborated questions on **violence**, employment inclusion and access to health care.

Another interesting example was the Concluding Observations on **Germany** where CESCR mentioned discrimination based on sexual orientation and gender identity in employment in non-ecclesiastic positions in church-run institutions, such as schools and hospitals, and recommended the state to review its General Equal Treatment Act.

Violence and threats against **LGBTI human rights defenders** was a topic covered by the Committee in its review of **Argentina**. In its Concluding Observations on the country, CESCR made recommendations on policy measures and investigation, and on punishment for such acts.

While no recommendations were made with regards to **harassment and bullying in schools**, in its List of Issues for **Ukraine**, the Committee formulated questions on raising awareness about this problem among teachers, other school staff and pupils, as well as on measures to combat bullying against LGBTI children and youths at school and their impact.

Another area covered by CESCR in 2018 was **family**. Thus, during the [constructive dialogue](#) with **Cabo Verde**, the state delegation was asked about plans to recognise same-sex marriages. Consequently, in the Concluding Observations on the State party, the Committee expressed its concerns on the lack of legal recognition of same-sex couples, and recommended taking steps towards formalization of same-sex unions.

Finally, the topic of **asylum** was addressed by the Committee once in its List of Issues for **Norway**. The State party was asked about measures to assist persons seeking asylum on the grounds of sexual orientation or gender identity.

18 See Concluding Observations on **Bangladesh** and **Mexico**.

19 See Concluding Observations on **Turkmenistan**.

20 See List of Issues for **Belgium**.

21 See List of Issues for **Cameroon**.

22 See Lists of Issues for **Mauritius**, **Switzerland** and **Ukraine**.

23 See Lists of Issues for **Slovakia** and **Switzerland**.

The analysis of the Committee's work on SOGIESC issues demonstrates its openness to addressing LGBTI issues and therefore advocates are encouraged to include activities related to CESCR in their advocacy plans. The Committee may be a particularly good platform for addressing different challenges faced by LGBTI persons in such spheres as education, employment, housing or health care. It also appears that other areas such as violence, the situation of LGBTI human rights defenders, asylum, family and reproduction could also find more space in the Committee's practice.

Criminalisation

Only two countries (**Bangladesh** and **Turkmenistan**) out of all countries reviewed by CESCR in 2018 criminalised same-sex sexual acts between consenting adults. The problem has been addressed by the Committee in both reviews, and recommendations to decriminalise consensual same-sex sexual acts or to repeal legal provisions in question have been made. Interestingly, the [constructive dialogue](#) on **Bangladesh** more specifically addressed the colonial roots of criminalisation.

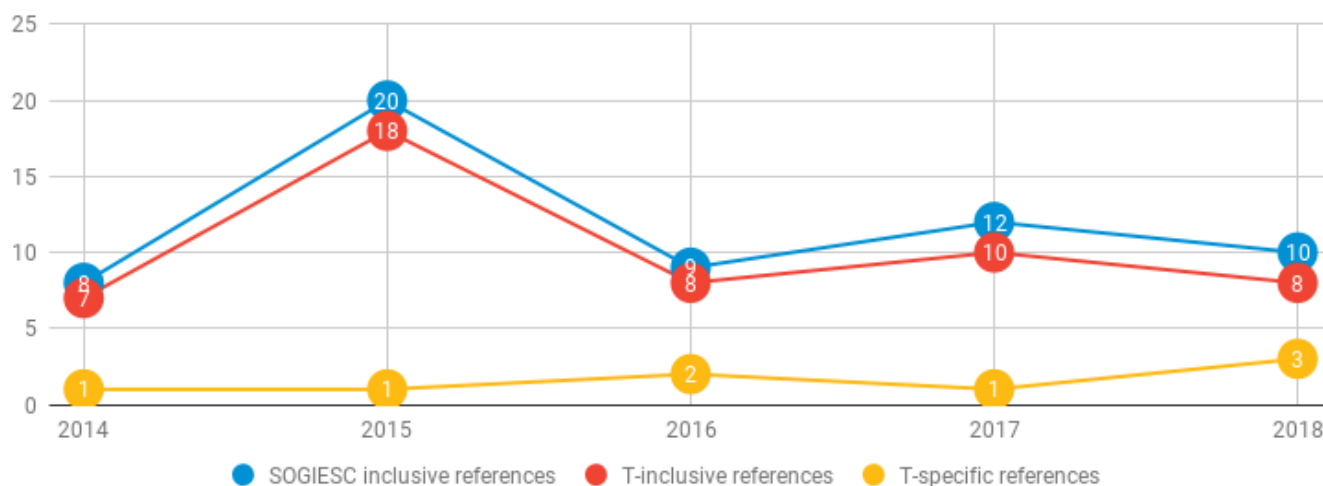
Additionally, **Cameroon** was asked about any plans to decriminalise homosexuality in the Committee's List of Issues.

This suggests that CESCR is very open to addressing criminalisation of consensual same-sex sexual acts. Advocates should rely on this to encourage the Committee to discuss the impact of criminalisation on the enjoyment of specific rights, such as access to health or employment.

Gender Identity and Expression

The Committee referred to gender identity (or trans) in 8 out of 10 SOGIESC-inclusive Concluding Observations made in 2018. Out of these 8 references, only 3 addressed specific challenges faced by trans persons. However, this is the highest number of trans-specific references made by CESCR ever, and the highest percentage of trans-specific references (30%) among SOGIESC-inclusive ones.

Figure 9: GIE-references, CESCR's Concluding Observations



Following the review of **Argentina**, CESCR noted problems in the implementation of the quota for the hiring of trans persons in the public services, and recommended the State party to ensure implementation of relevant laws, by providing financial and human resources for that aim, and by enacting regulations for the law establishing the labour quota. However, more issues were raised²⁴ including pathologisation of trans identities, problems in accessing quality health services and also the shortcomings in legal gender recognition procedure, particularly when it comes to family status and children's birth certificates and marriage certificates.²⁴

In the Concluding Observations on **Bangladesh**, the Committee welcomed the legal recognition of hijras by the State party, which was one of the few references ever made to this population by Treaty Bodies. However, a deeper analysis of the situation of hijras presented by civil society²⁵ was not reflected in the Concluding Observations.

Specific situations of trans people were also analysed during the review of **Germany**. A stand-alone report on trans persons, with regards to their access to health care, was submitted to the Committee by *Bundesvereinigung Trans*.²⁶ A representative of the group also attended a [consultation with civil society](#), raising awareness about depression and suicide among trans youth and calling for gender self-determination, especially in health care. As a result, in its Concluding Observations on **Germany**, CESCR expressed its concerns on the pathologisation of 'transgender status' by German laws, and recommended the state to revise its legislation 'in accordance with international human rights standards and best practices.' Besides, the Committee welcomed the decision of the Federal Constitutional Court concerning the third gender.

Particular situations of trans people were also addressed by the Committee in some of its Lists of Issues.

Norway received a question in relation to trans youth facing discrimination in schools and health care, echoing a concern expressed in the [NHRI submission](#) about these institutions' lack of knowledge about gender identity.

Ukraine was asked about the access of trans people to free and adequate medical care, following the data provided by the [civil society coalition](#).

While it seems that CESCR is open to addressing trans issues – as it has been doing in country reviews as well as in several Concluding Observations – in order to obtain specific trans recommendations, defenders are encouraged to participate actively in the Committee's pre-sessional meetings and sessions.

Analysing and demonstrating the impact of how the lack of appropriate legal gender recognition procedures affect the access of trans persons to employment, education, health care and other services may help to bring about further specific recommendations regarding gender identity issues. ILGA World's guide on gender identity and expression advocacy at CESCR, published in 2016 in [English](#) and [Russian](#), could also serve as a helpful tool in this work.

Sex Characteristics

In 2018, CESCR made only 5 intersex-inclusive references in its Concluding Observations,²⁷ compared to none in 2014, 9 in 2015 and 6 in 2016 and 2017, out of which 2 were specific intersex references. There were no such references before 2017 when the Committee also made 2 intersex-specific references.

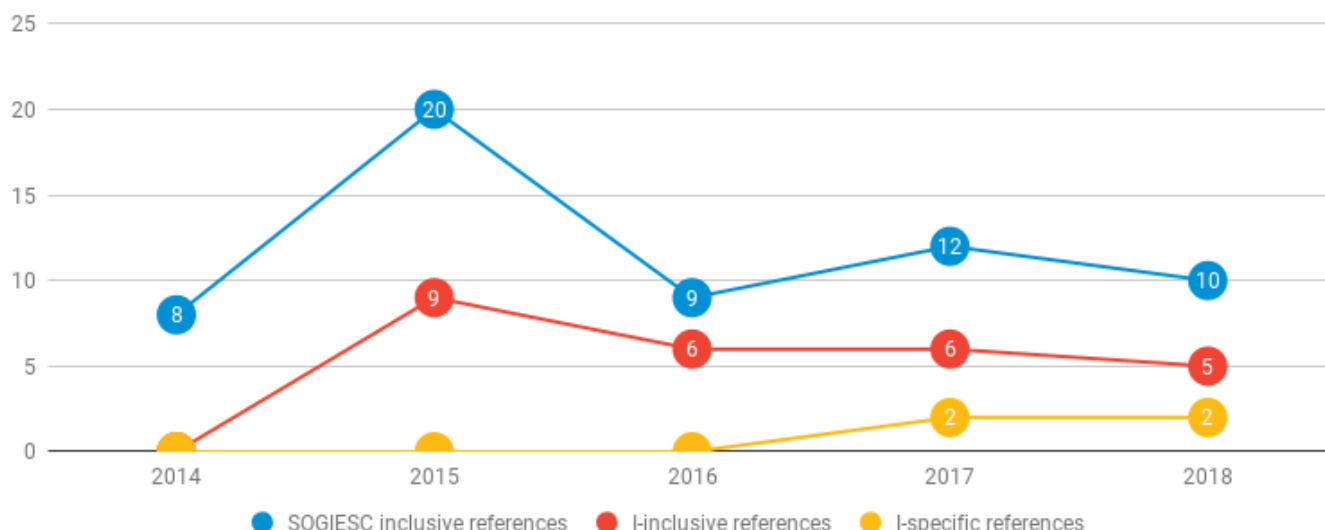
24 Submission by [100% Diversidad y Derechos & Red Internacional de Derechos Humanos \(RIDH\)](#).

25 Submission by [Human Rights Forum Bangladesh](#).

26 Submission by [Bundesvereinigung Trans](#).

27 See Concluding Observations on **Argentina, Germany, Mexico and Turkmenistan**.

Figure 10: intersex-references, CESCR's Concluding Observations



CESCR expressed its concerns about the lack of policy and institutional framework for ensuring the availability of health services to intersex persons in **Argentina**. Consequently, the state was recommended to adopt a resembling policy and framework.

More detailed intersex-specific paragraphs were made by the Committee in its Concluding Observations on **Germany**, which was asked about the situation of intersex persons previously in the List of Issues. As a result of the review, CESCR highlighted its concerns related to surgeries performed on intersex infants and the 'life-long devastating consequences' of these surgeries. The State party was recommended to prohibit medically unnecessary gender confirmation surgeries and to provide 'an enabling environment in which intersex infants and children can develop and in which their preferred gender identity can be respected.' However, the results appeared to be influenced by input provided by civil society and the national human rights institution.²⁸

Additionally, intersex-specific questions were formulated by the Committee in its Lists of Issues for three countries.

South Africa was asked about the number of intersex surgeries recorded and measures implemented to address physical and mental health risks faced by intersex children undergoing such surgeries without consent. Detailed information on the problem was provided by [civil society](#) for the PSWG.²⁹

The List of Issues for **Germany** contained similar questions.

Finally, following a [submission](#) by the civil society coalition, the Committee asked **Ukraine** about access of intersex people to free and adequate medical care.

In 2018, CESCR kept paying attention to specific problems faced by intersex persons, thus continuing a direction emerged in 2017. Defenders can use this opportunity and further engage with the Committee on intersex advocacy.

²⁸ Present at the session, the German Institute for Human Rights [spoke](#) about irreversible surgeries on intersex children. Quite detailed information on intersex had been also provided by civil society, see submission by [Youth Network Lambda - Jugendnetzwerk Lambda e.V.](#)

²⁹ See submission by [Working Group on South Africa-A continued struggle for persons with diverse gender identities, gender expressions and sex characteristics](#).

Among all the SOGIESC references made by CESCR in 2018, none specifically addressed LB/TI women's situations.

The absence of specific references to the situation of LB/TI women in the Committee's documentation was accompanied by the lack of civil society information on the topic. Most of the shadow reports submitted to the Committee did not analyse specific challenges faced by LB/TI women. A few exceptions were civil society submissions from **Argentina** and **Kazakhstan**.

In the case of **Argentina**, NGOs explained how lesbian couples were excluded from the benefits related to assisted reproductive technologies, and also revealed problems with the filiation procedure.³⁰ Notably, a question on access to assisted reproduction was included into the CESCR's List of Issues for Argentina in 2017. However, this did not lead to any concerns or recommendations in the Concluding Observations.

A detailed stand-alone report on the situation of LBT women was prepared by [Feminita](#) for the PSWG on **Kazakhstan**, and a representative of the group attended a meeting with Committee members in Geneva. One of the CESCR experts was interested in the causes of different situations of LBT women in the country, compared to the LGBT population in general. However, the List of Issues made as a result, while containing very good questions on three problems, referred to LGBT persons and not LBT women specifically.

'My advocacy for LBT women's rights at CESCR was overall satisfactory. All Committee members have asked questions related to the problems I raised. They were interested. We got support from ILGA.

One of the Committee members asked why I had advocated for only lesbian women's rights. I think it shows that marginalization and invisibility of LB women makes it odd to make LB women issues central. Even when LB women were asked to choose the most discriminated among LGBTI, they had chosen gay men and transgender people.'

Gulzada Serzhan, Kazakhstan Feminist Initiative 'Feminita', Kazakhstan

While CESCR have not made specific recommendations on LB/TI women, defenders working on these populations may consider engagement with the Committee. Taking into account the Committee's mandate, it might be a good platform to raise topics such as the effect of gender pay gap and economic situation of women in general on LB/TI women and same-sex female couples, access of LB/TI women to sexual and reproductive health services and information, including assisted reproductive technologies, 'corrective rapes,' honour killings and forced marriages, impact of 'traditional forms' of women's rights restrictions, such as in testimony or inheritance, to LB/TI women, etc. However, because this perspective would be new to the Committee, defenders will have to be ready to highlight and explain clearly how exactly SOGIESC intersects with gender in their context, and how the situation of LB/TI women is different from those of non-LBTI women or other populations within the LGBTI community.

Individual Communications

The Individual Communications mechanism of CESCR is still relatively new, and the Committee has not yet dealt with SOGIESC issues in this context.³¹ There were no references to SOGIESC in the decisions made by CESCR in Individual Communications in 2018. It also seems that so far none of the [pending cases](#) concerns LGBTI issues directly.

Individual communications have not been explored as a tool for LGBTI advocacy with CESCR. Taking into consideration the Committee's position towards SOGIESC-related human rights violations expressed in its Concluding Observations and General Comments, this could be a good avenue to pursue. A complaint will probably be considered fairly quick, i.e. within 1.5 years of being submitted. Additionally, in 2017 CESCR adopted specific [rules on follow-up](#) to its views, and in 2016 – its [Guidance on third-party interventions](#).

General Comments

In 2018, no General Comments have been adopted by CESCR.

However, it started discussing a draft general comment on article 15 of the ICESCR. On 9 October 2018, the Committee organised a [general discussion day](#) on the right to enjoy the benefits of scientific progress and its applications, along with other provisions of article 15 of the ICESCR on the relationship between science and economic, social and cultural rights. One of the [discussion points](#) was about the kinds of discrimination that should be specially addressed by the future general comment. Submissions for the general discussion highlighted that an anti-discrimination framework, as a result of this new general comment, should be implemented to protect the lives of LGBT persons.³²

Follow-up Procedure

In 2017, CESCR finally adopted a formal procedure for follow-up to its Concluding Observations.³³

As stated by the procedure, a Rapporteur assigned to the follow-up on Concluding Observations is appointed for a one-year term.

During the periodic review process, CESCR selects up to three recommendations from its Concluding Observations that will be included in the follow-up procedure. The criteria for this selection are that the selected recommendations require urgent action and that they are attainable within a period of 18 months. The State party is required to respond to the selected recommendations within 18 months.

CSOs can submit information on the follow-up, as they do for the reporting procedure. The information should

³¹ 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/>.

³² See submissions by the [American Association for the Advancement of Science](#), [American Chemical Society](#), [Comisión de Derechos Humanos del Distrito Federal](#), and [UNDP](#).

³³ See *Note on the procedure for follow-up to concluding observations* in [English](#), [French](#) and [Spanish](#).

be presented in a concise manner, with a maximum length of 3'500 words, and sent in an electronic Word document to cescr@ohchr.org. This information should be sent within the 18 months after the adoption of the Concluding Observations or, at the latest, one month after the State party's follow-up report is made public. These submissions will be made public.

Assessment of the implementation of follow-up recommendations may result in four conclusions by the Committee: sufficient progress, insufficient progress, lack of sufficient information to make an assessment, or no response.

In 2018, a recommendation on comprehensive anti-discrimination legislation to **Bangladesh** was selected by the Committee for follow-up. State report on the implementation of this recommendation is due by 29 September 2019.

In 2018, the Committee chose a recommendation relevant for LGBTI persons for the follow-up process for the first time. Relying on this case, LGBTI defenders are encouraged to advocate for follow-up LGBTI recommendations in the future.

Sex Work and HIV/AIDS

References to **sex work** were made in CESCR's Lists of Issues for [Belarus](#) (para. 10), [Mauritius](#) (para. 25) and [Ukraine](#) (para. 25), and Concluding Observations on [South Africa](#) (paras. 32-33).

References to **HIV/AIDS** that were not SOGIESC-related were made in Lists of Issues on [Belarus](#) (para. 9), [Estonia](#) (para. 25), [Kazakhstan](#) (para. 24), [Mauritius](#) (para. 25) and [Ukraine](#) (para. 25), as well as in Concluding Observations on [Cabo Verde](#) (paras. 17, 54-55), [Central African Republic](#) (para. 37), [South Africa](#) (paras. 63-64) and [Turkmenistan](#) (paras. 6-7 and 16-17).



**Human Rights
Committee**

General Information

2018 was the second year that HRCtee raised SOGIESC issues in each Concluding Observations (there were 90% of SOGIESC-inclusive Concluding Observations in 2016, 65% in 2015 and 78% in 2014). SOGIESC questions were also discussed during each dialogue of the Committee with States parties. That was the case even when there were no submissions from CSOs (**Bahrain, Laos and Norway**). All the countries on which the Committee made its Concluding Observations, also had received questions on LGBTI earlier. Apart from that, 88% of the Lists of Issues (prior to reporting) compiled by the Committee in 2018 included requests for information related to SOGIESC (the two exceptions were **Angola and Israel**).

Nine countries (**Bahrain, Belarus, Belize, Bulgaria, Gambia, Guinea, Laos, Liberia and Norway**) received their first recommendations on SOGIESC from the HRCtee.

Table 2: HRCtee's Country reviews, 2018

COUNTRY	SOGIESC IN PREVIOUS COS	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	SOGIESC IN THE CONSTRUCTIVE DIALOGUES	COS	
Algeria	Yes	Yes	Yes	No	Yes	Yes	SOGI + LGBTI + same-sex
Bahrain	n/a	Yes	No	No	Yes	Yes	SOGI + GI + homosexual + same-sex
Belarus	No	Yes	Yes	Yes	Yes	Yes	SOGI + GI + LGBT + T
Belize	n/a	Yes	Yes	Yes	Yes	Yes	SOGI + SO + homosexual; SOGI + LGBTI + same-sex; SOGI + LGBTI + same-sex
Bulgaria	No	Yes	Yes	No	Yes	Yes	SOGI + LGBTI; SOGI + GI + LGBTI + same-sex; SOGI + (LGBTI)
El Salvador	Yes	Yes	Yes	Yes	Yes	Yes	SOGIE; SOGIE + LGBTI + T; LGBTI; LGBTI; LGBTI
Gambia	No	Yes	Yes	No	Yes	Yes	SOGI + LGBTI + same-sex
Guatemala	Yes	Yes	Yes	Yes	Yes	Yes	SOGI + LGBTI + T
Guinea	No	Yes	Yes	No	Yes	Yes	SO
Hungary	Yes	Yes	Yes	Yes	Yes	Yes	SOGI + LGBT + same-sex
Lao People's Democratic Republic	n/a	Yes	No	No	Yes	Yes	SOGI
Lebanon	Yes	Yes	Yes	Yes	Yes	Yes	SOGI; SOGI + LGBTI + same-sex
Liberia	n/a	Yes	Yes	Yes	Yes	Yes	SOGI; SOGI + LGBTI + same-sex
Lithuania	Yes	Yes	Yes	Yes	Yes	Yes	SOGI + GI + LGBTI + same-sex; GI + SO + LGBTI; SOGI + GI + LGBTI + same-sex
Norway	No	Yes	No	No	Yes	Yes	SO
Sudan	Yes	Yes	Yes	No	Yes	Yes	SO + SOGI + same-sex; sodomy; sodomy; [sodomy]

The HRCtee continues to be the most open towards SOGIESC issues of all the Treaty Bodies. It consistently includes relevant references in its List of Issues and, specifically, Concluding Observations following the country review. Therefore, defenders can expect attention to LGBTI issues from the Committee even if they do not provide comprehensive information on the topic. At the same time, to ensure visibility of distinct needs and advocacy issues relevant for particular communities within the LGBTI umbrella, defenders may collect and present more specific data to the Committee.

Themes

In 2018, like previously, the Committee addressed a wide variety of different SOGIESC topics in its country reviews.

A significant number of SOGIESC references made by HRCtee in 2018 were related to **violence and hate crimes** against LGBTI persons.

Questions, concerns and recommendations formulated by the Committee on this topic usually addressed procedural stages such as identification of crimes, reporting, investigation, prosecution, punishment or bringing perpetrators to justice, and reparation.³⁴ Other recommendations included training for police officers, law enforcement and other officials,³⁵ collecting data on hate crimes,³⁶ and adoption of the inclusive hate crime legislation explicitly recognising the motive based on SOGI as an aggravating circumstance.³⁷

Importantly, in 2018, HRCtee made quite a substantial number of recommendations aimed at resolving the problem of hate crimes against LGBTI persons and their impunity through specific institutional measures. Compared to the references made previously by both HRCtee and Treaty Bodies in general, these recommendations seem to be more concrete and, therefore, potentially implementable. Among such institutional recommendations, there were: strengthening trust between LGBTI individuals and State authorities,³⁸ increasing the financial and human resources of compliant-receiving bodies,³⁹ strengthening the investigation capacity of law enforcement officials,⁴⁰ creating a specialized unit to investigate hate crimes,⁴¹ and establishing a comprehensive, disaggregated data-collection system.⁴²

On some occasions, the Committee specifically addressed the problem of violence and abuse committed by police, as well as arbitrary arrests, and consequently, measures to protect LGBTI people from such violations.⁴³

Apart from addressing hate crimes and physical violence, HRCtee also discussed **hate speech** against LGBTI persons,⁴⁴ and particularly such hate speech on television, the media and the internet, from persons at the high-

34 See Concluding Observations on **Belarus, Belize, Bulgaria, Guatemala, Hungary, Lebanon, Liberia, Lithuania**, and the List of Issues prior to reporting for **Uruguay**.

35 See Concluding Observations on **Belarus, Bulgaria, El Salvador, Hungary** and **Lithuania**.

36 See Concluding Observations on **Belize, Guatemala** and **Liberia**. Also similar requests before the session review: Lists of Issues (prior to reporting) for **Botswana**.

37 See Concluding Observations on **Bulgaria** and **Guatemala**. In the Concluding Observations on **El Salvador**, HRCtee also welcomed the adoption of such legislation in the State party.

38 See Concluding Observations on **Belize** and **Liberia**.

39 See Concluding Observations on **Belize**.

40 See Concluding Observations on **Bulgaria** and **Lithuania**.

41 See Concluding Observations on **El Salvador**.

42 See Concluding Observations on **Lithuania**.

43 See Concluding Observations on **Belize** and **Gambia**. See also the List of Issues for **Tajikistan** (a question on a register of LGBT persons compiled by law enforcement bodies).

44 See Concluding Observations on **Belarus** and **Lithuania**.

est levels of government and in election campaigns,⁴⁵ as well as incitement to discrimination by registered religious organisations.⁴⁶

On many occasions, the Committee expressed concerns on **discrimination** against LGBTI persons and recommended that States adopt comprehensive and inclusive anti-discrimination legislation which mentions SOGI as protected grounds.⁴⁷ In its Concluding Observations on **Norway**, the Committee also welcomed the adoption of the Sexual Orientation Anti-Discrimination Act.

Some countries were called on to organise **awareness-raising campaigns** promoting tolerance and respect for diversity.⁴⁸ A few such recommendations were more specific. In the Concluding Observations on **Bulgaria**. The Committee recommended training and awareness-raising campaigns for the general public, including through public schools, and in the Concluding Observations on **Liberia**, the State party was called on to organise educational campaigns, in consultation with LGBTI representatives and CSOs, on non-discrimination, inclusion and diversity.

A few recommendations made by the Committee were related to the situation of **LGBTI human rights defenders**, as well as the rights to **freedom of expression, freedom of association and freedom of peaceful assembly**. **El Salvador** received recommendations related to violence against LGBTI defenders, and both **Lebanon** and **Liberia** were called on to ensure the effective enjoyment of the rights to freedom of expression, freedom of peaceful assembly and freedom of association of LGBTI individuals, defenders and organisations.

Quite a new topic raised by HRCtee in 2018 was **immigration**. In its Concluding Observations on **Belize**, as well as the List of Issues prior to reporting for **Trinidad and Tobago**, the Committee referred to sexual orientation as a basis for prohibiting entry into the States, and the need to review the legislation and practice in this regard.

While with no further and detailed analysis, LGBTI persons were also mentioned in the context of **trafficking** and the situation of **IDPs** in the Concluding Observations on **El Salvador**.

The topic of the **family** continued to be covered by the Committee. Concluding Observations on three countries in Europe (**Bulgaria, Hungary** and **Lithuania**) expressed concerns on the lack of legal recognition of same-sex couples, including those married abroad, and consequently, the States parties were recommended to ensure equality of same-sex couples. However, not only European countries were questioned by the Committee about same-sex families. **Viet Nam** was also asked about 'the steps taken towards legal recognition of same-sex couples.'

HRCtee consistently demonstrates its commitment to raising various SOGIESC issues, from hate crimes, hate speech or discrimination and awareness-raising to much more 'controversial' topics such as adoption and marriage. Therefore, defenders are encouraged to apply to the Committee providing it with information on various forms of violations faced by LGBTI communities.

Moreover, the recent developments in the Committee's practice and language also show that it may formulate quite specific and concrete recommendations aimed at improving the infrastructure and institutions within a State party. This provides more opportunities for follow-up actions and effective assessment of the implementation of the recommendations. Therefore, defenders are encouraged to suggest specific and contextual recommendations for the Committee's Concluding Observations.

45 See Concluding Observations on **Bulgaria**.

46 See List of Issues for **Botswana**.

47 See Concluding Observations on **Algeria, Belarus, Belize, Bulgaria, Gambia, Guatemala, Hungary, Laos, Lebanon, Liberia** and **Sudan**; and Lists of Issues for **Equatorial Guinea, Eritrea, Sudan, Tajikistan, Trinidad and Tobago**, and **Viet Nam**.

48 See Concluding Observations on **El Salvador** and **Lithuania**.

Criminalisation

In 2018, the HRCtee not only made SOGIESC-inclusive references in its Concluding Observations on all the countries under review which criminalised consensual same-sex sexual acts but also raised the problem of criminalisation and recommended States parties to abolish criminalisation of same-sex sexual acts between consenting adults.

Among the 16 countries reviewed, 7 had laws criminalising consensual same-sex sexual acts.⁴⁹ They received recommendations to repeal such laws or to decriminalise sexual acts between consenting adults of the same sex.⁵⁰ Further in its Concluding Observations on some of the 7 States parties, the HRCtee also took into account the specificity of the country situations.

For example, in its Concluding Observations on **Belize**, the HRCtee welcomed the recent national jurisprudence recognising unconstitutionality and discriminatory nature of the criminalising laws, while still insisting on the repeal of the laws. Following the review of **Lebanon**, the Committee also noted that despite the national jurisprudence, LGBTI individuals continued to be arrested and prosecuted, for sexual acts between consenting adults of the same-sex and consequently, it recommended the State party to decriminalise consensual same-sex sexual acts.

Algeria was recommended not only to repeal the law but also to release all persons detained on the basis of the law. In the Concluding Observations on **Sudan**, the HRCtee recommended to repeal the criminalising law and, in the meantime, ensure that no one is prosecuted by reason of SOGI.

In its Concluding Observations on **Bahrain**, the Committee explicitly stated that no political, social, religious, cultural or economic considerations could be revoked to justify the failure to comply with the ICCPR obligations as well as the principles of universality of human rights and non-discrimination.⁵¹

The Committee's approach towards the problem of criminalisation was also developed in its Lists of Issues (prior to reporting) for several States parties.⁵² Two examples of particularly interesting Lists of Issues (prior to reporting) are those on **Nigeria** and **Tunisia**.

Nigeria was asked questions about criminalisation of same-sex sexual acts, as well as the prohibition of marriage contracts or civil unions between persons of the same sex. The Committee also requested information related to the consequences of the adoption of the Same-Sex Marriage (Prohibition) Act, such as increased harassment, threats and mob violence.

Tunisia was requested to provide data on the application of criminalising laws to 'non-heterosexual and non-cis-gender persons,' and about the practice of anal examinations.

The Committee continues to maintain its consistent approach towards criminalisation of consensual same-sex sexual acts among adults, an approach which was introduced more than twenty years ago in the first UN Treaty Bodies' Individual Communication on sexual orientation in the Toonen case. These days, HRCtee considers criminalisation to be a grave violation of the ICCPR and therefore, defenders from countries criminalising same-sex sexual acts can rely on engagement with HRCtee.

At the same time, advocates may refer to this Committee with particular and contextualised explanation of what criminalisation means and how it is implemented in their country. Criminalisation of specific forms of gender identity or expression could also be addressed by HRCtee.

49 **Algeria, Gambia, Guinea, Lebanon, Liberia and Sudan.**

50 Concluding Observations on **Guinea**, however, included a quite vague recommendation to 'begin a process aimed at the repeal of' the law criminalising same-sex relationships.

51 Similar points were made in 2017 in the Committee's Concluding Observations on **Cameroon** and **Turkmenistan**.

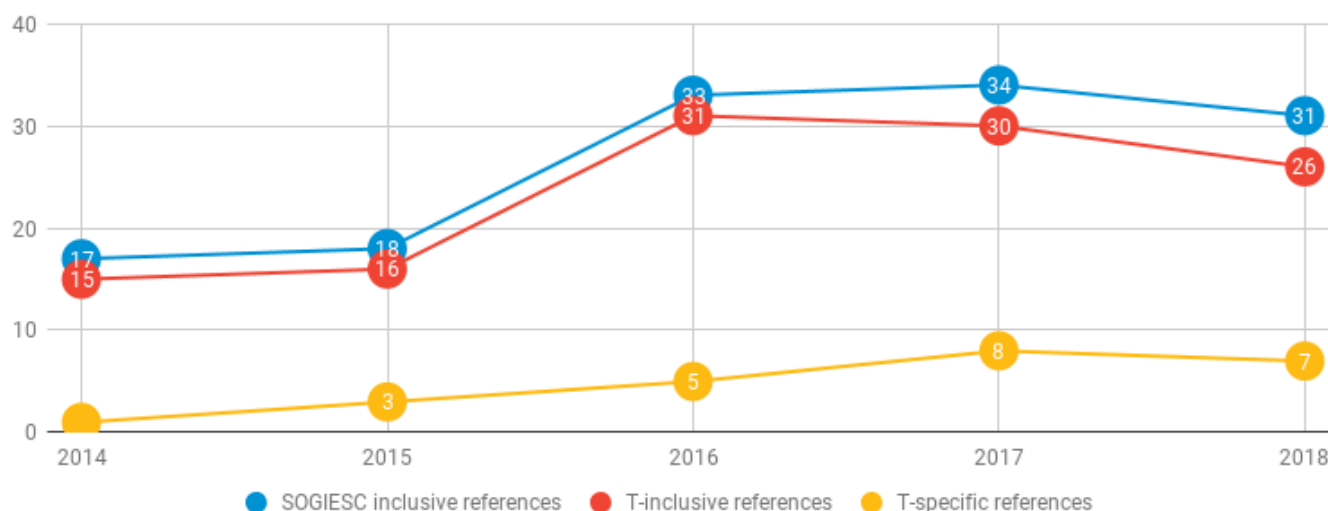
52 See Lists of Issues (prior to reporting) for **Eritrea, Mauritania, Niger, Nigeria, Trinidad and Tobago, and Tunisia**.

Gender Identity and Expression

The Committee continued to mention trans/gender identity issues in its SOGIESC-inclusive references in the Concluding Observations. In 2018, such references were contained in 26 out of 31 (84%) SOGIESC-inclusive paragraphs, a slight decrease compared to previous years.⁵³

Out of the 26 trans-inclusive references, 7 (23% of SOGIESC-inclusive ones) were trans-specific. This is almost the level reached in 2017 (24%), and a higher percentage than the one achieved in previous years (6% in 2014, 17% in 2015, 15% in 2016).

Figure 11: GIE-references, HRCtee's Concluding Observations



Stand-alone trans references were made by the Committee in its Concluding Observations on **Belarus, Bulgaria, El Salvador, Guatemala** and **Lithuania**. Additionally, specific questions related to the situation of trans persons were included in the Lists of Issues (prior to reporting) for **Uruguay** and **Viet Nam**.

Most of the references were related to **legal gender recognition**.⁵⁴ In some cases, HRCtee was concerned about particular requirements of LGR procedures (hormonal therapy required by courts in **Bulgaria**, as well as gender reassignment surgery in **Lithuania**), or specific types of identification documents (gendered numbers in passports and military IDs in **Belarus**). In most of the recommendations related to LGR procedures, the Committee requested States parties to ensure their compatibility with the ICCPR, including the right to privacy,⁵⁵ so that these procedures are administrative, simple and accessible.⁵⁶ **Guatemala** was called on to adopt laws to protect transgender persons' right to legal recognition of their identity, and **Lithuania** was requested to ensure that LGR legislation is clear.

Apart from that, the Committee expressed the need for recognising gender identity as a protected ground in **anti-discrimination legislation**,⁵⁷ as well as **hate crime laws** when it comes to aggravating circumstances.⁵⁸ In the Concluding Observations on **Guatemala**, HRCtee expressed its concerns on murders of trans women.

53 There were 30 trans-inclusive references out of 34 SOGIESC-inclusive ones (88%) in 2017, 31 out of 33 (94%) in 2016, 16 out of 18 (89%) in 2015, and 15 out of 17 (88%) in 2014.

In 2015, there were 31 T/GI-inclusive references out of 33 SOGIESC-references (94%), in 2015, there were 16 out of 18 (89%), and in 2014, there were 15 out of 17 (88%).

54 See Concluding Observations on **Belarus, Bulgaria, El Salvador, Guatemala** and **Lithuania**.

55 See Concluding Observations on **Belarus**.

56 See Concluding Observations on **Bulgaria**.

57 See Concluding Observations on **Bulgaria**. See also List of Issues for **Viet Nam** (legal frameworks pertaining to the rights of transgender persons that ensure they are not discriminated against).

58 See Concluding Observations on **Lithuania**.

The term ‘gender expression’ was used by the Committee only once when it welcomed the amendments of hate crimes legislation by referencing to SOGIE.⁵⁹ On one occasion, the Committee also referred to ‘non-cisgender people’ in the context of criminalisation.⁶⁰

There was only one specific CSO submission on trans women’s situation.⁶¹ A few general reports also mentioned specific violations based on gender identity or expression.

As can be seen from the analysis conducted, the Committee is very open to including trans/gender identity into the general LGBT(I) umbrella. Some trans-specific issues, particularly legal gender recognition procedures, have already taken hold in HRCtee practice. Therefore, trans defenders are encouraged to include engagement with this Committee into their advocacy strategies, but also to bring more attention to and to provide more data on other issues relevant to their communities. Such issues may include, for example, criminalisation of some forms of gender identity and/or expression, violence against trans persons or discrimination based on gender identity and/or gender expression.

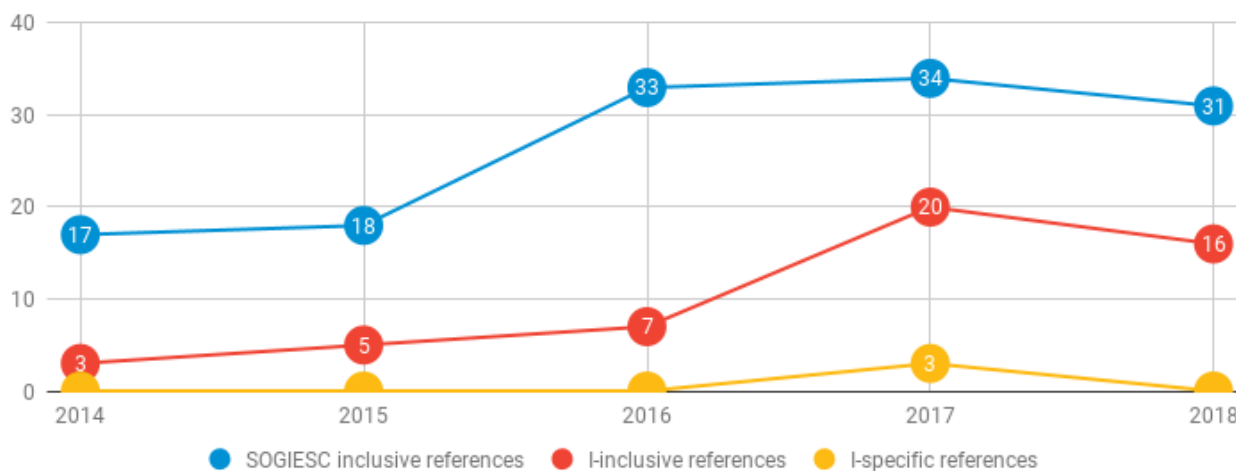
| Sex Characteristics |

In 2018, the HRCtee continued to include intersex into LGBTI umbrella in more than half of its SOGIESC-inclusive references. The percentage of intersex-inclusive references amounted to 52% in 2018, which is less than 59% in 2017, but significantly higher than 28% in 2014, 28% in 2015 and 21% in 2016.

At the same time, there were no stand-alone references to sex characteristics in the Committee’s Concluding Observations adopted in 2018. This exact state of affairs characterized the HRCtee’s practice from 2014 to 2016. However, it also differs significantly from the Committee’s approach taken in 2017, when there were three stand-alone references to intersex.

At the same time, no CSO submissions on 16 countries reviewed by the Committee in 2018 contained any detailed information on the specific situation of intersex people.

Figure 12: intersex-references, HRCtee’s Concluding Observations



59 See Concluding Observations on [El Salvador](#).

60 See List of Issues prior to reporting for [Tunisia](#).

61 See Submission by [OTRANS, REDTRANS Guatemala, REDNADS, REDLACTRANS, the Center for International Human Rights of Northwestern Pritzker School of Law, and Synergía - Initiatives for Human Rights](#).

In contrast, two stand-alone reports on intersex were submitted for the List of Issues prior to reporting for **Germany**,⁶² after which the State party received quite detailed questions on sex characteristics. These questions concerned any plans to ban intersex surgeries not necessary from a medical point of view or not based on intersex individuals' consent, guidelines for medical professionals on intersex issues, and access to justice and redress for intersex persons subjected to such surgeries.

Additionally, **Uruguay** was also asked about so-called 'normalisation' surgery carried out on intersex persons, while the question was not as detailed as in the German case, and no CSO reports addressed the situation of intersex people.

The Committee's recent recommendations and questions specifically related to the situation of intersex people shows that in principle, the HRCtee is open to address the problem. However, it seems crucial that civil society presents specific information on the situation of this population, ideally in the form of stand-alone reports prepared by intersex activists or organisations.

At the same time, activists from more general LGBTI (and especially LGBT) backgrounds shall not bring intersex issues to the Committee without proper consultations with intersex people and activists. It is of utmost importance that any developments, especially the very first ones, are driven by the intersex community.

Women

In 2018, just like in the previous year, the Committee referred to 'sexual orientation,' 'sexual orientation and gender identity' and LGBT(I) on many occasions, but there were no explicit stand-alone references to LB women and only one particular reference to trans women.

In the Concluding Observations on **Guatemala**, the HRCtee expressed its concerns about the increase in the number of murders of transgender women. However, the following recommendations were more general and did not include any explicit reference to trans women. Notably, **Guatemala** was one of the two countries on which CSO submitted specific reports on violations faced by women because of their SOGI.⁶³

Another stand-alone report on lesbians was presented by ESMULES for the review of **El Salvador**.⁶⁴ Moreover, a representative of the organisation came to Geneva and participated in NGO briefings with Committee members. However, neither specific references were made by the HRCtee experts during the dialogue with the State party, nor any stand-alone concerns or recommendations on lesbians were made in the Concluding Observations on **El Salvador** as a result.

62 See Submission by [Organisation Intersex International Germany](#); submission by [StopIGM.org / Zwischengeschlecht.org](#).

63 See Submission by [OTRANS, REDTRANS Guatemala, REDNADS, REDLACTRANS, the Center for International Human Rights of Northwestern Pritzker School of Law, and Synergía - Initiatives for Human Rights](#) (focused on human rights violations of transgender women).

64 See Submission by [Espacio de Mujeres Lesbianas Salvadoreñas por la Diversidad \(ESMULES\)](#).

'I think the Committee members do not realize the importance of LB issues, they think that trans women's issues are more important, or that cisgender heterosexual violence is more important than our own existence. They were not interested in specific LB issues, even though I made a very good lobby, trying to engage with the Committee members so they can ask the State Party questions regarding our report.

We were not entirely satisfied with the resulted Concluding Observations, since our target was to put on the map LB issues, and that did not happen, as the Concluding Observations were weak in terms of our target. Nevertheless, the Concluding Observations we got are useful to keep pushing in a national level, mostly on law creation and also some public policies.'

Andrea M. Ayala, Espacio de mujeres lesbianas por la diversidad

ESMULES (El Salvador)

Taking into account the HRCtee's general openness to considering LGBTI issues, as well as its approach towards women's human rights and intersectional forms of discrimination, defenders representing LB/TI women may need to think about approaching this Committee with distinct recommendations. However, additional awareness and explanations may be needed to convince Committee members that stand-alone references would help to mitigate specific human rights problems faced by LB/TI women.

Individual Communications

Out of more than 80 decisions made by the HRCtee on Individual Communications in 2018, there were three related to sexual orientation, including two cases on *non-refoulement*, and another one on freedom of assembly.

- **W.K. v. Canada**, communication no. 2292/2013, views of 27 March 2018, [CCPR/C/122/D/2292/2013](#) (expulsion of a gay man from Canada to Egypt, no violation).

In this case, a gay man from Egypt claimed that his removal to Egypt from Canada would violate his rights under the ICCPR because he feared that he would be killed or tortured on grounds of his sexual orientation and his conversion from Islam to Christianity. According to W.K., he had been subjected to extreme violence in Egypt, and his partner was killed there. Then he arrived in Canada and applied for asylum. However, national authorities rejected his application owing to a lack of credibility. The Committee noted that W.K. had not provided any specific argument that would lead to the conclusion that there would be a real and personal risk if he were to return. Particularly, the author had failed to substantiate or convincingly explain why he was unable to provide proof of the full identity of his alleged partner or his partner's death in Egypt.

- **Nepomnyaschiy v. Russian Federation**, communication no. 2318/2013, views of 17 July 2018, [CCPR/C/123/D/2318/2013](#) (administrative fine for 'gay propaganda among minors' for displaying LGBT posters, violation).

The author was an openly gay man and a Russian LGBT activist. On 1 January 2012, the author displayed a poster which read 'Homosexuality is a healthy form of sexuality. This should be known by children and adults!' The poster was displayed near the entrance to a children's library. The author's actions were interrupted by the police and he was convicted of committing an administrative offence of 'propaganda of homosexuality among minors.' A higher court refused the author's appeal.

The Committee found that the State party violated articles 19, as the author's conviction of an administrative offence for 'public actions aimed at propaganda of homosexuality among minors' on the basis of the ambiguous, disproportionate and discriminatory provision of law, which was applied to the poster he displayed at the entrance to the children's library. They also violated article 26 of the ICCPR, as the State party had failed to establish that the ban on propaganda of homosexuality among minors, applied to the author, was based on reasonable and objective criteria, in pursuit of a legitimate aim, and this discriminated against the author on the

basis of SOGI.

- **Z.B. v. Hungary**, 2768/2016 of 23 May 2016, decision of 19 July 2018, [CCPR/C/123/D/2768/2016](#) (deportation of a woman, who allegedly suffered from violence based on her sister's sexual orientation in Cameroon, to Serbia, where she had been raped and captured, inadmissible).

The author was a woman whose sister was allegedly lesbian and hence, they both faced violence in their country of origin (Cameroon) based on the sexual orientation of the author's sister. However, the author's claims were not related directly to the assessment of these facts.

In 2018, the Committee also [reviewed](#) a **follow-up report** on the implementation of its previous decision on **C. v. Australia**,⁶⁵ a case concerning same-sex marriage. The Committee assessed the full reparation part of the decision with a [C] grade (reply/action not satisfactory), and the one on non-repetition with an [A] grade (reply/action largely satisfactory). Therefore, the follow-up dialogue is still ongoing.

The HRCtee has already issued several views and decisions on Individual Communications on sexual orientation and gender identity,⁶⁶ and more cases have been submitted to the Committee by local activists. By now, the Committee reviewed the highest number of individual cases among all the Treaty Bodies, made the highest number of views recognising violations, and touched upon the most diverse variety of topics, including criminalisation of same-sex sexual acts, the non-refoulement principle and asylum seekers, violence, freedom of assembly and freedom of expression, same-gender families and legal gender recognition.

Therefore, LGBTI defenders could rely on this mechanism in their advocacy strategies.

Taking into account gaps existing in HRCtee jurisprudence so far, particular efforts could be made with regard to discrimination (including multiple discrimination) cases and gender identity, expression and sex characteristics.

Notably, the length of the procedure (approximately three to six years to obtain the final views) could help advocates from those countries where other available international mechanisms do not exist at all or would require more time.

General Comments

In 2018, the Committee adopted its [General Comment No. 36](#) on Article 6 of the ICCPR (the right to life).

Before this adoption, several discussions had been organised, and stakeholders, including CSOs, were able to provide their comments to the document's drafts. In October 2017, ILGA World, together with some other groups and activists, submitted their [comments](#) to the draft to highlight possible gaps related to the situation of LGBTI persons and different forms of violation of their right to life.

The final version of the General Comment includes three references to SOGIESC:

- LGBTI persons listed among other groups in situations of vulnerability concerning whom States parties have to take special measures of protection (*para. 23*);

65 Communication No. 2216/2012, views of 28 May 2017, [CCPR/C/119/D/2216/2012](#).

66 More detailed analysis and case summaries see in ILGA World's Treaty Bodies Strategic Litigation Toolkit (to be published in 2019).

- 'Homosexuality' mentioned as one of the examples of conduct whose very criminalisation violated the ICCPR, and therefore under no circumstances, the death penalty can ever be applied as a sanction against such conduct (*para. 36*); and
- SOGI mentioned among other protected grounds in the context of the rule that the right to life must be respected and ensured without distinction of any kind (*para. 61*).

Additionally, at its 124th session (October/November 2018) the Committee decided to develop a **General Comment on article 21 of the ICCPR (right of peaceful assembly)**, in the light of experience obtained in the review of State reports and communications on this right.⁶⁷

Taking into account a general openness of the Committee to discuss SOGIESC issues, as well as concrete practice on country periodic reviews and individual communications, LGBTI defenders are encouraged to provide their inputs for new General Comments of the Committee when possible. Particularly, a new document on freedom of assembly could potentially provide new angles for LGBTI groups.

Follow-up Procedure

According to rule 71, paragraph 5 of the Committee's [rules of procedure](#), the HRCtee may request the State party give priority to some specific aspects of its Concluding Observations. Relying on this rule, HRCtee identifies for each country two to four recommendations, implementation of which should be reported to the Committee by the State party within two years of the adoption of the Concluding Observations. The Committee has established two main criteria for the selection of recommendations for follow-up: (1) the recommendation is implementable within two years of its adoption, and (2) the recommendation requires immediate attention because of the level of gravity and recognised emergency of the referred situation. The Committee appoints a Special Rapporteur for follow-up on Concluding Observations and a Deputy Special Rapporteur.

CSOs are provided with the opportunity to participate in the follow-up process. Specifically, they could submit their comments to the Committee on implementation of prioritised recommendations. They could do it either by providing comments without taking into account the follow-up report of the State party (at any time before the expiration of the one-year deadline), or by providing specific comments to the reply submitted by the State party within one month from the posting of the State party's reply on the website.⁶⁸

In 2018, SOGIESC recommendations were included in the list for follow-up activities four times:⁶⁹

- **Belize** – recommendation on discrimination based on SOGI (State report to be submitted by 2 November 2020);
- **Bulgaria** – recommendation on hate speech and hate crimes (State report to be submitted by 2 November 2020);
- **Lithuania** – recommendation on discrimination on the grounds of SOGI (State report to be submitted by 27 July 2020); and

67 See more information here: <https://www.ohchr.org/EN/HRBodies/CCPR/Pages/GCArticle21.aspx>.

68 See more details in the HRCtee's [Note on the procedure for follow-up to concluding observations](#). See also *Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views*, 29th session of the meeting of Chairs of the human rights treaty bodies, 8 May 2017, [HRI/MC/2017/4](#).

69 To compare, in 2017 and 2016, there were three follow-up recommendations for each year.

- **Sudan** – recommendation on the death penalty (State report to be submitted by 2 November 2020).

In 2018, two follow-up State reports were received by the Committee concerning the implementation of LGBT recommendations:

- **Honduras** submitted its [follow-up report](#) following the 2017 HRCtee recommendations on, inter alia, LGBTI human rights defenders (*pending evaluation*); and
- **Namibia** presented its [follow-up report](#) on the 2016 HRCtee recommendations on anti-discrimination and hate crimes legislation, decriminalisation of same-sex sexual acts, and protection of same-sex partners under domestic violence laws (*pending evaluation*).

Additionally, implementation of SOGIESC recommendations were assessed by the Committee in 2018 in relation to the following states:

- **Burundi**, 2014 HRCtee recommendation on discrimination based on sexual orientation (evaluated in July 2018, 123rd session of the Committee).
- The follow-up procedure was [discontinued](#). The State party was evaluated with a [D] grade for failure to cooperate with the Committee within the follow-up to concluding observations procedure. The requested information should be included in the State's next periodic report.
- The **Republic of Korea**, 2015 HRCtee recommendations on discrimination on the grounds of sexual orientation or gender identity⁷⁰ (evaluated in October 2018, 124th session of the Committee).

The follow-up procedure was [discontinued](#). The Committee considered that the recommendations selected for the follow-up procedure were not fully implemented, and the recommendation on SOGI received an [E] grade. The information or measures taken were contrary to or reflect a rejection of the recommendation. The Committee decided to request additional information on the implementation of the follow-up recommendation, as appropriate, in its List of Issues prior to reporting.

Taking into account that HRCtee is increasingly including SOGIESC recommendations in its lists for follow-up, defenders are encouraged to consider this opportunity in their advocacy plans. Usually, NGO representatives participating in the session have a chance to suggest specific issues to be covered by the Committee's follow-up procedure. Therefore, cooperation with other NGOs both before the session and in Geneva could be crucial to ensuring inclusion of a SOGIESC dimension into the agreed CSO proposal. If relevant topics are included in the list of priorities, it is important to update the Committee on any developments in one year following the adoption of Concluding Observations for its follow-up review.⁷¹

70 The State submitted its [follow-up report](#) in 2017.

71 The CCPR Centre has designed a template of follow-up reports to the Committee. Get in touch with them at info@ccprcentre.org for further info. An example of follow-up CSO report on LGBTI rights see [here](#) (Republic of Korea).

Sex Work and HIV/AIDS

The HRCtee made references to **sex work** that were not SOGIESC-specific in the Lists of Issues for [Belize](#) (para. 4), [Guinea](#) (para. 7), [Nigeria](#) (para. 14) and [Tunisia](#) (para. 17); and in the Concluding Observations on [Belize](#) (para. 12), [El Salvador](#) (para. 9) and [Guinea](#) (para. 39).

The Committee addressed **HIV/AIDS** in its Lists of Issues (prior to reporting) for [Angola](#) (paras. 5 and 11), [Botswana](#) (para. 12), [Equatorial Guinea](#) (para. 6), [Eritrea](#) (para. 8), [Niger](#) (para. 7), [Tajikistan](#) (paras. 7 and 13), [Trinidad and Tobago](#) (paras. 21 and 26) and [Viet Nam](#) (para. 3), and in the Concluding Observations for [Bulgaria](#) (paras. 15-16), [El Salvador](#) (paras. 9-10), [Guinea](#) (paras. 17-18) and [Liberia](#) (para. 16).

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**Committee on the Elimination of
Discrimination against Women**

General Information

SOGIESC recommendations were made by CEDAW in its Concluding Observations on 17 out of 24 countries (71%) reviewed in 2018. This percentage is the Committee's maximum (compared to 36% in 2014, 33% in 2015, 59% in 201 and 64% in 2017). SOGIESC issues were discussed in 19 out of 24 (79%) of the country dialogues .

Thirteen countries (**Australia, Bahamas, Cook Islands, Cyprus, Fiji, Liechtenstein, Luxembourg, Malaysia, Mauritius, Mexico, Nepal, Suriname and Tajikistan**) received SOGIESC-inclusive Concluding Observations from this Committee for the first time.

At that, in 2018 CEDAW made the highest number of SOGIESC-inclusive references (62) among all the Treaty Bodies, and the second-highest percentage of SOGIESC-inclusive Concluding Observations, after the Human Rights Committee with its 100%. One of the reasons is that CEDAW does not only make stand-alone paragraphs on LGBTI women/persons but also frequently refers to these populations, among other groups, in more mainstream sections.

Table 3: CEDAW's Country reviews, 2018

COUNTRY	SOGIESC IN PREVIOUS COS	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	SOGIESC IN THE CONSTRUCTIVE DIALOGUES	COS	
Australia	No	No	Yes	Yes	Yes	Yes	[same-sex] + SOGI; SOGI + LGBTI; I; LGBTI; LGBTI + T
Bahamas	No	No	Yes	No	Yes	Yes	LGBTI; LGBTI
Chile	Yes	No	Yes	Yes	Yes	Yes	GI + LGBTI; LGBTI; LGBTI; I; LBT + LGBTI; same-sex; LGBTI
Congo	No	No	No	No	No	No	n/a
Cook Islands	No	No	No	No	Yes	Yes	'sexual preference'; LBT
Cyprus	No	Yes	Yes	Yes	Yes	Yes	LBT + same-sex; [same-sex]
Fiji	No	Yes	Yes	No	Yes	Yes	same-sex; LBT; LBT + [GI]
Laos	No	No	No	No	Yes	No	n/a
Liechtenstein	No	Yes	Yes	Yes	Yes	Yes	I; same-sex
Luxembourg	No	Yes	Yes	Yes	Yes	Yes	SM; I; LGBTI; [I]; SM; same-sex; [SM]
Malaysia	No	Yes	Yes	No	Yes	Yes	LGBTI; T; LGBTI + [T] + same-sex; LGBTI
Marshall Islands	n/a	No	No	No	Yes	No	n/a
Mauritius	No	Yes	Yes	No	Yes	Yes	SO; LGBTI
Mexico	No	Yes	Yes	Yes	Yes	Yes	homophobia; LGBTI; I; LBT
Nepal	No	Yes	Yes	Yes	Yes	Yes	LGBTI; I; LGBTI; GSM

New Zealand	Yes	No	Yes	Yes	Yes	Yes	same-sex; GI-ESC; LGBTI; LGBTI + I; T; same-sex; SOGI; [T]
Republic of Korea	Yes	Yes	Yes	Yes	Yes	Yes	SOGI + LGBTI + SM; SOGI; T + I; [SOGI + SM]
Republic of North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	LGBTI
Samoa	No	Yes	No	No	No	No	n/a
Saudi Arabia	No	No	No	No	No	No	n/a
State of Palestine	n/a	No	Yes	No	No	No	n/a
Suriname	No	Yes	No	No	Yes	Yes	SOGI; LGBTI; LGBTI
Tajikistan	No	Yes	Yes	Yes	Yes	Yes	LBT; LGBTI
Turkmenistan	No	No	No	No	No	No	n/a

In most cases, SOGIESC recommendations were made for those countries where CSOs submitted their shadow reports to the Committee. The two exceptions were the **Cook Islands** and **Suriname**, where no CSO reports were published, however, LGBTI issues were presented by civil society representatives, and later in the Committee's dialogues with the State delegations.⁷² Only in one case, the **State of Palestine**, CEDAW did not make any LGBTI recommendations despite some references to this population in a parallel report.⁷³ In the case of **Cyprus**, as here no strong recommendations were made by the Committee notwithstanding the SOGIESC-inclusive List of Issues, a stand-alone report was presented by an LGBTI organisation, and there was active participation of a lesbian human rights defender in the session itself where she was the only CSO delegate from the country.

Only 12 out of 17 SOGIESC-inclusive Concluding Observations followed SOGIESC-inclusive Lists of Issues, while relevant recommendations were made without prior questions to 5 of the States parties. There were no LGBTI recommendations in the case of **Samoa**, even though some issues were highlighted in the List of Issues.

In 2018, CEDAW continued to consistently raise LGBTI issues in its country periodic reviews. LGBTI recommendations have been made to most countries for which CSOs provided substantial information on SOGIESC issues. Hence, SOGIESC-inclusive Lists of Issues have not been seen as necessary for LGBTI recommendations, and defenders working for LB women and TI persons are strongly encouraged to engage with this Committee.

⁷² See: ILGA: Kirichenko K., [UN Committee on the Elimination of Discrimination against Women: 69 Session and 71 Pre-Sessional Working Group](#), 20 March 2018; ILGA: Kirichenko K., [UN Committee on the Elimination of Discrimination against Women: 70 Session and 72 Pre-Sessional Working Group](#), 23 August 2018.

⁷³ See Submission by the [Human Rights Watch, Women's Center for Legal Aid and Counselling \(WCLAC\) & Equality Now](#) for the 70th Session (a separate section on SOGI).

Themes

In 2018, **violence** against LB women and TI persons was one of the frequently addressed topics in CEDAW country periodic reviews. Specific forms of violence such as ‘corrective rape’⁷⁴ or police abuse,⁷⁵ were mentioned by the Committee.

Among the measures recommended by CEDAW to deal with the problem of anti-LBTI violence, were:

- Assessment and prevention;⁷⁶
- Investigation, prosecution, conviction and redress (including reparation and compensation);⁷⁷
- Legislative measures, such as recognising the intersecting nature of violence against LBTI in law,⁷⁸ or including SOGI within domestic violence legislation;⁷⁹
- Awareness-raising measures;⁸⁰
- Providing shelter and assistance for victims of violence;⁸¹ and
- Training for police and law enforcement personnel.⁸²

On some occasions, CEDAW also referred specifically to **hate speech** against LBTI and recommended, particularly, to establish a mechanism to monitor and counteract them.⁸³

Another wide topic addressed by CEDAW was **discrimination** against LBTI. Several countries were commended for adopting inclusive anti-discrimination legislation or regulations.⁸⁴

To combat discrimination against LBTI, States were recommended to:

- Develop action plans with concrete indicators or comprehensive road maps;⁸⁵
- Adopt inclusive anti-discrimination legislation;⁸⁶
- Review the mandates of national equality bodies;⁸⁷
- Implement awareness-raising measures;⁸⁸
- Provide training for the judiciary and other State authorities;⁸⁹ and
- Eliminate barriers in accessing justice, including through providing targeted financial support and legal aid.⁹⁰

74 See List of Issues for **Ethiopia**.

75 See Concluding Observations on **Tajikistan** (police violence and abuse, including blackmailing, extortion, forced HIV testing and ‘corrective rapes’).

76 See Concluding Observations on **Bahamas**.

77 See Concluding Observations on **Chile, Fiji, Malaysia and Suriname**.

78 See Concluding Observations on **Chile**.

79 See Concluding Observations on the **Republic of Korea**.

80 See Concluding Observations on **Chile, Malaysia, Mauritius, Mexico and Suriname**.

81 See Concluding Observations on **Mauritius**.

82 See Concluding Observations on **Mauritius**.

83 See Concluding Observations on **Luxembourg**.

84 See Concluding Observations on **Australia, Cook Islands, Mauritius, Mexico, Nepal and Suriname**.

85 See Concluding Observations on **Bahamas and Mexico**.

86 See Concluding Observations on **Cook Islands** and the **Republic of Korea**, as well as List of Issues for **Serbia**.

87 See Concluding Observations on **Luxembourg**.

88 See Concluding Observations on **Cook Islands, Malaysia and Mauritius**.

89 See Concluding Observations on **Chile**.

90 See Concluding Observations on **Chile, Nepal and New Zealand**.

Some references were made to the situation of LGBTI in **education**. Several recommendations were formulated with regards to bullying, including cyberbullying, and concrete measures included anti-bullying policies and awareness-raising,⁹¹ as well as confidential reporting and sanctions for those responsible.⁹² **Australia** was also called on to build the capacities of educational staff to create safer and more inclusive learning environments, and **Cabo Verde** was asked about measures to promote access to education for LBT women.

Some countries received questions on measures to promote access of LGBTI to work or to eliminate discrimination in **employment**.⁹³

Health was another topic covered by CEDAW in addressing the situation of LGBTI in different countries.

Among the recommendations made to the States, were:

- Providing access to non-discriminatory health services;⁹⁴
- Addressing stigma experienced by LBT women and intersex persons in accessing health care, including sexual and reproductive health care;⁹⁵
- Organising training for health care providers;⁹⁶ and
- Specific measures targeting ‘conversion therapies.’⁹⁷

Additionally, a number of countries were asked about the access of LBT women to health care, specifically family-planning services and artificial insemination, as well as sexual and reproductive health services;⁹⁸ training for healthcare professionals⁹⁹ or measures to eliminate discrimination in access to health care.¹⁰⁰

The situation of **LGBTI human rights defenders** was addressed in CEDAW’s Concluding Observations on **Malaysia** and **Tajikistan**.

Further, quite a lot of the Committee’s references were devoted to the topic of **family**. Some countries were commended for adopting laws allowing same-sex marriage or alternative forms of recognition.¹⁰¹

Recommendations were made on both the recognition of relationships between same-sex partners,¹⁰² and their parental rights, including filiation and adoption aspects.¹⁰³ An interesting recommendation was made to **Liechtenstein**. The State party was called on to analyse the effects of the law recognising same-sex partnership to determine whether equality between registered partnerships and marriage has been achieved in practice.

Although CEDAW usually raises issues of hate crimes and discrimination against LGBTI women, defenders may seek a more complex approach to the themes addressed. This could lead to a deeper understanding of the root causes of problems faced by different LGBTI communities or specific populations within. More detailed and specific recommendations may be sought with regard to employment, education or health care. The Committee could also provide recommendations on family, including partnership relationships and parental rights.

91 See Concluding Observations on **Fiji, Malaysia and New Zealand**.

92 See Concluding Observations on **Luxembourg**.

93 See Lists of Issues for **Cabo Verde, Guyana and Serbia**.

94 See Concluding Observations on **Australia**.

95 See Concluding Observations on **North Macedonia**.

96 See Concluding Observations on **Mauritius and Nepal**.

97 See Concluding Observations on **Malaysia**.

98 See Lists of Issues (prior to reporting) for **Cabo Verde, Dominican Republic and Serbia**.

99 See List of Issues prior to reporting for **Dominican Republic**.

100 See List of Issues for **Guyana**.

101 See Concluding Observations on **Australia, Cyprus, Luxembourg and New Zealand**.

102 See Concluding Observations on **Chile and Luxembourg**. See also Lists of Issues for **Austria and Serbia**.

103 See Concluding Observations on **Chile, Cyprus and Luxembourg**.

Criminalisation

Regarding criminalisation, out of 24 countries reviewed by CEDAW in 2018, same-sex sexual acts between consenting adults were criminalised in 7,¹⁰⁴ including two criminalising such acts between women (**Malaysia** and **Saudi Arabia**).

However, only **Malaysia** received recommendations to amend the provisions of the Penal Code and Sariah laws that criminalize same-sex sexual acts between women and cross-dressing. Importantly, shadow reports presented by civil society¹⁰⁵ described the problem which was also addressed in the List of Issues and CEDAW dialogue with the State delegation.¹⁰⁶

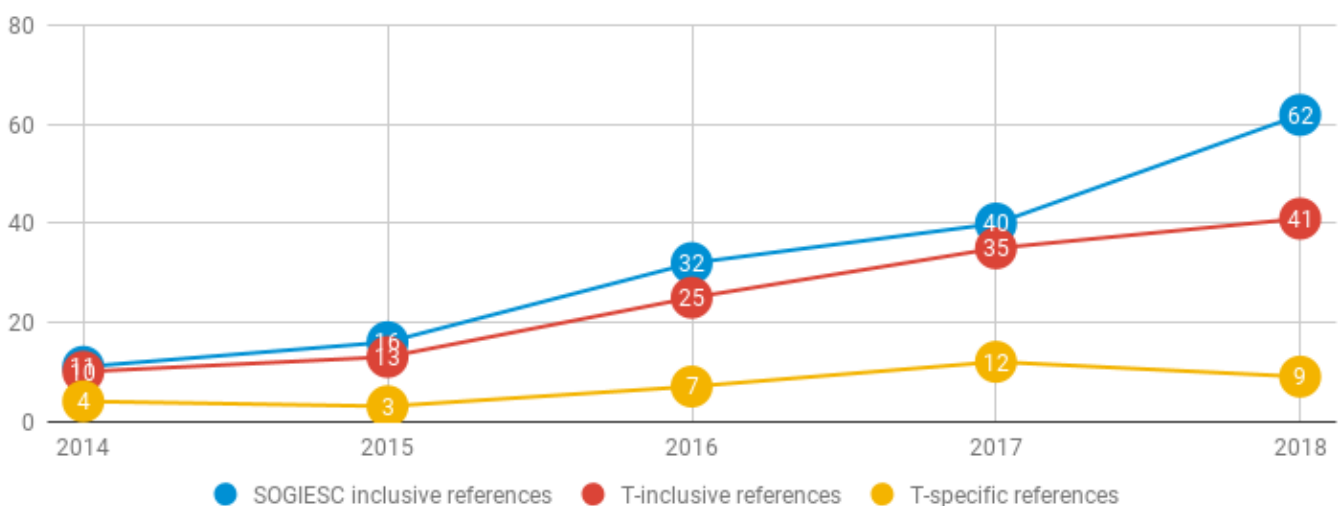
Additionally, **Fiji** was commended for decriminalisation of consensual same-sex sexual acts in 2010, and two countries received questions about criminalisation in the Lists of Issues; the criminalisation of LB women in **Ethiopia**, and the criminalisation of consensual adult same-sex sexual acts and of cross-dressing in **Guyana**.

Despite insufficient attention paid by CEDAW to the criminalisation of same-sex sexual acts and cross-dressing, defenders are advised to continue highlighting this problem, presenting it first and foremost, as affecting LB women and trans persons. For example, if the law explicitly prohibits lesbian sexual acts, this should be reflected in the report. If the law criminalises only male-identified individuals, CSO submissions should clearly explain that this could affect trans people, and could impact the enjoyment of specific rights, such as access to employment or access to justice, by LB women.

Gender Identity and Expression

In 2018, 66% of SOGIESC-inclusive CEDAW references either covered trans under the L(G)BT(I) umbrella, or addressed specific challenges faced by trans persons only.¹⁰⁷

Figure 13: GIE-references, CEDAW's Concluding Observations



104 Cook Islands, Malaysia, Mauritius, Samoa, Saudi Arabia, State of Palestine (Gaza) and Turkmenistan.

105 See submission by [civil society coalition](#) for the 69th Session; submission by [civil society coalition](#) for the 69th.

106 See: ILGA: Kirichenko K., [UN Committee on the Elimination of Discrimination against Women: 69 Session and 71 Pre-Sessional Working Group](#), 20 March 2018.

107 Comparing to 88% in 2017, 78% in 2015 in 2016, 81% in 2015 and 91% in 2014.

Specific challenges faced by trans persons were addressed by CEDAW in 9 references – a bit less than in 2017 (12), yet the highest number among all the Treaty Bodies.

In its Concluding Observations and Lists of Issues, CEDAW addressed certain trans-specific issues such as:

- Legal gender recognition¹⁰⁸ and statistics on registration of ‘third gender’;¹⁰⁹
- Access of trans women to health care services,¹¹⁰ and particularly HIV prevention, treatment and health care for trans women;¹¹¹
- Criminalisation of cross-dressing;¹¹²
- Violence against trans women;¹¹³
- Explicit prohibition of discrimination based on gender identity and gender expression;¹¹⁴
- Bullying against trans women and girls in education facilities;¹¹⁵ and
- Asylum-seeking procedures concerning trans women.¹¹⁶

Importantly, stand-alone reports on the situation of trans people were submitted to CEDAW only for the review of **Chile**,¹¹⁷ while CSO reports for some other countries (**Cyprus**,¹¹⁸ **Malaysia**,¹¹⁹ **North Macedonia**,¹²⁰ and the **Republic of Korea**¹²¹) also included quite detailed information on the topic.

Similarly to previous years, CEDAW continued to refer mostly to transgender women and not persons.¹²² Such references were made even when the situation of trans women was not different from that of trans men, and the latter faced essentially the same problems (e.g. in legal gender recognition).

CEDAW has demonstrated not only its commitment to include trans identities into a broader SOGI-ESC agenda, but also its understanding of specific challenges faced by trans populations and its openness to making stand-alone recommendations covering not only legal gender recognition but also other trans-related topics. Therefore, defenders working for trans communities are strongly encouraged to apply to CEDAW. One possible way to improve the Committee’s practice in this field might be ensuring the consistent inclusion of trans and gender non-conforming persons into this narrative instead of limiting the scope to ‘transgender women’ only.

At the same time, to ensure visibility of trans persons’ problems within CEDAW practice, presentation of stand-alone reports on trans populations or detailed sections in broader shadow reports seem to be crucially important.

108 See Concluding Observations on **Australia** (specifically addressing the requirements regarding medical treatment), **Chile** (recommendation to adopt the draft law on gender identity with progressive amendments) and **Fiji** (recommendation to allow changes in gender to be recorded on birth certificates); and List of Issues prior to reporting for **Panama**.

109 See List of Issues for **Austria**.

110 See Concluding Observations on **Malaysia** and the **Republic of Korea** (also recommendation to ensure national health insurance coverage).

111 See List of Issues for **Antigua and Barbuda**.

112 See Concluding Observations on **Malaysia**.

113 See Concluding Observations on **New Zealand**.

114 See Concluding Observations on **New Zealand**.

115 See List of Issues for the **United Kingdom**.

116 See List of Issues prior to reporting for **Panama**.

117 See Submission by [Asociación OTD Chile ‘Organizando Trans Diversidades’](#) for the 69th Session (also addressing some intersex issues).

118 See submission by [ACCEPT LGBT Cyprus](#) for the 70th Session (*documentation and employment, and violence against trans women*).

119 See e.g. submission by [civil society coalition](#) for the 69th Session (*persecution towards transgender women and legal gender recognition issues*); submission by [Human Rights Watch](#) for the 69th PSWG (*criminalisation of transgender identities and legal gender recognition*).

120 See submission by civil society coalition for the 71st PSWG (*access to health for trans people*).

121 See submission by [Rainbow Action against Sexual Minority Discrimination](#) for the 69th Session (*legal gender recognition*).

122 At the same time, for intersex populations the Committee mostly referred to intersex persons/children/infants.

Sex Characteristics

In 2018, 36 out of 62 (58%) SOGIESC-inclusive references in Concluding Observations made by CEDAW included intersex, with 10 s being stand-alone intersex references. The increase in stand-alone intersex references was more than 33% compared to 3 references made for intersex in 2016 and 2017.

In contrast, with references to trans, almost all intersex references referred to persons/children and not women.¹²³

Specific intersex recommendations were made by CEDAW to **Australia, Chile, Liechtenstein, Luxembourg, Mexico, Nepal, New Zealand** and the **Republic of Korea**.

Apart from the Republic of Korea, these recommendations were quite detailed and included such components as:

- Explicitly prohibiting in legislation unnecessary and non-consensual medical procedures, including surgeries, on intersex children;¹²⁴
- Providing counselling and support to families with intersex children;¹²⁵
- Developing and implementing rights-based health-care protocols;¹²⁶
- Providing information or training to medical practitioners;¹²⁷ and
- Ensuring access to justice and redress for intersex survivors,¹²⁸ including through a State compensation fund¹²⁹ or abolishment of time limitations for the survivors' claims.¹³⁰

CEDAW's List of Issues for **Austria** also covered questions related to legal and medical standards related to intersex persons, statistics, investigations and remedies, while the **United Kingdom** was asked about statistics of intersex surgeries.

While most of the references were framed under the concept of harmful practices, CEDAW mentioned intersex under the topic of health in 3 cases.

Additionally, CEDAW started to address the problem of **discrimination** against intersex persons in 2018; such references were contained in the Committee's Concluding Observations and List of Issues for **Nepal**.

123 Except for some references to LGBTI women, see e.g. Lists of Issues for **Colombia** and **Samoa**.

124 See Concluding Observations on **Australia, Chile, Liechtenstein, Luxembourg, Mexico, Nepal** and **New Zealand**.

125 See Concluding Observations on **Australia, Chile, Mexico** and **New Zealand**.

126 See Concluding Observations on **Liechtenstein** and **Luxembourg**.

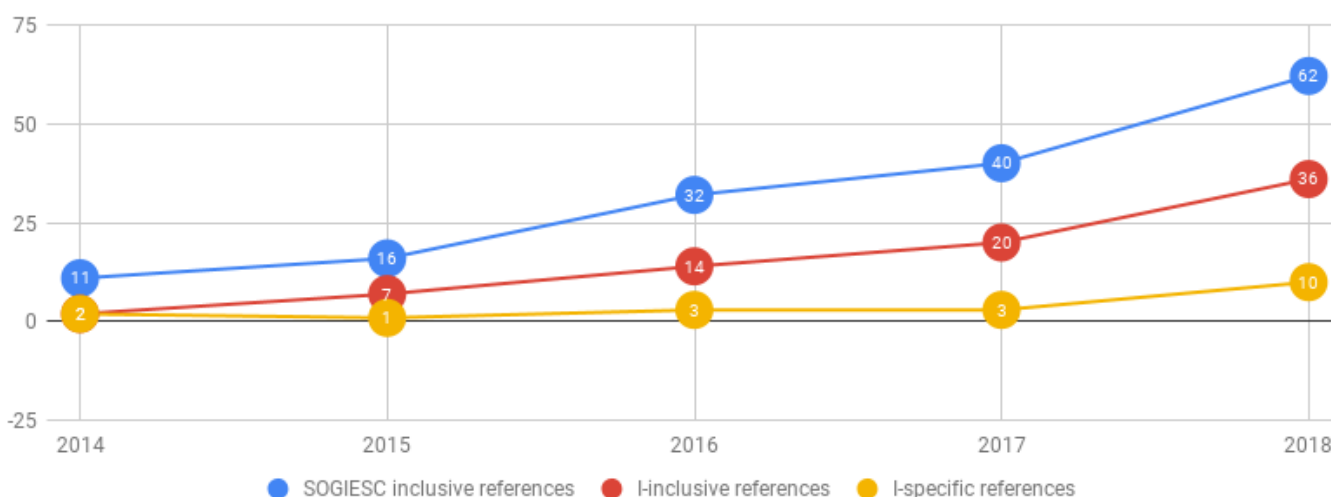
127 See Concluding Observations on **Chile** and **Nepal**.

128 See Concluding Observations on **Australia, Chile** and **Luxembourg**.

129 See Concluding Observations on **Chile**.

130 See Concluding Observations on **Luxembourg**.

Figure 14: intersex-references, CEDAW's Concluding Observations



Stand-alone CSO reports on intersex were submitted for the review of **Australia**,¹³¹ **Austria**,¹³² **Liechtenstein**,¹³³ **Mexico**,¹³⁴ **Nepal**,¹³⁵ **New Zealand**¹³⁶ and the **United Kingdom**,¹³⁷ as well as a report on **Chile** which covered intersex and trans persons,¹³⁸ and another LGBTI report on the **Republic of Korea** addressing the situation of intersex persons.¹³⁹

In 2018, CEDAW made significant progress on intersex issues, especially when it comes to stand-alone recommendations to the states. This progress was accompanied by the active participation of intersex activists in the country periodic review processes.

Therefore, intersex activists may consider engagement with CEDAW in their advocacy, and address not only the problem of IGM but also other issues, such as discrimination.

Women

Because of its nature and mandate, CEDAW always addresses intersections between SOGIESC and gender, but does not normally look into the situation of LGBTI people as a whole.¹⁴⁰

131 See submission by [Intersex Human Rights Australia](#) for the 70th Session.

132 See submission by [StopIGM.org/Zwischengeschlecht.org](#) for the 73rd PSWG.

133 See submission by [StopIGM.org/Zwischengeschlecht.org](#) for the 70th Session.

134 See submission by [Brújula Intersexual, Vivir y Ser Intersex](#) and [StopIGM.org/Zwischengeschlecht.org](#) for the 70th Session.

135 See submission by [Blue Diamond Society](#) for the 71st PSWG; submission by [Zwischengeschlecht.org](#) for the 71st PSWG; and submission by [Zwischengeschlecht.org](#) for the 71st Session.

136 See submission by [StopIGM.org/Zwischengeschlecht.org](#) for the 70th Session.

137 See submission by [StopIGM.org/Zwischengeschlecht.org](#), [IntersexUK \(iUK\)](#) and the [UK Intersex Association \(UKIA\)](#) for the 72nd PSWG.

138 See submission by [Asociación OTD Chile 'Organizando Trans Diversidades'](#) for the 69th Session.

139 See submission by [Rainbow Action against Sexual Minority Discrimination](#) for the 69th Session.

140 In 2017, the Committee referred to LGBT only once (see Concluding Observations on **Montenegro** mentioning LGBT strategy adopted in the State party).

Most of the SOGIESC-inclusive references made by CEDAW in 2018 included the term 'women,' and some of them also, 'women and girls.'¹⁴¹

Meanwhile, the term 'women' also refers to 'lesbian' or 'lesbian and bisexual'. For the term 'intersex', the pairing was, in most cases, 'persons'; but for 'trans' the Committee chose 'women' more frequently than 'persons', even though problems in question were similarly relevant for all trans persons, or at least for both trans women and trans men.

Specific references to trans women were analysed in the sections above.

In situations involving LB women, only in **Ethiopia**, stand-alone references were made only in the List of Issues with regards to two problems; criminalisation of consensual same-sex sexual acts and 'corrective rape.' Hence, recommendations and other references made to same-sex couples are compatible with LB women issues compared to those of TI person.

Even though CEDAW consistently referred to LBT(I) women, it seems that disaggregated data and specificity of the situations for each of the groups within the acronym has hardly been reflected on or addressed by the Committee. At the same time, only some of the CSO reports submitted to CEDAW described specific experiences of lesbians, trans women, and especially bisexual women, with rare analysis of the specific situations of intersex women previously. As a result, most of the Committee's recommendations were concerning in relation to LBT(I) women instead of their particular groups.

Such an approach is acceptable unless defenders themselves see the need for stand-alone recommendations on lesbians, intersex, bisexual or trans women. If this is the case, it could be advisable to collect disaggregated data, to submit shadow reports based on such data, and then ideally to travel to Geneva to explain clearly why and how the situation of the particular group is unique to the Committee.

Individual Communications

In 2018, CEDAW reviewed ten Individual Communications, including one concerning sexual orientation – **A.S. v. Denmark**.¹⁴² However, the case was declared inadmissible.

The author of the communication, A.S., a lesbian from Uganda, was denied asylum in Denmark. In her case, she mentioned concrete incidents of violence and abuse against her at a lesbian bar she worked at in Uganda, as well as the general situation of gay and lesbian persons in the country. CEDAW considered the case and decided that Denmark did not fail to give sufficient consideration to the author's application for asylum and that there were no procedural defect or arbitrariness in the national authorities' actions. In principle, this decision was not as surprising, because of the general approach of CEDAW on cases related to *non-refoulement* and asylum seekers.

At the same time, a new case was registered by CEDAW in 2018, namely [...] **v. Sri Lanka** (communication No. 134/2018, registered on 12 October 2018). The case concerns criminalisation of lesbian and bisexual women in Sri Lanka. The author claims that the State party violated articles 2, 5 and 16 of the CEDAW Convention.

Finally, in 2018, CEDAW adopted a new document explaining in more detail the Committee's procedural rules in

141 See e.g. Concluding Observations on **Barbados**.

142 Communication No. 80/2015, views of 26 February 2018, [CEDAW/C/69/D/80/2015](https://www.ohchr.org/en/hrbodies/hrc/communications/individual/initialandsubstantive/communications-list).

relation to communications.¹⁴³ Third-party interventions mentioned in the document could be particularly interesting for L(G)BTI human rights defenders.

By the end of 2018, CEDAW has reviewed only one case related to sexual orientation and found it inadmissible. However, the Committee still seems to be a promising space for L(G)BTI Individual Complaints, taking into account its practice on country periodic reviews and its General Recommendations, but also the intersectionality enshrined in the very spirit of CEDAW.

Specifically, defenders working on SOGIESC may consider bringing to the Committee cases on gender-based violence, including hate crimes, domestic violence and femicide, labour discrimination and harassment, conditions in detention, access to health care, including sexual and reproductive ones, parental rights and family status, change of name, legal gender recognition, intersex genital mutilation and criminalisation of female same-sex sexual acts.

The only topic not to have received many positive views from CEDAW is asylum-seeking processes, and it might be better to bring cases on this problem to other Treaty Bodies.

In future complaints, it will also be important to address intersections between gender and SOGIESC, properly demonstrating different dimensions of discrimination.¹⁴⁴

General Recommendations

In 2018, CEDAW adopted one General Recommendation, which includes references to SOGI. In its [General Recommendation No. 37](#) on gender-related dimensions of disaster risk reduction in the context of climate change, CEDAW referred to 'sexual minority groups' when mentioning intersecting forms of discrimination and to LBT women and girls, and intersex persons in the context of training for the authorities and emergency services, as well as in the context of access to health care services.

When the Committee updates or drafts new General Recommendations, defenders are strongly encouraged to submit their reflections on SOGIESC issues by presenting examples of specific violations and barriers faced by LB women and TI persons in different regions and proposing specific provisions to be included in the texts of General Recommendations.

Taking into account that CEDAW adopts new General Recommendations once or even twice each year, this space could provide very interesting opportunities for LGBTI defenders.

Currently, the Committee is developing a new General Recommendation on trafficking¹⁴⁵ which could be of particular interest for LGBTI defenders representing sex workers.

¹⁴³ See CEDAW, [Working Methods of the Committee on the Elimination of Discrimination Against Women and its Working Group on individual communications received under the Optional Protocol to the CEDAW Convention](#), 29 Oct 2018.

¹⁴⁴ Multiple and intersecting forms of discrimination addressed by CEDAW previously include: women/foreign nationality (*M.W. v Denmark*, [CEDAW/C/63/D/46/2012](#), views of 22 February 2016, parental rights); women/Roma (*A.S. v Hungary*, [CEDAW/C/36/D/4/2004](#), views of 14 August 2006, coerced sterilisation); women/migrant status (*Isatou Jallow v Bulgaria*, [CEDAW/C/52/D/32/2011](#), views of 23 July 2012, domestic violence); women/disability (*R.P.B. v Philippines*, [CEDAW/C/57/D/34/2011](#), views of 21 February 2014, sexual violence); women/indigenous status (*Cecilia Kell v Canada*, [CEDAW/C/51/D/19/2008](#), views of 28 February 2012, domestic violence); women/African origin (*Maria de Lourdes da Silva Pimentel v Brazil*, [CEDAW/C/49/D/17/2008](#), views of 25 June 2011, access to health care).

¹⁴⁵ See more information on the Committee's webpage: <https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/GRTrafficking.aspx>.

Follow-up procedure

In 2008, CEDAW decided to introduce a [follow-up procedure](#) whereby it could request that the State party provide information, within two years or, exceptionally, one year, on steps taken to implement specific recommendations. CEDAW selects a maximum of four issues or recommendations for follow-up and requests the State party submits concise information on these recommendations. The recommendations for follow-up are selected because it is considered that the lack of implementation would constitute a major obstacle to the enjoyment of women's human rights and, therefore, to the implementation of the CEDAW Convention as a whole. The Committee has a Rapporteur committed to follow-up and an alternate Rapporteur who reviews and assesses the follow-up information with the help of the CEDAW member who acted as the country Rapporteur when the State party presented its periodic report. Other Committee members can also assist in the follow-up process.¹⁴⁶

In 2017, the Committee adopted some new procedural rules related to follow-up processes. Firstly, it was decided that the second introductory paragraph in the Concluding Observations would include a reference to the State party's submission of written information on follow-up recommendations implementation if there was one. Further, two new assessment categories were incorporated to the follow-up methodology.¹⁴⁷

In 2018, CEDAW included explicit SOGIESC recommendations into its lists for follow-up on three occasions:

- **Chile** was recommended to adopt the law on the right of women to a life free from violence ensuring that the law recognizes the intersecting nature of violence and discrimination against LBT women and intersex persons;
- **Luxembourg** was called on to establish a mechanism to monitor and counteract hate speech, including those against 'sexual minority groups'; and
- **Republic of Korea** was recommended to adopt a comprehensive anti-discrimination law that would cover 'sexual minority groups', and to amend its legislation on domestic violence extending its applicability to 'same-sex couples or families and all women regardless of their sexual orientation or gender identity.'

Additionally, while the follow-up recommendation for **New Zealand** on anti-violence measures did not refer to SOGIESC explicitly, a concern paragraph did mention violence against transgender women specifically.

The Committee thus set a record, as previously, it designated SOGIESC recommendations for follow-up process exceptionally.¹⁴⁸

Taking into account that CEDAW has designated SOGIESC recommendations for follow-up review on several occasions,¹⁴⁹ LGBTI defenders are encouraged to advocate for such decisions when working on their country periodic reviews, to put more pressure on their governments to achieve effective implementation of relevant recommendations and change situations on the ground. Groups from countries that have already received follow-up SOGIESC recommendations are invited to provide their input on the implementation process.

¹⁴⁶ See also *Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views*, 29th session of the meeting of Chairs of the human rights treaty bodies, 8 May 2017, [HRI/MC/2017/4](#).

¹⁴⁷ See: 68th CEDAW session, [CEDAW/C/2017/III/CRP](#).

¹⁴⁸ Particularly, in 2016 such recommendation was made to Canada, and in 2011 to the Republic of Korea.

¹⁴⁹ [Republic of Korea](#) in 2011; [Canada](#) in 2016; [Republic of Korea, Chile](#) and [Luxembourg](#) in 2018.

Sex Work and HIV/AIDS

CEDAW uses, in most cases, the terms ‘prostitution’ and ‘exploitation in prostitution’ rather than **sex work**. References that were not SOGIESC-related were made in all the documents adopted by CEDAW in 2017, except for the Lists of Issues on [Laos](#) and [Nepal](#), and the Concluding Observations on [Chile](#).

Of particular interest are references in:

- Lists of Issues for [Bahamas](#) (para. 9), [Bahrain](#) (para. 13), [Cabo Verde](#) (para. 9), [Guyana](#) (para. 13), [Qatar](#) (para. 10) and [Tajikistan](#) (para. 12), and Concluding Observations on [Bahamas](#) (para. 28), [Cook Islands](#) (paras. 25-26), [Fiji](#) (paras. 33-34), [Liechtenstein](#) (paras. 27-28), [Nepal](#) (paras. 26-27) on decriminalisation of sex work;
- Concluding Observations on [New Zealand](#) (paras. 27-28) on measures to combat discrimination against sex workers;
- List of Issues for [Austria](#) (para. 14) and Concluding Observations on [Australia](#) (paras. 33-34) and [Fiji](#) (paras. 33-34) on social and health services for sex workers;
- Lists of Issues (prior to reporting) for [Bahamas](#) (para. 9) and [Dominican Republic](#) (para. 20), and Concluding Observations on [Bahamas](#) (para. 38) on access of sex workers to contraceptives and sexual and reproductive health services;
- Concluding Observations on [Laos](#) (para. 42), [Mauritius](#) (paras. 28), [Samoa](#) (paras. 33-34), [Tajikistan](#) (paras. 29-30) and [Turkmenistan](#) (para. 41) on access of sex workers to HIV/AIDS prevention and adequate treatment resources, including antiretroviral medicines;
- Concluding Observations on [Nepal](#) (paras. 38-39) on discrimination against sex workers in health care;
- Lists of Issues for [Côte d’Ivoire](#) (para. 12) and [Guyana](#) (para. 13), and Concluding Observations on [Fiji](#) (paras. 33-34), [Nepal](#) (paras. 26-27), [North Macedonia](#) (paras. 27-28), [Mexico](#) (paras. 31-32) and [Tajikistan](#) (paras. 29-30) on violence and harassment against sex workers, including by law enforcement officials;
- List of Issues [North Macedonia](#) (para. 11) on access of sex workers to legal services;
- Concluding Observations on [North Macedonia](#) (para. 16) on participation in decision-making processes; and
- Concluding Observations on [Tajikistan](#) (paras. 19-20) on sex workers’ human rights defenders.

References to **HIV/AIDS** that were not SOGIESC-related were made in the Lists of Issues (prior to reporting) for [Bahamas](#) (para. 15), [Bahrain](#) (para. 18), [Congo](#) (paras. 19 and 21), [Côte d’Ivoire](#) (para. 18), [Dominican Republic](#) (para. 19), [Guyana](#) (para. 18), [Laos](#) (para. 13), [Mozambique](#) (para. 17), [Nepal](#) (para. 18), [North Macedonia](#) (para. 11), [Panama](#) (paras. 3, 15 and 23), [Qatar](#) (para. 16) and [Tajikistan](#) (paras. 5 and 19), and in the Concluding Observations on [Bahamas](#) (paras. 37-38), [Congo](#) (paras. 5, 44, 45 and 48), [Laos](#) (paras. 41-42), [Mauritius](#) (paras. 27-28), [North Macedonia](#) (paras. 37-38), [Samoa](#) (paras. 33-34), [Saudi Arabia](#) (para. 48), [Tajikistan](#) (paras. 5, 29-30, 36, 39-40 and 43) and [Turkmenistan](#) (paras. 40-41).



**Committee on the Rights
of the Child**

General Information

In 2018, 9 out of 17 countries reviewed by CRC received recommendations on SOGIESC issues. That amounted to 53% SOGIESC-inclusive Concluding Observations from the Committee, compared to 31% (5 out of 16) in 2014, 58% (14 out of 24) in 2015, 67% (18 out of 27) in 2016 and 52% (11 out of 21) in 2017. At the same time, the number of LGBTI-related references made by CRC was 9 in 2014, 20 in 2015, 33 in 2016, 15 in 2017 and 14 in 2018.

All nine countries with SOGIESC-inclusive Concluding Observations received them from CRC for the first time.

Table 4: CRC's Country reviews, 2018

COUNTRY	SOGIESC IN PREVIOUS COS	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	SOGIESC IN THE CONSTRUCTIVE DIALOGUES	COS	
Angola	No	No	No	No	Yes	Yes	LGBTI
Argentina	No	No	Yes	Yes	Yes	Yes	LGBTI; I
El Salvador	No	Yes	No	No	Yes	Yes	LGBTI
Guatemala	No	Yes	Yes	No	Yes	Yes	LGBTI; LGBTI
Lao People's Democratic Republic	No	No	No	No	No	No	n/a
Lesotho	No	No	No	No	No	No	n/a
Marshall Islands	No	No	No	No	No	No	n/a
Mauritania	No	No	No	No	No	No	n/a
Montenegro	No	No	Yes	No	No	No	n/a
Niger	No	No	No	No	No	No	n/a
Norway	No	Yes	Yes	No	Yes	Yes	SOGI + GI
Palau	No	Yes	Yes	Yes	Yes	Yes	SOGI
Panama	No	No	Yes	No	Yes	Yes	LGBTI; LGBTI
Seychelles	No	No	No	No	No	No	n/a
Solomon Islands	No	No	No	No	No	No	n/a
Spain	No	No	Yes	Yes	Yes	Yes	I; SOGI
Sri Lanka	No	No	Yes	Yes	Yes	Yes	LGBTI + T; homo- sexuality

The Committee made SOGIESC-inclusive Concluding Observations on those States parties' dialogues which also addressed the topic. At that, LGBTI persons' situations were not addressed during the constructive dialogue on countries where no Concluding Observations covered this population. Accordingly, the Committee must address SOGIESC in their dialogue with a State to make recommendations on the topic.

LGBTI references were made in CSO submissions on 7 out of 9 countries with SOGIESC recommendations,

with four of them having stand-alone reports on LGBTI and/or intersex children (**Argentina, Palau, Spain and Sri Lanka**). **Montenegro** was the only country which did not receive any LGBTI recommendations from the Committee, though a shadow report mentioned some issues briefly.

The CRC requested four countries to provide data on SOGIESC in the Committee's Lists of Issues (**El Salvador, Guatemala, Norway and Palau**). These countries also received recommendations on LGBTI as a result of the review. However, five other countries with SOGIESC-inclusive references in Concluding Observations were not asked about relevant issues in the Lists of Issues.

The CRC has a certain history of raising SOGIESC issues in its country periodic review, and therefore it should be considered by LGBTI advocates in their strategies and plans.

From our analysis, the Committee is quite responsive to CSO information and sometimes can raise SOGIESC issues even in the absence of shadow reports.

It can be concluded that while SOGIESC-inclusive Lists of Issues may lead to relevant references in the Concluding Observations, it is not a requisite condition. Hence, the Committee may make recommendations on LGBTI even when the relevant agenda is not included in the List of Issues.

Themes

Most of the SOGIESC references made by CRC in 2018 were in relation to **discrimination**. In many instances, while the Committee formulated quite general recommendations or questions about combatting discrimination against several groups of children, LGBTI children were among them.¹⁵⁰ More concrete recommendations were made to **Argentina** to ensure full implementation of relevant existing laws prohibiting discrimination, particularly through public education campaigns, to **Guatemala** to address the inequality and define budgetary lines, to **Norway** to increase efforts to combat discrimination in the school context, including in private schools, to **Palau** to explicitly include SOGI as protected grounds in the Constitution and other laws, and to **Panama** to organise awareness-raising campaigns through mass media. **Croatia** was also asked about measures to prohibit and eradicate discrimination, especially in education and health care.

Some of the Committee's references were related to **violence** or **hate crimes** against LGBTI children,¹⁵¹ and **Sri Lanka** was called on to bring perpetrators of such violence to justice.

A few references addressed the situation of children in **education**, particularly, the problem of bullying and harassment.¹⁵² To tackle the problem, **Norway** was recommended to conduct trainings for school staff members, and to provide relevant instructions to students.

Finally, on one occasion, CRC made recommendations on ensuring **participation** of LGBTI children in decision-making processes.¹⁵³

While generally, the Committee referred to LGBT(I) children only, in its Lists of Issues for **Italy** and **Malta** it also addressed the situation of children living in families with LGBTI parents.

150 See e.g. Concluding Observations on **Angola**; Lists of Issues (prior to reporting) for **Italy, Japan and Poland**.

151 See Concluding Observations on **Norway**; Lists of Issues (prior to reporting) for **Hungary and Malta**.

152 See Concluding Observations on **Norway and Spain**; Lists of Issues (prior to reporting) for **Hungary and Malta**.

153 See Concluding Observations on **Panama**.

Hence, CRC could be a perfect space to highlight different forms of violation faced by LGBTI children, but also by children of LGBTI parents. Defenders are encouraged to approach the Committee with different demands and to identify problems specific to the situation in their country.

Criminalisation

In 2018, CRC reviewed three countries criminalising consensual same-sex sexual acts (**Mauritania, Solomon Islands** and **Sri Lanka**).

Only **Sri Lanka** received a recommendation to decriminalise consensual same-sex sexual acts. The Committee noted the lack of reporting of sexual abuse of boys as one of the consequences of the criminalisation of 'homosexuality' in the Concluding Observations. The issue of criminalisation and its consequences for minors was also expressed by civil society.

At the same time, neither **Mauritania** nor the **Solomon Islands** received any SOGIESC recommendations, and no CSO reports mentioned LGBTI.

It appears that CRC does not have a consistent approach to criminalisation of consensual same-sex sexual acts. However, if defenders discuss the problem with the Committee, their efforts may lead to relevant recommendations. In this case, the Committee may need more information on how criminalisation affects children and adolescents, for example, if it hampers their access to health information and services, if they are subjected to ill-treatment, or if this affects children in diverse families, making the CRC more likely to issue recommendations concerning criminalisation. However, it is worth noting that LGBTI defenders may wish to avoid approaching the problem of criminalisation through the lens of children's rights; this is contentious and in many cases dangerous work. Challenging criminalisation from this perspective could have a pushback effect and create additional difficulties.

Gender identity and Expression

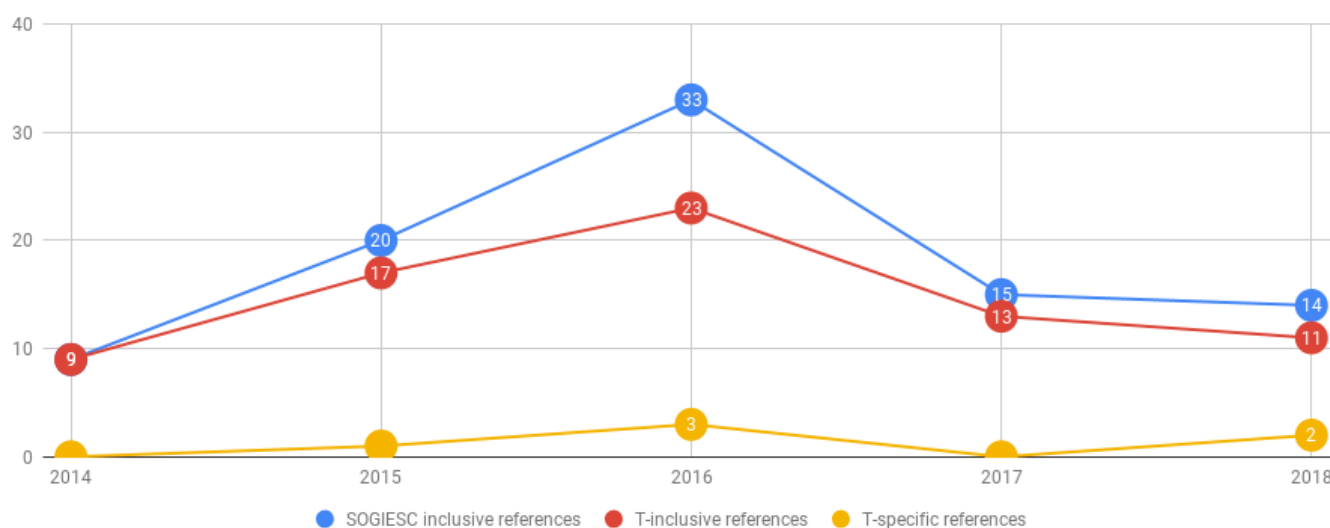
In 2018, CRC referred to trans or gender identity in 79% of its SOGIESC-inclusive references in Concluding Observations (11 out of 14).¹⁵⁴

Among the trans-inclusive references, two specifically addressed gender identity. **Norway** was recommended to include gender identity component into the trainings for school staff members, and **Sri Lanka** was called on to prohibit harassment of trans children by law enforcement personnel.

While in most cases CRC referred specifically to gender identity, references to gender expression were also made in the List of Issues prior to reporting for **Hungary**.

154 There were 13 such references out of 15 (87%) in 2017, 23 out of 33 (70%) in 2016, 17 out of 20 (85%) in 2015, and 9 out of 9 (100%) in 2014.

Figure 15: GIE-references, CRC's Concluding Observations



The lack of attention to specific challenges experienced by trans populations by the Committee reflected the lack of CSO involvement. There were no stand-alone reports published on the situation of trans children or adolescents for the 2018 sessions, and very few reports addressed the topic briefly.

A submission on **Guatemala**¹⁵⁵ addressed the situation of young trans people, emphasizing problems they face because of the lack of access to LGR, particularly in education and health care. It also mentioned that without other options, young trans people go into sex work for a living.

A submission prepared by a children's group in **Norway**¹⁵⁶ also addressed specific challenges faced by trans adolescents, particularly in health and education.

Advocates are encouraged to focus on the right to identity within the CRC Convention in order to raise issues of gender identity and expression. CRC is also very experienced in discussing questions of children's capacity to consent, as well as their right to health, which could be very useful in the context of accessing puberty blockers, for example. Restrictions on parental rights of trans parents, as well as parents of trans children, could also be addressed to this Committee.

Sex Characteristics

In 2018, CRC referred to intersex in 71% of its SOGIESC-inclusive references (10 out of 14).¹⁵⁷

Most of these references were framed under the LGBTI umbrella, with the number of stand-alone intersex references remaining low. In 2018, only 2 intersex-specific references have been made in the Committee's Concluding Observations.

Following the review of **Argentina**, CRC recommended the State party to develop and implement a rights-based health-care protocol for intersex children to ensure that no child experiences to unnecessary treatment and that children are involved in decision-making. The State was also recommended to provide support and counselling to families with intersex children. Similar recommendations were made for **Spain**.

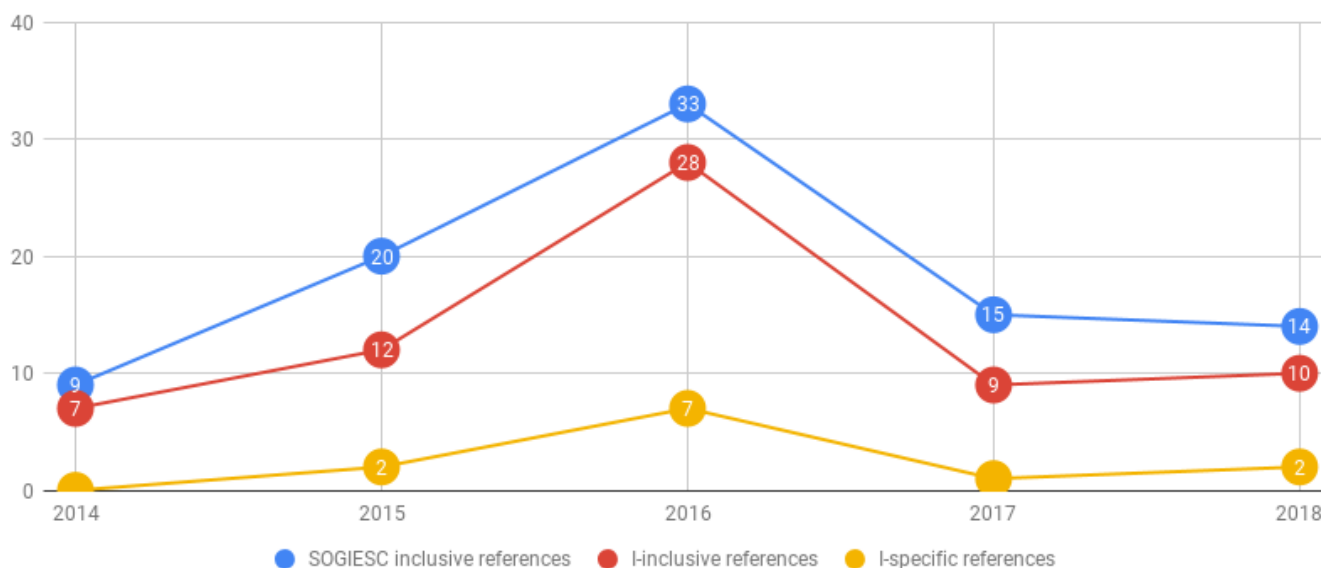
155 See Submission by [civil society coalition](#).

156 Submission by [Kidz have rights!](#).

157 There were 7 such references out of 9 (78%) in 2014, 12 out of 20 (60%) in 2015, 28 out of 33 (85%) in 2016, and 9 out of 15 (60%) in 2017.

Additionally, questions on intersex children were asked in the Committee's Lists of Issues on **Belgium** and **Italy**. When it comes to CSO data, several stand-alone intersex reports were submitted to CRC for the reviews of **Argentina**,¹⁵⁸ **Belgium**,¹⁵⁹ **Italy**¹⁶⁰ and **Spain**.¹⁶¹ Some of the information on the situation of intersex persons was presented in a children's report on **Norway**.¹⁶² However, specific references were not made in the Committee's Concluding Observations.

Figure 16: intersex-references, CRC's Concluding Observations



It seems that CRC raises specific intersex issues when provided with information on the topic from civil society. Intersex advocates are strongly recommended to engage with CRC to raise issues regarding forced surgeries and treatments towards intersex children. Defenders are encouraged to rely on solutions and activities previously recommended by CRC in its country periodic reviews.

Women

In 2018, CRC made no stand-alone references to LB/TI women and girls, while there were general references to LGBT(I), as well as some mentions of same-sex families.

Taking into account that CRC is familiar with gender analysis and pays particular attention to girls' situation, LGBTI defenders can advocate for specific needs of LGBTI women and girls or groups of them. For example, access for LGBTI girls and young women to sexual and reproductive health information and services, and specific forms of violence including forced marriages, 'corrective rapes', or harassment against LGBTI teachers in schools could be addressed to CRC.

158 Submission by [Zwischengeschlecht / Stop IGM](#) for [PSWG](#) and the [main session](#). One more report addressed the situation of intersex children among other topics, see Submission by [Frente de Abogadxs Populares](#).

159 Submission by [Zwischengeschlecht / Stop IGM](#).

160 Submission by [Zwischengeschlecht / Stop IGM](#).

161 Submission by [Zwischengeschlecht / Stop IGM](#); submission by [Coordinadora de Profesionales por la Prevención de Abusos \(CoPPA\)](#).

162 Submission by [Kidz have rights!](#).

Individual Communications

The Individual Communications mechanism of CRC¹⁶³ came into force in 2014.

In 2018, the first SOGIESC individual complaint was submitted to the Committee. The case **A.B. v. Finland** (complaint No. 51/2018) concerns deportation of a female same-sex couple with a child to Russia, with an alleged risk of irreparable harm based on the sexual orientation of the child's mother. The author claims that the State party violated their rights guaranteed under articles 3, 12 and 22 of the CRC Convention.¹⁶⁴

Taking into account the relatively low number of countries that have ratified the CRC Individual Complaints mechanism, as well as the fact that the mechanism itself came into force in 2014, defenders are encouraged to consider applying to the Committee with their cases. These factors would probably allow for a quicker response time from CRC than from other Treaty Bodies or regional human rights courts.

In their communications to the Committee, defenders may rely on practice developed by CRC in its Concluding Observations and General Comments, as well as a broad range of topics, could potentially be addressed through this mechanism.

General Comments

In 2018, no General Comments were adopted or discussed by CRC.

Follow-up procedure

CRC does not currently have a written follow-up procedure, nor does it identify priority issues for follow-up in its Concluding Observations. The Committee has emphasized that it is open to discussion on follow-up procedures. However, the establishment of this procedure is linked to the issue of the lack of human and financial resources.¹⁶⁵

Sex Work and HIV/AIDS

References to **HIV/AIDS**¹⁶⁶ that were not SOGIESC-related were made in the CRC's Lists of Issues (prior to reporting) for [Botswana](#) (paras. 3, 5, 8 and 9), [Côte d'Ivoire](#) (paras. 9 and 16), [Croatia](#) (para. 42), [Guinea](#) (paras. 4, 9 and 18), [Japan](#) (para. 18), [Malta](#) (para. 15), [Niger](#) (para. 15), [Poland](#) (para. 27), [Tonga](#) (para. 15), and in the Concluding Observations for [Angola](#) (paras. 15, 29 and 31), [El Salvador](#) (para. 38), [Guatemala](#) (para. 33), [Lesotho](#) (paras. 18 and 49-50), [Marshall Islands](#) (paras. 14 and 31), [Mauritania](#) (para. 32), [Niger](#) (paras. 15 and 35), [Palau](#) (para. 45), [Panama](#) (paras. 16, 17 and 32), [Seychelles](#) (para. 32), and the [Solomon Islands](#) (paras. 40-41).

¹⁶³ 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/>.

¹⁶⁴ Source: CRC, [Table of pending cases](#).

¹⁶⁵ See *Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views*, 29th session of the meeting of Chairs of the human rights treaty bodies, 8 May 2017, [HRI/MC/2017/4](#).

¹⁶⁶ 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 2018.



**Committee against
Torture**

General Information

In 2018, the Committee against Torture gave SOGIESC recommendations to 7 out of 16 countries reviewed (44%), a rate slightly above the past years' average (38% in 2014, 53% in 2015, 39% in 2016, and 35% in 2017). The **Netherlands** received their first SOGIESC recommendations from this Committee.

Five of the seven countries that received SOGIESC-inclusive recommendations were also asked questions about these topics in their Lists of Issues. However, **Canada** and **Chile**, were not issued any SOGIESC recommendations by the Committee, at the same time receiving SOGIESC questions in their Lists of Issues and stand-alone reports on the situation of LGBTI persons by civil society.

In most cases, SOGIESC-inclusive Concluding Observations were preceded by the constructive dialogues of the Committee with the States parties where SOGIESC issues were also discussed. A few exceptions from this rule include **Senegal** which received SOGIESC-inclusive Concluding Observations notwithstanding the fact that the issues had not been addressed in the dialogue with the State, and **Chile** and **Viet Nam**, where SOGIESC had been referred to in the dialogues but not the Concluding Observations.

When it comes to the Lists of Issues (prior to reporting), 4 out of 12 of these documents made by the Committee in 2018 contained references to SOGIESC, with six questions in total.

Table 5: CAT's Country reviews, 2018

COUNTRY	SOGIESC IN PREVIOUS COS	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	SOGIESC IN THE CONSTRUCTIVE DIALOGUES	COS	
Belarus	Yes	No	Yes	Yes	Yes	Yes	LGBTI; SOGI; T
Canada	No	Yes	Yes	Yes	No	No	n/a
Chile	No	Yes	Yes	Yes	Yes	No	n/a
Czech Republic	No	No	Yes	Yes	No	No	n/a
Guatemala	Yes	Yes	Yes	No	Yes	Yes	GI; LGBTI; SOGI; T
Maldives	n/a	n/a	No	No	No	No	n/a
Mauritania	No	No	Yes	No	No	No	n/a
Netherlands	No	Yes	Yes	Yes	Yes	Yes	I; LGBTI; SOGI
Norway	Yes	No	No	No	No	No	n/a
Peru	Yes	Yes	Yes	No	Yes	Yes	LGBT; SOGI; T
Qatar	No	No	No	No	No	No	n/a
Russian Federation	Yes	Yes	Yes	Yes	Yes	Yes	G; LGBTI; SOGI
Senegal	Yes	No	No	No	No	Yes	SO
Seychelles	n/a	n/a	n/a	n/a	No	No	n/a
Tajikistan	Yes	Yes	Yes	Yes	Yes	Yes	LGBTI
Viet Nam	n/a	n/a	No	No	Yes	No	n/a

In 2018, CSO submission mentioning SOGIESC, were made on 10 out of 16 countries reviewed, with 7 countries receiving stand-alone reports on LGBTI populations. At that, three countries with specific LGBTI reports did not receive any recommendations on the topic, and only on one country (**Senegal**) a recommendation on sexual orientation was made in the absence of CSO reports. To compare, in 2017, there were all but two countries reviewed that received civil society submissions on LGBTI issues, and 5 of the 6 countries that received SOGIESC recommendations had stand-alone civil society reports on relevant topic.

Our analysis suggests that the Committee is reluctant to raise SOGIESC issues unless they are addressed by CSO submissions however, where LGBTI defenders have submitted a report to CAT, it does not necessarily mean that the pursuing references will be made in the Concluding Observations. While presenting relevant data in advance of the List of Issues could strengthen the advocacy strategy, this does not seem crucial, as the Committee has made SOGIESC recommendations in the absence of such references.

Themes

In 2018, as in the previous years, the Committee widely addressed issues related to **hate crimes and violence** against LGBTI people. This included crimes committed by State officials. Recommendations usually insisted States parties ensure prompt, thorough and impartial investigation, as well as prosecution, punishment and redress.¹⁶⁷ Some countries were also asked to provide training to police officers and other officials,¹⁶⁸ establish monitoring mechanisms¹⁶⁹ and to collect statistics on violence against LGBTI persons.¹⁷⁰ **Russia** was asked to repeal the law prohibiting ‘propaganda of non-traditional sexual relations’ as promoting stigma and prejudice against LGBTI persons. Three countries, **Andorra, France** and **Philippines**, also received questions on hate crimes and hate speech in their Lists of Issues prior to reporting, and **Azerbaijan** was asked about police brutality and detention.

The Committee referred to the vulnerable situation of **LGBTI people in detention** in several instances, and such concrete problems as violence from officials and fellow prisoners, as well as segregation, were mentioned. Accordingly, CAT recommended States to address the problem, through the adoption of care protocols in the penitentiary system for the needs of LGBTI persons.¹⁷¹

Thus, CAT could be a good space for defenders working on issues such as hate crimes, impunity or the situation of LGBTI persons in detention.

Other topics that could be raised to the Committee’s attention include ‘conversion therapy,’ hate speech, persecution of LGBTI asylum seekers in their home countries in light of the non-refoulement principle or more specific topics relevant to LGBTI detainees such as access to transition-related health care for trans individuals.

Criminalisation

In 2018, CAT issued Concluding Observations to four countries that criminalise same-sex sexual acts; **Maldives, Mauritania, Qatar** and **Senegal**. Of the four, only **Senegal** received a SOGIESC-inclusive recommendation, which called upon the State to repeal the criminalisation of ‘unnatural acts,’ used to prosecute homosexuality. **Mauritania** also received a civil society submission which mentioned the death penalty for same-sex sexual acts.¹⁷²

167 See Concluding Observations on **Belarus, Guatemala, Netherlands, Peru, Russia, Senegal** and **Tajikistan**.

168 See Concluding Observations on **Belarus** and **Russia**.

169 See Concluding Observations on **Belarus**.

170 See Concluding Observations on **Guatemala**.

171 See Concluding Observations on **Belarus, Guatemala** and **Peru**.

172 See submission by [Alkarama](#) for CAT’s 64th Session.

CAT can be an important forum for defenders fighting for decriminalisation of consensual same-sex sexual acts in their countries. The Committee can look into criminalisation, but also related practices, for instance the detention of LGBTI persons suspected of having same-sex sexual acts, or coercive medical examinations ordered to prove the offence. However, submitting a report and ideally participating in the Committee's session in Geneva seems to be needed in order to obtain recommendations from CAT.

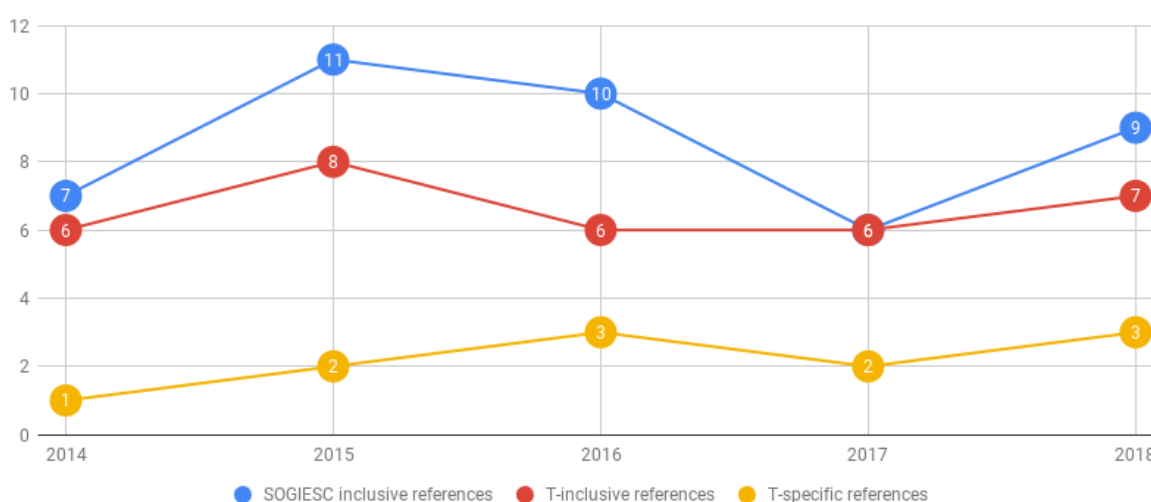
Gender Identity and Expression

In 2018, CAT's Concluding Observations to **Belarus**, **Guatemala** and **Peru** expressed clear concerns about the situation of trans women, focusing on the violence, murder and sexual abuse they face in particular from police and in male prisons. CAT also expressed concern about the murder and prison conditions of trans women in Guatemala during the [constructive dialogue](#). The ensuing recommendations asked **Belarus** to protect trans women from violence by male detainees, and asked **Guatemala** to ensure that body search procedures respect an individual's gender identity. However, the majority of CAT's recommendations on violence and prisons only referred to LGBT(I) persons more broadly,¹⁷³ with no recommendations addressing the killings, police abuse or sexual violence against trans women.

Civil society submissions specifically addressing trans persons were submitted for **Canada**,¹⁷⁴ **Chile**,¹⁷⁵ the **Netherlands**,¹⁷⁶ **Peru**¹⁷⁷ and **Thailand**.¹⁷⁸

Overall, all but two of CAT's SOGIESC recommendations in 2018 mentioned trans people or gender identity, the exceptions being the stand-alone recommendations on decriminalisation in **Senegal** and intersex persons in the **Netherlands**. There were no trans-specific questions in the Committee's Lists of Issues in 2018, and no reference made to gender expression.

Figure 17: GIE-references, CAT's Concluding Observations



173 This was also the case for Argentina in 2017, see Concluding Observations [CAT/C/ARG/CO/5-6](#).

174 Submission by [Action Canada for Sexual Health and Rights & Sexual Rights Initiative](#) for the 65th Session.

175 Submission by [Fundación 1367](#) for the 64th Session.

176 Submission by [COC Nederland. Nederlandse organisatie voor seksediversiteit \(NNID\) & Transgender Netwerk Nederland \(TNN\)](#) for the 65th Session.

177 Submissions by [Coordinadora Nacional de Derechos Humanos – Grupo de Trabajo sobre la Tortura](#) and [Oficina para la Defensa de los Derechos Interseccionales](#) for the 65th Session.

178 Submission by [Togetherness for Equality and Action](#) for the 63rd Session.

It appears CAT is open to addressing the specific violence faced by trans persons, in particular, trans women, their treatment in detention, and the State's response to these problems. However, it is still not clear whether the Committee welcomes other demands such as those related to sterilisation and other abusive requirements for legal gender recognition or access to gender reassignment services. Trans advocates are encouraged to provide CAT with more in-depth information on this.

Sex Characteristics

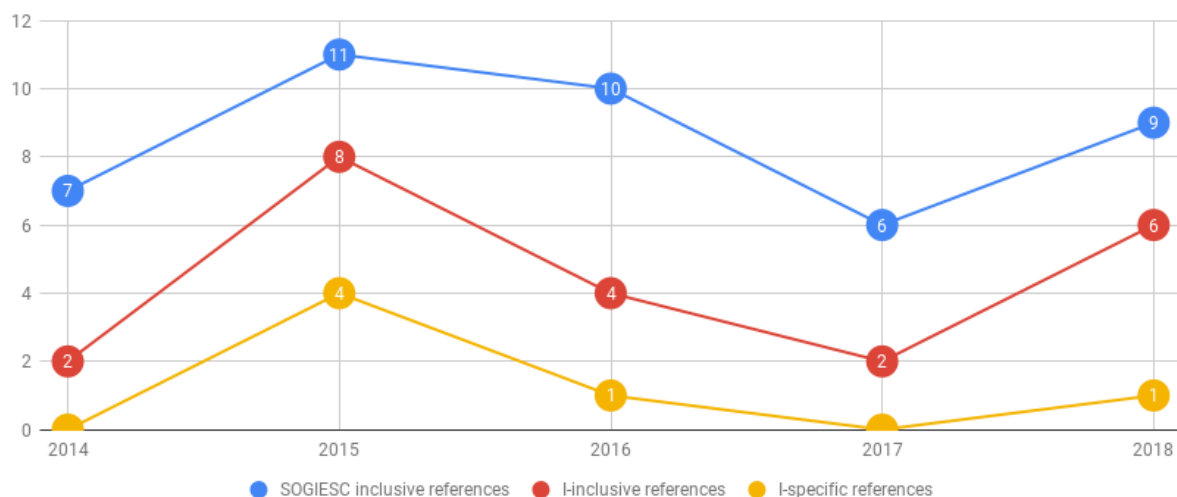
CAT made one intersex-specific and -exclusive recommendation in 2018, which condemned surgery on intersex persons in the [Netherlands](#), calling for a range of measures to prevent and remedy such procedures. CAT also raised concerns about the situation of intersex persons in [Chile](#) during the [constructive dialogue](#), but made no recommendations to the State.

Additionally, CAT's List of Issues Prior to Reporting to [Denmark](#) asked about measures to respect the physical autonomy and integrity of intersex persons as well as preventing non-urgent surgeries on intersex children.

[Canada](#)¹⁷⁹, [Chile](#)¹⁸⁰, [Denmark](#)¹⁸¹ and the [Netherlands](#)¹⁸² had all received civil society submissions focused on intersex issues, signalling that the Committee is much more likely, but far from guaranteed to, consider intersex rights when intersex activists submit in-depth information.

Considering the relevance of the CAT Convention for intersex rights, including references to CAT by other Committees discussing sex characteristics,¹⁸³ it is disappointing to see only one recommendation and question on this subject. Even though two-thirds of CAT's SOGIESC references included intersex persons in 2018, the Committee's alternation between the terms LGBT and LGBTI did not appear to be a decision based on in-depth evaluation of intersex persons' specific needs.

Figure 18: intersex-references, CAT's Concluding Observations



179 Submission by [Egale Canada Human Rights Trust](#) for the 65th Session.

180 Submission by [StopIGM.org / Zwischengeschlecht.org](#) for the 64th Session.

181 Submission by [StopGM.org / Zwischengeschlecht.org](#) for the 63rd Session.

182 Submission by [COC Nederland, Nederlandse organisatie voor seksediversiteit \(NNID\) & Transgender Netwerk Nederland \(TNN\)](#) for the 65th Session.

183 See, for instance, Concluding Observations to [Germany](#) by CRPD ([CRPD/C/DEU/CO/1](#)) in 2015.

Taking into account previous work done by CAT, intersex advocates are encouraged to engage with the Committee during its country reviews. Intersex activists may also consider whether they want to see intersex aspects included in more general SOGIESC recommendations, such as those on hate crimes or detention situations. If so, it would be advisable to stress in the communications with the Committee, that these problems are relevant not only for LGBT people, but also for intersex people.

Women

In 2018, three of the Committee's Concluding Observations specifically addressed trans women. For **Belarus**, **Guatemala** and **Peru**, CAT raised concerns about issues such as the rates of murder, sexual abuse, arbitrary arrest and violence against trans women, in particular from police and male prisoners. However, only **Belarus** received a specific recommendation on this issue, wherein the State was asked to protect trans women in prison from violence by male detainees. In addition, **Guatemala's** [constructive dialogue](#) also referred to trans women, as did civil society submissions to **Peru**¹⁸⁴.

CAT made no stand-alone references to LB/I women in 2018, however.

Though there have not been many stand-alone references to LB/TI women made by the Committee, issues such as 'corrective' rape, violence against trans women, LBT women in detention, forced marriages and crimes committed in the name of 'honour' are topics that CAT could address. There is a lot of potential for LB/TI women defenders to engage with CAT that still needs to be developed in defenders' advocacy strategies.

Providing in-depth information and explanation of the importance of an intersectional approach in both written reports and on-site advocacy is crucial to ensure relevant developments in the Committee's practice.

Individual Communications

In 2018, CAT published two Individual Communications concerning SOGIESC, out of the 49 cases reviewed – both related to the *non-refoulement* principle (deportation). However, in none of these two cases did the Committee find a violation.

In *Joyce Nakato Nakawunde v. Canada*,¹⁸⁵ the author was a lesbian from Uganda, subject to forcible removal from Canada to Uganda as she overstayed her student visa. She claimed that her forcible removal to Uganda would constitute a violation by Canada of articles 1 and 3 of the CAT Convention. She feared that she would be arrested, tortured and eventually killed by the Ugandan police and anti-gay mobs if she returned.

The Committee declared the communication inadmissible as there were available and effective national remedies, which the author has not exhausted. However, taking into account the background reports on the situation

¹⁸⁴ Submissions by [Coordinadora Nacional de Derechos Humanos – Grupo de Trabajo sobre la Tortura](#) and [Oficina para la Defensa de los Derechos Interseccionales](#) for the 65th Session.

¹⁸⁵ Communication No. 615/2014 of 25 June 2014, views of 3 August 2018, [CAT/C/64/D/615/2014](#).

of gays and lesbians in Uganda, the Committee also mentioned that the complainant, as a lesbian, would face a risk of arrest if she returned to Uganda. Therefore, CAT invited Canada to ensure that the author can have access to remedies available on appeal, including the necessary legal aid to challenge the negative decisions that allowed for her to be forcibly removed, and including an application for permanent residence on humanitarian and compassionate grounds.

In *H.R.E.S. v. Switzerland*,¹⁸⁶ the author was a gay man from Iran. He applied for asylum in Switzerland, but his application was rejected. He claimed that his forcible removal to Iran would constitute a violation by Switzerland of article 3 of the Convention, as he feared the risk of being subjected to torture, or inhumane or degrading treatment, in his country of origin, due to his sexual orientation and atheism.

The Committee considered that the information submitted by the complainant was insufficient to establish his claim that he would face a foreseeable, real, personal and present risk of torture if removed to Iran. Accordingly, CAT concluded that the removal of the complainant to Iran would not constitute a violation of article 3 of the CAT Convention by Switzerland.

By the end of 2018, all Individual Communications reviewed by CAT, which substantially analyses LGBT persons' situations have concerned the principle of non-refoulement. Of the cases concerning asylum seekers, CAT has deemed one complaint inadmissible, four cases as not constituting a violation of the CAT Convention, and two complaints as constituting violations of the Convention.

However, given the range of issues raised by CAT in its Concluding Observations, the Individual Communications mechanism can be explored further by LGBTI defenders whose work addresses, for example, problems such as hate crimes, ill-treatment by State or non-state actors, the situation of LGBTI asylum seekers and other groups in detention facilities.

General Comments

CAT did not issue any General Comments in 2018.

Follow-up Procedure

According to rule 71, para. 2 of CAT's [Rules of Procedure](#), the Committee can identify a limited number of recommendations that warrant: (1) a request for additional information; (2) discussion with the State party concerning its periodic report; and (3) requests for follow-up reports. 'Follow-up' recommendations are identified on the basis that they are serious, protective, and viable within a limited time frame. A rapporteur is appointed by the Committee to monitor the State party's compliance with these requests and presents progress reports on the results.¹⁸⁷ CAT also has its own [Guidelines to follow-up on Concluding Observations](#).

In 2018, CAT did not select any SOGIESC recommendations for the follow-up procedure.

¹⁸⁶ Communication No. 783/2016 of 15 November 2016, views of 9 August 2018, [CAT/C/64/D/783/2016](#).

¹⁸⁷ See *Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views*, 29th session of the meeting of Chairs of the human rights treaty bodies, 8 May 2017, [HRI/MC/2017/4](#).

Taking into account that CAT has chosen SOGIESC-related recommendations for its follow-up procedure previously,¹⁸⁸ defenders can consider proposing SOGIESC issues for this process.

Sex Work and HIV/AIDs

CAT made references to **HIV/AIDS** in the List of Issues Prior to Reporting for [Turkey](#) (para. 48(e)), the List of Issues for [South Africa](#) (para. 22), and the Concluding Observations for [Guatemala](#) (paras. 20-21), the [Russian Federation](#) (paras. 38-39), the [Seychelles](#) (paras. 22-23), [Tajikistan](#) (paras. 23, 24(a), 34(c)) and [Viet Nam](#) (para. 31(j)).

CAT also expressed concern over allegations of violence and sexual assault against **sex workers** in its List of Issues for [Benin](#) (para. 27). Furthermore, two civil society submissions for [Peru](#)¹⁸⁹ presented data on violence against trans sex workers, but CAT did not make any recommendations on the issue.

¹⁸⁸ In 2015, CAT requested that Serbia provide follow-up information on publicly condemning and investigating threats to and attacks on human rights defenders, journalists, LGBTI persons and members of the Roma community. See: Concluding Observations on [Serbia](#) ([CAT/C/SRB/CO/2](#), para. 23).

¹⁸⁹ Submissions by [Coordinadora Nacional de Derechos Humanos – Grupo de Trabajo sobre la Tortura](#) and [Oficina para la Defensa de los Derechos Interseccionales](#) for the 65th Session.

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**Committee on the Rights of
Persons with Disabilities**

General Information

In 2018, CRPD issued seven SOGIESC-inclusive Concluding Observations to 4 out of 14 (29%) countries reviewed. This is a decline from 2016 (43%) and 2017 (36%) 2017 (36%) and 2016 (43%), although considerably higher than in 2014 (0%) and 2015 (7%).

The Committee issued first-time recommendations to **Haiti**, the **Philippines**, **Poland** and **Slovenia** to address intersectional discrimination based on disability and, sexual orientation and gender identity. To **Haiti** and **Poland**, CRPD also stressed the need to consult with diverse organisations for persons with disabilities, including LGBT.

Intersectional discrimination and consultations were also the topics of the Committee's two General Comments in 2018.

There was also a reduction in the variety of SOGIESC issues considered by CRPD. No recommendations addressed **trans** persons, **intersex** persons or **LBTI women** specifically, compared to two trans-specific and four intersex-specific recommendations in 2017.

However, the Committee made progress on an important issue first addressed in 2017, namely the wrong and harmful perception of certain sexual orientations and gender identities as disabilities. In 2017, CRPD had recommended **Iran**¹⁹⁰ to prohibit forced medical treatment based on sexual orientation and gender identity. In 2018, it named and addressed the practice of so-called 'conversion therapy' on LGBT persons. Both the List of Issues and Concluding Observations to **Poland** urged the State to put an end to these practices.

Additionally, **Poland** was the State party most extensively questioned about SOGIESC during the [constructive dialogue](#), on the issues of discrimination, hate crimes, conversion therapy and the situation of lesbians and sexual minority women with disabilities.

In addition, 8 of 24 (33%) Lists of Issues/Lists of Issues Prior to Reporting contained SOGIESC questions to the States parties. **Algeria**, **Cuba**, **New Zealand**, **Norway**, **Sweden** and **Poland** were all asked about measures to combat intersectional discrimination on the grounds of disability and SOGI or LGBTI status. **Austria**, **Germany** and **Norway** also received stand-alone questions on measures against non-consensual surgeries on intersex children.

A total of nine States parties received civil society submissions referring to SOGIESC for the Lists of Issues or Concluding Observations. It is telling that almost all the stand-alone LGBTI reports in 2018 – a submission on conversion therapy and intersectional discrimination for **Poland**,¹⁹¹ and reports on intersex rights to **Austria**, **Germany** and **New Zealand** – resulted in stand-alone questions or recommendations on these issues. This demonstrates civil society's potential to influence the Committee's choice of topics, and, perhaps, their need to do so; no other States were asked about these issues.

At the same time, our analysis identified a quite worrying trend. Some countries (**Malta**, **Russian Federation** and **Seychelles**) did not received SOGIESC recommendations from CRPD even when the topic had been addressed in the Committee's dialogues with the State delegations. A particularly illustrative case is **Russia**, as several detailed questions had been asked by Committee members, and no satisfactory answer was provided by the State.

190 See Concluding Observations to **Iran** ([CRPD/C/IRN/CO/1](#)), 2017. See also the later Concluding Observations on **Morocco** ([CRPD/C/MAR/CO/1](#)), 2017.

191 Submission by [Campaign Against Homophobia, Venus of Milo and Lambda Warsaw](#) for the 20th Session.

Table 6: CRPD's Country reviews, 2018

COUNTRY	SOGIESC IN PREVIOUS COS	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	SOGIESC IN THE CONSTRUCTIVE DIALOGUES	COS	
Algeria	n/a	Yes	No	No	No	No	n/a
Bulgaria	n/a	No	No	No	No	No	n/a
Haiti	n/a	No	Yes	No	No	Yes	SOGI
Malta	n/a	No	No	No	Yes	No	n/a
Nepal	n/a	No	Yes	No	No	No	n/a
North Macedonia	n/a	No	No	No	No	No	n/a
Oman	n/a	No	No	No	No	No	n/a
Philippines	n/a	No	No	No	No	Yes	SOGI
Poland	n/a	Yes	Yes	Yes	Yes	Yes	SOGI; LGBT+
Russian Federation	n/a	No	Yes	Yes	Yes	No	n/a
Seychelles	n/a	No	No	No	Yes	No	n/a
Slovenia	n/a	No	No	No	Yes	Yes	SO; LGBTI
South Africa	n/a	No	No	No	No	No	n/a
Sudan	n/a	No	No	No	No	No	n/a

Themes

The main SOGIESC-related topics addressed by CRPD in 2018, as highlighted by the Committee's two new General Comments, were **intersectional discrimination** and the need to **involve and consult** with persons with disabilities. In addition, the Committee raised the important issue of **'conversion therapy'** of LGBT persons.

Regarding discrimination, the **Philippines, Poland** and **Haiti** were asked, respectively, to prevent, prohibit and raise awareness of intersectional discrimination on grounds of disability, sexual orientation and gender identity. **Slovenia** also received a recommendation on intersectional discrimination which mentioned sexual orientation only.

Furthermore, **Haiti** and **Poland** were recommended to consult with various organisations for persons with disabilities, including LGBT persons, in the implementation and monitoring of the CRPD Convention.

Finally, CRPD strongly urged **Poland** to end 'conversion therapy' of LGBT persons, and to offer support to persons with psychosocial disabilities that respects their gender identity and sexual orientation. This recommendation builds on the topic of sexual orientation and gender identity as perceived disabilities, developed by the Committee in 2017. CRPD had then called for prohibiting forced medical treatment of SOGI in **Iran**, but this was the first time conversion therapy was explicitly referred to.

In addition to addressing the above three topics, the Lists of Issues adopted by CRPD in 2018 also contained stand-alone questions on non-consensual surgeries on **intersex persons** to **Austria, Germany, New Zealand** and **Norway**.

The attention to SOGIESC topics already demonstrated by CRPD should encourage LGBTI advocates to further develop their engagement with this Committee. It is a particularly promising space for organisations and groups working on intersections between SOGIESC and disabilities. However, it is clear that more in-depth information on the topic needs to be provided to the Committee. The CRPD has shown it is open to addressing violations and barriers faced by LGBTI persons who consider themselves as persons with disabilities.

The concept of 'perceived disability' developed by CRPD in 2017, can be particularly useful for advocacy around new classifications of diseases and continuing practices of treating LGBT persons as ill and requiring medical interventions.

More challenging topics appear to be ones that address disability as a result of SOGIESC-related violations (for example, conversion therapies). Several Committee members clearly indicated that the prevention of disabilities does not fall into the CRPD Convention's scope.

Criminalisation

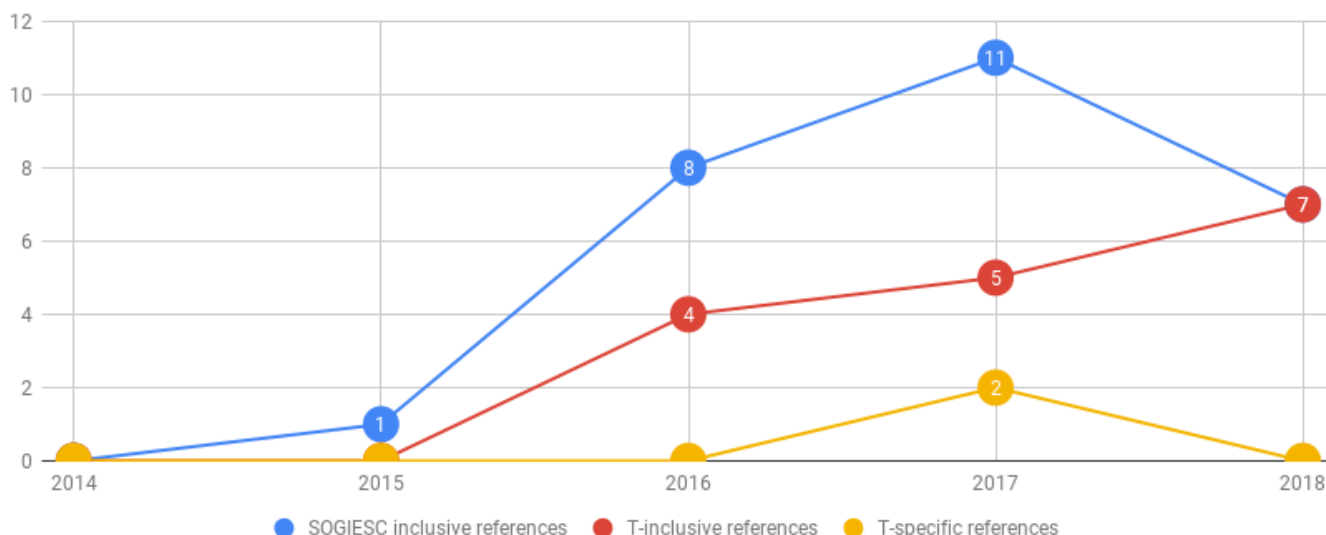
CRPD made no recommendations pertaining to criminalisation of same-sex sexual acts or certain forms of gender identity and expression.

While the Committee has not yet addressed the problem of criminalisation of consensual same-sex sexual acts, as well as particular forms of gender identity and expression, LGBTI advocates may consider being more creative when presenting these topics under the CRPD Convention's framework. For example, defenders can rely on studies proving that criminalisation, discrimination, societal ignorance and prejudice about same-sex relations place LGBT people at risk of serious distress and poor mental health, including psychosocial disability. A more obvious way would be showing how criminalisation affects LGBT persons with disabilities (e.g. problems faced by LGBT persons in detention facilities).

Gender Identity and Expression

CRPD gave no **trans**-specific questions or recommendations in 2018, although all seven SOGIESC references in the Concluding Observations included gender identity, as opposed to 4 of 8 in 2016 and 5 of 11 in 2017. In 2017, the Committee, for the first time, issued two stand-alone trans recommendations, indicating remarkable progress. It was therefore disappointing to see the Committee revert to no trans-specific references in 2018. Civil society had not submitted stand-alone reports on gender identity and expression.

Figure 19: GIE-references, CRPD's Concluding Observations



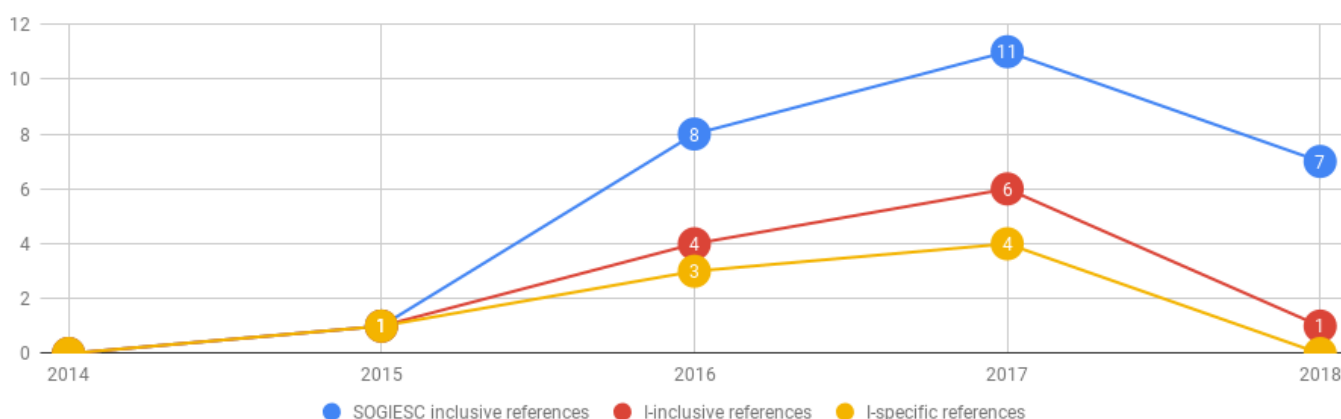
Trans advocates are encouraged to engage with CRPD on specific human rights problems based on the intersections of gender identity and expression and disability. Particularly important to such advocacy is the topic of depathologisation, as well as distinguishing sexual orientation and gender identity from disability.

Sex Characteristics

CRPD made no **intersex**-specific recommendations in 2018, and only 1 of 7 SOGIESC references in the Concluding Observations mentioned intersex persons. In contrast, in 2017, 6 of 11 SOGIESC references were intersex-inclusive, of which four were stand-alone recommendations on intersex issues. This significant reduction indicates that the Committee is much less likely to raise intersex issues without input from civil society, but that it still has potential to do so.

On the other hand, CRPD's Lists of Issues contained stand-alone intersex questions to [Austria](#) (para. 32), [Germany](#) (para. 16), [New Zealand](#) (para. 16) and [Norway](#) (para. 14) in relation to articles 15 (freedom from torture or cruel, inhumane or degrading treatment or punishment) and 17 (protecting the integrity of the person) of the CRPD convention. Incidentally, **Austria**, **Germany** and **New Zealand** had received stand-alone reports on intersex genital mutilation from civil society.

Figure 20: intersex-references, CRPD's Concluding Observations



CRPD has shown it is open to bringing attention to intersex-specific human rights violations, such as forced sterilisation and other non-consensual treatments. Intersex defenders are therefore strongly encouraged to approach the Committee. More detailed recommendations made by other Treaty Bodies in this regard could serve as a reference to strengthen intersex activists' demands. However, it is crucially important that any advocacy on behalf of intersex people is based on intersex people's participation.

Women

CRPD did not issue any recommendations or questions specific to LB/TI women in 2018. However, the Committee inquired about discrimination and protection of lesbians and sexual minority women with disabilities in its [dialogue](#) with Poland.

Defenders may use the gender approach enshrined in the text of the CRPD Convention (art. 6 – Women with disabilities), as well as previous references by the Committee to LBT women, to raise issues of intersectionality between gender and SOGIESC before the Committee. However, in-depth data and analysis, as well as on-site advocacy, may be needed from civil society to encourage CRPD to consider these issues. A more gender-sensitive composition of the Committee itself would also be helpful.¹⁹²

Individual Communications

CRPD considered six Individual Communications in 2018, none of which made reference to SOGIESC.

CRPD has not yet developed its jurisprudence. Therefore, taking a controversial topic to this forum could be a weak tactic. However, cases on issues already discussed by the Committee in its country reviews, such as multiple forms of discrimination or violence against LGBTI persons with disabilities, could probably lead to useful and positive results.

¹⁹² Before the recent 2018 election, there was only one female member of the Committee, Ms. Theresia Degener. After the election, 6 out of 18 Committee members identify as women.

General Comments

CRPD adopted two new General Comments in 2018, [No. 6](#) and [No. 7](#), both of which contained SOGIESC references.

General Comment No. 6 on equality and non-discrimination contains three paragraphs with SOGIESC references, in the context of intersectional discrimination and consultation with organisations. The Committee refers to gender expression and sex characteristics (para. 21), LGBTI persons (para. 33), and gender identity (para 34), although they are listed along with other grounds or populations.

CRPD adopted the General Comment No. 6 following wide consultations with civil society, organisations of persons with disabilities, individual experts and states. ILGA World was involved in these discussions from the early stages, providing information on discrimination against LGBTI persons with disabilities, discrimination against LGBTI persons whose SOGIESC is seen as a disability, and the situation of intersex persons.¹⁹³

Unfortunately, the final version of the General Comments did not take into account ILGA World's suggestions and left behind many vital aspects of the intersections between disability and SOGIESC. This problem was highlighted during the closing session of the Committee by several representatives of civil society, including International Disability Alliance, Sexual Rights Initiative, Center for Reproductive Rights, Abosex and ILGA World.¹⁹⁴

General Comment No. 7 on the participation of persons with disabilities in the implementation of the Convention, makes reference to sexual orientation, gender identity and intersex persons in three paragraphs, though always in conjunction with other groups. The Comment stresses that there is a right to participation irrespective of, inter alia, SOGI, and that the State is obliged to consult with and include all persons with disabilities, including LGBTI persons.

While not all the problems faced by LGBTI persons on the intersection between SOGIESC and disability were covered by the CRPD's General Comment No. 6 on non-discrimination, the very fact of the inclusion of some references to SOGIESC/LGBTI by the two General Comments adopted in 2018 shows at least some openness of this Committee to address the issue. Therefore, defenders working on the intersections between SOGIESC and disability are strongly encouraged to follow the CRPD's plans to adopt new General Comments and to provide their suggestions on wording and information on problems faced by LGBTI populations.

Follow-up Procedure

Relying on article 35 (2) of the CRPD Convention, the Committee may request that the State party provides information on implementation measures, within one year of the adoption of the Concluding Observations. The criteria for selecting recommendations for follow-up review are:

- whether the recommendation can be implemented in the short, medium or long term;
- whether the issues identified in the recommendation constitute major obstacles to the enjoyment of human rights by persons with disabilities;

¹⁹³ ILGA World's written submissions are available at: <https://www.ohchr.org/Documents/HRBodies/CRPD/GC/Equality/ILGA.docx> and <https://www.ohchr.org/Documents/HRBodies/CRPD/DGD/Article5/ILGA.docx>.

¹⁹⁴ See a video of the closing of the 19th session of CRPD: <http://webtv.un.org/search/closing-of-session-395th-meeting-19th-session-committee-on-rights-of-persons-with-disabilities/5747496239001/?term=&lan=english&cat=CRPD&sort=date&page=4>.

- whether the issues identified in the recommendation constitute a major obstacle to the implementation of the CRPD Convention as a whole;
- whether the implementation of the recommendation is feasible and measurable;
- the seriousness of the issues and the feasibility of adopting implementation measures within a calendar year; and
- the feasibility of adopting short-term policies to overcome the selected concerns.

The Committee appoints one of its members to serve as Rapporteur on follow-up. The Rapporteur submits a report to the Committee within two months of receiving the information from the State party.¹⁹⁵

In 2018, CRPD's SOGIESC-inclusive recommendations were not listed for follow-up. However, the List of Issues Prior to Reporting for [Germany](#) asked the State to provide follow-up information on the intersex recommendations made by the Committee in 2015.¹⁹⁶

Uganda has not provided information on its follow-up recommendations received in 2016, one of which concerned intersectional discrimination against persons with disabilities based on, *inter alia*, sexual orientation and gender identity.¹⁹⁷

Defenders planning to engage with CRPD should consider asking for SOGIESC-related recommendations to be included in the list for follow-up review. If that happens, however, it is also very important to provide CRPD with additional information regarding the implementation of the recommendations.

| Sex Work and HIV/AIDS |

The Committee made references to **HIV/AIDS** in its Lists of Issues to [Algeria](#) (para. 30), [Niger](#) (paras. 19, 27(a)), [Rwanda](#) (para. 26), [South Africa](#) (para. 27(b)), [Sweden](#) (para. 18(b)) and [Turkey](#) (para. 28(a)), and in the Concluding Observations to [Haiti](#) (paras. 44(c), 45(d)) and the [Seychelles](#) (paras. 43-44).

The Committee did not address **sex workers**.

¹⁹⁵ See *Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views*, 29th session of the meeting of Chairs of the human rights treaty bodies, 8 May 2017, [HRI/MC/2017/4](#).

¹⁹⁶ See Concluding Observations to Germany ([CRPD/C/DEU/CO/1](#), para 38 (d)), 2015.

¹⁹⁷ See Concluding Observations to Uganda ([CRPD/C/UGA/CO/1](#), paras. 8, 67).

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Committee on the Elimination of Racial Discrimination

General Information

The Committee referred to SOGIESC in 3 of its 19 Concluding Observations in 2018, amounting to 16% of the reviews. All three states received its first SOGIESC-inclusive Concluding Observations from this Committee.

Two States (11%), **Kyrgyzstan** and **Sweden**, received SOGIESC-inclusive recommendations, while the Concluding Observations to **Cuba** commended the State for its anti-discrimination provision in the Labour Code, which covers, *inter alia*, sexual orientation.

In the two recommendations, the Committee advised **Kyrgyzstan** to combat multiple discrimination against LGBT people belonging to ethnic minorities, including by incorporating gender and SOGI in its measures against racial discrimination. It further asked the State to investigate and prosecute human rights violations against LGBT persons, including those committed by law enforcement officials. **Sweden** was asked to provide information about hate crimes based on intersecting forms of discrimination, including gender identity and sexual orientation.

The Committee's dialogues with State delegations of all three States parties with SOGIESC-inclusive Concluding Observations addressed SOGIESC issues. However, this topic was referred to in a much higher number of constructive dialogues (10 out of 19), which may demonstrate a potential of further development of SOGIESC approaches by the Committee.

While two states receiving SOGIESC recommendations (11%) is a slight increase from 2017, in which there was only one (**Australia**), or 5% which is still one of the lowest percentages, surpassing CMW (0%). This has been a consistent pattern for CERD the past years; in 2014 none of the 18 Concluding Observations mentioned LGBTI persons and in both 2015 and 2016, only 2 of 20 states reviewed were issued SOGIESC recommendations.

Meanwhile, CERD issued a stand-alone SOGI question to **Cuba** in the country's [List of Themes](#), in addition to the positive mention in Cuba's [Concluding Observations](#). CERD requested information on cases of multiple discrimination based on ethnic origin and sexual orientation or gender identity, accompanied by measures to include an ethno-racial perspective in the fight against SOGI-based discrimination. The question was the only SOGIESC reference in the 20 Lists of Themes and 1 LOIPR from CERD in 2018. By comparison, there were zero SOGIESC questions in 2017.

Table 7: CERD's Country reviews, 2018

COUNTRY	SOGIESC IN PREVIOUS COS	LOI	CSO RE-PORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC RE-PORTS	SOGIESC IN THE CONSTRUCTIVE DIALOGUES	COS	
Albania	No	No	No	No	Yes	No	n/a
Bosnia and Herzegovina	No	No	n/a	n/a	Yes	No	n/a
China	No	No	Yes	No	No	No	n/a
Cuba	No	Yes	Yes	No	Yes	Yes	SO
Honduras	No	No	No	No	Yes	No	n/a
Iraq	No	No	Yes	No	No	No	n/a
Japan	No	No	No	No	No	No	n/a
Kyrgyzstan	No	No	Yes	No	Yes	Yes	SOGI; LGBT
Latvia	No	No	No	No	Yes	No	n/a
Mauritania	No	No	No	No	No	No	n/a
Mauritius	No	No	Yes	No	No	No	n/a
Montenegro	No	No	n/a	n/a	Yes	No	n/a

Nepal	No	No	No	No	No	No	n/a
Norway	No	No	Yes	No	Yes	No	n/a
Peru	No	No	Yes	No	Yes	No	n/a
Qatar	No	No	No	No	No	No	n/a
Republic of Korea	No	No	Yes	No	No	No	n/a
Saudi Arabia	No	No	No	No	No	No	n/a
Sweden	No	No	No	No	Yes	Yes	SOGI

The statistics are disappointing, especially considering eight countries had civil society submissions referring to discrimination against LGBTI persons in their countries. It is possible that CERD did not prioritize this input because most of the LGBTI references were brief and did not show a link between SOGIESC and racial discrimination. However, CERD refrained from making SOGIESC recommendations to **Norway** even after the organisation *Queer World* met with the Committee in Geneva¹⁹⁸ to discuss the rights of LGBTI migrants.

Themes

Multiple and intersecting discrimination has been CERD’s main approach to addressing SOGIESC issues, and it has recommended both incorporating SOGI perspectives in anti-racist work and vice-versa. In 2018, CERD also addressed violence against LGBT persons by law enforcement, such as police officers.

The questions and recommendations did not specifically address the situation of **LBTI women, trans** or **inter-sex** persons, nor did they address **criminalisation** of consensual same-sex sexual acts. Similarly to 2017, CERD limited its consideration of sexual orientation and gender identity regardless of intersex persons included in the Committee’s SOGIESC references in 2014 and 2015.

Figure 21: GIE-references, CERD’s Concluding Observations

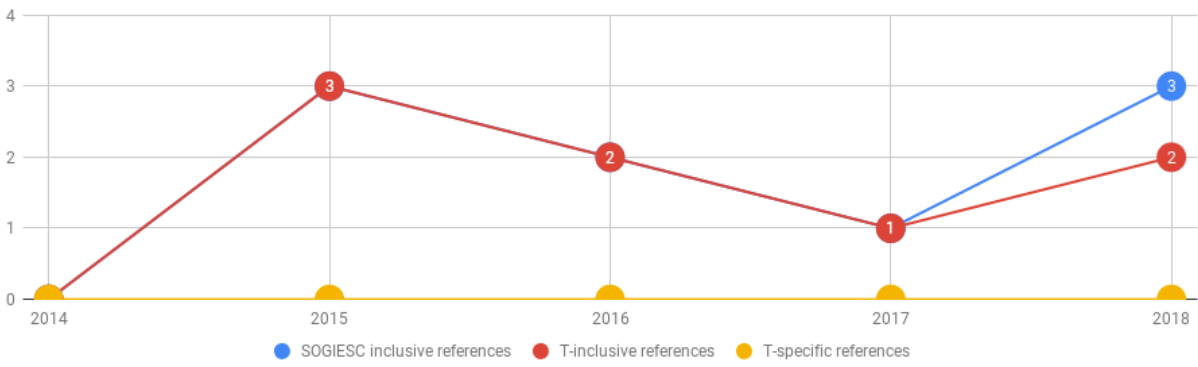
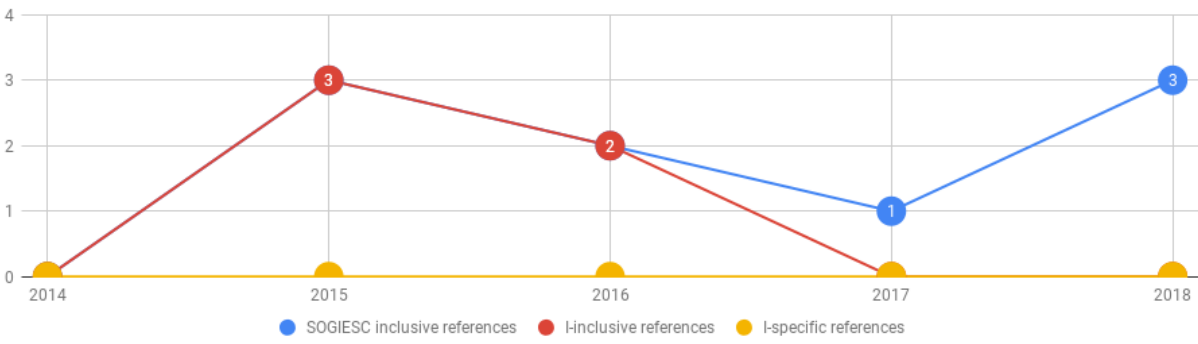


Figure 22: intersex-references, CERD’s Concluding Observations



198 See [press release](#) of CERD’s meeting with civil society, 3 Dec 2018.

LGBTI advocates are encouraged to include further engagement with CERD into their advocacy strategies and to submit more in-depth information to the Committee. Preferably, these should be in the form of specific reports devoted to SOGIESC dimensions of racial discrimination, or at least in the form of particular chapters on LGBTI issues, intertwined with racial discrimination, in more general coalition submissions. It is crucial to make a clear link between SOGIESC issues and racial discrimination when crafting a CSO report as the Committee cannot take up LGBTI issues without intersectionality with racial discrimination.

It is also very important to come to Geneva to brief Committee members and to provide them with information about intersections between racial discrimination and discrimination based on SOGIESC in the specific country.

CSOs approaching CERD can address issues and topics such as intersections between SOGIESC and race in discrimination faced by LGBTI persons. Defenders could ask for:

- efforts to raise public awareness and knowledge about multiple discrimination;
- information on how to recognise and react to discriminatory practices;
- the inclusion of the SOGIESC dimension into general programmes aimed at combating racism or integration;
- the inclusion of the racial dimension into programmes promoting tolerance towards LGBTI persons;
- the situation of LGBTI asylum seekers and refugees, for example, homophobic, biphobic and transphobic behaviour by employees or harassment by fellow detainees at asylum facilities, or specific discriminatory practices, such as questioning by civil servants about sexual acts, or refoulement of asylum seekers fearing persecution because of their sexual orientation); or
- the situation and particular barriers faced by specific communities, such as migrant trans sex workers, lesbians of colour or LGBTI persons from indigenous communities.

Defenders from countries where consensual same-sex sexual acts are criminalised could consider engaging with CERD. However, in this case the problem should be analysed through the lens of racial discrimination. For example, a good case for a CERD submission could be the practice of racial profiling if people affected are charged with illegal same-sex activities, or if criminalising provisions are used to blackmail gay men from ethnic minority communities.

Defenders wishing to engage with the Committee can take advantage of the broad nature of the definition of 'racial discrimination' in the Convention. It explicitly covers five grounds of discrimination: race, colour, descent (including discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status), nationality and ethnic origin. The interpretation of the Convention by CERD includes in this definition groups such as indigenous people, stateless people and non-citizens. While religion is not included in the grounds of discrimination set out in the Convention, advocates can apply to CERD if they can draw a clear line between ethnic/national origin and religion.¹⁹⁹

To make their claims and advocacy stronger, defenders may rely on recommendations and statements made by other international bodies and mechanisms, such as the UN Special Procedures. For example, the Working Group of Experts on People of African Descent have made several references to LGBTI persons of African descent, especially in their reports following country visits.²⁰⁰

199 See for more detail: The International Movement Against All Forms of Discrimination and Racism (IMADR): Shirane D., [ICERD and CERD: A Guide for Civil Society Actors](#) (Geneva, 2011).

200 See ILGA World's and ISHR's [factsheet](#) on the SOGIESC-related work of the Working Group of Experts on people of African descent.

Individual Communications and General Comments

CERD considered one Individual Communication in 2018, which did not make reference to SOGIESC. No General Recommendations were adopted by the Committee.

As LGBTI issues are still finding grounding within CERD, defenders are strongly encouraged to deepen Committee members' understanding of interactions between race and SOGIESC. Defenders can do this by not only using opportunities given under the periodic review process, but also by participation in the development of upcoming General Comments – such as the one [on preventing and combating racial profiling](#), and statements at general discussion days.²⁰¹

Given the fact that the Committee has rarely examined SOGIESC issues, an Individual Complaint can also be a very useful way to give the Committee an in-depth understanding of mechanisms of intersectional discrimination faced by LGBTI persons.

Follow-up Procedure

Rule 65 of the Committee's [Rules of Procedure](#) states that CERD may request further information or an additional report concerning, *inter alia*, action taken by State parties to implement its recommendations. The procedure is supplemented with the appointment of a coordinator on follow-up who works in cooperation with the country rapporteurs.²⁰² Civil society can participate in this process by providing information about the State's implementation of follow-up recommendations. A template for such reports can be found [here](#).²⁰³

In 2018, neither of the SOGIESC-inclusive recommendations issued by CERD were selected for follow-up.

The follow-up mechanisms available at CERD could give defenders more opportunities for work on the ground. This needs to be developed in the future, as so far, the Committee has not assigned SOGIESC recommendations for the follow-up process.

Sex Work and HIV/AIDs

CERD made one **HIV/AIDs** reference in the Lists of Issues Prior to Reporting for [Botswana](#) (para. 20), inquiring about prevention programmes for asylum seekers and awareness-raising campaigns in minority languages.

The Committee did not address **sex workers**, but frequently discussed sexual exploitation in relation to human trafficking, including using the term 'forced prostitution' (Concluding Observations to [Saudi Arabia](#), para. 35).

201 See one such example in International Lesbian, Gay, Bisexual, Trans and Intersex Association: Kirichenko K, [United Nations Treaty Bodies: References to sexual orientation, gender identity, gender expression and sex characteristics 2016](#) (Geneva: ILGA, November 2017), p. 64.

202 See *Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views*, 29th session of the meeting of Chairs of the human rights treaty bodies, 8 May 2017, [HRI/MC/2017/4](#).

203 By the International Movement Against All Forms of Discrimination and Racism (IMADR) and the US Human Rights Network (USHRN). Available also in [Spanish](#) and [Italian](#).

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**Committee on
Migrant Workers**

General Information

The Committee did not issue SOGIESC recommendations to any of the five states it reviewed in 2018. By contrast, CMW issued SOGIESC recommendations to one State in 2014 (**Belize**), none in 2015 and two States parties both in 2016 (**Honduras and Sri Lanka**)²⁰⁴ and 2017 (**Jamaica and Mexico**).²⁰⁵

SOGIESC topics also were not raised by the Committee in its dialogues with State delegations in 2018.

However, 2 of the 8 (25%) Lists of Issues adopted by CMW in 2018 contained SOGIESC questions. CMW asked both **Argentina** and **Colombia** about protocols for identifying people in special situations of vulnerability, including LGBTI individuals, and for ensuring they are not held in detention. It further asked **Argentina** for details on cases of persecution and harassment by police and immigration officials against, among others, LGBTI immigrants and migrant workers.

Among the civil society submissions to CMW in 2018, only **Argentina** and **Chile** had reports briefly mentioning LGBTI and sexual identity, respectively.

Table 8: CMW's Country reviews, 2018

COUNTRY	SOGIESC IN PREVIOUS COS	LOI	CSO RE-PORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC RE-PORTS	SOGIESC IN THE CONSTRUCTIVE DIALOGUES	COS	
Algeria	No	No	No	No	No	No	n/a
Guyana	n/a	No	n/a	n/a	No	No	n/a
Madagascar	n/a	No	n/a	n/a	No	No	n/a
Mozambique	n/a	No	n/a	n/a	No	No	n/a
Saint Vincent and the Grenadines	n/a	No	n/a	n/a	No	No	n/a

The Committee made no stand-alone references to **gender identity**, **gender expression**, **sex characteristics**, **LBTI women** or **criminalisation** of consensual same-sex sexual acts, nor has it specifically addressed them previously. However, intersex persons were mentioned in the SOGIESC questions issued, something the Committee often has failed to do previously.

Figure 23: GIE-references, CMW's Concluding Observations

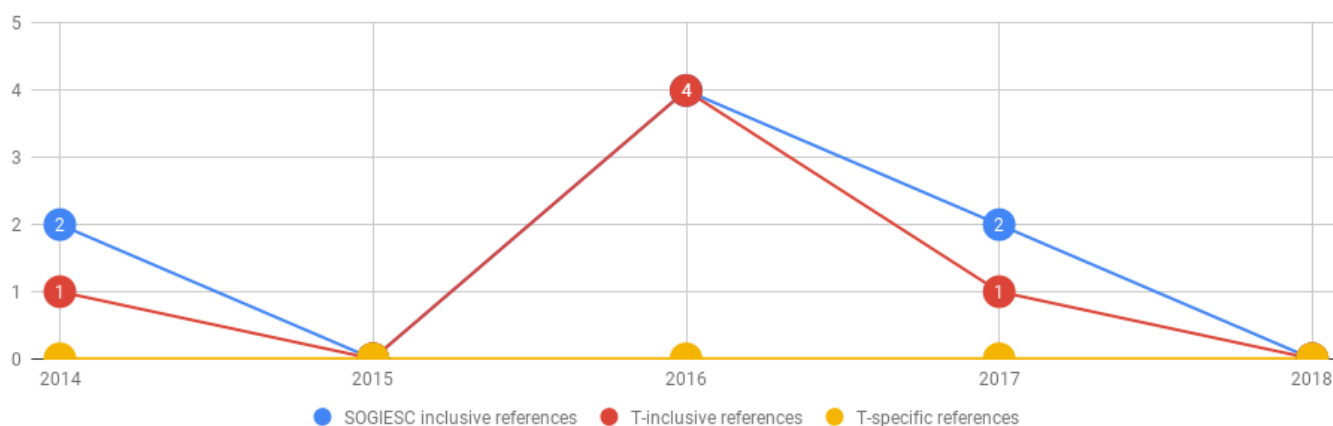
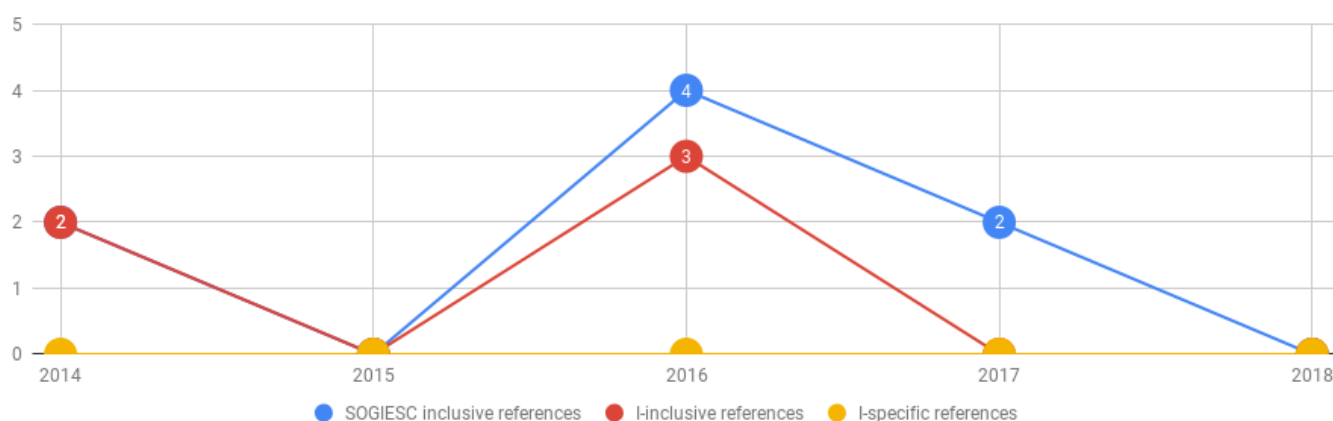


Figure 24: intersex-references, CMW's Concluding Observations

204 See Concluding Observations on Honduras (CMW/C/HND/CO/1, paras. 10(b), 27 and 52) and Sri Lanka (CMW/C/LKA/CO/2, para. 27(c)).

205 See Concluding Observations on Jamaica (CMW/C/JAM/CO/1, para. 62) and Mexico (CMW/C/MEX/CO/3, para. 16(c)).

CMW's lack of in-depth and nuanced consideration of the LGBTI population's issues correlates with a lack



of relevant submissions from civil society. Providing data to the Committee may therefore help change this situation by increasing their visibility.

Themes

Anti-LGBTI violence and discrimination in different countries across the globe forces many LGBTI people to leave their countries of origin, including through work migration. However, LGBTI migrant workers face new and additional challenges caused by both their migrant status and SOGIESC. CMW could become a space for LGBTI migrant workers to claim their rights and raise their voice. Problems such as discrimination against LGBTI migrant workers in employment or housing, barriers in accessing justice when their rights have been violated, lack of disaggregated statistics or programmes to support LGBTI migrant populations and discriminatory practices in relocation, to name a few, could be addressed by this Committee.

At the same time, limitations related to the wording of the CMW Convention itself should be taken into account. Principally, it provides only a narrow definition of the family,²⁰⁶ and tight requirements when it comes to the access to health care.²⁰⁷ These limitations may impede development of relevant solutions for problems such as non-recognition of relations between LGBTI migrant workers and their partners or children, or barriers in accessing appropriate health care, particularly by trans or intersex persons.

An example of specific problems that gay migrant workers may face in the field of health care, and particularly HIV-related services, was described by the Kyrgyz Indigo group: 'Male migrant workers are less willing to care about their health due to several factors including lack of knowledge about where and when to apply for health services, a gap in priorities, for example getting settled economically and financially comes first and sometimes for many years, high cost of services, confidentiality and friendliness of services are not guaranteed, or reduced level of safe sexual behaviour. In some countries, for example, Russia or the United Arab Emirates, foreigners with the positive HIV-status must be deported, and that reduces a person's willingness to be tested for HIV or to become a part of HIV-prevention programmes. In some countries, ARV therapy is not free for migrants, furthermore, the system for accessing the therapy may be difficult or unclear.'²⁰⁸

²⁰⁶ Article 4 of the Convention: 'the term 'members of the family' refers to persons married to migrant workers or having with them a relationship that, according to applicable law, produces effects equivalent to marriage, as well as their dependent children and other dependent persons who are recognized as members of the family by applicable legislation or applicable bilateral or multilateral agreements between the States concerned.' [Bold added. – K.K.].

²⁰⁷ Article 28 of the Convention: 'Migrant workers and members of their families shall have the right to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State concerned. Such emergency medical care shall not be refused them by reason of any irregularity with regard to stay or employment.' [Bold added. – K.K.]. At the same time, there are also other provisions related to health care in the text of the Convention (see arts. 25(a) and 43(e)).

²⁰⁸ Email conversation with the organisation, 4 December 2018.

Gender Identity and Expression

Concerning gender identity and expression, topics which can be brought to the Committee may include violence disproportionately experienced by trans domestic workers, problems obtaining visas or crossing borders due to documentation issues, labour discrimination and access to trans-related health care.²⁰⁹

The situation of trans migrant sex workers could also be covered by CMW. For example, according to the Kyrgyz Indigo group, 'migration of young trans women and cross-dressers from Kyrgyzstan to other countries, especially to Russia, for sex work, has increased during the past 5-7 years. For these individuals, it is more comfortable to work in new countries because they may get more money there, and also because homo- and transphobia is less pronounced than in Kyrgyzstan. This, however, does not mean that the sex workers from Kyrgyzstan do not face violence in new countries. For example, there were cases where trans women from Kyrgyzstan were beaten by pimps of trans sex workers from the Caucasus due to competition in the sex work market. The injured girls did not contact the police or the doctors, but remained at home in fear of deportation and mistreatment.'²¹⁰

However, when applying to CMW regarding the topic of sex work, it is very important to articulate the needs and possible solutions, albeit in the past, the Committee has addressed sex work mainly in the context of sexual exploitation and abuse.

Women

The Committee has the potential to address the situation of LGBTI women. Both the CMW Convention and the Committee's practice consistently refer to a gender perspective on migrant workers' situations. In particular, CMW's General Comments and Concluding Observations take into account gender-based violence, gender-sensitive health care and the need for gender-sensitive programmes and analyses.

Furthermore, in practice, LGBTI women, including lesbian migrant workers, face particular challenges related to both their gender and their SOGIESC. Such challenges may include a lack of awareness about LGBTI women's rights, discrimination in the workplace, the need for inclusive spaces, for instance Pride marches that take into account LGBTI women's time limitations because of their work schedules and language needs, stereotypes in media or psychological pressure and related health problems.²¹¹

209 However, specific limitations set up by the wording of the CMW Convention should be taken into account. See fn. 207 for more information on this.

210 Email conversation with the organisation, 4 December 2018.

211 See e.g. [HONG KONG: Lesbian Migrant Workers Face Layers of Discrimination](#) (5 July 2017); Lai, F.Y. (2018), Migrant and lesbian activism in Hong Kong: a critical review of grassroots politics, *Asian Anthropology* 17 (2), pp. 135–150.

Individual Communications

Under article 77 of the CMW Convention, the Committee has competence to receive and consider Individual Communications alleging violations of the Convention by States parties, provided they have made the necessary declaration under this article. However, the Individual Complaint mechanism will only come into force when ten States parties have made the declaration. So far, only four States (**Ecuador, El Salvador, Mexico and Uruguay**) have recognised CMW's competence under article 77.

General Comments

CMW did not adopt any General Comments in 2018.

Taking into account the extensive SOGI references by CMW in its previous General Comments, defenders are encouraged to continue engaging with the Committee by referring to the General Comments in their submissions and by providing SOGIESC input to [upcoming](#) General Comments.

Sex Work and HIV/AIDs

CMW consistently raises the issues of sex tourism and sexual exploitation in the context of trafficking, with references in nearly every List of Issues and Concluding Observations made in 2018. The Concluding Observations to [Mozambique](#) (para. 31(b)) and Lists of Issues to [Argentina](#) (para. 20) and [Colombia](#) (para. 23) were the only ones to refer to **sex workers**. The Committee further used the terms 'prostitution' for [Algeria](#) (para. 59(g)) and [Mozambique](#) (paras. 43-44), and 'forced prostitution' for [Saint Vincent and the Grenadines](#) (paras. 52(d), 53(f)).

Finally, CMW also discussed the access to **HIV/AIDS** treatment for migrant women in prostitution for [Mozambique](#) (paras. 43-44).

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Committee on Enforced Disappearances

General Information

The Committee issued SOGIESC-inclusive recommendations to 2 of the 6 countries it reviewed in 2018, with both countries receiving its first recommendations on the topic from CED.

CED recommended both **Honduras** and **Japan** to establish a system of reparations for enforced disappearances that takes into account the victim's situation, including their sexual orientation and gender identity. The recommendations were identical to the ones issued to **Colombia**²¹² in 2016 and **Cuba**²¹³ in 2017, CED's only other SOGIESC recommendations in the period 2014-2018. Although the Committee did not expand its repertoire of SOGIESC concerns in 2018, it did not rescind, and could even be increasing its inclusion of LGBT people in country reviews.

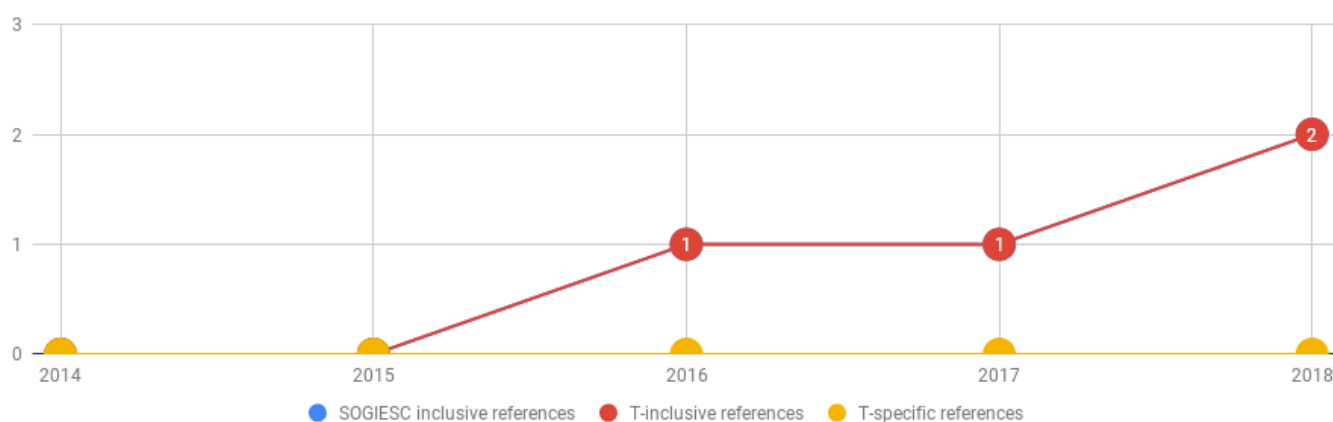
Table 9: CED's Country reviews, 2018

COUNTRY	SOGIESC IN PREVIOUS COS	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	SOGIESC IN THE CONSTRUCTIVE DIALOGUES	COS	
Albania	n/a	No	n/a	n/a	No	No	n/a
Austria	n/a	No	n/a	n/a	No	No	n/a
Honduras	n/a	No	No	No	No	Yes	SOGI
Japan	n/a	No	No	No	No	Yes	SOGI
Mexico	No	No	No	No	No	No	n/a
Portugal	n/a	No	n/a	n/a	No	No	n/a

The Committee made no specific references to **LBTI women**, **trans people** or **intersex persons** in 2018, nor has it done so in previous years (2014-2017). Intersex persons were not mentioned in the recommendations, and the Committee's vocabulary was limited to 'sexual orientation' and 'gender identity.' Furthermore, there were no SOGIESC references in the five Lists of Issues CED adopted in 2018.

While CED does not have a strong record of considering LGBTI people, its mandate has both relevance and potential to do so, for instance enforced disappearances of LGBTI persons related to **criminalisation**,²¹⁴ socio-economic vulnerability and marginalisation, as well as ensuring the definition of family encompasses LGBTI victims' partners and children.

Figure 25: GIE-references, CED's Concluding Observations

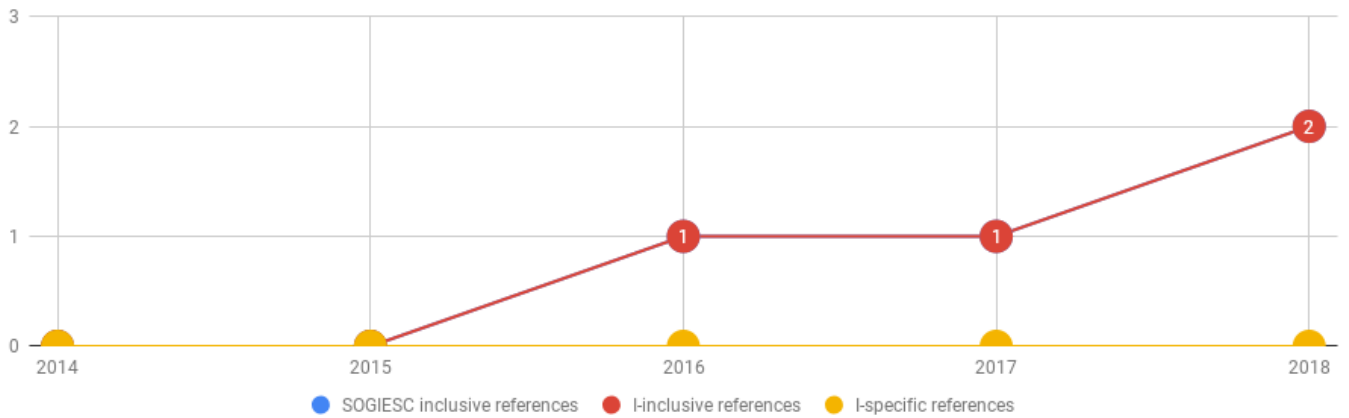


212 See Concluding Observations to Colombia (CED/C/COL/CO/1, para. 36(a)).

213 See Concluding Observations to Cuba (CED/C/CUB/CO/1, para. 32).

214 For instance, enforced disappearances were listed as a grave violation against gay people in Chechnya in a 2018 [report by PACE](#).

Figure 26: intersex-references, CED's Concluding Observations



Civil society could raise these and other issues by submitting reports to CED's sessions. The Committee is characterized by relatively few civil society submissions, and 3 of the 6 states reviewed in 2018 did not have any submissions. Only **Peru** received an LGBTI-inclusive civil society report in relation to its List of Issues, expressing concern at the lack of data and protective mechanisms for LGBTI persons subject to enforced disappearances. Nevertheless, CED did not make any SOGIESC references in its List of Issues to Peru.

While the ICED can be relevant to LGBTI persons, CED does not tend to issue SOGIESC questions or recommendations to states. Civil society has the potential to encourage their adoption through submitting alternative reports detailing LGBTI issues. The fact that CED usually receives few to no civil society submissions can be an advantage in drawing the attention of the Committee.

Individual Communications and General Comments

CED considered one Individual Communication in 2018, which did not make reference to SOGIESC. The Committee has yet to adopt any General Comments.

In CED's guidance notes for submitting [urgent action](#) requests and [individual communications](#), the Committee explicitly requests information about whether the victim belongs to the LGBTI community, if relevant. This request suggests a willingness and potential in CED for stronger engagement on SOGIESC issues.

Follow-up Procedure

According to rule 54 of the [Rules of Procedure](#), CED may request a State party to provide follow-up information to its Concluding Observations by a specified date. To further the implementation of Concluding Observations, the Committee may also designate one or more Rapporteurs to follow-up with the State party.

The review of **Mexico** in 2018 was a follow-up dialogue²¹⁵, based on the country's initial review in 2015. Both the State and civil society submitted additional information for the session, after which CED adopted a set of Follow-Up Observations. Neither these nor the initial Concluding Observations referred to LGBTI persons.

CED did not request either of the SOGIESC-inclusive recommendations it issued in 2018 to be followed up.

In addition to requesting LGBTI-inclusive recommendations, civil society may also ask the Committee to designate these recommendations for the follow-up procedure.

Sex Work and HIV/AIDs

In 2018, CED made no references to **HIV/AIDS** or **sex work** in its Lists of Issues or Concluding Observations.

215 Follow-up dialogues are a new practice for CED. See para. 2 of the summary record for more information: [CED/C/SR.264](#)

Annexes

1. List of countries reviewed by Treaty Bodies in 2018

Committee	SOCIESC-inclusive Concluding Observations
Committee	SOGIESC-inclusive List of Issues (prior to reporting)
Committee	No SOGIESC references in the Concluding Observations
Committee	No SOGIESC references in the List of Issues (prior to reporting)

Albania	CERD CERD CED
Algeria	HRCtee CRPD CRPD CMW
Andorra	CAT
Angola	HRCtee CEDAW CRC
Antigua and Barbuda	CEDAW
Argentina	CESCR CRC CMW
Australia	CEDAW
Austria	CEDAW CRPD CED
Azerbaijan	CAT CRPD CMW
Bahamas	CEDAW CEDAW
Bahrain	HRCtee CEDAW CRC
Bangladesh	CESCR
Belarus	CESCR HRCtee CAT
Belgium	CESCR CRC
Belize	HRCtee HRCtee
Benin	CAT
Bosnia and Herzegovina	CERD CERD CMW
Botswana	HRCtee CEDAW CRC CERD
Bulgaria	HRCtee CRPD
Cabo Verde	CESCR CEDAW CRC
Cameroon	CESCR
Canada	CAT
Central African Republic	CESCR
Chile	CEDAW CAT CMW CED
China	CERD CERD
China (Hong Kong)	CERD CERD

China (Macau)	CERD CERD
Colombia	CEDAW CMW
Congo	CEDAW CEDAW
Cook Islands	CEDAW
Costa Rica	CRPD
Côte D'Ivoire	CEDAW CRC
Croatia	CRC
Cuba	CRPD CERD CERD
Cyprus	CEDAW
Czech Republic	CAT
Democratic Republic of the Congo	CEDAW
Denmark	CESCR CAT
Dominican Republic	CEDAW
El Salvador	HRCtee CRC CRC
Equatorial Guinea	HRCtee
Eritrea	HRCtee
Estonia	CESCR
Ethiopia	CEDAW
Fiji	CEDAW
France	CAT
Gambia	HRCtee
Germany	CESCR HRCtee CRPD
Guatemala	HRCtee CRC CAT
Guinea	HRCtee HRCtee CRC
Guyana	CEDAW CMW
Haiti	CRPD
Honduras	CERD CERD CED
Hungary	HRCtee CRC
Iraq	CRPD CERD CERD
Israel	HRCtee CAT
Italy	CRC CED
Japan	CRC CERD CERD CED CED
Jordan	CAT
Kazakhstan	CESCR
Kyrgyzstan	CERD CERD
Lao People's Democratic Republic	HRCtee CEDAW CEDAW CRC CRC
Latvia	CERD CERD
Lebanon	HRCtee
Lesotho	CRC
Liberia	HRCtee

Liechtenstein	CEDAW CAT
Lithuania	HRCtee
Luxembourg	CEDAW
Madagascar	CMW
Malaysia	CEDAW
Maldives	CAT
Mali	CESCR
Malta	CRC CRPD CRPD
Marshall Islands	CEDAW CRC
Mauritania	HRCtee CRC CRC CAT CERD CERD
Mauritius	CESCR CEDAW CERD CERD
Mexico	CESCR CEDAW CED
Mongolia	CEDAW CRPD
Montenegro	CRC CERD CERD
Mozambique	CEDAW CMW
Nepal	CEDAW CEDAW CRPD CERD CERD
Netherlands	CAT
New Zealand	CESCR CEDAW CRPD
Niger	CESCR HRCtee CRC CRC CRPD
Nigeria	HRCtee
Norway	CESCR HRCtee CRC CAT CRPD CERD CERD
Oman	CRPD
Palau	CRC
Panama	CEDAW CRC
Paraguay	CRPD CMW
Peru	CAT CERD CERD CED
Philippines	CAT CRPD CRPD
Poland	CRC CRPD CRPD
Portugal	CED CED
Qatar	CEDAW CAT CERD CERD
Republic of Korea	CEDAW CRPD CERD CERD
Republic of North Macedonia	CEDAW CEDAW CRPD CRPD
Russian Federation	CAT CRPD
Rwanda	CRPD CMW
Saint Vincent and the Grenadines	CMW
Samoa	CEDAW CEDAW
Saudi Arabia	CEDAW CRPD CERD CERD
Senegal	CAT CRPD
Serbia	CEDAW
Seychelles	CRC CAT CRPD

Singapore	CRC
Slovakia	CESCR
Slovenia	CRPD
Solomon Islands	CRC
South Africa	CESCR CAT CRPD CRPD
Spain	CESCR CRC
Sri Lanka	CRC
State of Palestine	CEDAW
Sudan	HRCtee HRCtee CRPD
Suriname	CEDAW
Sweden	CRPD CERD CERD
Switzerland	CESCR
Syrian Arab Republic	CRC
Tajikistan	HRCtee CEDAW CEDAW CAT
Thailand	CAT
Tonga	CRC
Trinidad and Tobago	HRCtee
Tunisia	HRCtee
Turkey	CAT CRPD
Turkmenistan	CESCR CEDAW
Ukraine	CESCR
United Kingdom of Great Britain and Northern Ireland	CEDAW
Uruguay	HRCtee
Vanuatu	CRPD
Venezuela	CMW
Viet Nam	HRCtee CAT

2. Civil Society Submissions

Committee on Economic, Social and Cultural Rights

Argentina

- Submission by [100% Diversidad y Derechos & Red Internacional de Derechos Humanos \(RIDH\)](#) for the 64th Session (*stand-alone report on the rights of LGBTI persons concerning health, employment, education and family*).
- Submission by [Asociación Civil por la Igualdad y la Justicia \(ACIJ\)](#) for the 64th Session (*mentions sexual and gender identity among grounds impeding access to justice*).
- Submission by [Centro de Estudios Legales y Sociales \(CELS\), Asociación Civil por la Igualdad y la Justicia \(ACIJ\), Fundación Germán Abdala, Mujeres Por Un Desarrollo Alternativo Para Una Nueva Era \(DAWN\)](#) for the 64th Session (*mentions discontinuation of unemployment support programme which prioritised trans people, persons with HIV and women facing violence*).
- Submission by [CELS - Informe conjunto - Derecho al trabajo y libertad sindical](#) for the 64th Session (*mentions LGBTI among vulnerable groups in the labour market*).
- Submission by [CELS - Informe conjunto - Situación del aborto en Argentina](#) for the 64th Session (*report on abortion, mentions trans persons among others*).
- Submission by [Ministerio Público de la Defensa Defensoría General de la Nación](#) for the 64th Session (*mentions arbitrary detention and violence against LGBTI and other groups, and the inclusion of sexual orientation in victim protection legislation*).

Bangladesh

- Submission by [Association for Land Reforms and Development](#) for the 63rd Session (*mentions third-gender persons and their right to identity*).
- Submission by [Human Rights Forum Bangladesh](#) for the 63rd Session (*dedicates a section to gender identity and sexual orientation*).

Belarus

- Submission by [Equal Rights Trust](#) for the 63rd PSWG (*mentions stigma against LGBTI persons hindering access to employment*).

Belgium

- No SOGIESC-inclusive CSO reports published.

Cabo Verde

- No SOGIESC-inclusive CSO reports published.

Cameroon

- No SOGIESC-inclusive CSO reports published.

Central African Republic

- Submission by [All Survivors Project Foundation](#) for the 63rd Session (*mentions rape of male victims as stigmatization mechanism due to homophobia in the country*).

Denmark

- No SOGIESC-inclusive CSO reports published.

Estonia

- Submission by [IHRC Loyola Law School](#) for the 62nd PSWG (*mentions discrimination derived from the prohibition of in vitro fertilization by homosexual couples*).

Germany

- Submission by [Bundesvereinigung Trans](#) for the 64th Session (*stand-alone report on trans persons with particular focus on health services*).
- Submission by [European Union Agency for Fundamental Rights](#) for the 64th Session (*compilation of EUFRA statements about Germany, several concerning SOGIESC*).
- Submission by [Forum Menschenrechte-Territorial Obligations](#) for the 64th Session (*subsections on LGBTIQ inclusion in hate crime legislation and national action plan against racism*).
- Submission by [The German Women Lawyers' Association](#) for the 64th Session (*subsection on intersex infants and children*).
- Submission by [Youth Network Lambda – Jugendnetzwerk Lambda e.V](#) for the 64th Session (*stand-alone report on LGBTIQ* youth: discrimination in schools and hate crimes, intersex surgeries and legal gender recognition*).

Kazakhstan

- Submission by [IHRC Loyola Law School](#) for the 62nd PSWG (*mentions discrimination derived from the prohibition of in vitro fertilization by homosexual couples*).
- Submission by [Equal Rights Trust](#) for the 62nd PSWG (*mentions inclusion of SOGI as prohibited grounds of discrimination, and the access to health and employment by LGBTI individuals*).
- Submission by [Equal Rights Trust – In the Name of Unity. Addressing Discrimination and Inequality in Kazakhstan 2016](#) for the 62nd PSWG (*whole section dedicated to discrimination and inequality based on SOGI grounds*).
- Submission by [Feminita](#) for the 62nd PSWG (*dedicated to discrimination of LBT women in employment, and hate crimes on SOGI grounds*).

Mali

- No SOGIESC-inclusive CSO reports published.

Mauritius

- No SOGIESC-inclusive CSO reports published.

Mexico

- Submission by [Joint submission Fundación Arcoiris, Akahatá, Heartland Alliance and others for LGBTI rights](#) for the 63rd Session (*addresses non-discrimination, right to family, social security and health*).

- Submission by [Joint Submission Red Nacional de DDHH, Comité de DDHH de Base de Chiapas Digna Ochoa and others](#) for the 63rd Session (*mentions disproportionate effect of violence on members of vulnerable groups, including LGBTI individuals*).

New Zealand

- Submission by [Action for Children and Youth Aotearoa & Child Poverty Action Group](#) for the 63rd Session (*mentions disproportionate effect of violence on LGBTI individuals in schools*).
- Submission by [Inclusive NZ](#) for the 63rd Session (*calls for better data collection and disaggregation based on SOGI*).

Niger

- No SOGIESC-inclusive CSO reports published.

Norway

- No SOGIESC-inclusive CSO reports published.

Slovakia

- Submission by [IHRC Loyola Law School](#) for the 62nd PSWG (*mentions discrimination derived from the prohibition of in vitro fertilization by same-sex couples*).

South Africa

- Submission by [Alternate Report Coalition – Child Rights South Africa \(ARC-CRSA\)](#) for the 64th Session (*mentions disparity between civil unions and civil/customary marriages in minimum age*).
- Submission by [Environmental Health & Health Equity in South Africa](#) for the 64th Session (*mentions sexual orientation in the context of health equity*).
- Submission by [Legal Resources Centre & Women’s Legal Centre](#) for the 64th Session (*mentions LGBTI persons among groups vulnerable to inequity in health care*).
- Submission by [Solidarity Center, Labour Research Services \(LRS\) & IZWI Domestic Worker Alliance](#) for the 64th Session (*mentions sexuality as prohibited ground of discrimination in employment; mentions trans sex workers*).
- Submission by [Working Group on South Africa-A continued struggle for persons with diverse gender identities, gender expressions and sex characteristics](#) for the 64th Session (*stand-alone report on transgender, gender diverse and intersex persons*).

Spain

- Submission by [Plataforma DESC España](#) for the 63rd Session (*mentions bullying effects on LGBTI individuals in schools*).

Switzerland

- Submission by [Platform of Swiss NGOs for Human Rights](#) for the 63rd PSWG (*considers LGBTQI asylum seekers; rights of same-sex families; criminal code protection; LGBTQI youth suicides*).

Turkmenistan

- No SOGIESC-inclusive CSO reports published.

Ukraine

- Submission by [Coalition for Personal Autonomy](#) for the 63rd PSWG (*criticises funding of homophobic nationalist organisations, and the lack of hate crime and civil partnership legislation*).
- Submission by [Equal Rights Trust](#) for the 63rd PSWG (*refers to studies on LGBTI discrimination in health-care and employment, and the lack of SOGI in anti-discrimination legislation*).
- Submission by [Ukrainian Helsinki Human Rights Union-Coalition submission from 12 NGOs](#) for the 63rd PSWG (*recommendations for anti-discrimination legislation, civil partnerships, medical care for TI persons, bullying, prosecution of violent anti-LGBT groups*).

Human Rights Committee

Algeria

- Submission by [Amnesty International](#) for the 123rd Session (*questions the existing criminalisation of same-sex relations, and violence against the LGBTIQ population*).
- Submission by [Fédération Euro-Méditerranéenne contre les Disparitions Forcés \(FEMED\) et Association Djazairouna des Familles des Victimes de Terrorisme et du devoir National](#) for the 123rd Session (*mentions the criminalisation of same-sex relations by the Penal code*).

Angola

- No SOGIESC-inclusive CSO reports published.

Bahrain

- No SOGIESC-inclusive CSO reports published.

Belarus

- Submission by [Identity and Law](#) for the 124th Session (*stand-alone report on LGBT, including discrimination and hate crimes, restrictions on freedom of assembly, and trans persons' privacy*).
- Submission by [Amnesty International](#) for the 124th Session (*refers to sentencing of LGBTI activist Viktoria Biran for 'mass protest' following activist photographs*).
- Joint submission by [National Human Rights Coalition](#) for the 124th Session (*discusses disclosure of 'sex change' in identification documents, and barriers to reporting LGBT hate crimes*).
- Submission by [Belarussian Helsinki Committee & Others](#) for the 114th Session (*mentions LGBT among vulnerable groups*).
- Submission by [Human Rights Project – Gay Belarus](#) for the 114th Session (*stand-alone report on LGBT persons, including restrictions on freedom of association, assembly and expression, police repression, hate crimes, hate speech and discrimination of trans persons*).

Belize

- Joint submission by [United Belize Advocacy Movement, Empower Yourself Belize Movement, Synergia - Initiatives for Human Rights, and Akahatá - Equipo de Trabajo en Sexualidades y Géneros](#) for the 124th Session (*stand-alone report on LGBTI, including cases of hate crimes and discrimination, lack of protection by the State, and rights of same-sex couples and their children*).

Botswana

- No SOGIESC-inclusive CSO reports published.

Bulgaria

- Submission by [The Bulgarian Helsinki Committee](#) for the 124th Session (*section on LGBTI rights, including hate speech and hate crimes, recognition of gender identity and same-sex unions*).

El Salvador

- Submission by [Espacio de Mujeres Lesbianas Salvadoreñas por la Diversidad \(ESMULES\)](#) for the 122nd Session (*document fully dedicated to Lesbian issues in El Salvador*).
- Submission by [COMCAVIS TRANS, Synergia Initiatives for Human Rights, and Akahatá](#) for the 122nd Session (*document fully dedicated to LGBTI issues in El Salvador*).
- Submission by [Pro-Búsqueda, COMCAVISTRANS, Fundación Cristosal, FESPAD, DPLF, Fundación para la Justicia y el Estado Democrático de Derecho El Salvador, IDHUCA, and SSPAS](#) for the 122nd Session (*partially dedicated to LGBTI discrimination and violence*).
- Submission by [The Advocates for Human Rights](#) for the 122nd Session (*dedicates a section to LGBTI issues, including private and state sponsored discrimination, violence, and impunity for hate crimes*).

Equatorial Guinea

- No SOGIESC-inclusive CSO reports published.

Eritrea

- No SOGIESC-inclusive CSO reports published.

Gambia

- Submission by [Gambia Center for Victims of Human Rights Violations](#) for the 123rd Session (*mentions persecution of LGBT people*).

Germany

- Submission by [Organisation Intersex International Germany](#) for the 123rd Session (*dedicated to intersex persons*).
- Submission by [StopIGM.org / Zwischengeschlecht.org \(International Intersex Human Rights NGO\)](#) for the 123rd Session (*dedicated to intersex persons*).

Guatemala

- Submission by [Cerigua, Ifex and RIDH](#) for the 122nd Session (*recalls a recommendation on LGBTI issues made to Guatemala during the Universal Periodic Examination in 2017*).

- Submission by [Consejo Nacional para la Defensa del Derecho Humano de la Salud \(CNDDHS\)](#) and [Red Nacional de Derechos Humanos \(RENADDHH\)](#) for the 122nd Session (*recalls the Inter-American Commission's report on Guatemala from 2016 about pre-trial detention*).
- Submission by [Humanistas Guatemala, RedLAC, and INCIDEJOVEN](#) for the 122nd Session (*deals with LGBTI issues, primarily the ones related to the Bill 'Law for the Protection of Life and the Family'*).
- Submission by [OTRANS, REDTRANS Guatemala, REDNADS, REDLACTRANS, the Center for International Human Rights of Northwestern Pritzker School of Law, and Synergía - Initiatives for Human Rights](#) for the 122nd Session (*focused on human rights violations of transgender women*).
- Submission by [Procurador de los Derechos Humanos de Guatemala](#) for the 122nd Session (*mentions LGBTI issues and includes references to both the Inter-American Commission and Court; it also mentions the Bill 'Law for the Protection of Life and the Family'*).

Guinea

- Submission by [Amnesty International](#) for the 122nd Session (*section that deals with LGBT equality*).

Hungary

- Submission by [Hungarian Helsinki Committee](#) for the 122nd Session (*mentions the ECtHR decision on O.M. v. Hungary on arbitrary detention*).
- Submission by [Hungarian LGBT Alliance, Transvanilla Transgender Association, Háttér Society, and Labrisz Lesbian Association](#) for the 122nd Session (*solely dedicated to LGBTI issues*).
- Submission by [Hungarian Women's Lobby \(HWL\), NANE Women's Rights Association, and People Opposing Patriarchy \(PATENT\)](#) for the 122nd Session (*brief mention to LGBTI equality*).
- Submission by [Working Group Against Hate Crimes](#) for the 122nd Session (*deals with data collection and legal framework in LGBTI issues*).

Israel

- No SOGIESC-inclusive CSO reports published.

Lao People's Democratic Republic

- No SOGIESC-inclusive CSO reports published.

Lebanon

- Submission by [ALEF – act for human rights, Association for Justice and Mercy \(AJEM\), Caritas Lebanon, Himaya, Insan Association, The Lebanese Coalition for the abolition of the death penalty, MO-SAIC, Proud Lebanon, Restart Center, Skoun, and Together against the death penalty](#) for the 122nd Session (*deals with LGBTI criminalisation and equality before the law, also mentions a Lebanese anti-criminalisation judicial decision*).
- ❓ Submission by [Proud Lebanon](#) for the 122nd Session (*submission entirely dedicated to LGBTIQ+ issues, including but not limited to criminalisation, privacy, freedom of expression and association, and arbitrary detentions*).

Liberia

- Submission by [Civil Society Human Rights Advocacy Platform of Liberia](#) for the 123rd Session (*addresses ostracism of persons who engage in same-sex relations, and hate speech and violence against LGBTI individuals*).

- Submission by [FIACAT, ACAT Liberia, WCADP](#) for the 123rd Session (*addresses hate speech and violence against LGBTI individuals*).
- Submission by [SAIL, TNOL, LEGAL, LIPRIDE, ALL+, AAL, TIERS, CIHR, Synergia](#) for the 123rd Session (*fully dedicated to LGBT issues in Liberia, including: criminalisation, arbitrary detention, violence, lack of legal recognition, institutionalised discrimination*).
- Submission by [Lesbian and Gay Association of Liberia \(LEGAL\)](#) for the 123rd Session (*fully dedicated to LGBT issues in Liberia. Reports on new cases of violence, and suggests questions and recommendations to the State*).
- Submission by [The Carter Center](#) for the 123rd Session (*section dedicated to LGBTI rights, including the questioning of current legal prohibition of same-sex relations*).

Lithuania

- Submission by [National LGBT Rights Organization LGL](#) for the 123rd Session (*fully dedicated to LGBTI issues, including freedom of expression, right to life, non-discrimination, right to privacy and others*).

Mauritania

- Submission by [Freedom now](#) for the 124th Session (*calls for data on and reform of capital punishment provisions in Mauritania's Penal Code, including for homosexuality*).

Niger

- No SOGIESC-inclusive CSO reports published.

Nigeria

- Joint submission by [Advocates for Human Rights and World Coalition Against the Death Penalty](#) for the 124th Session (*refers to mandatory death penalty under Sharia law, including for sodomy*).

Norway

- No SOGIESC-inclusive CSO reports published.

Sudan

- Submission by [Alkarama](#) for the 124th Session (*criticises the death penalty and its applicability to acts 'undermining the constitutional order', including sodomy*).
- Submission by [Equality Now](#) for the 124th Session (*mentions conflation of rape with 'sodomy' in criminal legislation*).

Tajikistan

- Joint submission by [Bureau for Human Rights and Rule of Law, Human Rights Center, INIS, Khoma, Independent Human Rights Center, and Civil Freedoms Office](#) for the 124th Session (*mentions lack of anti-discrimination legislation, including on grounds of sexual orientation*).
- Submission by [Human Rights Watch](#) for the 124th Session (*criticises the government's registry of 'proven' LGBTI persons and its ensuing abuse and extortion of the community, and calls for anti-discrimination legislation*).

Trinidad and Tobago

- No SOGIESC-inclusive CSO reports published.

Tunisia

- No SOGIESC-inclusive CSO reports published.

Uruguay

- Submission by [Amnesty International](#) for the 122nd Session (*deals with LGBTI equality campaigns and legislation; also includes LGBTI children and adolescent discrimination*).
- Submission by a [civil society coalition](#) for the 122nd Session (*stand-alone report on LGBTI*).

Viet Nam

- No SOGIESC-inclusive CSO reports published.

Committee on the Elimination of Discrimination against Women

Angola

- Submission by [Arquivo de Identidade Angolano](#) for the 72nd PSWG (*a stand-alone report on LB women*).

Antigua and Barbuda

- No SOGIESC-inclusive CSO reports published.

Australia

- Submission by [Australian Lesbian Medical Association](#) for the 70th Session (*a stand-alone report on LB women and TI persons*).
- Submission by the [Australian NGO Coalition](#) for the 70th Session (*references to SOGII regarding anti-discrimination legislation, intersex sterilisation, LGBTI health, barriers to participation for LGBTI*).
- Submission by the [Australian Women Against Violence Alliance](#) for the 70th Session (*a small section on LGBTI*).
- Submission by [Human Rights Law Centre](#) for the 70th Session (*a chapter on LGBTI women and girls*).
- Submission by [Intersex Human Rights Australia](#) for the 70th Session (*a stand-alone report on intersex*).
- Submission by [National Council of Women Australia](#) for the 70th Session (*a brief reference to barriers to participation for LGBTIQ*).
- Submission by [Queer Sisterhood Project](#) for the 70th Session (*a stand-alone report on LGBTI asylum-seeking and refugee women*).
- Submission by [Women with Disabilities Australia](#) for the 70th Session (*a reference to forced medical intervention towards intersex*).

Austria

- Submission by [StopIGM.org/Zwischengeschlecht.org](https://stopig.org/) for the 73rd PSWG (*stand-alone report on intersex genital mutilation in Austria*).
- Submission by [Austrian NGOs Coalition](#) for the 73rd PSWG (*suggests recommendations on intersex persons, LBT women, homo- and transphobic bullying and education*).
- Submission by [Austrian NGOs Coalition](#) for the 73rd PSWG (*stand-alone section by Regenbogenfamilien on LBTI women's rights to marriage and family*).

Bahamas

- Submission by [Equality Bahamas](#) for the 71st Session (*multiple references to LGBT+ people/women*).

Bahrain

- No SOGIESC-inclusive CSO reports published.

Botswana

- No SOGIESC-inclusive CSO reports published.

Cabo Verde

- No SOGIESC-inclusive CSO reports published.

Chile

- Submission by [Agrupación Lésbica Rompiendo el Silencio](#) for the 69th Session (*a stand-alone report on the situation of LBTT persons*).
- Submission by [Movimiento de Integración y Liberación Homosexual \(Movilh\)](#) for the 69th Session (*a stand-alone report on the situation of LBTI persons*).
- Submission by [Amnesty International](#) for the 69th Session (*a chapter on gender identity/legal gender recognition; brief references to lesbian women*).
- Submission by [Asociación OTD Chile 'Organizando Trans Diversidades'](#) for the 69th Session (*a stand-alone report on trans and some intersex issues*).
- Submission by [civil society coalition](#) for the 69th Session (*some references to violence against lesbian women and trans persons; a brief reference to a draft law on family rights*).
- Submission by [civil society coalition](#) for the 69th PSWG (*some references to violence against lesbian women and trans persons, their sexual and reproductive health, legal gender recognition, trans women in prisons, and Atala Riffo case*).
- Submission by [Office for the Defense of Rights Intersectionality](#) for the 69th PSWG (*some references to gender identity, legal gender recognition and same-sex couples*).

Colombia

- Submission by [Liga Internacional de las Mujeres por la Paz y la Libertad \(LIMPAL\)](#) for the 72nd PSWG (*a brief reference to trans murder cases*).
- Submission by [National Network of Women \(RNM\)](#) for the 72nd PSWG (*suggested questions on legislation on combatting violence against women and on stereotypes in educations*).

Congo

- No SOGIESC-inclusive CSO reports published.

Cook Islands

- No SOGIESC-inclusive CSO reports published.

Côte d'Ivoire

- Submission by [International Service for Human Rights \(ISHR\)](#) for the 73rd PSWG (*a brief recommendation to collect disaggregated data on SO, and a brief reference to trans sex workers*).

Cyprus

- Submission by [ACCEPT LGBT Cyprus](#) for the 70th Session (*a stand-alone submission on LBTQ women*).
- Submission by [civil society coalition](#) for the 70th PSWG (*a reference to homophobic and transphobic attitudes of the authorities and school teachers*).

Democratic Republic of the Congo

- No SOGIESC-inclusive CSO reports published.

Dominican Republic

- Submission by [Latin-America and Caribbean Committee for the Defense of the Rights of Women, Dominican Republic \(CLADEM-RD\)](#) for the 73rd PSWG (*questions LGBT persons' access to justice and discrimination in health care*).
- Submission by [Coalition of Organisations for Active Defence of Women's and Young People's Rights](#) for the 73rd PSWG (*questions lesbian women's access to the labour market and the imposition of heterosexuality by the State and Church*).

Ethiopia

- No SOGIESC-inclusive CSO reports published.

Fiji

- Submission by [civil society coalition](#) for the 69th Session (*analysis of a 'corrective rapes' case*).
- Submission by [civil society coalition](#) for the 69th PSWG (*a brief recommendation to collect disaggregated data on SO, and a brief reference to trans sex workers*).

Guyana

- No SOGIESC-inclusive CSO reports published.

Laos

- No SOGIESC-inclusive CSO reports published.

Liechtenstein

- Submission by [StopIGM.org/Zwischengeschlecht.org](#) for the 70th Session (*a stand-alone intersex submission*).

Luxembourg

- Submission by [Rosa Lëtzebuerg - CIGALE](#) for the 69th Session (a stand-alone report on the situation of LBQ women).

Malaysia

- Submission by [civil society coalition](#) for the 69th Session (a lot of references to criminalisation of male and female same-sex relations, discrimination against LBT women, persecution towards transgender women, and legal gender recognition issues).
- Submission by [Human Rights Watch](#) for the 69th PSWG (a section on SOGI, including criminalisation of transgender identities; violence, discrimination, and HIV; legal gender recognition; and criminalisation of same-sex conduct).
- Submission by [civil society coalition](#) for the 69th PSWG (references to criminalisation of male and female same-sex relations, discrimination against LBT women and persecution towards 'non-heteronormative sexual orientations or diverse gender identities').

Marshall Islands

- No SOGIESC-inclusive CSO reports published.

Mauritius

- Submission by [civil society coalition](#) for the 71st Session (a section on SOGIESC).

Mexico

- Submission by [Association of Pro Support to Servants \(APROASE A.C.\) and Tamaulipas VIHda Trans. A.C.](#) for the 70th Session (a stand-alone report on cis- and transgender sex workers).
- Submission by [Brújula Intersexual, Vivir y Ser Intersex and StopIGM.org/Zwischengeschlecht.org](#) for the 70th Session (a stand-alone intersex submission).
- Submission by [Cátedra Unesco de Derechos Humanos de la UNAM](#) for the 70th Session (a brief reference to barriers in accessing health care for LGBTTTI).
- Submission by [civil society coalition](#) for the 70th Session (a stand-alone report on LBT women).
- Submission by [Law Division of the Center for Economic Research and Teaching. Right to Health Program \(SRRA-CIDE\)](#) for the 70th Session (a paragraph on lack of the data on employment discrimination disaggregated by SOGI).
- Submission by [Miguel Agustin Pro Juarez Human Rights Center \(Center Prodh\)](#) for the 70th Session (a brief reference to violence motivated by SOGI).
- Submission by [civil society coalition](#) for the 70th Session (a brief reference to SOGI in the context of media stereotypes).
- Submission by [Red Nacional de Refugios, A.C. & Fundar Centro de Análisis e investigación](#) for the 70th Session (a brief reference to 'sexual preferences' with regard to intersectionality and access to justice and health services).
- Submission by [TRANSVERSAL](#) for the 70th Session (a brief reference to SO).
- Submission by [EQUIS Justicia para las Mujeres](#) for the 70th PSWG (a brief reference to the situation of lesbian women, among other vulnerable groups, in detention).

Mongolia

- No SOGIESC-inclusive CSO reports published.

Mozambique

- No SOGIESC-inclusive CSO reports published.

Nepal

- Submission by [Blue Diamond Society](#) for the 71st PSWG (a stand-alone report on LB women and trans persons).
- Submission by [Blue Diamond Society](#) for the 71st PSWG (a stand-alone intersex report).
- Submission by [Zwischengeschlecht.org](#) for the 71st PSWG (a stand-alone intersex report).
- Submission by Blue Diamond Society for the 71st Session (a stand-alone report on LB women and trans persons).
- Submission by [Zwischengeschlecht.org](#) for the 71st Session (stand-alone intersex report).

New Zealand

- Submission by the [Coalition for the Safety of Women and Children](#) for the 70th Session (a brief reference to LGBTIQ people in the context of vulnerable groups and services).
- Submission by the [National Collective of Independent Women's Refuges \(NCIWR\)](#) for the 70th Session (a references to women's and transgender people's access to abortion).
- Submission by the [National Council of Women of New Zealand](#) for the 70th Session (some references to LBT women in the context of violence and support services).
- Submission by the [Pacific Women's Watch](#) for the 70th Session (a paragraph on gaps in the protection on grounds of GIESC; data on lesbian parliamentarians).
- Submission by [StopIGM.org/Zwischengeschlecht.org](#) for the 70th Session (a stand-alone intersex submission).
- Submission by the [National Council of Women of New Zealand](#) for the 70th PSWG (some references to LBT women in the context of violence and support services, as well as health care).
- Submission by the [Pacific Women's Watch](#) for the 70th PSWG (several references to LGBTI women and trans women specifically).

Panama

- No SOGIESC-inclusive CSO reports published.

Qatar

- No SOGIESC-inclusive CSO reports published.

Republic of Korea

- Submission by [Human Rights Watch](#) for the 69th PSWG (a section on LGBT rights and sex education in schools and restrictions on LGBT organisations).

- Submission by [civil society coalition](#) for the 69th Session (*several references to LGBT in education, exclusion of LGBT issues from gender equality action plans, and a section on discrimination on the grounds of SOGI*).
- Submission by [Rainbow Action against Sexual Minority Discrimination](#) for the 69th Session (*a stand-alone report on the situation of LGBTI persons*).

Republic of North Macedonia

- Submission by civil society coalition for the 71st PSWG (*a stand-alone report on LB women and trans persons*).
- Submission by [civil society coalition](#) for the 71st PSWG (*references to discrimination and violence against LGBT*).
- Submission by [civil society coalition](#) for the 71st PSWG (*brief references to homophobia and discrimination based on sexual orientation*).
- Submission by [civil society coalition](#) for the 71st Session (*a report on sex workers with several references to LGBT/LBT*).
- Submission by [civil society coalition](#) for the 71st Session (*some references to SOGI in the context of sex education*).

Samoa

- No SOGIESC-inclusive CSO reports published.

Saudi Arabia

- No SOGIESC-inclusive CSO reports published.

Serbia

- Submission by the [Equal Rights Trust](#) for the 72nd PSWG (*a brief reference to a case of discrimination against a bisexual woman*).
- Submission by [Lesbian Human Rights Organisation Labris](#) for the 72nd PSWG (*a stand-alone report on lesbian women*).
- Submission by [civil society coalition](#) for the 72nd PSWG (*a brief reference to SO in the context of multiple discrimination*).

State of Palestine

- Submission by the [Human Rights Watch, Women's Center for Legal Aid and Counselling \(WCLAC\) & Equality Now](#) for the 70th Session (*a separate section on SOGI*).

Suriname

- No SOGIESC-inclusive CSO reports published.

Tajikistan

- Submission by [CAGSAN](#) for the 71st Session (*a stand-alone report on LBT*).

Turkmenistan

- No SOGIESC-inclusive CSO reports published.

United Kingdom of Great Britain and Northern Ireland

- Submission by [Amnesty International](#) for the 72nd PSWG (*references to online violence and lack of same-sex relationship recognition in the Northern Ireland*)-
- Submission by the [Asylum Aid and Women for Refugee Women](#) for the 72nd PSWG (*brief references to LGBT in the context of asylum*).
- Submission by the [Committee on the Administration of Justice \(CAJ\)](#) for the 72nd PSWG (*brief references to SO in the context of protected grounds*).
- Submission by the [Engender, NIWEP, WEN Wales and Women's Resource Centre](#) for the 72nd PSWG (*some references to LGBT in the context of intersectional forms of discrimination*).
- Submission by the [INQUEST](#) for the 72nd PSWG (*references to cases of transgender women's death in detention*).
- Submission by the [Nordic Model Now! and other NGOs](#) for the 72nd PSWG (*references to trans women from a TERF perspective*).
- Submission by [StopIGM.org/Zwischengeschlecht.org, IntersexUK \(iUK\) and the UK Intersex Association \(UKIA\)](#) for the 72nd PSWG (*a stand-alone intersex submission*).
- Submission by [Women's Equality Network \(WEN\) Wales](#) for the 72nd PSWG (*some references to LGBT, trans and heterosexism*).
- Submission by [Women's Resource Centre](#) for the 72nd PSWG (*a brief reference to lesbian in the context of asylum*).

Committee on the Rights of the Child

Angola

- No SOGIESC-inclusive CSO reports published.

Argentina

- Submission by [Amnesty International](#) for the 78th Session (*includes recommendation for inclusive sexual education respecting gender identity and sexual orientation*).
- Submission by [Stop IGM](#) for the 78th Session (*report dedicated to intersex children and IGM*).
- Submission by [Argentina's Committee for Monitoring and Implementation of the CRC CASACIDN](#) for the 78th PSWG (*mentions the need to respect the gender identity of children*).
- Submission by [Centro de Estudios Legales y Sociales](#) for the 78th PSWG (*mentions the need to respect gender identity of children, specifically addresses mental health facilities*).
- Submission by [Colectivo de Derechos de Infancia y Adolescencia](#) for the 78th PSWG (*mentions inclusion of sexual diversity in 2006 law on sexuality education*).
- Submission by [Frente de Abogadxs Populares](#) for the 78th PSWG (*section on LGBTI childhood, including the rights of intersex children*).

- Submission by [Infancia en Deuda](#) for the 78th PSWG (*mentions discrimination on grounds of gender identity and sexual orientation*).
- Submission by [Stop IGM](#) for the 78th PSWG (*report on intersex genital mutilation in Argentina*).

Bahrain

- No SOGIESC-inclusive CSO reports published.

Belgium

- Submission by [Cavaria – standing up for LGBTs](#) for the 80th PSWG (*report fully dedicated to the situation of LGBTI children in Belgium*).
- Submission by [Flemish and French children’s rights commissioners](#) for the 80th PSWG (*brief section on transgender youth with recommendations*).
- Submission by [Myria, Unia and the Combat Poverty, Insecurity and Social Exclusion Service](#) for the 80th PSWG (*develop an inclusive approach to education in schools, including for LGBT youth*).
- Submission by [StopIGM.org / Zwischengeschlecht.org \(International Intersex Human Rights NGO\)](#) for the 80th PSWG (*fully dedicated to the situation of intersex children in Belgium*).

Botswana

- No SOGIESC-inclusive CSO reports published.

Cabo Verde

- No SOGIESC-inclusive CSO reports published.

Côte d’Ivoire

- No SOGIESC-inclusive CSO reports published.

Croatia

- Submission by [Coordination of Associations for children](#) for the 80th PSWG (*mentions reports of discrimination on grounds of, inter alia, sexual orientation*).

El Salvador

- No SOGIESC-inclusive CSO reports published.

Guatemala

- Submission by [civil society coalition](#) for the 77th PSWG (*LGBTI adolescents and access to health services; violence against and stigmatisation of LGBTI adolescents; problems in LGR; recommendation to adopt gender identity law*).
- Submission by [Child Soldiers International](#) for the 77th PSWG (*a brief reference to punishment for ‘homosexuality’ in military schools*).

Guinea

- No SOGIESC-inclusive CSO reports published.

Hungary

- No SOGIESC-inclusive CSO reports published.

Italy

- Submission by [Italian Independent Authority for Children and Adolescents](#) for the 80th PSWG (*mentions sexual orientation and gender identity in the fight against discrimination*).
- Submission by [The Italian NGO Group for the Convention of the Rights of the Child](#) for the 80th PSWG (*mentions sexual orientation and gender identity in the fight against discrimination*).
- Submission by [StopIGM.org / Zwischengeschlecht.org \(International Intersex Human Rights NGO\)](#) for the 80th PSWG (*fully dedicated to the situation of intersex children in Italy*).

Japan

- No SOGIESC-inclusive CSO reports published.

Lao People's Democratic Republic

- No SOGIESC-inclusive CSO reports published.

Lesotho

- No SOGIESC-inclusive CSO reports published.

Malta

- No SOGIESC-inclusive CSO reports published.

Marshalls Islands

- No SOGIESC-inclusive CSO reports published.

Mauritania

- No SOGIESC-inclusive CSO reports published.

Montenegro

- Submission by [Global Partnership to End Violence Against Children](#) for the 78th Session (*mentions inclusion of sexual orientation in 2017 State strategy to prevent children from violence*).

Niger

- No SOGIESC-inclusive CSO reports published.

Norway

- Submission by [Kidz have rights!](#) for the 78th PSWG (*section dedicated to LGBTI+ children*).
- Submission by [Norwegian National Human Rights Institution](#) for the 78th Session (*section dedicated to LGBTI children, focus on transgender and intersex children*).

Palau

- Submission by [Kaleidoscope Human Rights Foundation](#) for the 77th PSWG (*a stand-alone LGBTI report*).

Panama

- Submission by [Observatorio de los Derechos de la Niñez y Adolescencia Panamá \(ODENA\) y la Defensoría del Pueblo en su calidad de Secretaría Técnica del Observatorio](#) for the 77th PSWG (a brief reference to right-wing activists' arguments on 'homosexual propaganda').

Poland

- No SOGIESC-inclusive CSO reports published.

Seychelles

- No SOGIESC-inclusive CSO reports published.

Singapore

- No SOGIESC-inclusive CSO reports published.

Solomon Islands

- No SOGIESC-inclusive CSO reports published.

Spain

- Submission by [Zwischengeschlecht](#) for the 77th PSWG (a stand-alone intersex report).
- Submission by [Ararteko, Ombudsman of the Basque Country](#) for the 77th PSWG (a brief reference to progress made with regard to SOGI).
- Submission by [Síndic de Greuges de Catalunya \(Catalan Ombudsman\)](#) for the 77th PSWG (brief references to legislation and positive trends in combating SOGIE-related bullying).
- Submission by [Ombudsman Institution](#) for the 77th PSWG (some references to school bullying/sexual orientation).
- Submission by [Plataforma de Infancia](#) for the 77th PSWG (brief references to 'right to be homosexual' and 'sexual diversity').
- Submission by [Coordinadora de Profesionales por la Prevención de Abusos \(CoPPA\)](#) for the 77th Session (two-pager on IGM).
- Submission by [Plataforma de Infancia](#) for the 77th Session (a section on anti-LGBT bullying and some other relevant references).

Sri Lanka

- Submission by [All Survivors Project](#) for the 77th Session (references to linking 'homosexuality' with pedophilia, as well as discrimination and violence faced by LGBTI people).
- Submission by [Equal Ground](#) for the 77th PSWG (a stand-alone report on the rights of children with diverse SOGI).

Syrian Arab Republic

- Submission by [All Survivors Project Foundation](#) for the 80th PSWG (mentions the potential revictimisation of male victims of sexual assault due to the criminalisation of 'unnatural sexual intercourse', and the potential vulnerability of LGBTI youth).

Tonga

- No SOGIESC-inclusive CSO reports published.

Committee against Torture

Andorra

- No SOGIESC-inclusive CSO reports published.

Azerbaijan

- Submission by [Institute for Peace and Democracy \(IPD\)](#), [International Partnership for Human Rights \(IPHR\)](#), [World Organisation against Torture \(OMCT\)](#) for the 63rd Session (*part of the submission dedicated to the torture and arbitrary detention of LGBTI individuals*).

Belarus

- Submission by [The Initiative Group 'Identity and Law' \(Belarus\)](#), [Eurasian Coalition on Male Health](#) for the 63rd Session (*submission dedicated to LGBTI issues*).

Benin

- No SOGIESC-inclusive CSO reports published.

Canada

- Submission by [Action Canada for Sexual Health and Rights & Sexual Rights Initiative](#) for the 65th Session (*mentions lack of appropriate sexual health education for transgender students*).
- Submission by [Canadian Centre for Victims of Torture](#) for the 65th Session (*mentions the death of a transgender woman in prison*).
- Submission by [Egale Canada Human Rights Trust](#) for the 65th Session (*stand-alone report on intersex rights and IGM in the Criminal Code*).
- Submission by [FIACAT & ACAT](#) for the 65th Session (*section on the status of LGBTQ rights and refugees, concern about restrictions on countries of origin*).

Chile

- Submission by [Centro Regional de Derechos Humanos y Justicia de Género](#) for the 64th Session (*briefly mentions the inclusion of sexual orientation and gender identity in the definition of torture*).
- Submission by [Fundación 1367](#) for the 64th Session (*briefly mentions police violence against the transgender and transvestite populations*).
- Submission by [OVIC & Fundación 1367](#) for the 64th Session (*briefly mentions police violence against the transgender and transvestite populations*).
- Submission by [StopIGM.org / Zwischengeschlecht.org](#) for the 64th Session (*report fully dedicated to intersex genital mutilation in Chile*).

Czech Republic

- Submission by [Forum for Human Rights: Submission to CAT on forced medical treatment and sterilisation of transgender persons](#) for the 63rd Session (*submission dedicated to LGBTI issues*).

Denmark

- Submission by [Danish NGO Coalition](#) for the 63rd Session (*part of the submission dedicated to LGBTI individuals*).
- Submission by [StopGM.org / Zwischengeschlecht.org](#) for the 63rd Session (*submission dedicated to intersex individuals*).

France

- No SOGIESC-inclusive CSO reports published.

Guatemala

- Submission by [Asociación Lambda and 16 other CSOs](#) for the 65th Session (*several stand-alone sections on LGBTI rights, topics include conversion therapy, Bill 5272, prisons and youth*).
- Submission by [IPAS Centroamérica](#) for the 65th Session (*discusses the negative impact of Bill 5272 ('Ley para la Protección de la Vida y la Familia') on LGBTI persons*).
- Submission by [Red de Jóvenes para la Incidencia Política \(INCIDEJOVEN\) and Red Latinoamericana de Jóvenes por los Derechos Sexuales \(RedLAC\)](#) for the 65th Session (*stand-alone section on Bill 5272 and its effects on women and LGBTI persons*).
- Submission by [Unidad de Protección a Defensoras y Defensores de Derechos Humanos Guatemala](#) for the 65th Session (*mentions that curbing sexual and reproductive rights has a detrimental effect on the LGBTI population, e.g. through Bill 5272*).

Israel

- No SOGIESC-inclusive CSO reports published.

Jordan

- No SOGIESC-inclusive CSO reports published.

Liechtenstein

- No SOGIESC-inclusive CSO reports published.

Maldives

- No SOGIESC-inclusive CSO reports published.

Mauritania

- Submission by [Alkarama](#) for the 64th Session (*briefly mentions the existence of death penalty by stoning and whipping for those who engage in same-sex relations*).

Netherlands

- Submission by [COC Nederland, Nederlandse organisatie voor seksediversiteit \(NNID\) & Transgender Netwerk Nederland \(TNN\)](#) for the 65th Session (*stand-alone report on the health and rights of intersex and transgender persons, and hate crimes based on SOGIESC*).

Norway

- No SOGIESC-inclusive CSO reports published.

Peru

- Submission by [Centro de Promoción y Defensa de los Derechos Sexuales PROMSEX](#) for the 65th Session (*stand-alone report on LGBTI and abortion rights, with data on homicides, police violence, hate speech, bullying, lack of access to justice and eradication from public spaces*).
- Submission by [Coordinadora Nacional de Derechos Humanos – Grupo de Trabajo sobre la Tortura](#) for the 65th Session (*data on police violence against trans women sex workers, refusal by the police to register complaints from LGBTI persons, and lack of protective measures in prison*).
- Submission by [Oficina para la Defensa de los Derechos Interseccionales](#) for the 65th Session (*section on LGBTI persons in detention, trans women especially, being abused by public officials and denied access to health services, and cases of violence against trans sex workers*).

Philippines

- No SOGIESC-inclusive CSO reports published.

Qatar

- No SOGIESC-inclusive CSO reports published.

Russian Federation

- Submission by [Joint submission by Silver Rose Movement and Eastern European and Central Asian Sex Workers' Alliance](#) for the 64th Session (*mentions UNTB's Annual Report 2016*).
- Submission by [Joint submission by Stimul, Coming Out and Transgender Legal Defense Project](#) for the 64th Session (*report fully dedicated to the implementation of the standards of torture and ill-treatment in respect to the LGBT community*).
- Submission by [Joint submission by the coalition of Russian NGOs](#) for the 64th Session (*mentions a request for information by the Committee on a journalist that wrote about LGBT teenagers and LGBT leaders*).
- Submission by [Journalists of Russia](#) for the 64th Session (*mentions the killing of homosexuals in Chechnya, and the illegal investigation of a journalist believed to have a connection with the LGBT community*).

Senegal

- No SOGIESC-inclusive CSO reports published.

Seychelles

- No SOGIESC-inclusive CSO reports published.

South Africa

- Submission by [African Policing Civilian Oversight Forum](#) for the 65th Session (*subsection on the safety and rights of LGBTI persons in custody*).

Tajikistan

- Submission by ['We just want to be who we are!' LGBT People in Tajikistan: beaten, raped and exploited by police](#) for the 63rd Session (*submission dedicated to LGBTI issues*).

- Submission by [Joint NGO submission by IPHR, OMCT, Notorturetj.org and the Helsinki Foundation for Human Rights](#) for the 63rd Session (*part of the submission dedicated to LGBTI issues*).

Thailand

- Submission by [Togetherness for Equality and Action](#) for the 63rd Session (*part of the submission dedicated to LGBTI individuals, transgender and intersex people more specifically*).

Turkey

- No SOGIESC-inclusive CSO reports published.

Viet Nam

- No SOGIESC-inclusive CSO reports published.

| Committee on the Rights of Persons with Disabilities |

Algeria

- No SOGIESC-inclusive CSO reports published.

Austria

- Submission by [Austrian Monitoring Body](#) for the 20th Session (*mentions caretakers/guardians restricting disabled people from entering same-sex (domestic) partnerships*).
- Submission by [Autistic Minority International](#) for the 20th Session (*mentions Jews and 'homosexuals' as other groups previously considered unworthy of living*).
- Submission by [StopIGM.org / Zwischengeschlecht.org](#) for the 20th Session (*stand-alone report on intersex and intersex genital mutilation*).

Azerbaijan

- No SOGIESC-inclusive CSO reports published.

Bulgaria

- No SOGIESC-inclusive CSO reports published.

Costa Rica

- No SOGIESC-inclusive CSO reports published.

Cuba

- Submission by [La Red de Cultura Inclusiva Cuba](#) for the 9th PSWG (*mentioning SOGI in passing*).

Germany

- Submission by [Alliance of civil society organisations](#) for the 20th Session (*mentions sexual identity as a ground of discrimination*).

- Submission by StopIGM.org / Zwischengeschlecht.org for the 20th Session (*stand-alone report on intersex and intersex genital mutilation*).

Haiti

- Submission by [civil society coalition](#) for the 7th PSWG (*a paragraph on LGBTI persons with disabilities*).
- Submission by [civil society coalition](#) for the 19th Session (*mentioning LGBT persons in passing*).

Iraq

- No SOGIESC-inclusive CSO reports published.

Malta

- No SOGIESC-inclusive CSO reports published.

Mongolia

- No SOGIESC-inclusive CSO reports published.

Nepal

- Submission by [NIDA, NIDWAN and AIPP](#) for the 8th PSWG (*reference to gay and lesbians in the paragraph on diversity of persons with disabilities*).

New Zealand

- Submission by StopIGM.org / Zwischengeschlecht.org for the 19th Session (*a stand-alone report on intersex*).

Niger

- No SOGIESC-inclusive CSO reports published.

Norway

- No SOGIESC-inclusive CSO reports published.

Oman

- No SOGIESC-inclusive CSO reports published.

Paraguay

- No SOGIESC-inclusive CSO reports published.

Philippines

- No SOGIESC-inclusive CSO reports published.

Poland

- Submission by civil society coalition for the 9th PSWG (*a stand-alone report on LGBTI titled 'Intersections between disabilities and sexual orientation, gender identity and sex characteristics: The situation in Poland'*).
- Submission by [Konwencja](#) for the 9th PSWG (*mentioning 'sexual orientation and sexual identity' in passing*).

- Submission by [Association of Women with Disabilities ONE.pl](#) and [Women Enabled International](#) for the 20th Session (*refers to a CRPD recommendation to Canada on access to health-care for transgender and gender-diverse persons with disabilities*).
- Submission by [Campaign Against Homophobia, Venus of Milo and Lambda Warsaw](#) for the 20th Session (*stand-alone report on conversion therapy and intersectional discrimination against LGBTI persons*).
- Submission by [Ordo Iuris Institute](#) for the 20th Session (*section on sexual and gender identity disorders, advocating against the ban of conversion therapy to ensure access to 'therapeutic support'*).

Republic of Korea

- No SOGIESC-inclusive CSO reports published.

Republic of North Macedonia

- No SOGIESC-inclusive CSO reports published.

Russian Federation

- Submission by Queer Peace and Russian LGBT Network for the 8th PSWG (*a stand-alone report on the situation of LGBT persons with disabilities*).
- Submission by Queer Peace and Russian LGBT Network for the 19th Session (*a stand-alone report on the situation of LGBT persons with disabilities*).

Rwanda

- No SOGIESC-inclusive CSO reports published.

Saudi Arabia

- No SOGIESC-inclusive CSO reports published.

Senegal

- No SOGIESC-inclusive CSO reports published.

Seychelles

- No SOGIESC-inclusive CSO reports published.

Slovenia

- No SOGIESC-inclusive CSO reports published.

South Africa

- No SOGIESC-inclusive CSO reports published.

Sweden

- No SOGIESC-inclusive CSO reports published.

Sudan

- No SOGIESC-inclusive CSO reports published.

Turkey

- Submission by [Association for Monitoring Equal Rights](#) for the 10th PSWG (*mentions SO and LGBTI in the context of intersectional discrimination*).

Vanuatu

- No SOGIESC-inclusive CSO reports published.

Committee on the Elimination of Racial Discrimination

Albania

- No SOGIESC-inclusive CSO reports published.

Bosnia and Herzegovina

- No SOGIESC-inclusive CSO reports published.

Botswana

- No SOGIESC-inclusive CSO reports published.

China

- Submission by [International Service for Human Rights \(ISHR\)](#) for the 96th Session (*mentions the strong government pressure on NGOs working in anti-discrimination, including sexual orientation*).

China (Hong Kong)

- Joint submission by [Centre for Comparative and Public Law](#) for the 96th Session (*mentions sexual orientation as one of the grounds not protected by the equal opportunities legislation*).
- Joint submission by [Centre for Comparative and Public Law \(CCPL\) - Status of Ethnic Minorities in Hong Kong 1997-2014](#) for the 96th Session (*notes the lack of data on LGBT families in the ethnic minority population*).
- Submission by [Equal Opportunity Action Coalition \(EOAC\)](#) for the 96th Session (*mentions the lack of data collection on subpopulations, including LGBTI persons from ethnic minority groups*).

Cuba

- Submission by [La Asociación Cubana para el Desarrollo de la Educación Infantil \(ACDEI\)](#) for the 96th Session (*subsection on SOGI, including: children made homeless due to their SOGI, LGBT violence, bullying and invisibility, lack of data on and legal protection against hate crimes*).
- Submission by [The Cuban Association of the United Nations \(ACN\)](#) for the 96th Session (*mentions the National Plan under consultation which includes the principle of anti-discrimination, based on, inter alia, SOGI*).
- Submission by [Comité Ciudadanos por la Integración Racial \(CIR\)](#) for the 96th Session (*reiterates a CSS to CEDAW asking Cuba to provide data on discrimination against women disaggregated by, inter alia, SOGI*).

- Submission by [The Cuban Union of Jurists \(UNJC\)](#) for the 96th Session (*refers to anti-discrimination clauses in the 2014 Labour Code and the Cuban Communist Party's main objectives, which include sexual orientation*).

Honduras

- No SOGIESC-inclusive CSO reports published.

Iraq

- Submission by [Iraqi Al-Amar Association and Al-Namaa Center for Human Rights](#) for the 97th Session (*recommends urgent measures to protect homosexuals, based on data from IraQueer about murders, violence and lack of freedom of speech*).

Japan

- No SOGIESC-inclusive CSO reports published.

Kyrgyzstan

- Submission by [ADC Memorial and Bir Duino Kyrgyzstan](#) for the 95th Session (*briefly mentions the rise of homophobic speech in the past years*).

Latvia

- No SOGIESC-inclusive CSO reports published.

Mauritania

- No SOGIESC-inclusive CSO reports published.

Mauritius

- Submission by [Affirmative Action](#) for the 96th Session (*describes the cancellation of LGBTI Pride in June 2018, and mentions the discrimination reported by the British ex-High Commissioner based on his sexuality*).

Montenegro

- No SOGIESC-inclusive CSO reports published.

Nepal

- No SOGIESC-inclusive CSO reports published.

Norway

- Submission by [Norwegian NGOs' joint report](#) for the 97th Session (*sub-sections on LGBTI migrants, based on data from Queer World, on lack of access to family reunions, to report hate crimes and to transgender medical care*).

Peru

- Submission by [Centro de Desarrollo de la Mujer Negra Peruana](#) for the 95th Session (*refers to a decision from the constitutional court that mentions the prohibition of discrimination on grounds of sexual orientation*).

- Submission by [Office for the Defense of Rights and Intersectionality](#) for the 95th Session (*mentions problems with the data gathering about imprisoned LGBTI individuals by the State*).
- Submission by [The Peruvian Women Center Flora Tristan, DEMUS Estudio para la Defensa de los Derechos de la Mujer and the National Coordinator of Human Rights -CNDDHH](#) for the 95th Session (*mentions the Legislative Decree N° 1323 that includes sexual orientation and gender identity as prohibited forms of discrimination*).

Qatar

- No SOGIESC-inclusive CSO reports published.

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Republic of Korea

- Submission by [47 South Korean NGOs Coalition](#) for the 97th Session (*describes the homo- and Islamophobic rhetoric of the movement against anti-discrimination laws and human rights ordinances*).

Saudi Arabia

- No SOGIESC-inclusive CSO reports published.

Sweden

- No SOGIESC-inclusive CSO reports published.

| Committee on Migrant Workers |

Algeria

- No SOGIESC-inclusive CSO reports published.

Argentina

- Submission by [Defensor Del Pueblo de la Nación– Republica Argentina](#) for the 28th Session (*mentions briefly the intersectionality between migration and LGBTI people*).

Azerbaijan

- No SOGIESC-inclusive CSO reports published.

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Bosnia and Herzegovina

- No SOGIESC-inclusive CSO reports published.

Chile

- Submission by [Coalition of Chilean NGOs](#) for the 28th Session (*mentions the bill sent by Michelle Bachelet to Congress typifying incitement to violence, which includes sexual identity in its categories*).

Colombia

- No SOGIESC-inclusive CSO reports published.

Guyana

- No SOGIESC-inclusive CSO reports published.

Madagascar

- No SOGIESC-inclusive CSO reports published.

Mozambique

- No SOGIESC-inclusive CSO reports published.

Paraguay

- No SOGIESC-inclusive CSO reports published.

Rwanda

- No SOGIESC-inclusive CSO reports published.

Saint Vincent and the Grenadines

- No SOGIESC-inclusive CSO reports published.

Venezuela

- No SOGIESC-inclusive CSO reports published.

Committee on Enforced Disappearances

Albania

- No SOGIESC-inclusive CSO reports published.

Austria

- No SOGIESC-inclusive CSO reports published.

Chile

- No SOGIESC-inclusive CSO reports published.

Honduras

- No SOGIESC-inclusive CSO reports published.

Italy

- No SOGIESC-inclusive CSO reports published.

Japan

- No SOGIESC-inclusive CSO reports published.

Mexico

- No SOGIESC-inclusive CSO reports published.

Peru

- Submission by [ODRI 'Intersectional rights' - Office for the Defence of Rights and Intersectionality](#) for the 15th Session (*concerned that registries lack data and mechanisms to assess the violence and vulnerabilities of LGBTI people subject to enforced disappearances*).

Portugal

- No SOGIESC-inclusive CSO reports published.

3. Number of SOGIESC references in TB Concluding Observations (2014–2018)

All Concluding Observations	SOGIESC inclusive Concluding Observations		SOGIESC inclusive references*	T-inclusive references		T-specific references		I-inclusive references		I-specific references	
	NN	%		NN	NN	%	NN	%	NN	%	NN

2014

CAT	16	6	38%	7	6	86%	1	14%	2	29%	0	0%
CED	4	0	0%	0	0	0%	0	0%	0	0%	0	0%
CEDAW	25	9	36%	11	10	91%	4	36%	2	18%	0	0%
CERD	15	0	0%	0	0	0%	0	0%	0	0%	0	0%
CESCR	23	7	30%	8	7	88%	1	13%	0	0%	0	0%
CMW	6	1	17%	2	1	50%	0	0%	0	0%	0	0%
CRC	16	5	31%	9	9	100%	0	0%	7	78%	0	0%
CRPD	9	0	0%	0	0	0%	0	0%	0	0%	0	0%
HRCtee	18	14	78%	17	15	88%	1	6%	3	18%	0	0%
All	132	42	32%	54	48	89%	7	13%	14	26%	0	0%

2015

CAT	19	10	53%	11	8	73%	2	18%	8	73%	4	36%
CED	5	0	0%	0	0	0%	0	0%	0	0%	0	0%
CEDAW	27	9	33%	16	13	81%	3	19%	7	44%	1	6%
CERD	20	2	10%	3	3	100%	0	0%	3	100%	0	0%
CESCR	17	13	76%	20	18	90%	1	5%	9	45%	0	0%
CMW	8	0	0%	0	0	0%	0	0%	0	0%	0	0%
CRC	24	14	58%	20	17	85%	1	5%	12	60%	2	10%
CRPD	14	1	7%	1	0	0%	0	0%	1	100%	1	100%
HRCtee	20	13	65%	18	16	89%	3	17%	5	28%	0	0%
All	154	62	40%	89	75	84%	10	11%	45	51%	8	9%

2016

CAT	18	7	39%	10	6	60%	3	30%	4	40%	1	10%
CED	5	1	20%	1	1	100%	0	0%	0	0%	0	0%
CEDAW	27	16	59%	32	25	78%	7	22%	14	44%	3	9%
CERD	20	2	10%	2	2	100%	0	0%	2	100%	0	0%
CESCR	17	9	53%	9	8	89%	2	22%	6	67%	0	0%
CMW	8	2	25%	4	4	100%	0	0%	3	75%	0	0%
CRC	27	18	67%	33	23	70%	3	9%	28	85%	7	21%
CRPD	14	6	43%	8	4	50%	0	0%	4	50%	3	38%
HRCtee	21	19	90%	33	31	94%	5	15%	7	21%	0	0%
All	157	80	51%	132	104	79%	20	15%	68	52%	14	11%

2017

CAT	17	6	35%	6	6	100%	2	33%	2	33%	0	0%
CED	5	1	20%	1	1	100%	0	0%	0	0%	0	0%
CEDAW	28	18	64%	40	35	88%	12	33%	20	50%	3	8%
CERD	20	1	5%	1	1	100%	0	0%	0	0%	0	0%
CESCR	10	7	70%	12	10	83%	1	8%	6	50%	2	17%
CMW	6	2	33%	2	1	50%	0	0%	0	0%	0	0%
CRC	21	11	52%	15	13	87%	0	0%	9	60%	1	7%
CRPD	14	5	36%	11	5	45%	2	18%	6	55%	4	36%
HRCtee	20	20	100%	34	30	88%	8	24%	20	59%	3	9%
All	141	71	50%	122	102	84%	25	20%	63	52%	13	11%

2018

CAT	16	7	44%	9	7	78%	3	33%	6	67%	1	11%
CED	6	2	33%	2	2	100%	0	0%	0	0%	0	0%
CEDAW	24	17	71%	62	41	66%	9	33%	36	58%	10	16%
CERD	21	3	14%	3	2	67%	0	0%	0	0%	0	0%
CESCR	12	6	50%	10	8	80%	3	30%	5	50%	2	20%
CMW	5	0	0%	0	0	0%	0	0%	0	0%	0	0%
CRC	17	9	53%	14	11	79%	2	14%	10	71%	2	14%
CRPD	14	4	29%	7	7	100%	0	0%	1	14%	0	0%
HRCtee	16	16	100%	31	26	84%	7	23%	16	52%	0	0%
All	131	64	49%	138	104	75%	24	17%	74	54%	15	11%

* one reference = positive aspect; concern; concern + recommendation; recommendation; or follow-up paragraph