



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

Compilation and Keywords 2018

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General Comments

Human Rights Committee (HRCtee)

- [General comment No. 36 \(2018\)](#) on article 6 of the International Covenant on Civil and Political Rights, on the right to life (30 Oct 2018)

Committee on the Elimination of Discrimination against Women (CEDAW)

- [General recommendation No. 37 \(2018\)](#) on the gender-related dimensions of disaster risk reduction in the context of climate change (13 Mar 2018)

Committee on the Rights of Persons with Disabilities (CRPD)

- [General comment No. 6 \(2018\)](#) on equality and non-discrimination (26 Apr 2018)
- [General comment No. 7 \(2018\)](#) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention (9 Nov 2018)

1. Human Rights Committee

General Comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life¹

Keywords: SOGI; LGBTI; criminalisation (decriminalisation), death penalty, discrimination, free and informed consent, GC/GR, intersectionality, legislation, measures, police, punishment, support services, TSM, violence

I. General Remarks

1. This general comment replaces earlier general comments No. 6 (16th session) and 14 (23rd session) adopted by the Committee in 1982 and 1984, respectively.

[...]

III. The Duty to Protect Life

[...]

23. The duty to protect the right to life requires States parties to take special measures of protection towards persons in situation of vulnerability whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence. These include human rights defenders, officials fighting corruption and organized crime, humanitarian workers, journalists, prominent public figures, witnesses to crime, and victims of domestic and gender-based violence and human trafficking. They may also include children, especially children in street situations, unaccompanied migrant children and children in situations of armed conflict, members of ethnic and religious minorities and indigenous peoples, lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, persons with albinism, alleged witches, displaced persons, asylum seekers, refugees and stateless persons. States parties must respond urgently and effectively in order to protect individuals who find themselves under a specific threat, by adopting special measures such as the assignment of around-the-clock police protection, the issuance of protection and restraining orders against potential aggressors and, in exceptional cases, and only with the free and informed consent of the threatened individual, protective custody.

[...]

IV. Imposition of the Death Penalty

[...]

36. Under no circumstances can the death penalty ever be applied as a sanction against conduct whose very criminalization violates the Covenant, including adultery, homosexuality, apostasy, establishing political opposition groups, or offending a head of state. States parties that retain the death penalty for such offences commit a violation of their obligations under article 6 read alone and in conjunction with article 2, paragraph 2 of the Covenant, as well as of other provisions of the Covenant.

[...]

V. Relationship of article 6 with other articles of the Covenant and other legal regimes

[...]

61. The right to life must be respected and ensured without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or any other status, including caste, ethnicity, membership of an indigenous group, sexual orientation or gender identity, disability, socioeconomic status, albinism and age. Legal protections for the right to life must apply equally to all individuals and provide them with effective guarantees against all forms of discrimination, including multiple and intersectional forms of discrimination. Any deprivation of life based on discrimination in law or fact is ipso facto arbitrary in nature. Femicide, which constitutes an extreme form of gender-based violence that is directed against girls and women, is a particularly grave form of assault on the right to life.

[...]

2. Committee on the Elimination of Discrimination against Women

General Comment No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change²

Keywords: *LBTI, SM; action plan, awareness-raising campaign, children, decision-making process, discrimination, free and informed consent, GC/GR, health, intersectionality, legislation, policy, prevention, privacy, professional groups, service provision, trainings, violence, women*

I. Introduction

[...]

2. Women, girls, men and boys are affected differently by climate change and disasters, with many women and girls experiencing greater risks, burdens and impacts. Situations of crisis exacerbate pre-existing gender inequalities and compound the intersecting forms of discrimination against, among others, women living in poverty, indigenous women, women belonging to ethnic, racial, religious and sexual minority groups, women with disabilities, refugee and asylum-seeking women, internally displaced, stateless and migrant women, rural women, unmarried women, adolescents and older women, who are often disproportionately affected compared with men or other women.

[...]

IV. General principles of the Convention applicable to disaster risk reduction and climate change

[...]

26. States parties should ensure that all policies, legislation, plans, programmes, budgets and other activities relating to disaster risk reduction and climate change are gender responsive and grounded in human rights-based principles, including the following:

- (a) Equality and non-discrimination, with priority being accorded to the most marginalized groups of women and girls, such as those from indigenous, racial, ethnic and sexual minority groups, women and girls with disabilities, adolescents, older women, unmarried women, women heads of household, widows, women and girls living in poverty in both rural and urban settings, women in prostitution and internally displaced, stateless, refugee, asylum-seeking and migrant women;

[...]

[...]

VI. Specific areas of concern

A. Right to live free from gender-based violence against women and girls

[...]

57. In accordance with the Convention and general recommendation No. 35, States parties should:

[...]

- (e) Provide training, sensitization and awareness-raising for the authorities, emergency services workers and other groups on the various forms of gender-based violence that are prevalent in situations of disaster and how to prevent and address them. The training should include information on the rights and needs of women and girls, including those from indigenous and minority groups, women and girls with disabilities, lesbian, bisexual and transgender women and girls and intersex persons, and the ways in which they may be exposed to and affected by gender-based violence;

[...]

D. Right to health

[...]

68. In particular, States parties should:

[...]

(f) Require that all health services operating in situations of disaster function to promote the human rights of women, including the rights to autonomy, privacy, confidentiality, informed consent, non-discrimination and choice. Specific measures to ensure the promotion and protection of the rights of women and girls with disabilities, women and girls belonging to indigenous and minority groups, lesbian, bisexual and transgender women and girls, intersex persons, older women and women and girls belonging to other marginalized groups should be explicitly included in health-care policies and standards relating to situations of disaster;

[...]

3. Committee on the Rights of Persons with Disabilities

General recommendation No. 6 (2018) on equality and non-discrimination³

Keywords: *GIE; LGBTI; consultation, conversion therapy, data collection, decision-making process, discrimination, free and informed consent, GC/GR, health, intersectionality, measures, protected grounds, sterilisation, surgical/medical intervention*

II. Equality for and non-discrimination against persons with disabilities in international law

[...]

7. Equality and non-discrimination are at the heart of the Convention and evoked consistently throughout its substantive articles with the repeated use of the wording “on an equal basis with others”, which links all substantive rights of the Convention to the non-discrimination principle. Dignity, integrity and equality of the person have been denied to those with actual or perceived impairments. Discrimination has occurred and continues to occur, including in brutal forms such as non-consensual and/or forced systematic sterilizations and medical or hormone-based interventions (e.g. lobotomy or the Ashley treatment), forced drugging and forced electroshocks, confinement, systematic murder labelled “euthanasia”, forced and coerced abortion, denied access to health care, and mutilation and trafficking in body parts, particularly of persons with albinism.

V. Normative content

[...]

C. Article 5 (2) on the prohibition of discrimination and equal and effective legal protection

[...]

21. Protection against “discrimination on all grounds” means that all possible grounds of discrimination and their intersections must be taken into account. Possible grounds include but are not limited to: disability; health status; genetic or other predisposition towards illness; race; colour; descent; sex; pregnancy and maternity/paternity; civil; family or career status; gender expression; sex; language; religion; political or other opinion; national, ethnic, indigenous or social origin; migrant, refugee or asylum status; belonging to a national minority; economic or property status; birth; and age, or a combination of any of those grounds or characteristics associated with any of those grounds.

[...]

VI. General obligations of States parties under the Convention relating to non-discrimination and equality

[...]

33. Regarding the consultation obligations of States parties, article 4 (3) and article 33 (3) of the Convention emphasize the important role that organizations of persons with disabilities must play in the implementation and monitoring of the Convention. States parties must ensure that they consult closely and actively involve such organizations, which represent the vast diversity in society, including children, autistic persons, persons with a genetic or neurological condition, persons with rare and chronic diseases, persons with albinism, lesbian, gay, bisexual, transgender or intersex persons, indigenous peoples, rural communities, older persons, women, victims of armed conflicts and persons with an ethnic minority or migrant background. Only then can it be expected that all discrimination, including multiple and intersectional discrimination, will be tackled.
34. States parties have information obligations in relation to article 5 of the Convention in that they must collect and analyse appropriate data and research information in order to identify inequalities, discriminatory practices and patterns of disadvantage, and analyse the effectiveness of measures promoting equality. The Committee has observed that, in many States parties, there is a lack of updated data on disability discrimination and that often, in cases where the national law and regulations allow it, no differentiation is made according to impairment, gender, sex, gender identity, ethnicity, religion, age or other layers of identity. Such data and its analysis are of paramount importance for developing effective anti-discrimination and equality measures.

[...]

General recommendation No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention⁴

Keywords: *SOGI, SOGI; consultation, discrimination, GC/GR, legislation, measures, policy, service provision, support services*

II. Normative content of articles 4 (3) and 33 (3)

[...]

C. Scope of article 4 (3)

[...]

16. All persons with disabilities, without any form of exclusion based on the type of impairment, such as persons with psychosocial or intellectual disabilities, can effectively and fully participate without discrimination on an equal basis with others. The right to participate in consultations, through their representative organizations, should be recognized on an equal basis for all persons with disabilities, irrespective of, for example, their sexual orientation and gender identity. States parties should adopt a comprehensive anti-discrimination framework to ensure the rights and fundamental freedoms of all persons with disabilities, and withdraw legislation criminalizing individuals or organizations of persons with disabilities on grounds of sex, gender or the social status of its members and denying them their rights to participate in public and political life.

[...]

III. Obligations of States parties

[...]

45. States parties should ensure accessibility for persons with disabilities to all facilities and procedures related to public decision-making and consultation. States parties should take appropriate measures to provide persons with disabilities, including persons with autism, with access, on an equal basis with others, to the physical environment, including buildings, transportation, education, information and communications in one's own language, including new information technologies and systems, and the websites of public bodies, and other facilities and services open or provided to the public, in both urban and rural settings. States parties should also ensure that consultation processes are accessible – for example, by providing sign language interpreters, Braille and Easy Read – and must provide support, funding and reasonable accommodation as appropriate and requested, to ensure the participation of representatives of all persons with disabilities in consultation processes, as defined in paras. 11, 12 and 50.

[...]

50. States parties should ensure the close consultation and active involvement of organizations of persons with disabilities, which represent all persons with disabilities, including but not limited to women, older persons, children, those requiring high levels of support, victims of landmines, migrants, refugees, asylum seekers, internally displaced persons, undocumented and stateless persons, persons with actual or perceived psychosocial impairments, persons with intellectual disabilities, neurodiverse persons, including those with autism or dementia, persons with albinism, permanent physical impairments, chronic pain, leprosy and visual impairments and persons who are deaf, deafblind or otherwise hearing-impaired and/or those living with HIV/AIDS. The obligation of States parties to involve organizations of persons with disabilities also encompasses those persons with disabilities with a specific sexual orientation and/or gender identity, intersex persons with disabilities, and persons with disabilities belonging to indigenous peoples, national, ethnic, religious or linguistic minorities, and those living in rural areas.

[...]

V. Implementation at the national level

94. The Committee acknowledges that States parties face challenges when implementing the right of persons with disabilities to be consulted and involved in the development, implementation and monitoring of legislation and policies to implement the Convention. States parties should, among others, take the following measures to ensure the full implementation of articles 4 (3) and 33 (3):

[...]

- (g) Guarantee and support the participation of persons with disabilities through organizations of persons with

disabilities, reflecting a wide diversity of backgrounds, including birth and health status, age, race, sex, language, national, ethnic, indigenous or social origin, sexual orientation and gender identity, intersex variation, religious and political affiliation, migrant status, impairment groups or other status;

[...].

Decisions on Individual Communications

1. Committee against Torture

Joyce Nakato Nakawunde v. Canada, communication No. 615/2014, views of 3 August 2018⁵

Keywords: SO; L, LG, LGBT; asylum-seekers/refugees, court, criminalisation (decriminalisation), death penalty, family, jurisprudence, killings, legislation, refoulement, torture/ill-treatment, women

Subject matter: Deportation to Uganda

Substantive issue: Risk to life and of torture or ill-treatment in the event of deportation to country of origin

Articles of the Convention: 1 and 3

1.1 The complainant is Joyce Nakato Nakawunde, a national of Uganda born on 13 April 1966. She submits the communication on her behalf and on behalf of her 11-year-old daughter, Sanyu, born in Canada on 14 May 2004. The complainant, who claims to be a lesbian, is subject to forcible removal from Canada to Uganda, as she overstayed her student visa. She claims that her forcible removal to Uganda would constitute a violation by Canada of articles 1 and 3 of the Convention. She fears that she will be arrested, tortured and eventually killed by the Ugandan police and anti-gay mobs if returned. The complainant is not represented by counsel.

[...]

The complaint

3.1 The complainant submits that Canada, by forcibly returning her to Uganda, would violate her rights under articles 1 and 3 of the Convention. She claims that her removal would put her at a serious risk of being arrested, sentenced, tortured or killed due to her sexual orientation. She submits that Uganda does not protect lesbians, and that they are criminalized, sent to jail and sentenced to death. In that regard, she refers to the Ugandan Anti-Homosexuality Act, 2014, which the complainant states is aimed at killing gays and lesbians. [...] She describes her fears and anxiety extensively and attaches statements from friends in the lesbian, gay, bisexual and transgender community in Winnipeg, her physicians and family members both in Canada and Uganda that describe the risk of harm that the complainant would face upon return to Uganda.

3.2 She also claims to fear in particular the father of her daughter, who resents her for being lesbian and who believes that she should not be near his child, as she is “evil and dirty”. She alleges that the father has threatened to kill her on several occasions, and to submit her daughter to female genital mutilation. [...]

[...]

Issues and proceedings before the Committee

Consideration of admissibility

[...]

6.2 The Committee recalls that, in accordance with article 22 (5) (b) of the Convention, it shall not consider any communication from an individual unless it has ascertained that the individual has exhausted all available domestic remedies. [...]

6.3 The Committee takes note of the fact that the complainant twice initiated the pre-removal risk assessment procedure and challenged the negative decisions on both assessments through applications to the Federal Court for judicial review. [...]

[...]

6.6 As regards the complainant’s failure to request an administrative deferral of her removal, [...] the Committee

considers that, except the alleged absence of knowledge about all the available procedures to exhaust domestic remedies, the complainant has not provided any information on her efforts to eventually obtain legal aid for the purpose of initiating such proceedings, nor has she demonstrated that the refugee status application and request for an administrative deferral of removal were unavailable or ineffective remedies.

6.7 In addition, the Committee [...] considers that the complainant has failed to advance sufficient elements that would show that a judicial review of the decision denying refugee status or protection, or an administrative deferral of removal, would have been ineffective in this case and has not justified her failure to avail herself of those remedies.

6.8 The Committee concludes that:

(a) the complainant could have applied for refugee status in Canada, but it was no longer available when she wanted to make a claim, and she was not eligible for Refugee Protection Division protection since a removal order had been issued against her;

(b) the complainant failed to apply for an administrative deferral of her removal; and

(c) the complainant did not seek leave for judicial review of the negative decisions, and did not request a motion to stay her removal pending such judicial review.

6.9 Accordingly, the Committee is satisfied with the argument of the State party that, in this particular case, there were remedies, both available and effective, which the complainant has not exhausted. [...] However, taking into account the background reports on the situation of gays and lesbians in Uganda (see para. 4.6 above), the Committee considers that the complainant as a lesbian would face a risk of arrest if she were returned to Uganda. In the circumstances of the present case, the Committee invites the State party to ensure that the complainant 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 [...].

6.10 Therefore the Committee decides:

(a) That the communication is inadmissible under article 22 (5) (b) of the Convention;

(b) That the present decision shall be communicated to the complainant and to the State party.

Keywords: SO, SOGI, GI; G; arrest, asylum-seekers/refugees, court, criminalisation (decriminalisation), death penalty, family, GC/GR, jurisprudence, police, punishment, refoulement, sexual violence, suicide, torture/ill-treatment, violence

Subject matter: Deportation to the Islamic Republic of Iran

Substantive issue: Risk of torture or risk to life, or risk of inhuman or degrading treatment, if deported to country of origin (non-refoulement)

Article of the Convention: 3

1.1 The author of the communication is H.R.E.S., a national of the Islamic Republic of Iran born in 1978. He applied for asylum in Switzerland, but his application was rejected. He claims that his forcible removal to the Islamic Republic of Iran would constitute a violation by Switzerland of article 3 of the Convention, as he fears facing a risk of being subjected to torture, or risk to his life, or inhuman or degrading treatment, in his country of origin, due to his homosexuality and atheism. The complainant is represented by counsel.

[...]

The complaint

[...]

3.2 The complainant claims that he has been homosexual from a very young age. He [...] had to conceal his sexual orientation at school, as he feared persecution. He therefore claims that the authorities wrongly held that this abstinence was self-determined, given that it was, rather, imposed on him. In this connection, the complainant refers to a decision of the Court of Justice of the European Union, of 2013, which considered that it could not be expected from asylum seekers to conceal their homosexuality in their country of origin to avoid persecution, as that would be incompatible with the recognition of a characteristic so fundamental to a person's dignity. [...]

3.3 The complainant claims that, at present, he wants to live openly as a homosexual. He argues that he is still interested in sexual relations even if he stated the opposite during the interviews. [...]

3.4 The complainant claims that his asylum application was wrongly dealt with under the accelerated procedure by the State party's authorities, [...] He refers to the guidelines of the Office of the United Nations High Commissioner for Refugees, which indicate that the accelerated proceedings are not suitable for processing asylum applications on grounds of sexual orientation or gender identity. [...]

[...]

3.6 Lastly, concerning the foreseeable, real and personal nature of the risk of being tortured upon return to the Islamic Republic of Iran, the complainant insists that he previously suffered torture when he was repeatedly raped during his military service. [...] the complainant refers to several other reports on the persecution of homosexuals in the Islamic Republic of Iran. He also makes a reference to the provision in Iranian law which prohibits sodomy and provides for the death penalty as punishment for this crime. [...]

[...]

Issues and proceedings before the Committee

Consideration of admissibility

[...]

7.3 The Committee considers that the communication [...] raises substantive issues under article 3 of the Convention [...] and declares it admissible.

Consideration of the merits

[...]

8.2 In the present case, the issue before the Committee is whether the removal of the complainant to the Islamic Republic of Iran would constitute a violation of the State party's obligation under article 3 (1) of the Convention not to expel or to return ("refouler") a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture.

[...]

8.4 [...] the existence of a pattern of gross, flagrant or mass violations of human rights in a country does not as such constitute sufficient reason for determining that a particular person would be in danger of being subjected to torture on return to that country; additional grounds must be adduced to show that the individual concerned would be personally at risk. [...]

[...]

8.6 [...] the Committee notes the complainant's claims that he risks being subjected to torture in the Islamic Republic of Iran because of his sexual orientation, the fact that he is an atheist and because of his activities in support of a secular State. It also notes that the complainant maintains that he was sexually abused, several times, by different sergeants during his military service in the Islamic Republic of Iran. He alleges that, as a consequence, he suffered from mental disorder and suicidal thoughts [...]

8.7 [...] The Committee also notes that the State party itself acknowledged that the mere fact of being homosexual establishes a serious risk of being persecuted in the Islamic Republic of Iran [...].

8.8 The Committee [...] notes the State party's claim that [...] the complainant has not demonstrated to the Swiss asylum authorities that he would face a personal risk of being subjected to torture if removed to the Islamic Republic of Iran due to his homosexuality, the fact that he is an atheist, or his political opinions or activities.

8.9 The Committee observes that the complainant has not expressly stated that the sexual abuses suffered during his military service were perpetrated against him because of his sexual orientation or atheism, and that he has not reported being insulted or threatened on the same grounds after those events, which occurred, according to the complainant's submissions, on unspecified dates in 1997 and 1998. The Committee also notes the State party's assertion that those events cannot be linked to the complainant's departure for Europe in 2015. [...] Accordingly, the Committee considers that the complainant has failed to establish the existence of a present risk of torture.

8.10 The Committee takes note of the complainant's medical certificates [...] The Committee observes, however, that there is insufficient evidence to determine the cause of the mental disorder with regard to the alleged acts of torture, and to conclude that the current state of the complainant's mental health — given that the latest medical certificates were issued two years ago — prevents the State party from deporting him to the Islamic Republic of Iran.

8.11 The Committee [...] notes the complainant's claim that [...] he cannot be expected to conceal his homosexuality in the Islamic Republic of Iran to avoid persecution. However, the Committee also notes the State party's submission that the mere fact that homosexuality is generally prohibited in the Islamic Republic of Iran is not sufficient to establish that it constitutes a risk for ill-treatment. In this context, the Committee observes that the complainant has not claimed that the Iranian authorities were aware of his sexual orientation, atheism and political opinions, or that he would express his homosexuality in the public sphere. [...]

8.12 [...] the Committee considers that the complainant has not submitted convincing evidence for it to conclude that the national asylum proceedings, which were reviewed by the Federal Administrative Tribunal, suffered from any irregularities.

[...]

8.14 As to the complainant's allegation that he would be arrested and interrogated upon return [...] the Committee recalls that the mere risk of being arrested and interrogated is not sufficient to conclude that there is also a risk of being subjected to torture. [...]

9. In the light of the foregoing, the Committee considers that the information submitted by the complainant is insufficient to establish his claim that he would face a foreseeable, real, personal and present risk of torture if he were removed to the Islamic Republic of Iran.

10. Accordingly, the Committee, acting under article 22 (7) of the Convention, concludes that the removal of the complainant to the Islamic Republic of Iran would not constitute a violation of article 3 of the Convention by the State party.

2. Committee on the Elimination of Discrimination Against Women

A.S. v. Denmark, communication No. 80/2015, views of 26 February 2018⁷

Keywords: SO; L, LGBT; asylum-seekers/refugees, court, criminalisation (decriminalisation), discrimination, GC/GR, intersectionality, jurisprudence, legislation, police, refoulement, torture/ill-treatment, violence, women

Decision on admissibility

1.1 The author of the communication is A.S., a national of Uganda, born in 1974. She sought asylum in Denmark but her application was rejected. She claims that her deportation to Uganda would violate her rights under articles 1–3 of the Convention on the Elimination of All Forms of Discrimination against Women. The Convention and the Optional Protocol thereto entered into force for Denmark in 1983 and 2000, respectively. The author is represented by counsel, Niels-Erik Hansen.

[...]

Factual background

2.1 The author is an ethnic Muganda of the Muslim faith, originating from Kayunga. She is single and has three children. She applied for asylum, on the grounds that she is a lesbian, which is why she is wanted in Uganda and at risk of being killed there.

2.2 [...] Between 2007 and 2011, the author worked in a bar in Katwe that was frequented mostly by lesbians. She had a girlfriend, whom she had met in the bar. On 6 November 2011, three men made advances to the author in the bar and offered to have sex with her. She turned down their proposal and the men concluded that the bar was a place for lesbians. They became aggressive and started to smash things in the bar. On the same day, the author's home was ransacked and burned, and all her belongings were stolen. The police, looking for the author, also searched her mother's house.

2.3 [...] The author obtained a visa for Denmark from the Embassy of Norway in Kampala. On 22 July 2012, she started her journey to Denmark, via Brussels. She was not in possession of travel documents.

2.4 On 31 January 2013, the Danish Immigration Service rejected the author's asylum application. [...] On 28 May 2014, the Service again rejected her application. On 5 December 2014, the Board upheld that decision. In the decision of the Service, the author's name appeared as A.N. [...] On 8 December 2014, the Board corrected her name in the decision.

[...]

2.6 The author was baptised on 24 February 2013 in the Free Church of Horsens, Denmark. She participated in lesbian, gay, bisexual and transgender community activities, including protests in front of the Embassy of Uganda in Hellerup against that country's Anti-Homosexuality Act of 2014. She also delivered lectures at schools of continuing studies.

Issues and proceedings before the Committee

Consideration of admissibility

[...]

8.4 The Committee recalls the author's claim that her life would be in danger at the hands of the police and ordinary people if she were returned to Uganda given that her sexual orientation is known as a result of an incident that occurred when she was working in a bar in Uganda in 2011 [...]. She has also claimed that, because of her subsequent involvement in public demonstrations relating to lesbian, gay, bisexual and transgender matters in Denmark, she has attracted the attention of the Ugandan authorities. She therefore claims that, if the State party returned her to Uganda, she would be personally exposed to a risk of serious forms of gender-based violence, as defined under articles 1–3 of the Convention. She also asserts that the State party should have independently investigated the risk that she faces in Uganda and referred explicitly to the Convention during proceedings regarding her application for asylum. She has also questioned the fairness of those proceedings, because she

was not allowed to call a witness and the decisions taken by the authorities were initially addressed to another individual.

- 8.5 The Committee refers to its general recommendation No. 32 (2014), [...] “gender-related claims to asylum may intersect with other proscribed grounds of discrimination, including age, race, ethnicity/nationality, religion, health, class, caste, being lesbian, bisexual or transgender and other status” (para. 16). The Committee further refers to its general recommendation No. 19 (1992) on violence against women, in which it recalls that “gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention” [...]
- 8.6 In the case at hand, the Committee observes that there is no claim that the State party has directly violated the provisions of the Convention, but rather that the violation would occur if the State party returned the author to Uganda [...].
- 8.7 [...] The Committee recalls that it is generally for the authorities of States parties to the Convention to evaluate the facts and evidence or the application of national law in a particular case, unless it can be established that the evaluation was biased or based on gender stereotypes that constitute discrimination against women, was clearly arbitrary or amounted to a denial of justice. [...] The issue before the Committee is, therefore, whether there was any irregularity in the decision-making process regarding the author’s asylum application, to the extent that the State party’s authorities failed to properly assess the risk of serious gender-based violence in the event of her return to Uganda.
- 8.8 The Committee notes that the State party’s authorities found that the author’s account lacked credibility owing to a number of factual inconsistencies and a lack of substantiation, in particular with regard to her claim to be a lesbian and her account of the incident that allegedly occurred in 2011 in a bar in Katwe. [...] the State party also considered the human rights situation in Uganda and, in particular, the situation of gay people in Uganda. The State party maintains that, although homosexuality is prohibited under the Penal Code, the prohibition has not been enforced and no one has been convicted of homosexuality. Available evidence referred to by the State party further indicates that there is no routine or systematic targeting of gay people. The Committee further notes that, on 1 August 2014, the Constitutional Court of Uganda struck down the Anti-Homosexuality Act.
- 8.9 In the light of the foregoing, and while not underestimating the concerns that may legitimately be expressed with regard to gender-based discrimination in Uganda, also given that it intersects with homosexuality, the Committee considers that the author has failed to substantiate, for admissibility purposes, that the lack of reference to the Convention in her asylum decision, or the refusal to call a witness, stemmed from or resulted in any gender-based discrimination. Nor [...] that the State party authorities failed to give sufficient consideration to the author’s application for asylum, or [...] any procedural defect or arbitrariness. The Committee also considers that the author has failed to substantiate sufficiently that the initial mistake in the name of the addressee [...] resulted in any breach of the Convention in her respect.
9. The Committee therefore decides that:
- (a) The communication is inadmissible under article 4 (2) (c) of the Optional Protocol;
 - (b) This decision shall be communicated to the State party and to the author.

3. Human Rights Committee

W.K. v. Canada, communication No. 2292/2013, views of 27 March 2018⁸

Keywords: SO; G; asylum-seekers/refugees, court, family, jurisprudence, killings, refoulement, torture/ill-treatment, violence

Subject matter: Expulsion from Canada to Egypt

Substantive issues: Right to life; risk of being subjected to torture or cruel, inhuman or degrading treatment or punishment

Articles of the Covenant: 6 (1), 7, 9 (1), 17, 18 and 27

Articles of the Optional Protocol: 2, 3 and 5 (2) (b)

1.1 The author of the communication is W.K., a national of Egypt born on 5 January 1975. He claims that his removal to Egypt by Canada would violate his rights under articles 6 (1), 7, 9 (1), 17, 18 and 27 of the Covenant because he fears that he will be killed or tortured on grounds of his sexual orientation and his conversion from Islam to Christianity. He is represented by counsel.

[...]

The facts as submitted by the author

2.1 The author is an Egyptian national and a lawyer by training. He identifies as homosexual. On the night of 24 to 25 December 2012, he was assaulted by members of the Muslim Brotherhood at his home in Egypt, which he shared with his partner Hany. His partner was reportedly murdered and the author was seriously injured after being hit on the head and scalded on various parts of his body. [...]

[...]

2.3 On 11 September 2013, the author arrived in Canada on a fake Israeli passport. [...] The border official asked if he wished to seek asylum in Canada and whether he feared for his life anywhere in the world, including in Israel. The author replied that he did not, fearing that he would be expelled if his passport was discovered to be fake. After failing to reach the author's friend via telephone, the official noticed irregularities in the passport and questioned him in this regard. The author admitted to having purchased the passport and explained that he did not want to leave Canada because he had serious problems in Egypt related to his homosexuality [...]

[...]

2.11 On 26 February 2015, the author's PRRA application was rejected owing to a lack of credibility. [...] the agent had considered the author's three homosexual relationships in Egypt and had concluded that he was not gay owing to a lack of evidence that he had entered into homosexual relationships prior to his arrival in Canada or that he would adopt a homosexual lifestyle or engage in homosexual activity if he returned to Egypt. Since there was little more than a "possibility of persecution", the agent was not convinced that the author would be victimized by his family or the authorities on account of his purported sexual orientation or religious conversion.

2.12 On 25 August 2015, the Federal Court dismissed the author's application for leave to seek judicial review of his failed PRRA application [...] According to the Federal Court, the agent also demonstrated how the author's sexuality was entirely called into question by his relationships with women.

[...]

Issues and proceedings before the Committee

Consideration of admissibility

[...]

- 9.4 [...] The Committee concludes that the author has failed to sufficiently substantiate his allegations under articles 9 (1), 17, 18 and 27 of the Covenant for the purposes of admissibility and declares this part of the communication inadmissible under article 2 of the Optional Protocol.
- 9.5 The Committee further notes the State party's argument that the author's claims are inadmissible under article 2 of the Optional Protocol due to insufficient substantiation. [...] the author has explained that he feared returning to Egypt owing to his sexual orientation and his conversion from Islam to Christianity. The Committee considers that, for the purposes of admissibility, the author has sufficiently substantiated his allegations. The Committee therefore declares the communication admissible insofar as it raises issues under articles 6 (1) and 7 [...].

Consideration of the merits

[...]

- 10.2 The Committee notes the author's claim that his expulsion to Egypt would constitute an attack on his liberty, security and life on account of his sexual orientation and his conversion from Islam to Christianity. He further claims that the State party has not reasonably assessed the risk inherent in his removal.
- 10.3 The Committee recalls paragraph 12 of its general comment No. 31 (2004) [...], in which it refers to the obligation of States parties not to extradite, deport, expel or otherwise remove a person from their territory when there are substantial grounds for believing that there is a real risk of irreparable harm such as that contemplated by articles 6 and 7 of the Covenant. [...]
- 10.4 [...] The Committee observes, however, that the author has not provided any specific argument that would lead to the conclusion that he would be at real and personal risk if he were to return [...]. In particular, the Committee notes the State party's argument that the author has failed to substantiate or convincingly explain why he is unable to provide proof of the full identity of his alleged partner or of his partner's death in Egypt. [...] The Committee notes that the author has not convincingly demonstrated his family ties with the persons he claims are his sister and his brother-in-law, nor that they have denounced him to the State authorities, as he claims. Following the analysis of the case file, the Canadian authorities came to the conclusion that the author's statements lacked credibility and that there was nothing more than a "mere possibility" that he would be persecuted if returned to Egypt.
- 10.5 The Committee notes that, although the author contests the assessment and findings of the Canadian authorities as to the risk of harm he faces in Egypt, he has not presented any evidence to sufficiently substantiate his allegations under articles 6 and 7 of the Covenant. The Committee considers that the information at its disposal demonstrates that the State party took into account all the elements available when evaluating the risk faced by the author – including the reports of the persecution of Christians, converts to Christianity and homosexuals in Egypt – and that the author has not identified any irregularity in the decision-making process. [...] In view thereof, the Committee is not able to conclude that the information before it shows that the author's rights under articles 6 (1) and 7 of the Covenant would be violated if he were removed to Egypt.
11. The Human Rights Committee, acting under article 5 (4) of the Optional Protocol, is of the view that the facts before it do not permit it to conclude that the author's expulsion to Egypt would, if implemented, violate his rights under articles 6 (1) and 7 of the Covenant.

Keywords: SO, SOGI; G, LG, LGBT; adolescents, children, court, discrimination, FOE/FOAA, GC/GR, jurisprudence, legislation, measures, police, propaganda, punishment, remedy, sexuality education

Subject matter: Rights of lesbian, gay, bisexual and transgender persons

Substantive issues: Freedom of expression; discrimination on the ground of sexual orientation

Articles of the Covenant: 19 and 26

Articles of the Optional Protocol: 2 and 5 (2) (b)

1. The author of the communication is Kirill Sergeyevich Nepomnyashchiy, a national of the Russian Federation born in 1981. He claims to be a victim of violations by the State party of his rights under articles 19 and 26 of the Covenant. The Optional Protocol entered into force for the Russian Federation on 1 January 1992. The author is not represented by counsel.

The facts as submitted by the author

- 2.1 The author is an openly gay man and a lesbian, gay, bisexual and transgender rights activist. Since 2006, together with other people, he has tried to hold annual peaceful assemblies in Moscow (so-called “Moscow Gay Pride”), all of which were banned by the Moscow authorities. Similar initiatives to hold marches, pickets and rallies to promote tolerance towards gays and lesbians were banned several times in the city of Arkhangelsk in 2011 and 2012.
- 2.2 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 the Arkhangelsk regional children’s library. [...]
- 2.3 The author’s actions were interrupted by the police and, on 3 February 2012, he was convicted by the justice of the peace of Oktyabrskiy District of committing an administrative offence under section 2.13 of the Arkhangelsk regional law on administrative offences. The author was ordered to pay a fine of 1,800 roubles. On an unspecified date, he appealed the ruling of the justice of the peace to the Oktyabrskiy District Court of the city of Arkhangelsk, which rejected the appeal on 26 April 2012. [...]

[...]

Issues and proceedings before the Committee

Consideration of admissibility

[...]

- 6.4 The Committee considers that the communication is admissible as far as it raises issues under articles 19 and 26 of the Covenant. Accordingly, it declares the communication admissible and proceeds with its consideration of the merits.

Consideration of the merits

- 7.1 The Committee has considered the communication in the light of all the information made available to it by the parties, in accordance with article 5 (1) of the Optional Protocol.
- 7.2 The Committee notes the author’s claim that the application of section 2.13 of the regional law [...] constituted discrimination on the basis of sexual orientation under article 26 of the Covenant. The Committee notes that section 2.13 of the regional law establishes administrative liability for “public actions aimed at propaganda of homosexuality among minors”, and that the author was convicted and fined under this provision [...].
- 7.3 The Committee recalls that, in paragraph 1 of its general comment No. 18 (1989) on non-discrimination, it stat-

ed that article 26 entitles all persons to equality before the law and [...] equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. In this context, the Committee recalls its constant jurisprudence that [...] article 26 also comprises discrimination based on sexual orientation and gender identity.

- 7.4 The Committee notes the State party's claim that its national legislation does not limit rights and responsibilities of persons based on their sexual orientation; that State policy protects minors from factors that negatively influence their physical, intellectual, mental, spiritual and moral development; and that legislators are called upon to align the legal regulation of rights and freedoms of persons with historically established views of the society on the values of family, motherhood, fatherhood and childhood. The Committee considers, however, that the regional law [...] expressly draws a distinction based on sexual orientation and gender identity and thus constitutes a differentiation on grounds prohibited under article 26.
- 7.5 [...] the Committee considers that the State party has not shown that the restriction on expression under national and regional law relating to "propaganda of homosexuality" – as opposed to heterosexuality or sexuality generally – is based on reasonable and objective criteria. [...] The Committee notes that the restriction limited the ability of individuals, including adolescents, to receive information and education about sexual orientation. The Committee further notes that it has previously concluded that the laws banning "promotion of non-traditional sexual relations with minors" in the State party exacerbate negative stereotypes against individuals on the grounds of sexual orientation and gender identity and represent a disproportionate restriction of their rights under the Covenant, and has called for the repeal of such laws. The Committee accordingly considers that the State party has failed to establish that the ban on propaganda of homosexuality among minors [...] is legitimate under the Covenant, and that the prohibition therefore discriminated against him on the basis of sexual orientation and gender identity in violation of article 26.
- 7.6 The Committee notes the author's claim that the application of the regional law to his case violated his right to freedom of expression within the meaning of article 19. The State party does not dispute that the regional law restricted the author's freedom of expression. The Committee therefore must consider whether the restriction imposed on the author's right to freedom of expression is justified under article 19 (3) of the Covenant, i.e., is provided by law and necessary (a) for respect of the rights or reputations of others; and (b) for the protection of national security or of public order (*ordre public*), or of public health or morals. The Committee recalls in this respect its general comment No. 34 (2011) on the freedoms of opinion and expression [...] Paragraph 3 may never be invoked as a justification for the muzzling of any advocacy of multi-party democracy, democratic tenets and human rights.
- 7.7 [...] irrespective of the domestic lawfulness of the restriction in question, the concept of "prohibited by law" under article 19 (3) requires that laws be sufficiently precise to enable an individual to regulate his or her conduct accordingly [...] the wording of section 2.13 of the regional law, including "promoting propaganda of homosexuality", is highly ambiguous as to the actions being prohibited and therefore does not satisfy the requirement of lawfulness under article 19 (3).
- 7.8 Laws restricting the rights enumerated in article 19 must also be strictly necessary and proportional to a legitimate aim set forth in that article and directly related to the specific need. [...] While the Committee recognizes the role of the State party's authorities in protecting the welfare of minors in principle, it observes that the State party failed to demonstrate why, based on the facts of the present communication, it was strictly necessary and proportionate to one of the legitimate purposes of article 19 (3) [...] The restriction imposed on the author was not limited to sexually explicit obscenities, but constituted a blanket restriction on legitimate expressions of sexual orientation. [...]
- 7.9 Accordingly, and in the light of its conclusion with respect to article 26, the Committee concludes that 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 section 2.13 of the regional law, which was applied to the poster he displayed at the entrance to the children's library, amounted to a violation of his rights under article 19 of the Covenant.
8. The Committee, acting under article 5 (4) of the Optional Protocol, is of the view that the facts before it disclose a violation by the Russian Federation of articles 19 and 26 of the Covenant.
9. [...] Accordingly, the State party is obligated, inter alia, to take appropriate steps to reimburse the value of the fine paid and any legal costs incurred by the author, as well as to provide appropriate compensation. The State party is also under an obligation to take all steps necessary to prevent similar violations from occurring in the future and should ensure that the relevant provisions of the domestic law are made compatible with articles 19 and 26 of the Covenant.
10. Bearing in mind that, by becoming a party to the Optional Protocol, the State party has recognized the compe-

tence of the Committee to determine whether there has been a violation of the Covenant [...] the Committee wishes to receive from the State party, within 180 days, information about the measures taken to give effect to the Committee's Views. The State party is also requested to publish the present Views and to have them widely disseminated in the official language of the State party.

Keywords: *arrest, asylum-seekers/refugees, court, criminalisation (decriminalisation), family, GC/GR, jurisprudence, legislation, police, refoulement, sexual violence, torture/ill-treatment, violence, women*

Subject matter: Deportation to Serbia

Substantive issues: Risk of torture, cruel, inhuman or degrading treatment or punishment; non-refoulement; right to an effective remedy

Articles of the Covenant: 2 (3) (a), 7 and 13

Article of the Optional Protocol: 2

1.1 The author of the communication is Z.B., born on 2 February 1982. She is a Cameroonian and South Sudanese national seeking asylum in Hungary and subject to deportation to Serbia following the rejection of her application for refugee status in Hungary by the Hungarian authorities. She claims that by forcibly deporting her to Serbia, Hungary would violate her rights under article 7, read alone and in conjunction with article 2 (3) (a), and article 13 of the Covenant. The author is represented by the Hungarian Helsinki Committee. The Optional Protocol entered into force for Hungary on 7 September 1988.

[...]

The facts as submitted by the author

2.1 The author was born in Cameroon. She resided in Douala, Cameroon, with her son and her sister. On 8 February 2015, while the author and her son were away, unidentified persons broke into her apartment and severely beat her sister. The attack was motivated by her sister's homosexuality. Homosexuality is illegal in Cameroon. Following the attack, the Cameroonian authorities issued an arrest warrant for the author and her sister, accusing the author of facilitating homosexuality. The author therefore fled with her son and her sister to northern Cameroon.

2.2 Soon afterwards, the arrest warrant was extended to the whole territory of the country. [...]

2.3 At an unknown date, the author and her sister flew to Istanbul, Turkey, accompanied by Mr. B. At the airport, Mr. B took their possessions and left, promising to return. Instead, two strangers took them to a van with around 10 other people. Two weeks later, the author and her sister were blindfolded and forced into a van with many other occupants. They travelled during the night and were not told of their destination, but the next morning they arrived in Belgrade. The traffickers kept the author and her sister captive in a house for at least one month, until February 2016. During that time, the traffickers raped them and forced them into prostitution.

2.4 During a night of February 2016, the traffickers abandoned the author, her sister and several other captives in a forest close to the Hungarian border, informing them that they were already in Hungary, although in fact they were still in Serbia. On 23 February 2016, after walking in the direction indicated by the traffickers, the author and her sister entered Hungary through holes in the border fence. They were caught by the police and brought to the Border Control field office in Szeged, where they submitted an asylum application. On 24 February 2016, they were placed in the Bicske refugee reception centre.

[...]

2.6 On 15 April 2016, the Office of Immigration and Nationality declared the author's application inadmissible under section 51 (2) (e) of Act LXXX of 2007 on Asylum (Asylum Act), on the grounds that she had arrived through Serbia, which was considered a safe third country. [...] However, in its decision the Office of Immigration and Nationality did not take into consideration whether access to asylum in Serbia was guaranteed in practice and made no mention of the sexual abuse the author had suffered in Serbia. Nor did they evaluate the information she had provided on the atrocities committed against her and her sister in Belgrade, or take into account the fact that they were victims of human trafficking. [...]

[...]

The complaint

- 3.1 The author claims that her deportation to Serbia would expose her to a violation of article 7 of the Covenant. Referring to the Committee's general comments No. 20 (1992) on the prohibition of torture or other cruel, inhuman or degrading treatment or punishment and No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, the author submits that a State party may violate the Covenant when it is foreseeable that its decision on a person within its jurisdiction may be violating that person's rights in another jurisdiction. [...] There are substantial grounds for believing that the removal of the author to Serbia would create a real risk of irreparable harm amounting to inhuman or degrading treatment.
- 3.2 The author [...] refers to the case of *M.S.S. v. Belgium and Greece*, in which the Court held that inappropriate reception conditions and serious shortcomings in asylum procedures amounted to inhuman and degrading treatment.

[...]

- 3.7 [...] It is also the official position of UNHCR that Serbia is not safe for asylum seekers and it recommends that asylum seekers should not be returned there. [...]

[...]

Issues and proceedings before the Committee

Consideration of admissibility

[...]

- 10.4 The Committee notes that the author's second application for asylum was accepted and that on 5 December 2016 she was granted refugee status in Hungary. It also notes the State party's argument that the communication should therefore be declared inadmissible.
- 10.5 The Committee further notes the author's argument that despite the fact that she is no longer at risk of being deported to Serbia, she maintains her complaint under article 7, read alone and in conjunction with article 2 (3), and article 13 of the Covenant, regarding the alleged shortcomings and serious deficiencies that characterized the examination of her first application for asylum, which led to an enforceable decision to return her to Serbia.
- 10.6 The Committee takes due note of the author's allegations and highlights its concern as to the way the procedure was carried out and its direct consequences for the author [...]. The Committee also notes the favourable decision adopted on 5 December 2016 whereby the author was granted refugee status and was thus no longer at risk of removal. In view thereof, the Committee considers that the issues raised by the author concerning the alleged violations of article 7, read alone and in conjunction with article 2 (3), and of article 13 of the Covenant, through the rejection of her asylum application, have become moot in relation to article 1 of the Optional Protocol. Accordingly, in view of the circumstances of the case, those particular issues need not be further addressed in the context of the communication under review.

11. The Committee therefore decides that:

- (a) The communication is inadmissible under article 1 of the Optional Protocol;
- (b) The decision shall be transmitted to the State party and to the author.

Keywords: SO; discrimination, follow-up, legislation, marriage, reparation, same-sex couples

Views adopted: 28 March 2017

Violation: Art. 2(1); Art. 14(1); Art. 26

Remedy: Provide the author with full reparation for the discrimination suffered. The Committee also held that the State party was under an obligation to take steps to prevent similar violations in the future and to review its laws in accordance with the Committee's Views.

Subject matter: Denial under Australian law of access to divorce proceedings for same-sex couples validly married abroad amounting to discrimination on the basis of sexual orientation.

Previous follow-up information: None

Submissions from the State party:

2 February 2018

[...]

On 9 September 2017, the Australian Parliament adopted a number of legislative amendments, allowing same-sex couples, including those in the author's circumstances, to marry and divorce. These amendments directly address the Committee's Views.

The following amendments were adopted: the Marriage Amendment (Definition and Religious Freedoms) Act 2017 (Cth) (Marriage Amendment Act) amended the Marriage Act 1961 (Cth) (Marriage Act). [...]

Thus, the above legislative changes have provided the author with access to divorce proceedings. The changes have removed wholly the difference in Australian law upon which the Committee's finding of violation is based. As the changes apply to same-sex couples who entered into foreign marriages before 9 December 2017 as well as those who do so after that date they have also ensured that no similar situation can occur.

The changes have therefore addressed the Committee's views not only in respect of the author personally, but also in relation to the recurrence of a similar situation in the future.

Committee's assessment:

- (a) Full reparation: C
- (b) Non-repetition: A

Committee's decision:

Follow-up dialogue ongoing.

Lists of Issues and Concluding Observations

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- [123 Session](#) (2 – 27 Jul 2018)
- [124 Session](#) (8 Oct – 2 Nov 2018)

Committee against Torture (CAT)

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- [64 Session](#) (23 Jul – 10 Aug 2018)
- [65 Session](#) (12 Nov – 7 Dec 2018)

Committee on Enforced Disappearances (CED)

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Committee on the Elimination of Discrimination against Women (CEDAW)

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- [78 Session](#) (14 May – 1 Jun 2018)
- [80 Pre-Sessional Working Group](#) (4 – 8 Jun 2018)
- [79 Session](#) (17 Sep – 5 Oct 2018)
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Committee on the Rights of Persons with Disabilities (CRPD)

- [19 Session](#) (14 Feb – 9 Mar 2018)
- [9 Pre-Sessional Working Group](#) (12 – 16 Mar 2018)
- [20 Session](#) (27 Aug – 21 Sep 2018)
- [10 Pre-Sessional Working Group](#) (24 – 27 Sep 2018)

1. Committee on Economic, Social and Cultural Rights

Argentina – List of Issues – 61st PSWG, 19 October 2017, 4th review¹²

Keywords: *GI, SOGI; T; anti-discrimination legislation, discrimination, employment, legislation, LGR, measures, violence*

Non-discrimination (art. 2 (2))

8. Please provide information on the measures taken to tackle the discrimination and violence experienced by persons on the basis of their sexual orientation or gender identity in many fields of public life. Please indicate to what extent measures have been taken to fully enforce anti-discriminatory legal provisions, such as those on an employment quota for persons with disabilities and those contained in Gender Identity Law No. 26.743 of 2012 and the Provincial Bill (No. 14.783) on a Transgender Labour Quota of 2015.

Keywords: *SO; assisted reproduction, family, health, measures, service provision, SRHR*

Right to physical and mental health (art. 12)

24. Please indicate to what extent the measures taken by the State party address the reports of health insurance companies requesting information about the marital status and sexual orientation of beneficiaries as concerns providing coverage for reproductive health services under Act No. 26.862 of 2013 on assisted reproduction.

Argentina – Concluding Observations – 64th Session, 1 November 2018, 4th review¹³

Keywords: *LGBTI; access to justice, harassment, HRD, investigation, policy, prevention, punishment, violence*

Human rights defenders and social protest

16. While acknowledging the State party's efforts to ensure that its policy and institutional framework allows for social protest, the Committee is concerned at reports of a number of cases of threats and violence in recent years against defenders of the human rights of indigenous peoples, communities of African descent and lesbian, gay, bisexual, transgender and intersex persons, and at the trend towards violent confrontation and criminalization of persons who seek the restitution of indigenous territories (art. 2 (1)).
17. **The Committee recommends that the State party adopt a comprehensive policy for the protection of human and environmental rights defenders, including actions to prevent attacks against them. In addition, the Committee recommends that the State party combat impunity in such cases by investigating threats, harassment, intimidation and violence and ensuring that perpetrators are punished. In particular, the Committee urges the State party to move forward with investigations of State agents identified as bearing responsibility for acts of violence against indigenous communities. The Committee reminds the State party of its statement of 29 March 2017 on human rights defenders and economic, social and cultural rights.**

Keywords: *GI; T; discrimination, employment, legislation, professional groups*

Non-discrimination

24. While acknowledging the adoption of the National Plan against Discrimination, the Committee is concerned about its effective implementation and impact and about public officials' lack of awareness of the right to non-discrimination. The Committee also finds it regrettable that the quota for the hiring of transsexual persons in the public sector of the Province of Buenos Aires has not been met (art. 2 (2)).

25. **The Committee recommends that the State party:**

[...]

(d) Enact regulations for Act No. 14783, adopted in September 2015 in the Province of Buenos Aires, which provides that the public sector of the Province of Buenos Aires must employ, in a proportion not less than 1 per cent of its entire staff, suitably qualified transvestite, transsexual and transgender persons;

[...]

(f) Provide sufficient financial and human resources for the full implementation of the Gender Identity Act.

12 [E/C.12/ARG/Q/4](#)

13 [E/C.12/ARG/CO/4](#)

Keywords: *I; health, policy, service provision, SRHR*

Sexual and reproductive rights

55. [...] Finally, the Committee is concerned about the lack of a policy and institutional framework for ensuring that appropriate health services are available to intersex persons (art. 12).

56. The Committee recommends that the State party:

[...]

(g) Adopt a policy and institutional framework for ensuring that appropriate health services are available to intersex persons.

Keywords: SOGI; awareness-raising campaign, criminalisation (decriminalisation), discrimination, GC/GR, LGR, measures

C. Principal subjects of concern and recommendations

Non-discrimination

23. The Committee is concerned that article 28 of the Constitution prohibits discrimination only on limited grounds, and that the State party has delayed the adoption of comprehensive anti-discrimination legislation. While welcoming the legal recognition of hijras, it remains concerned that same-sex relations between consenting adults are criminalized (art. 2 (2)).

24. The Committee recommends that the State party expedite the adoption of comprehensive anti-discrimination legislation that prohibits direct, indirect and multiple forms of discrimination on an open list of grounds and that provides for effective remedies for victims of discrimination, including in judicial and administrative proceedings. It also recommends that the State party decriminalize same-sex relations between consenting adults and take the measures necessary to raise public awareness regarding, and combat discrimination based on, sexual orientation and gender identity.

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

Keywords: *anti-discrimination legislation, follow-up*

D. Other recommendations

77. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 18 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 24 (adoption of comprehensive anti-discrimination legislation), 28 (Rohingya refugees) and 41 (victimization of trade union activists) above.

Keywords: *LGBTI; discrimination, FOE/FOAA*

Non-discrimination

10. Please provide information on the enforcement of the regulations on the registration of civil society organizations working on Covenant-related issues. Please include details on the protection of the rights of drug users, sex workers, lesbian, gay, bisexual, transgender and intersex persons, unemployed persons and single parents. Please indicate to what extent the regulations regarding civil society organizations enable them to operate freely.

Keywords: *LGBTI, T; action plan, discrimination, employment, health, measures, service provision, violence*

Non-discrimination

11. [...] Please also provide information on specific measures adopted and their impact:

(a) In the context of the implementation of the inter-federal action plan to combat discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons (2018–2019), in particular as regards such discrimination in the areas of access to employment and in the work place and in the area of access to health care (especially for transgender persons);

[...]

Keywords: *legislation, partnership, same-sex couples*

Rights of same-sex couples

20. The Committee notes with concern that same-sex couples cannot legally formalize their union in the State party (art. 2 (2)).
21. **The Committee recommends that the State party take steps towards the legal formalization of same-sex unions, with a view to offering same-sex couples the same rights and protection as heterosexual couples.**

Keywords: SO; LGBT; criminalisation (decriminalisation), discrimination

Non-discrimination (art. 2 (2))

7. [...] Please say whether the State party intends to take steps to protect lesbian, gay, bisexual and transgender persons from discrimination on the grounds of sexual orientation, including by decriminalizing homosexuality.

Keywords: SO; anti-discrimination legislation, discrimination, protected grounds, remedy

Non-discrimination (art. 2 (2))

6. Please explain the obstacles to the adoption of comprehensive anti-discrimination legislation, as recommended by the Committee in its concluding observations on the State party's fifth periodic report ([E/C.12/DNK/CO/5](#), para. 7)²⁰. Please explain how victims of discrimination in the enjoyment of rights or on grounds that are not specified in the State party's various anti-discrimination legal provisions can seek remedies. Please indicate how effective the available recourses are.

19 [E/C.12/DNK/Q/6](#)

20 [E/C.12/DNK/CO/5](#):

7. [...] The Committee recommends that the State party take steps to adopt comprehensive anti-discrimination legislation, guaranteeing protection for all against discrimination in the enjoyment of economic, social and cultural rights, as stipulated in article 2, paragraph 2, of the Covenant. The Committee recommends that the State party ensure that such legislation also protects against discrimination on the grounds of sexual orientation as well as disability. [...]

Germany – List of Issues – 61st PSWG, 19 October 2017, 6th review²¹

Keywords: *anti-discrimination legislation, discrimination, employment, marriage, same-sex couples*

Non-discrimination (art. 2 (2))

[...]

7. Please clarify whether national anti-discrimination legislation is effective in preventing churches from discriminating against adherents of other faiths in the matter of employment in non-ecclesiastical appointments in church-run institutions such as schools, hospitals and nursing homes. Please also clarify whether the legislation prohibits churches from dismissing non-ecclesiastical employees who contract same-sex marriages.

Keywords: *SOGI; I; children, data collection, discrimination, hate crimes, health, legislation, LGR, measures, prevention, surgical/medical intervention, violence*

8. Please provide statistical data on the number of surgeries performed on intersex infants and children. Please indicate the measures taken to address the challenges, physical and mental, faced by intersex infants and children. Please indicate the impact of the decision to allow a third gender option on birth certificates in 2013 on the situation of intersex infants and children. Please also provide information on the measures taken to combat and prevent discrimination and violence based on sexual orientation and gender identity and indicate whether the State party has the intention to make explicit reference to homophobia in its hate crime legislation.

Germany – Concluding Observations – 64th Session, 27 November 2018, 6th review²²

Keywords: *SOGI; anti-discrimination legislation, discrimination, education, employment, health, legislation, professional groups, protected grounds*

Discrimination in church-run institutions

22. The Committee is concerned at the repeated reports of discrimination on grounds of religious belief, sexual orientation or gender identity in employment in non-ecclesiastic positions in church-run institutions, such as schools and hospitals (arts. 2 (2) and 6).
23. **The Committee recommends that the State party review the General Equal Treatment Act, particularly its sections 8 and 9, to ensure that no discrimination is permitted against non-ecclesiastical employees on grounds of religious belief, sexual orientation or gender identity.**

Keywords: *GI; I, T; children, court, decision-making process, health, IGM, jurisprudence, legislation, LGR, measures, surgical/medical intervention*

Intersex children and transgender persons

24. The Committee welcomes the decision of the Federal Constitutional Court of 10 October 2017 concerning the third gender. The Committee is, however, concerned that gender confirmation surgery has continued to be performed on intersex infants and children since the adoption of the Law on Amendments to the Civil Status Act and is also concerned at the lifelong devastating consequences of such surgery on the mental, physical and psychological health and well-being of the children concerned. It is further concerned that gender laws (*Transsexuellengesetz*) in the State party pathologize transgender status (arts. 2 (2) and 12).
25. **The Committee recommends that the State party take necessary measures to prohibit medically unnecessary gender confirmation surgery on intersex infants and children and to provide an enabling environment in which intersex infants and children can develop and in which their preferred gender identity can be respected. It also recommends that the State party revise its gender laws in accordance with international human rights standards and best practice.**

21 [E/C.12/DEU/Q/6](#)

22 [E/C.12/DEU/CO/6](#)

Keywords: *SOGI; LGBT; court, discrimination, harassment, investigation, jurisprudence, measures, prevention, violence*

Non-discrimination (art. 2 (2))

7. Please provide information on the measures taken to prevent discrimination on grounds of sexual orientation or gender identity and to extend protection to those who might be exposed to discrimination on such grounds. Please also provide detailed information on investigations launched into reported attacks or harassment against lesbian, gay, bisexual and transgender persons and the judgments in the relevant court cases.

Keywords: *LGBT; employment, measures*

Right to work (art. 6)

11. Please provide updated statistical data on unemployment rates disaggregated by sex, age, disability, ethnic origin and rural/urban distribution. Please also provide information on the measures taken, and their impact, to increase employment opportunities among disadvantaged and marginalized groups and individuals, including non-ethnic Kazakh people from lower socioeconomic backgrounds, persons with disabilities and lesbian, gay, bisexual and transgender persons.

Keywords: *LGBT; health, measures, medical professionals, service provision, stereotypes*

Right to physical and mental health (art. 12)

[...]

24. Please provide updated information on the impact of the measures taken to ensure adequate access to health care (including to technologically advanced treatment) by persons with HIV/AIDS or hepatitis C, including those held in detention facilities. Please also provide information on the measures taken to remove practical obstacles faced by lesbian, gay, bisexual and transgender persons in access to health-care services, due to stereotyping and prejudices, including among medical personnel.

Keywords: SOGI; anti-discrimination legislation, court, data collection, discrimination, intersectionality, jurisprudence, legislation, protected grounds

Non-discrimination (art. 2 (2))

7. Please provide information on the steps taken to review anti-discrimination provisions in the Constitution and the Equal Opportunities Act 2012, with a view to ensuring the prohibition of direct, indirect and multiple forms of discrimination on any ground, including language, religion, property, birth, disability, sexual orientation and gender identity and other status, in line with article 2 (2) of the Covenant. Please also provide information on the cases of discrimination brought to the Equal Opportunities Commission and the Equal Opportunities Tribunal, including the main grounds of discrimination identified through complaints, the number of cases reported to and dealt with by the Commission and the Tribunal, and the result of such cases.

Keywords: *LGBTI; awareness-raising campaign, discrimination, education, employment, GC/GR, health, prevention, service provision, social security*

Discrimination

18. Although the Committee takes note of the existence of a federal law on the prevention of discrimination and the fact that the 32 federative entities also have anti-discrimination legislation, it is concerned that the lack of legislative harmonization makes it impossible to provide adequate and equal protection against the types of discrimination prohibited under the Covenant. It is also concerned at the persistent discrimination faced by specific groups and the fact that there are no appropriate policies to combat the multiple discrimination faced by certain groups, such as indigenous women with disabilities (art. 2).

19. The Committee recommends that the State party:

(a) Review and harmonize its legislation in order to establish a comprehensive legal framework that guarantees a similar level of protection for all persons in the State party against all the types of discrimination enumerated in article 2 (2) of the Covenant;

(b) Redouble its efforts to prevent and combat persistent discrimination, in particular against members of indigenous peoples, persons of African descent, persons with disabilities, migrants, asylum seekers and refugees, and lesbian, gay, bisexual, transgender and intersex persons, including by carrying out awareness-raising campaigns, with a view to ensuring the full exercise of the rights recognized in the Covenant, particularly access to employment, social security, health care and education;

(c) Adopt specific policies, in consultation with the affected groups, to combat the multiple discrimination faced by some persons.

20. The Committee refers the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

New Zealand – List of Issues Prior to Reporting – 57th PSWG, 12 April 2016, 4th review²⁶

Keywords: *T; measures, violence*

Issues of particular relevance

4. Please provide an assessment of how measures to combat different types of violence for groups such as women and girls, persons with disabilities, children and transgender persons have been effective.

Norway – List of Issues Prior to Reporting – 63rd PSWG, 12 November 2018, 6th review²⁷

Keywords: *SOGI; T; adolescents, asylum-seekers/refugees, children, discrimination, education, health, measures, service provision, support services*

B. Implementation of the Covenant

16. Please provide information on the measures taken to address the situation of transgender young persons who have reportedly been facing discrimination and transphobia at school and in accessing public health-care services. Please also provide information on the measures to assist persons who are seeking asylum on the grounds of their sexual orientation or gender identity in proving their sexual orientation or gender identity without obstacles.

26 [E/C.12/NZL/QPR/4](#)

27 [E/C.12/NOR/QPR/6](#)

Keywords: SOGI; *discrimination, measures*

Non-discrimination (art. 2 (2))

6. Please provide information on the impact of the measures taken to combat discrimination on the grounds of gender identity and/or sexual orientation, particularly with respect to the exercise of economic, social and cultural rights.

South Africa – List of Issues – 61st PSWG, 1 November 2017, initial review²⁹

Keywords: *I; children, data collection, decision-making process, free and informed consent, health, IGM, legislation, LGR, measures, surgical/medical intervention*

Non-discrimination (art. 2 (2))

[...]

7. Please provide information on the measures taken to effectively implement the Alteration of Sex Description and Sex Status Act. Please also provide information on the number of surgeries performed on intersex infants and children; on the measures taken to address the severe physical and mental risks facing intersex infants and children undergoing such surgery without free and informed consent; and whether the State party intends to address the problems caused by the performance of such surgery.

Keywords: SOGI; discrimination, legislation, measures

Non-discrimination (art. 2 (2))

[...]

9. Please provide information on the impact of specific measures taken to combat discrimination on the grounds of sexual orientation or gender identity and to address gaps in the law in that respect.

Keywords: I; children, data collection, decision-making process, free and informed consent, health, IGM, measures, surgical/medical intervention

Right to physical and mental health (art. 12)

[...]

29. Please provide statistical data on the number of surgical operations conducted on intersex infants and children. Please indicate the measures taken to ensure the protection of the physical and mental integrity, autonomy and freedom of choice of intersex persons.

Turkmenistan – List of Issues – 61st PSWG, 19 October 2017, 2nd review³¹

Keywords: *GI; anti-discrimination legislation, discrimination, education, employment*

Non-discrimination (art. 2 (2))

5. Please indicate whether the State party intends to establish comprehensive anti-discrimination legislation. Please provide information on the implementation of those provisions of laws that prohibit discrimination in the State party, in particular in the fields of education and employment, and whether those provisions effectively prohibit discrimination on all grounds, including national or social origin and gender identity, in all aspects of life. Please indicate what measures have been taken to combat and prevent discrimination against persons with disabilities, in particular with respect to the right to education and housing.

Turkmenistan – Concluding Observations – 64th Session, 31 October 2018, 2nd review³²

Keywords: *LGBTI; criminalisation (decriminalisation), detention, discrimination, legislation, punishment, stigmatisation*

Non-discrimination

16. The Committee is concerned that:

[...]

(b) There is a strong stigmatization of lesbian, gay, bisexual, transgender and intersex persons and discrimination against them is not prohibited. Furthermore, under section 135 of the Criminal Code, homosexual acts between adult men is punished by a prison sentence of up to two years;

[...]

17. The Committee recommends that the State party:

[...]

(b) Repeal section 135 of the Criminal Code;

[...]

31 [E/C.12/TKM/Q/2](#)

32 [E/C.12/TKM/CO/2](#)

Ukraine – List of Issues Prior to Reporting – 63rd PSWG, 14 November 2018, 7th review³³

Keywords: *SOGI; anti-discrimination legislation, data collection, employment, investigation, legislation, protected grounds*

Non-discrimination

[...]

10. Please provide information on the implementation of the November 2015 amendment of the anti-discrimination section of the State party's Labour Code, in particular on sexual orientation and gender identity as protected grounds and on the specific challenges encountered in implementing the provisions. Please include information on the number of cases of discrimination investigated and the number of convictions handed down.

Keywords: *TI; action plan, health, measures, service provision*

Right to physical and mental health

25. Please provide information about the steps taken and the challenges faced in ensuring access to quality health care for all and in establishing a compulsory State health insurance scheme. In particular, please provide information on:

[...]

(b) The measures taken to ensure access to free and adequate medical care for transgender and intersex persons, in line with the Human Rights Action Plan;

[...]

Keywords: *LGBTI; adolescents, awareness-raising campaign, bullying, children, education, measures, professional groups, violence*

Right to education

[...]

29. [...] Please also provide information on measures taken to ensure equal access to education for all children without discrimination. In particular:

[...]

(c) Please provide information about the measures taken to raise awareness of the rights of lesbian, gay, bisexual, transgender and intersex persons among teachers, other school staff and pupils and to combat bullying and assaults against lesbian, gay, bisexual, transgender and intersex children and young people at school, and about the impact of these measures.

2. Human Rights Committee

Algeria – List of Issues – 121st Session, 11 December 2017, 4th review³⁴

Keywords: SGI; access to justice, anti-discrimination legislation, discrimination, intersectionality, legislation, protected grounds, remedy

Non-discrimination (arts. 2, 3, 13, 25, 26 and 27)

7. In view of the constitutional guarantee of the right to non-discrimination, please provide more information on the legal framework for combating discrimination and indicate, in particular, whether there is comprehensive anti-discrimination legislation
 - (a) providing a clear definition of direct, indirect and multiple discrimination, whether occurring in public or in private, and clearly criminalizing all forms of the practice,
 - (b) including an exhaustive list of the prohibited grounds for discrimination set forth in the Covenant, including sexual identity and gender and disability, and
 - (c) providing effective judicial and administrative remedies for victims.

Keywords: LG, T; court, criminalisation (decriminalisation), discrimination, hate speech, jurisprudence, measures, stereotypes, stigmatisation, violence

8. In particular, please describe the measures taken to combat and prevent acts of discrimination, stigmatization, violence and hate speech against
 - [...]
 - (d) lesbian, gay, transsexual and transgender persons.

In this regard, please describe the measures that the State party intends to take to

- (a) combat the widespread stereotyping and stigmatization directed against homosexuals, and
- (b) revise article 338 of the Criminal Code criminalizing private sexual activity between consenting adults of the same sex. Please provide examples of judicial decisions relating to combating discrimination that have been handed down in the past five years.

Algeria – Concluding Observations – 123rd Session, 17 August 2018, 4th review³⁵

Keywords: SOGI; LGBT; access to justice, anti-discrimination legislation, criminalisation (decriminalisation), detention, discrimination, legislation, protected grounds, remedy, stigmatisation

Anti-discrimination measures

19. The Committee takes note of the delegation's explanations regarding the constitutional guarantee of the prohibition of discrimination and the non-communitarian nature of Algerian society. While taking note of articles 295 bis 1 and 295 bis 2 of the Criminal Code, the Committee remains concerned that the definition of discrimination does not include such grounds of discrimination as language, religious belief, sexual orientation and gender identity, and finds it regrettable that current legislation does not offer victims effective civil and administrative remedies. The Committee is also concerned by allegations of acts of discrimination, stigmatization and hate speech against migrants, asylum seekers and Amazigh communities. Moreover, the Committee reiterates its concern with regard to acts of discrimination and stigmatization against lesbian, gay, bisexual and transgender persons and finds it regrettable that sexual activity in private between consenting adults of the same sex remains an offence under article 338 of the Criminal Code (arts. 2, 19, 20 and 26).

20. The State party should:

- (a) **Adopt comprehensive civil and administrative legislation on discrimination that includes a definition of direct and indirect discrimination, including in the private sphere, and contains a non-exhaustive list of grounds of discrimination, including, inter alia, language, religious belief, sexual orientation and gender identity;**

34 [CCPR/C/DZA/Q/4](#)

35 [CCPR/C/DZA/CO/4](#)

(b) Undertake to combat hate speech by public or private persons, including on social media and the Internet, in accordance with articles 19 and 20 of the Covenant and general comment No. 34 (2011) on freedoms of opinion and expression;

(c) Repeal article 338 of the Criminal Code in order to decriminalize sexual relations between consenting adults of the same sex;

(d) Release all persons detained on the basis of article 338 of the Criminal Code.

Bahrain – List of Issues – 121st Session, 11 December 2017, initial review³⁶

Keywords: SOGI; access to justice, anti-discrimination legislation, discrimination, remedy

Non-discrimination, equality between men and women and the rights of minorities (arts. 2, 3, 18, 23, 26 and 27)

5. Please indicate what steps have been taken to adopt comprehensive antidiscrimination legislation that outlaws discrimination on the grounds addressed by the Covenant, including race, colour, sex, language, religion, political or other opinion, national or social origin, property and birth or other status, as well as sexual orientation and gender identity, disability and age. Please provide information on the judicial and administrative remedies available in cases of discrimination. Please provide detailed information on the steps taken to ensure the rights of all persons with disabilities and the accomplishments of the national strategy on the rights of persons with disabilities (2012–2016), as well as on any successor strategy.

[...]

Keywords: SOGI; awareness-raising campaign, court, criminalisation (decriminalisation), discrimination, law enforcement officials, legislation, measures, prosecution

9. Please provide information on the legal and practical measures taken to combat discrimination on the basis of sexual orientation and gender identity, including any awareness-raising campaigns to promote sensitivity and tolerance among law enforcement officers, prosecutors, courts and the general public. Please respond to reports that persons have been prosecuted for same-sex conduct under provisions of the Penal Code regarding, inter alia, “debauchery” and “obscenity”.

Bahrain – Concluding Observations – 123rd Session, 15 November 2018, initial review³⁷

Keywords: SOGI; criminalisation (decriminalisation), discrimination, legislation, prevention, punishment

Discrimination on grounds of sexual orientation and gender identity

23. While noting the State party’s affirmation that no trials have been conducted on the basis of gender identity or homosexual behaviour, the Committee is concerned about the criminalization of homosexual acts, which are punishable when they take place in public spaces, according to articles 326, 346 and 350 of the Bahrain Criminal Code (1956) (arts. 2, 17 and 26).
24. While acknowledging the diversity of morality and cultures internationally, the Committee notes that State laws and practices must always be subject to the principles of universality of human rights and of non-discrimination and that a failure to comply with the obligations contained in the Covenant cannot be justified by reference to political, social, religious, cultural or economic considerations within the State. The State party should decriminalize sexual relations between consenting adults of the same sex. The State party should also prohibit and prevent all forms of discrimination against persons based on their sexual orientation or gender identity.

36 [CCPR/C/BHR/Q/1](#)

37 [CCPR/C/BHR/CO/1](#)

Belarus – List of Issues Prior to Reporting – 114th Session, 19 August 2015, 5th review³⁸

Keywords: SOGI; access to justice, anti-discrimination legislation, discrimination, intersectionality, protected grounds, remedy

Non-discrimination and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20 and 26)

5. Please indicate whether steps have been or are being taken to adopt comprehensive legislation that addresses discrimination, including in the private sphere, prohibits direct, indirect and multiple discrimination, contains a comprehensive list of grounds for discrimination, including sexual orientation and gender identity, and provides for effective remedies in judicial and administrative proceedings.

[...]

Keywords: LGBTI; access to justice, discrimination, harassment, hate speech, measures, media, violence

9. Please comment on reports of discrimination, harassment, widespread homophobic discourse and hate speech, including in the media and notably by the President, and violence against lesbian, gay, bisexual, transgender and intersex individuals and activists, and report on measures taken to ensure protection of victims and address the prevalent impunity for such acts.

Keywords: LGBTI; discrimination, FOE/FOAA, harassment, legislation, measures

Freedom of expression, peaceful assembly, freedom of association and the right to participate in public life (arts. 19, 21, 22 and 25)

[...]

32. With reference to the Committee's previous concluding observations (see [CCPR/C/79/Add.86](#), para. 19), please provide information on measures taken to guarantee, both in law and in practice, the free exercise of freedom of association, including information on measures to address:

(a) the restrictive rules on registration of public associations, reports of widespread denial of registration on politically motivated or discriminatory grounds, including to lesbian, gay, bisexual, transgender and intersex organizations and the Human Rights Center *Viasna*;

(b) the criminalization of participation in the activities of unregistered associations;

(c) the restrictions on funding received from foreign sources, including State approval of such funding and criminalization of any unauthorized foreign funding; and

(d) the harassment and intimidation of registered civil society organizations conducting activities perceived to be contrary to State's policies and practices.

[...].

Belarus – Concluding Observations – 124th Session, 22 November 2018, 5th review³⁹

Keywords: SOGI; LGBT, T; access to justice, anti-discrimination legislation, discrimination, harassment, hate crimes, hate speech, health, investigation, law enforcement officials, legislation, LGR, privacy, protected grounds, punishment, trainings, violence

Discrimination on the grounds of sexual orientation and gender identity

19. While noting the information provided by the State party in this regard, the Committee remains concerned about reports of discrimination based on sexual orientation and gender identity, including harassment, homophobic discourse, hate speech and violence against lesbian, gay, bisexual and transgender individuals, and about the lack of adequate protection against such discrimination, both in law and in practice. The Committee is also concerned about reported violations of privacy and other rights of transgender persons, inter alia through gendered identity numbers in passports making gender reassignment information available to a broad range of government officials and through military identification documents for transgender men indicating that they are unfit for service under category 19a (serious mental disorder) of the Disease Schedule approved by the Ministries of Health and Defence (arts. 2, 7, 17 and 26).

20. The State party should take vigorous steps to eradicate effectively all forms of discrimination and violence on

38 [CPR/C/BLR/QPR/5](#)

39 [CCPR/C/BLR/CO/5](#)

the basis of sexual orientation and gender identity, inter alia by:

- (a) explicitly listing sexual orientation and gender identity among the prohibited grounds for discrimination in comprehensive anti-discrimination legislation;
- (b) providing appropriate training on combating discriminatory attitudes towards lesbian, gay, bisexual and transgender persons to law enforcement and other officials; and
- (c) sanctioning such conduct properly, including by promptly and effectively investigating any reports of violence or hatred motivated by sexual orientation and gender identity and by bringing perpetrators to justice.

The State party should amend relevant regulations and procedures governing gender transition with a view to ensuring their compatibility with the Covenant, including with the right to privacy.

Belize – List of Issues – 122nd Session, 13 June 2018, initial review⁴⁰

Keywords: SOGI; access to justice, discrimination, legislation, measures, protected grounds, remedy

Non-discrimination (arts. 2 and 26)

3. With reference to the Committee's previous concluding observations (see [CCPR/C/BLZ/CO/1](#), para. 11), please clarify what measures have been taken to ensure that:
 - (a) domestic legislation, including the Constitution, explicitly prohibits discrimination on the basis of language, religion, opinion, social origin, property, birth, sexual orientation, gender identity and other status; and
 - (b) victims of discrimination have access to effective remedies in judicial and administrative proceedings.

Keywords: SO; discrimination, legislation

4. Please indicate whether measures have been taken to repeal the discriminatory provisions contained in section 5 (1) of the Immigration Act of 2000 prohibiting entry into the State party to certain categories of foreigners on the basis of their health status, disability, sexual orientation or other status, including persons with physical or psychosocial disabilities, homosexuals and prostitutes.

Keywords: SOGI; LGBTI; access to justice, court, discrimination, employment, harassment, hate speech, jurisprudence, killings, legislation, measures, police misconduct, violence

5. Please:

- (a) Report on measures taken to address discrimination on the grounds of sexual orientation and gender identity, including in relation to access to employment;
- (b) Respond to reports of acts of hate speech and violence, including homicide, against lesbian, gay, bisexual, transgender and intersex individuals and the harassment of such individuals for reporting such acts. Please also indicate what measures have been taken to clarify the meaning, interpretation or application of section 5 (1) (e) of the Immigration Act following the 2016 judgment of the Caribbean Court of Justice in the case of *Maurice Tomlinson v. The State of Belize* in order to ensure consistency with the principle of legal certainty and with Covenant obligations, in particular with the principle of non-discrimination.

Belize – Concluding Observations – 124th Session, 11 December 2018, initial review⁴¹

Keywords: SOGI; access to justice, anti-discrimination legislation, discrimination, legislation, protected grounds, remedy

C. Principal matters of concern and recommendations

Non-discrimination framework

11. The Committee notes that the principle of non-discrimination is enshrined in the Constitution and that a process to address non-discrimination comprehensively through an anti-discrimination bill has been initiated. It regrets, however, that the current frameworks:
 - (a) do not fully cover all the prohibited grounds contained in articles 2 and 26 of the Covenant, particularly language, religion, opinion, social origin, property, birth, sexual orientation and gender identity and other status; and
 - (b) do not provide victims with effective civil and administrative remedies (arts. 2 and 26).
12. The Committee is also concerned about section 5 (1) of the Immigration Act (2000), which prohibits entry into the State party to certain categories of foreigners on the basis of their health status, disability, sexual orientation or other status, including persons with physical or psychosocial disability, persons identified by immigration authorities as "homosexuals" or prostitutes (arts. 2 and 26).
13. The State party should:
 - (a) adopt comprehensive civil and administrative legislation against discrimination that includes a definition of discrimination, both direct and indirect, including in the private sphere, and contains a non-exhaustive list of grounds of discrimination, including, inter alia, language, religious belief, sexual orientation and gender identity;

40 [CCPR/C/BLZ/Q/1/Add.1](#)

41 [CCPR/C/BLZ/CO/1/Add.1](#)

(b) provide access to effective and appropriate remedies for all victims of discrimination; and

(c) review section 5 (1) of the Immigration Act (2000) and ensure that any person who has been denied entry on such discriminatory grounds has access to effective remedies.

Keywords: SOGI; LGBTI; access to justice, court, criminalisation (decriminalisation), data collection, discrimination, harassment, hate crimes, hate speech, investigation, jurisprudence, law enforcement officials, legislation, media, police, police misconduct, prosecution, punishment, stigmatisation, violence

Discrimination based on sexual orientation and gender identity

14. The Committee welcomes the Supreme Court's decision in *Caleb Orozco v. The Attorney General of Belize et al.* (2016), in which the Court recognized the unconstitutionality and discriminatory character of section 53 of the Criminal Code with regard to its criminalization of same-sex sexual conduct between consenting adults. It remains concerned, however, at credible allegations that lesbian, gay, bisexual, transgender and intersex individuals are stigmatized and are subject to de facto discrimination in the enjoyment of a range of rights on the basis of their sexual orientation and/or gender identity. The Committee is specifically concerned at reports of:

(a) hate speech in media targeting lesbian, gay, bisexual, transgender and intersex individuals, with total impunity; and

(b) violence, harassment and police abuse of authority experienced by lesbian, gay, bisexual, transgender and intersex individuals, a state of affairs that is exacerbated by the lack of effective investigations into such allegations and their lack of documentation in relevant databases (arts. 2, 7, 9, 20 and 26).

15. The State party should:

(a) repeal section 53 of the Criminal Code and decriminalize same-sex sexual conduct between consenting adults;

(b) explicitly reject any form of social stigmatization, discrimination and violence against persons based on their sexual orientation or gender identity and undertake to combat hate speech by public or private persons targeting lesbian, gay, bisexual, transgender and intersex individuals;

(c) remove any barriers to the enjoyment of rights by lesbian, gay, bisexual, transgender and intersex individuals;

(d) facilitate access to justice by victims of harassment, violence and police abuses, including by strengthening trust between lesbian, gay, bisexual, transgender and intersex individuals and State authorities and increasing the financial and human resources of complaint-receiving bodies such as the Professional Standards Branch; and

(e) ensure the investigation, prosecution and punishment of any act of violence motivated by the victim's sexual orientation or gender identity and ensure the systematic collection of data about such acts.

Keywords: SOGI; LGBTI; access to justice, criminalisation (decriminalisation), data collection, discrimination, follow-up, harassment, hate crimes, hate speech, investigation, law enforcement officials, legislation, police, police misconduct, prosecution, punishment, stigmatisation, violence

D. Dissemination and follow-up

[...]

48. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party is requested to provide, by 2 November 2020, information on the implementation of the recommendations made by the Committee in paragraphs 15 (discrimination based on sexual orientation and gender identity), 25 (duty to protect the right to life) and 42 (refugees, asylum seekers and migrants) above.

Botswana – List of Issues Prior to Reporting – 122nd Session, 25 April 2018, 2nd review⁴²

Keywords: SOGI; awareness-raising campaign, criminalisation (decriminalisation), data collection, discrimination, hate speech, legislation, measures, policy, punishment, violence

Non-discrimination (arts. 2–3 and 25–26)

[...]

7. With reference to the Committee’s previous concluding observations (para. 22), please provide information on efforts made to repeal section 164 of the Penal Code criminalizing same-sex sexual conduct, and indicate the number of persons who have been convicted under this provision and the sentences imposed on them. Please provide information on the legislative, public policy and awareness-raising measures in place to protect persons from discrimination and violence based on sexual orientation and gender identity, including protection from incitement to discrimination by registered religious organizations.

Bulgaria – List of Issues Prior to Reporting – 114th Session, 21 August 2015, 4th review⁴³

Keywords: *SO, SOGI; LGBT; discrimination, education, hate crimes, health, legislation, measures, service provision*

Equality between men and women and the protection of rights of lesbian, gay, bisexual and transgender persons, persons with disabilities and persons with HIV/AIDS (arts. 2, 3, 20 and 26)

[...]

9. Please indicate the measures taken to combat discrimination on the grounds of sexual orientation, including societal discrimination, and discrimination in public education and in the health-care system, as well as steps taken to recognize offences committed on grounds of sexual orientation or gender identity in criminal legislation. [...]

Bulgaria – Concluding Observations – 124th Session, 15 November 2018, 4th review⁴⁴

Keywords: *SOGI; LGBTI; data collection, discrimination, hate crimes, hate speech, internet, investigation, law enforcement officials, legislation, media, prevention, prosecution, protected grounds, punishment, reparation*

Hate speech and hate crimes

9. The Committee is concerned about reports of increased acts of hate speech and hate crimes, particularly against the Roma community, members of religious minorities, lesbian, gay, bisexual, transgender and intersex persons, migrants and asylum seekers, including racist, xenophobic and intolerant speech on television, the media and on the Internet, from persons at the highest levels of government and in election campaigns. While noting the legislative reforms aimed at expanding the scope of hate crimes, the Committee remains concerned that sexual orientation and gender identity are not recognized as hate motives or grounds of discrimination in either the Criminal Code or the Radio and Television Act. It is also concerned at the lack of data regarding criminal hate speech and hate crimes and that these crimes are not adequately investigated and prosecuted, since the hate motive is often not taken into account, and the number of convictions is extremely low (arts. 2–3, 18–20 and 26–27).

10. The State party should:

(a) Amend the Criminal Code and the Radio and Television Act to explicitly include sexual orientation and gender identity as hate motives and grounds of discrimination, respectively;

[...]

(c) Effectively enforce criminal provisions against hate crimes and hate speech by ensuring that such crimes are reported, investigated, prosecuted and punished with appropriate sanctions, and that victims receive full reparation;

(d) Strengthen the investigative capacity of law enforcement officials for hate crimes and criminal hate speech, including on the Internet and strengthen the mandate and capacity of the Council for Electronic Media to prevent and sanction hate speech in the media.

Keywords: *GI, SOGI; LGBTI; adoption, anti-discrimination legislation, awareness-raising campaign, children, court, discrimination, education, employment, family, gender reassignment treatment, health, jurisprudence, legislation, LGR, marriage, partnership, protected grounds, remedy, same-sex couples, stereotypes, trainings*

Discrimination on the grounds of sexual orientation and gender identity

11. The Committee is concerned that the Protection against Discrimination Act does not include gender identity as a ground of discrimination. It also notes with concern that same-sex couples cannot enter into any form of legally recognized union or adopt children, and that those married overseas and their children are denied access to civil registration. It is further concerned at the obstacles to changing legal recognition of gender, including reports that courts condition such changes on undergoing hormonal therapy. The Committee is concerned at the persistence of stereotypical attitudes, prejudice, hostility and discrimination against lesbian, gay, bisexual, transgender and intersex persons, including as reflected in the Constitutional Court's decision No. 13/2018 of 27 July 2018 (arts. 2–3, 16–17, 19–20, 23 and 26).

12. The State party should:

(a) Eliminate discrimination against persons on the basis of their sexual orientation or gender identity in law and in practice in all spheres, including employment, marriage and family arrangements, and ensure access to effective remedies for any act of discrimination;

43 [CCPR/C/BGR/QPR/4](#)

44 [CCPR/C/BGR/CO/4](#)

(b) Amend the Protection against Discrimination Act to explicitly include gender identity as a ground of discrimination and fully recognize the equality of same-sex couples;

(c) Establish a simple and accessible administrative procedure for change of civil status with respect to gender identity that is in accordance with the Covenant;

(d) Intensify efforts to combat negative stereotypes and prejudice against lesbian, gay, bisexual, transgender and intersex persons and to promote tolerance through training and awareness-raising campaigns for government officials and the general public, including through public schools.

Keywords: SOGI; discrimination, follow-up, hate crimes, hate speech, internet, investigation, law enforcement officials, legislation, media, prevention, prosecution, protected grounds, punishment, reparation

D. Dissemination and follow-up

[...]

46. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party is requested to provide, by 2 November 2020, information on the implementation of the recommendations made by the Committee in paragraphs 10 (hate speech and hate crimes), 36 (national, ethnic and religious minorities) and 38 (freedom of expression) above.

El Salvador – List of Issues Prior to Reporting – 114th Session, 18 August 2015, 7th review⁴⁵

Keywords: *SOGI; LGBT, LGBTI; court, data collection, discrimination, investigation, jurisprudence, measures, prevention, punishment, remedy, violence*

Non-discrimination, equal rights between men and women, and violence against women (arts. 2, 3, 6, 7 and 26)

[...]

4. Please explain the measures taken to prevent and to provide protection from violence and discrimination based on sexual orientation or gender identity, including when committed by public officials, and the impact those measures. Please provide information on the Permanent Committee on the Human Rights of the Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Population. Please include information on relevant court decisions concerning this matter. Please also include information on
 - (a) the number of complaints received regarding violence against lesbian, gay, bisexual or transgender persons;
 - (b) the investigations carried out in such instances and their results, including the sentences handed down to the perpetrators; and
 - (c) the remedies provided to the victims.

El Salvador – Concluding Observations – 122nd Session, 9 May 2018, 7th review⁴⁶

Keywords: *SOGIE; hate crimes, legislation, measures, protected grounds*

B. Positive aspects

3. The Committee welcomes the legislative and institutional measures taken by the State party during the reporting period in the area of civil and political rights, including:

[...]

(e) The amendment of articles 129 and 155 of the Criminal Code in 2015 to incorporate hate crime based on sexual orientation, gender identity or gender expression;

[...]

Keywords: *SOGIE; LGBTI, T; access to justice, anti-discrimination legislation, awareness-raising campaign, discrimination, education, employment, hate crimes, health, housing, investigation, killings, law enforcement officials, legislation, LGR, policy, professional groups, punishment, reparation, service provision, trainings, violence*

Non-discrimination

9. The Committee is concerned about the absence of a comprehensive anti-discrimination legal framework, as well as the persistence of discrimination against persons of African descent, indigenous people, migrants, persons with disabilities, women engaged in prostitution, lesbian, gay, bisexual, transgender and intersex (LGBTI) persons and persons infected with HIV, especially in the areas of education, health, housing and employment. The Committee is alarmed by the high number of threats, attacks and killings, including by State agents, aimed at LGBTI persons, especially transgender persons, as well as by the high level of impunity for such crimes. The Committee notes that, despite the fact that hate crime based on sexual orientation, gender identity or gender expression has now been incorporated in domestic legislation, the relevant provision has not been applied to any cases (arts. 2, 3, 6, 7, 17, 25, 26 and 27).

10. The State party should:

(a) Adopt comprehensive legislation prohibiting discrimination, including direct and indirect discrimination, in all spheres, both in the public and private sectors;

(b) Take the necessary steps to guarantee full protection from discrimination, both in law and in practice, against persons of African descent, indigenous communities, migrants, persons with disabilities, LGBTI persons and persons infected with HIV, by, inter alia, increasing the number of training programmes for law enforcement and security personnel and awareness campaigns promoting tolerance and respect for diversity. It should also take steps to ensure the full participation of minority groups, including persons of African

45 [CCPR/C/SLV/QPR/7](#)

46 [CCPR/C/SLV/CO/7](#)

descent and indigenous communities, in political life;

(c) Adopt and implement effective policies for the protection of LGBTI persons, including through the creation of a specialized unit to investigate hate crimes against them, and ensure full recognition of the legal identity of transgender persons;

(d) Ensure that cases of discrimination and violence committed by individuals or State agents are systematically investigated, that those responsible are punished with appropriate penalties and that victims receive full reparation.

Keywords: *LGBTI; access to justice, court, investigation, law enforcement officials, measures, prevention, prosecution, punishment, support services*

Prohibition of slavery, forced labour and trafficking in persons

25. While the Committee recognizes the efforts made by the State party to combat trafficking in persons, it is concerned about the persistence of this phenomenon, particularly as it affects women, children and LGBTI persons; the lack of protection and assistance provided to victims; the low number of prosecutions and convictions; and reports on the obstruction of investigations due to corruption in the judicial system. [...]

26. **The State party should step up its efforts to prevent, combat and punish trafficking in persons and ensure that the measures it takes are implemented effectively. It should ensure that crimes of trafficking in persons are investigated, the perpetrators prosecuted and punished, and victims given access to adequate protection and assistance measures. [...]**

Keywords: *LGBTI; data collection, IDP, legislation, policy, prevention, support services, violence*

Migrants, asylum seekers and internally displaced persons

[...]

33. The Committee is concerned about reports that a large number of persons – in particular women, children, adolescents and LGBTI persons – have been displaced internally as a result of the violence prevailing in the State party, as well as about the absence of official statistics and the lack of assistance and protection for these population groups (arts. 2, 12, 24 and 26).

34. **The State party should step up its efforts to prevent internal displacement. It should also establish a national register of internally displaced persons and a legal framework, policies and programmes aimed at ensuring that assistance and protection are provided to such persons, and in particular women, children, adolescents and LGBTI persons.**

Keywords: *LGBTI; detention, FOE/FOAA, HRD, investigation, legislation, measures, media, prevention, prosecution, punishment, reparation, support services, violence*

Freedom of expression, freedom of association, and violence against human rights defenders and journalists

37. The Committee is concerned about acts of violence and intimidation against human rights defenders and journalists, as well as the lack of measures to protect them, particularly those working to defend the rights of women, LGBTI persons and indigenous peoples, as well as reproductive and sexual rights, and those documenting extrajudicial executions or investigating past crimes. The Committee is also concerned about the implementation of articles 345 and 348 of the Criminal Code, which respectively concern “illegal groups, associations and organizations” and the crime of “public disorder”, and article 331 of the Code of Criminal Procedure, which prohibits the application of alternatives to provisional detention for the offence of public disorder, since that prohibition could lead to restrictions on the right to peaceful assembly and freedom of association (arts. 6, 7, 9, 19, 21 and 22).

38. **The State party should ensure the provision of effective assistance and protection to human rights defenders and journalists who are subjected to threats, violence and intimidation, and should ensure that they can carry out their work in appropriate conditions, including by recognizing the right of individuals, organizations and groups to defend human rights, by adopting special legislative measures for their protection, and by effectively implementing precautionary measures. The State party should also ensure that such acts are investigated promptly, thoroughly, independently and impartially, that perpetrators are prosecuted and punished with appropriate penalties, and that victims receive full reparation. It should also take effective measures to protect and safeguard the right of peaceful assembly and freedom of association, including by reviewing its criminal legislation.**

Keywords: SOGI; LGBT; anti-discrimination legislation, data collection, discrimination, legislation, measures, prevention, prosecution, protected grounds, remedy, stigmatisation, violence

Non-discrimination (arts. 2, 7, 13, 26 and 27)

6. In the light of article 15 (1) of the Constitution, please clarify if there is comprehensive legislation that
- (a) provides a clear definition of and that criminalizes direct and indirect discrimination;
 - (b) contains a comprehensive list of prohibited grounds of discrimination, including sexual orientation, gender identity and disability; and
 - (c) provides effective remedies for victims.

Please state the number of complaints of discrimination filed and of prosecutions brought in the State party. Please describe the measures taken to combat and prevent acts of discrimination, stigmatization and violence against

- (a) persons with disabilities;
- (b) foreign persons;
- (c) lesbian, gay, bisexual and transgender persons;
- (d) persons with HIV; and
- (e) persons belonging to ethnic minorities.

[...]

Keywords: SOGI; anti-discrimination legislation, criminalisation (decriminalisation), discrimination, legislation, measures

Non-discrimination and equality between men and women (arts. 2, 3 and 26)

8. Please provide information on all measures taken in law, including comprehensive anti-discrimination legislation, and in practice to ensure protection from all forms of discrimination in the public and private sectors on all grounds protected by the Covenant, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability, sexual orientation and gender identity. In particular, please report on the efforts undertaken to ensure the security and integrity of people with HIV/AIDS. Please explain whether same-sex relationships are considered a criminal offence.

Gambia – List of Issues – 121st Session, 11 December 2017, 2nd review⁴⁹

Keywords: SOGI; LGBTI; anti-discrimination legislation, arrest, criminalisation (decriminalisation), legislation, measures, protected grounds, stereotypes, violence

Non-discrimination against lesbian, gay, bisexual, transgender and intersex persons (arts. 2 and 26)

29. Please provide updated information on the State party's efforts to decriminalize same-sex relationships by repealing sections 144–147 of the Criminal Code, 1965, as amended in 2005. Please also describe measures taken to deal with stereotypes in society with regard to homosexuality, which is largely considered to be taboo and repugnant to cultural values, and to protect lesbian, gay, bisexual, transgender and intersex individuals from arbitrary arrest and violence. Please provide an update on the measures taken to adopt a comprehensive equality and non-discrimination law that expands the grounds for protection against discrimination to include sexual orientation and gender identity.

Gambia – Concluding Observations – 123rd Session, 30 August 2018, 2nd review⁵⁰

Keywords: SOGI; LGBTI; anti-discrimination legislation, arrest, criminalisation (decriminalisation), discrimination, intersectionality, protected grounds, remedy, violence

Non-discrimination

11. The Committee is concerned at the absence of comprehensive anti-discrimination legislation in the State party. It is also concerned that consensual same-sex relationships are criminalized in the State party and that lesbian, gay, bisexual, transgender and intersex persons reportedly continue to be subject to arbitrary arrest and violence (arts. 2, 9, 17 and 26).

12. The State party should adopt anti-discrimination legislation which

(a) provides full and effective protection against discrimination in all spheres, including the private sphere, and prohibits direct, indirect and multiple discrimination;

(b) contains a comprehensive list of grounds for discrimination in line with the Covenant, including sexual orientation and gender identity; and

(c) provides for access to effective and appropriate remedies for victims of discrimination. It should also decriminalize same-sex relationships between consenting adults and take measures to change societal perception of lesbian, gay, bisexual, transgender and intersex persons and protect them from arbitrary arrests and violence.

49 [CCPR/C/GMB/Q/2](#)

50 [CCPR/C/GMB/CO/2](#)

Keywords: SC; I; access to justice, children, decision-making process, free and informed consent, health, IGM, measures, medical professionals, reparation, sterilisation, surgical/medical intervention

Children with variations of sex characteristics (intersex) (arts. 7, 9, 17, 24 and 26)

13. Please respond to reports of non-emergency, invasive and irreversible surgical or other medical treatment carried out on infants and children with variations of sex characteristics (intersex), including sterilizing, feminizing, and masculinizing procedures, without fully informed, prior and free consent. Please clarify:

(a) whether there are plans to ban such procedures unless they are an absolute medical necessity or are consented to by sufficiently mature intersex individuals themselves; and

(b) whether any binding guidelines for medical professionals on the treatment of individuals with variations of sex characteristics have been adopted.

Please report on the measures taken to address obstacles in access to justice and redress for individuals who were subjected to such surgical or other interventions as children, including statutes of limitations for filing claims.

Guatemala – List of Issues Prior to Reporting – 115th Session, 30 November 2015, 4th review⁵²

Keywords: SOGI; LGBTI, T; awareness-raising campaign, court, data collection, discrimination, investigation, jurisprudence, measures, prevention, punishment, remedy, violence, women

Non-discrimination, equal rights between men and women, and violence against women (arts. 2, 3, 6, 7, 17 and 26)

4. In the light of the Committee's previous concluding observations ([CCPR/C/GTM/CO/3](#), para. 11), please provide information on the nature and results of the measures, including awareness-raising campaigns, taken to prevent and provide effective protection against violence and discrimination based on sexual orientation or gender identity, in particular against transgender women. Please include information on any relevant court decisions in this regard. Please also include information on the number of complaints received concerning violence against lesbian, gay, bisexual, transgender or intersex (LGBTI) persons, the investigations carried out in these cases and their results, including the sentences handed down to the perpetrators and the remedies provided to the victims.

Guatemala – Concluding Observations – 122nd Session, 7 May 2018, 4th review⁵³

Keywords: SOGI; LGBTI, T; access to justice, anti-discrimination legislation, data collection, discrimination, hate crimes, investigation, killings, legislation, LGR, prevention, prosecution, punishment, remedy, reparation, stereotypes, violence, women

Discrimination and violence based on sexual orientation or gender identity

6. The Committee is concerned about the fact that the country has no law that specifically prohibits discrimination and hate crimes motivated by the victim's sexual orientation or gender identity and that protects transgender persons' right to legal recognition of their identity. It is also concerned about the increase in the number of murders of transgender women and about shortcomings in the recording and investigation of violent acts motivated by the victim's sexual orientation or gender identity. It also regrets the lack of consolidated data on investigations, prosecutions, judgments, penalties and reparation in cases involving violence and hate crimes directed against lesbian, gay, bisexual, transgender and intersex persons (arts. 2, 6, 7, 17 and 26).

7. The State party should:

- (a) Adopt legislation that prohibits discrimination motivated by the victim's sexual orientation or gender identity and that protects transgender persons' right to legal recognition of their identity;
- (b) Adopt the necessary legislative means for adequately categorizing hate crimes motivated by the victim's sexual orientation or gender identity and systematically compile data on investigations, prosecutions, judgments, penalties and reparation in such cases;
- (c) Adopt the necessary protocols for ensuring that
 - (i) crimes motivated by the victim's sexual orientation or gender identity are systematically reported and investigated;
 - (ii) perpetrators of such crimes are punished appropriately; and
 - (iii) victims have access to secure complaint mechanisms, to adequate protection and to full redress:
- (d) Redouble its efforts to combat stereotypes and prejudice with regard to lesbian, gay, bisexual, transgender and intersex persons and to guarantee that acts of discrimination and violence directed against them are prevented.

52 [CCPR/C/GTM/QPR/4](#)

53 [CCPR/C/GTM/CO/4](#)

Guinea – List of Issues – 122nd Session, 24 May 2018, 3rd review⁵⁴

Keywords: SGI; SM; anti-discrimination legislation, criminalisation (decriminalisation), data collection, discrimination, legislation, measures, prevention, prosecution, protected grounds, remedy, stigmatisation, violence

Non-discrimination (arts. 2, 7, 24, 25 and 26)

7. Please clarify whether there is comprehensive legislation that:

- (a) clearly defines and criminalizes direct and indirect discrimination;
- (b) contains a complete list of prohibited grounds for discrimination, including sexual and gender identity and disability; and
- (c) provides effective remedies for victims.

Please state the number of complaints recorded and prosecutions conducted on the grounds of discrimination in the State party. Please describe the measures taken to combat and prevent acts of discrimination, stigmatization and violence against:

[...]

- (f) persons belonging to sexual or gender minorities.

With regard to the last issue, please indicate whether the State party intends to revise article 274 of the Criminal Code, which criminalizes sexual acts between persons of the same sex and associates such acts with bestiality. [...]

Guinea – Concluding Observations – 124th Session, 7 December 2018, 3rd review⁵⁵

Keywords: SO; criminalisation (decriminalisation), discrimination, legislation, measures

Combating discrimination

17. The Committee notes that discrimination is defined and criminalized in articles 313 et seq. of the new Criminal Code. However, it regrets that, despite the new legal framework, no complaints of discrimination have been filed to date and the State party has provided no information on any effective civil or administrative remedies provided to victims. It regrets in particular that article 274 of the Criminal Code, which criminalizes individuals' conduct on account of their sexual orientation, has been retained, and underscores the discriminatory nature of provisions of this kind. [...]

18. The State party should take all necessary measures to:

- (a) ensure that all victims of discrimination have knowledge of and access to effective civil and administrative remedies and that they receive reparations;
- (b) begin a process aimed at the repeal of article 274 of the Criminal Code;

[...]

54 [CCPR/C/GIN/Q/3](#)

55 [CCPR/C/GIN/CO/3](#)

Hungary – List of Issues Prior to Reporting – 115th Session, 9 December 2015, 6th review⁵⁶

Keywords: SO; LGBT, SM; access to justice, discrimination, education, harassment, hate speech, investigation, measures, prosecution

Non-discrimination and the rights of persons belonging to ethnic, religious, linguistic or sexual minorities (arts. 2 and 24-27)

[...]

6. Please indicate the measures taken to combat discrimination on the grounds of sexual orientation, including societal discrimination and discrimination in public education. Please comment on reports of discrimination and hate speech against and harassment of lesbian, gay, bisexual and transgender persons and provide information on measures taken to investigate such cases and bring perpetrators to justice.

Hungary – Concluding Observations – 122nd Session, 9 May 2018, 6th review⁵⁷

Keywords: SOGI; LGBT; court, data collection, discrimination, education, employment, family, investigation, law enforcement officials, legislation, marriage, measures, prosecution, protected grounds, punishment, remedy, same-sex couples, stereotypes, trainings, violence

Discrimination against lesbian, gay, bisexual and transgender persons

19. The Committee is concerned that the ban on discrimination in the Fundamental Law does not explicitly list sexual orientation and gender identity among the grounds of discrimination and that its restrictive definition of family may give rise to discrimination, since it does not cover certain types of family arrangements, including same-sex couples. The Committee is also concerned about the acts of violence and the prevalence of negative stereotypes and prejudice against lesbian, gay, bisexual and transgender persons, particularly in employment and education (arts. 2, 3, 6, 7, 17 and 26).

20. The State party should:

- (a) Prohibit discrimination on all grounds, including sexual orientation and gender identity, and in all spheres and sectors, including education, employment, marriage and family arrangements;
- (b) Ensure access to effective remedies for any act of discrimination and ensure that courts interpret discrimination laws in accordance with the Covenant;
- (c) Take the necessary measures to curb discrimination against lesbian, gay, bisexual and transgender persons with regard to family arrangements;
- (d) Ensure the effective identification, recording, investigation, prosecution and punishment of acts of violence motivated by the sexual orientation or gender identity of the victims, and intensify efforts to combat negative stereotypes and prejudice against lesbian, gay, bisexual and transgender persons, including through the provision of training for law enforcement officials.

56 [CCPR/C/HUN/QPR/6](#)

57 [CCPR/C/HUN/CO/6](#)

Lao People's Democratic Republic – List of Issues – 121st Session, 28 March 2018, initial review⁵⁸

Keywords: SOGI; access to justice, anti-discrimination legislation, discrimination, intersectionality, protected grounds, remedy

Non-discrimination and gender equality (arts. 2, 3 and 26)

4. Please indicate whether any steps have been taken to adopt comprehensive antidiscrimination legislation that, inter alia, addresses discrimination in the private sphere; prohibits all direct and indirect discrimination and multiple forms of discrimination; contains a comprehensive list of prohibited grounds for discrimination, including race, colour, sex, political or other opinion, property, birth, sexual orientation, gender identity and other status; and provides for effective remedies in judicial and administrative proceedings.

Lao People's Democratic Republic – Concluding Observations – 123rd Session, 23 November 2018, initial review⁵⁹

Keywords: SOGI; anti-discrimination legislation, discrimination, legislation, measures, protected grounds, remedy

Non-discrimination framework

15. While noting the prohibition of discrimination in article 35 of the Constitution and in other laws, the Committee is concerned that the current legal framework does not afford comprehensive protection against discrimination on all the grounds prohibited under the Covenant, including race, colour, sex, political or other opinion, property, birth, sexual orientation, gender identity and other status (arts. 2 and 26).
16. **The State party should take measures, including considering adopting a comprehensive anti-discrimination law, to ensure that the relevant legal framework provides adequate and effective substantive and procedural protection against all forms of discrimination, including in the private sphere, on all the prohibited grounds under the Covenant, and access to effective and appropriate remedies for all victims of discrimination.**

58 [CCPR/C/LAO/Q/1](#)

59 [CCPR/C/LAO/CO/1](#)

Lebanon – List of Issues – 120th Session, 31 August 2017, 3rd review⁶⁰

Keywords: SOGI; access to justice, anti-discrimination legislation, discrimination, intersectionality, protected grounds, remedy

Non-discrimination and equality between men and women (arts. 2, 3 and 26)

3. Please indicate whether steps have been taken or are being taken to adopt comprehensive anti-discrimination legislation that, inter alia, addresses discrimination in the private sphere; prohibits all direct and indirect discrimination and multiple forms of discrimination; contains a comprehensive list of prohibited grounds for discrimination, including sex, language, political or other opinion, property, birth, sexual orientation, gender identity and other status; and provides for effective remedies in judicial and administrative proceedings.

Keywords: LGBTI; access to justice, anal examination, arrest, blackmailing, bullying, children, court, criminalisation (decriminalisation), discrimination, education, hate speech, HIV/AIDS, jurisprudence, law enforcement officials, legislation, measures, police, prosecution, surgical/medical intervention, torture/ill-treatment, violence

4. Please respond to concerns that the vaguely worded article 534 of the Penal Code that criminalizes “any sexual intercourse contrary to the order of nature” continues to be used to arrest and prosecute lesbian, gay, bisexual, transgender and intersex individuals, including for sexual relations between consenting adults of the same sex, despite such an interpretation of the provision being questioned in a few domestic court rulings, and reports that the number of arrests under this article has been on the rise. Please respond to the following allegations and report on measures taken to address them:
 - (a) discrimination, hate speech and homophobic attitudes, and bullying in schools, against lesbian, gay, bisexual, transgender and intersex individuals;
 - (b) arbitrary arrests, forced HIV testing at police stations, violence, torture and ill-treatment of lesbian, gay, bisexual, transgender and intersex individuals by law enforcement officers and blackmail by other persons;
 - (c) instances of anal examinations, despite the ban on such practices in 2012; and
 - (d) impunity for such acts and the lack of legal protection of lesbian, gay, bisexual, transgender and intersex individuals.

Keywords: LGBTI; access to justice, detention, law enforcement officials, torture/ill-treatment

Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 6 and 7)

[...]

12. Please comment on reports of torture and ill-treatment of persons deprived of liberty by law enforcement officials, including of sex workers, drug users and lesbian, gay, bisexual, transgender and intersex individuals by the Internal Security Forces, and on the reported impunity for such acts. Please report on measures taken to ensure that allegations of torture and ill-treatment, including the alleged torture of prisoners in Roumieh prison captured in videos leaked in June 2015, are promptly investigated by an effective and fully independent mechanism, that perpetrators are prosecuted and punished accordingly and that victims are protected from retaliation and are provided with full reparation, including rehabilitation and adequate compensation. Please provide relevant statistics on the number of reported cases of torture and ill-treatment, the investigations and prosecutions initiated, the number of actual criminal convictions, and the sentences imposed. Please report on the progress made in establishing the Committee for the Protection from Torture that would act as a national preventive mechanism and on measures taken to ensure its effective functioning.

Lebanon – Concluding Observations – 122nd Session, 9 May 2018, 3rd review⁶¹

Keywords: SOGI; anti-discrimination legislation, discrimination, intersectionality, legislation, measures, protected grounds, remedy

Non-discrimination framework

11. While noting that the Constitution proclaims the principle of equality generally, the Committee regrets the lack of comprehensive anti-discrimination legislation covering all the grounds prohibited under the Covenant. It is also concerned about the lack of effective remedies for victims of discrimination (arts. 2 and 26).
12. The State party should take all the measures necessary to ensure that its legal framework:

60 [CCPR/C/LBN/Q/3](#)

61 [CCPR/C/LBN/CO/3](#)

(a) provides full and effective protection against discrimination in all spheres, including the private sphere, and prohibits direct, indirect and multiple discrimination;

(b) contains a comprehensive list of grounds for discrimination in line with the Covenant, including sexual orientation and gender identity; and

(c) provides for access to effective and appropriate remedies for victims of discrimination.

Keywords: SOGI; LGBTI; access to justice, arrest, blackmailing, court, criminalisation (decriminalisation), discrimination, FOE/FOAA, harassment, hate speech, investigation, jurisprudence, legislation, measures, prosecution, protected grounds, punishment, violence

Discrimination and violence on grounds of sexual orientation and gender identity

13. The Committee is concerned that, despite the information about court judgments holding that article 534 of the Criminal Code is not applicable to lesbian, gay, bisexual, transgender and intersex individuals, such individuals continue to be arrested and prosecuted, including for sexual relations between consenting adults of the same sex, under article 534 of the Criminal Code, which criminalizes “any sexual intercourse contrary to the order of nature”. It is also concerned about reports of the prevalence in society of discrimination, hate speech and homophobic attitudes; harassment, violence and extortion directed at lesbian, gay, bisexual, transgender and intersex individuals; violations of their freedom of expression and of peaceful assembly; and the lack of protection against such acts (arts. 2, 7, 9, 14, 17, 19, 21 and 26).
14. The State party should explicitly prohibit discrimination on the basis of sexual orientation and gender identity and ensure that lesbian, gay, bisexual, transgender and intersex individuals are afforded, both in law and in practice, adequate and effective protection against all forms of discrimination, hate speech or violence based on sexual orientation or gender identity, and that such acts are properly investigated, prosecuted and, if the perpetrators are convicted, punished with appropriate penalties. It should decriminalize sexual relations between consenting adults of the same sex with a view to bringing its legislation into compliance with the Covenant and take all measures necessary to guarantee in practice the effective enjoyment of the rights to freedom of expression and peaceful assembly of lesbian, gay, bisexual, transgender and intersex individuals.

Liberia – List of Issues – 120th Session, 21 August 2017, initial review⁶²

Keywords: SOGI; LGBTI; access to justice, anti-discrimination legislation, criminalisation (decriminalisation), data collection, detention, discrimination, hate speech, HRD, investigation, law enforcement officials, legislation, measures, police, police misconduct, professional groups, punishment, reparation, violence

Non-discrimination (arts. 2, 6, 7, 13, 14, 17, 25 and 26)

[...]

7. Please indicate the extent to which domestic law prohibits all forms of discrimination on the basis of sexual orientation and gender identity. Please explain all measures being taken to combat hate speech and violence against lesbian, gay, bisexual, transgender and intersex persons, including defenders and activists. Please respond to widespread allegations that the police and justice system discriminate against those persons, including through lengthy detention without trial, failure to investigate complaints and reprisals against victims of violence. Please provide information on the number of complaints received relating to violence against lesbian, gay, bisexual, transgender and intersex persons, including by police officers, the investigations conducted, prosecutions pursued, the penalties imposed and any reparation provided to victims. Please provide information on the penalties for “deviate sexual intercourse” under article 14 (74) of the Penal Code, on any enforcement of this law and any plans to repeal it.

Liberia – Concluding Observations – 123rd Session, 27 August 2018, initial review⁶³

Keywords: SOGI; anti-discrimination legislation, awareness-raising campaign, discrimination, education, protected grounds, remedy

Non-discrimination

16. While noting that the principle of non-discrimination is enshrined in the Constitution, the Committee regrets the lack of comprehensive legislation ensuring its effective implementation. [...]

17. The State party should:

(a) Adopt comprehensive legislation against discrimination that includes a definition of all forms of discrimination and an expanded list of prohibited grounds of discrimination, including national or ethnic origin, religion, disability, sexual orientation and gender identity and any other status, and provide for effective remedies in case of violations;

(b) Carry out broad education and awareness-raising campaigns that promote equality, tolerance and respect for diversity.

Keywords: SOGI; LGBTI; access to justice, awareness-raising campaign, consultation, criminalisation (decriminalisation), data collection, detention, discrimination, education, FOE/FOAA, harassment, hate crimes, HRD, investigation, law enforcement officials, marriage, police, police misconduct, prosecution, punishment, stigmatisation, violence

Discrimination based on sexual orientation and gender identity

18. The Committee is concerned about

(a) the criminalization of same-sex sexual conduct between consenting adults and attempts to increase penalties and prohibit same-sex marriage; and

(b) reports that lesbian, gay, bisexual, transgender and intersex individuals are stigmatized and are subject to de facto discrimination in the enjoyment of a range of rights on the basis of their sexual orientation and gender identity.

It is also concerned that lesbian, gay, bisexual, transgender and intersex individuals experience violence, arbitrary detention and police abuse of authority, a state of affairs that is exacerbated by underreporting of, and lack of effective investigations into, such human rights violations, whether inflicted by State or non-State actors. Moreover, the Committee expresses its concern at reports of harassment and reprisals against defenders and associations advocating for the rights of lesbian, gay, bisexual, transgender and intersex individuals (arts. 2, 6, 7, 9, 20, 22 and 26).

19. While acknowledging the diversity of morality and cultures internationally, the Committee recalls that State laws and practices must always conform to the principles of universality of human rights and non-discrimina-

62 [CCPR/C/LBR/Q/1](#)

63 [CCPR/C/LBR/CO/1](#)

tion. The State party should, as a matter of priority, decriminalize same-sex sexual conduct between consenting adults and explicitly reject any form of social stigmatization, discrimination or violence against persons based on their sexual orientation or gender identity. It should also:

- (a) Remove any barriers to the enjoyment of rights by lesbian, gay, bisexual, transgender and intersex individuals;
- (b) Facilitate access to justice by victims, including by strengthening trust between lesbian, gay, bisexual, transgender and intersex individuals and State authorities;
- (c) Ensure the investigation, prosecution and punishment of any act of violence motivated by the victim's sexual orientation or gender identity and ensure the systemic collection of data about such acts;
- (d) Guarantee in practice the security as well as the rights to freedom of expression, assembly and association of lesbian, gay, bisexual, transgender and intersex individuals, defenders and organizations;
- (e) Undertake education campaigns, in consultation with lesbian, gay, bisexual, transgender and intersex representatives and civil society organizations, on non-discrimination, inclusion and diversity.

Lithuania – List of Issues Prior to Reporting – 117th Session, 16 August 2016, 4th review⁶⁴

Keywords: SO; LGBTI, T; court, discrimination, jurisprudence, legislation, LGR, measures, partnership, prevention, same-sex couples

Non-discrimination, equal rights of men and women, incitement to national, racial or religious hatred, equality before the law and rights of persons belonging to minorities (arts. 2 (1), 3, 19, 20, 26 and 27)

[...]

8. Please provide an update on measures taken with the aim of preventing discrimination on the basis of sexual orientation (para. 8), including any legislative developments concerning same-sex partnerships. Please provide an update on the implementation of legislation concerning legal recognition of gender reassignment and the issuing of identity documents to transgender people, including on whether there have been any complaints from transgender people on its practical application. Please provide information on any court cases concerning the rights of lesbian, gay, bisexual, transgender and intersex people.

Lithuania – Concluding Observations – 123rd Session, 29 August 2018, 4th review⁶⁵

Keywords: GI, SOGI; LGBTI; discrimination, FOE/FOAA, gender reassignment surgeries, gender reassignment treatment, health, legislation, LGR, marriage, media, partnership, same-sex couples, stereotypes

Discrimination on the grounds of sexual orientation and gender identity

9. The Committee is concerned at the persistence of stereotypical attitudes, prejudice, hostility and discrimination against lesbian, gay, bisexual, transgender and intersex persons. Recalling its previous recommendation (see [CCPR/C/LTU/CO/3](#), para. 8), the Committee remains concerned that certain legal instruments, such as the Law on the Protection of Minors against the Detrimental Effect of Public Information, may be applied, including by the Office of the Inspector of Journalist Ethics, to restrict media and other content in a manner that unduly restricts freedom of expression regarding lesbian, gay, bisexual, transgender and intersex issues and contributes to discrimination. While noting the information provided by the State party, the Committee remains concerned at various legislative initiatives, including proposed amendments to the Code of Administrative Offences, the Constitution and the Civil Code, which would limit the enjoyment of the rights of lesbian, gay, bisexual, transgender and intersex persons under the Covenant. The Committee is also concerned that same-sex couples are not legally recognized in the State party, including those legally married and recognized outside Lithuania. The Committee is further concerned about the lack of clarity in legislation and procedures concerning the change of civil status with respect to gender identity, in particular, the absence of legislation enabling gender reassignment procedures and change of civil status without undergoing gender reassignment surgery (arts. 2, 3, 16, 17, 19, 23 and 26).
10. **The State party should intensify its efforts to eliminate discrimination, in law and in practice, against persons on the basis of their sexual orientation or gender identity, ensure that legislation is not interpreted and applied in a discriminatory manner against lesbian, gay, bisexual, transgender and intersex persons and refrain from adopting any legislation that would impede the full enjoyment of their Covenant rights. It should review relevant legislation to fully recognize the equality of same-sex couples and ensure that legislation concerning the change of civil status with respect to gender identity is clear and applied in accordance with the rights guaranteed under the Covenant, including through the enactment of legislation on gender reassignment procedures.**

Keywords: GI, SO; LGBTI; access to justice, aggravating circumstance, awareness-raising campaign, court, data collection, discrimination, FOE/FOAA, GC/GR, hate crimes, hate speech, internet, investigation, law enforcement officials, legislation, measures, prevention, protected grounds, punishment, reparation, stereotypes, trainings, violence

Hate speech and hate crimes

11. While noting the legislative and other measures taken by the State party to combat hate speech and hate crimes, the Committee remains concerned about intolerance and prejudice towards vulnerable and minority groups, including Roma, Jews, migrants, refugees, asylum seekers and lesbian, gay, bisexual, transgender and intersex persons, as well as the prevalence of hate speech and hate crimes against these groups, including on the Internet. The Committee is concerned that hate speech and hate crimes based on gender identity are not expressly prohibited in national legislation (article 170 of the Criminal Code) and at reports that the aggravating circumstance established under article 60.1.12 of the Criminal Code has never been applied on the ground of sexual orientation. The Committee is further concerned at the low number of complaints, investigations, cases brought before domestic courts and convictions of hate crimes and the lack of information on penalties imposed. While noting the State party's statement that data collection has improved, the Committee regrets the lack of accurate official data dis-

64 [CCPR/C/LTU/QPR/4](#)

65 [CCPR/C/LTU/CO/4](#)

aggregated by social group with regard to complaints about discrimination, hate speech and hate crimes (arts. 2, 3, 17, 18, 19, 20, 26 and 27).

12. The State party should:

(a) Strengthen its efforts to combat intolerance, stereotypes, prejudice and discrimination towards vulnerable and minority groups, including Roma, Jews, migrants, refugees, asylum seekers and lesbian, gay, bisexual, transgender and intersex persons, by, inter alia, increasing training for law enforcement personnel, prosecutors and the judiciary and conducting awareness-raising campaigns promoting sensitivity and respect for diversity among the general public;

(b) Increase its efforts to prevent hate speech and hate crimes, including by effectively implementing article 170 of the Criminal Code, and ensure that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence is prohibited by law, including on the ground of gender identity, in accordance with articles 19 and 20 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression;

(c) Encourage the reporting of hate crimes and hate speech and ensure that crimes are promptly identified and registered as such, including through the establishment of a comprehensive, disaggregated data-collection system;

(d) Strengthen the investigation capacity of law enforcement officials on hate crimes and criminal hate speech, including on the Internet, and ensure that all cases are systematically investigated, that perpetrators are held accountable with penalties commensurate with the crime and that victims have access to full reparation.

Keywords: *GI, SOGI; discrimination, follow-up, legislation, LGR, same-sex couples*

D. Dissemination of information relating to the Covenant

[...]

32. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party is requested to provide, by 27 July 2020, information on the implementation of the recommendations made by the Committee in paragraphs 10 (discrimination on the grounds of sexual orientation and gender identity), 20 (migrants and asylum seekers) and 22 (persons deprived of liberty and detention conditions) above.

Mauritania – List of Issues – 124th Session, 5 February 2019, 2nd review⁶⁶

Keywords: *SOGI; anti-discrimination legislation, data collection, discrimination, legislation, measures, prosecution, protected grounds, punishment, remedy*

Non-discrimination (arts. 2, 25 and 26)

4. Please provide information on steps taken to review Act No. 2018-023 of 18 January 2018 criminalizing discrimination, which has drawn criticism from a number of special rapporteurs of the Human Rights Council, and to ensure that it:

- (a) clearly defines and criminalizes direct and indirect discrimination;
- (b) covers all grounds for discrimination set out in the Covenant, including race, social origin, sexual orientation and gender identity; and
- (c) provides effective remedies for victims.

Please provide information on the effective implementation of the provisions of the legislative texts referred to in paragraphs 87 to 89 of the State party's report. In this respect, please provide data on the number of complaints of discrimination filed and registered and the number of prosecutions conducted and convictions and sentences handed down in that connection.

Keywords: *SO; SM; criminalisation (decriminalisation), legislation, measures, privacy, punishment*

- 6. Please indicate whether the State party intends to decriminalize the sexual practices punishable under section 308 of the Criminal Code. Please provide information on measures taken to protect the privacy and freedom of persons belonging to sexual minorities.

Niger – List of Issues – 123rd Session, 11 September 2018, 2nd review⁶⁷

Keywords: SOGI; SM; anti-discrimination legislation, criminalisation (decriminalisation), discrimination, legislation, measures, prevention, protected grounds, remedy, stigmatisation, violence

Non-discrimination (arts. 2, 7, 24, 25 and 26)

7. Please provide information on steps taken to adopt comprehensive legislation that:

- (a) clearly defines and criminalizes direct and indirect discrimination;
- (b) gives a comprehensive list of prohibited grounds of discrimination, including sexual orientation, gender identity and disability; and
- (c) provides effective remedies for victims.

Please state the number of complaints of discrimination recorded and of prosecutions brought in the State party. Please describe the measures taken to combat and prevent acts of discrimination, stigmatization and violence against:

[...]

- (e) persons belonging to sexual or gender minorities. In this regard, please indicate whether the State party intends to review the terminology used in article 282 of the Criminal Code, which describes sexual activity between persons of the same sex as an “unnatural” act.

[...].

Keywords: SOGI; LGBT; access to justice, anti-discrimination legislation, blackmailing, criminalisation (decriminalisation), detention, discrimination, harassment, intersectionality, law enforcement officials, legislation, marriage, measures, partnership, prevention, protected grounds, remedy, same-sex couples, sexual violence, stigmatisation, torture/ill-treatment, violence

Non-discrimination (arts. 2, 3, 7, 9, 17 and 26)

5. Please provide information on the national legal framework regarding discrimination. In addition to the Constitutional provisions on discrimination, please indicate whether specific laws or other measures that deal with discrimination exist in the domestic system and if so please provide details. Please clarify whether domestic law:
- (a) provides a definition of discrimination that includes a comprehensive list of prohibited grounds of discrimination including race, colour, property, birth, sexual orientation, gender identity, language, health, social and other status;
 - (b) covers direct, indirect and intersecting forms of discrimination; and
 - (c) provides for effective judicial and administrative remedies.

Describe the measures taken to combat and prevent acts of discrimination, stigmatization and violence specifically against:

[...]

- (f) LGBT persons.

With regard to the last issue, indicate whether the State party intends to revise:

- (a) article 214 of its Criminal Code, which criminalizes sexual acts between persons of the same sex and provide for up to 14 years of imprisonment and assimilates such acts with bestiality; and
- (b) the 2014 Same Sex Marriage (Prohibition) Act that prohibits a marriage contract or civil union between persons of the same sex.

Comment on allegations that since the adoption of the Same Sex Marriage (Prohibition) Act, LGBT persons have been subject to increased harassment, threats and mob violence. Comment on allegations on torture, sexual violence, arbitrary detention and extortion committed by law enforcement agents on LGBT persons, based on their perceived sexual orientation or gender identity.

Norway – List of Issues Prior to Reporting – 117th Session, 17 August 2016, 7th review⁶⁹

Keywords: SOGI; discrimination, education, employment, gender reassignment treatment, health, LGR, legislation, service provision

Non-discrimination, equality between men and women (arts. 2 (1), 3, 20 and 26)

[...]

8. Please provide information on the existing legislation and strategies to combat discrimination based on sexual orientation and gender identity, and their compatibility with the Covenant. Please comment on reports that persons belonging to gender minorities face diverse forms of discrimination, inter alia, in the area of the labour market, education and the provision of services and in the gender reassignment process.

Norway – Concluding Observations – 122nd Session, 25 April 2018, 7th review⁷⁰

Keywords: SO; anti-discrimination legislation, legislation, measures

B. Positive aspects

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

[...]

(c) The adoption in June 2013 of the Sexual Orientation Anti-Discrimination Act;

[...]

69 [CCPR/C/NOR/QPR/7](#)

70 [CCPR/C/NOR/CO/7](#)

Sudan – List of Issues – 122nd Session, 3 May 2018, 5th review⁷¹

Keywords: *SOGI; discrimination, legislation, measures, protected grounds, remedy*

Non-discrimination and equality (arts. 2, 3, 6, 7, 17, 24 and 26)

5. In the light of the Committee's previous concluding observations (see [CCPR/C/SDN/CO/4](#), para. 11), please provide further information on the amendments to the Interim Constitution in 2017 (see [CCPR/C/SDN/5](#), para. 35). Please also provide information on the bill that aims to criminalize discrimination and hatred on the grounds of religion or race (see [CCPR/C/SDN/5](#), para. 18). Please indicate whether the Interim Constitution and/or the proposed amendments contain a comprehensive list of prohibited grounds of discrimination, including, inter alia, race, ethnic origin, colour, sex, language, religious creed, age, sexual orientation and gender identity. Please indicate the measures taken to establish an effective and independent mechanism to handle and remedy complaints of discrimination, including racial discrimination, and to combat all forms of discrimination in practice.

Keywords: *SOGI; arrest, awareness-raising campaign, criminalisation (decriminalisation), data collection, detention, discrimination, legislation, measures, prosecution*

6. Please provide information on the number of people who have been arrested, detained and prosecuted for same-sex sexual activity by virtue of section 148 of the Criminal Code, which criminalizes sodomy, and whether the State party intends to repeal that provision to ensure compliance with its obligations under articles 2, 17 and 26 of the Covenant. Please also provide information on the legal and practical measures taken to combat discrimination on the basis of sexual orientation and gender identity, including any awareness-raising campaigns.

Sudan – Concluding Observations – 124th Session, 19 November 2018, 5th review⁷²

Keywords: *SO, SOGI; anti-discrimination legislation, criminalisation (decriminalisation), death penalty, detention, discrimination, family, legislation, measures, prevention, prosecution, protected grounds, punishment*

Non-discrimination

14. The Committee remains concerned about the persistence of entrenched discriminatory provisions in legislation, in particular in the area of family law and personal status, and concerning sexual orientation. The Committee notes that article 31 of the Interim Constitution does not define discrimination, nor does it provide for a list of prohibited grounds of discrimination, in accordance with articles 2 (1) and 26 of the Covenant. The Committee is further concerned about the absence of comprehensive anti-discrimination legislation (arts. 2 and 26).
15. The Committee is troubled by article 148 of the Criminal Code of 1991, which criminalizes sodomy, an offence punishable by flogging and a prison sentence, and which incurs the death penalty after a third conviction (arts. 2, 6–7, 17 and 26).

16. The State party should

- (a) enact comprehensive legislation providing full and effective protection against discrimination in all spheres and containing a non-exhaustive list of prohibited grounds of discrimination, including sexual orientation and gender identity;
- (b) take effective measures to prevent discrimination and ensure that effective complaint mechanisms are available to victims;
- (c) guarantee the protection and enjoyment, on an equal footing, of Covenant rights for all persons including adults engaged in same-sex consensual activities; and
- (d) repeal article 148 of the Criminal Code and, in the meantime, ensure that no one is prosecuted by reason of sexual orientation or gender identity.

Keywords: *criminalisation (decriminalisation), legislation, sexual violence*

Violence against women

19. While noting the national policy to combat violence against women (2016–2031) and welcoming the amendment of article 149 of the Criminal Code, which no longer conflates rape with adultery and sodomy [...]

Keywords: *criminalisation (decriminalisation), death penalty, legislation, punishment*

Death penalty

71 [CCPR/C/SDN/Q/5](#)

72 [CCPR/C/SDN/CO/5](#)

29. The Committee remains concerned that, despite its previous recommendations ([CCPR/C/SDN/CO/4](#), para. 14), the death penalty remains imposed for crimes other than the most serious crimes within the meaning of article 6 (2) of the Covenant, meaning crimes involving intentional killing. The Committee notes, in particular, within the Criminal Code, that the offences of “undermining the constitutional order” (art. 50), espionage (art. 53), apostasy (art. 126), adultery (art. 146) and sodomy (art. 148) do not meet this requirement. [...]
30. The Committee urges the State party to amend article 27 of the Criminal Code, so as to revoke stoning and crucifixion as an officially sanctioned punishment under the national law of the State. The Committee also urges the State party to consider imposing a moratorium on the death penalty and ratifying the Second Optional Protocol to the Covenant. In the meantime, the State party should revise the Criminal Code and the Prevention of Human Trafficking Act, so as to make them strictly compliant with article 6 (2) of the Covenant, and restrict the crimes for which the death penalty may be imposed to the most serious ones, understood to be crimes involving intentional killing.

Keywords: *criminalisation (decriminalisation), death penalty, follow-up, legislation, punishment*

D. Dissemination and follow-up

[...]

56. In accordance with rule 71, paragraph 5, of the Committee’s rules of procedure, the State party is requested to provide, by 2 November 2020, information on the implementation of the recommendations made by the Committee in paragraphs 13 (impunity, effective remedies and reparations), 30 (death penalty) and 46 (freedom of expression, peaceful assembly and association) above.

Keywords: *SOGI; access to justice, anti-discrimination legislation, discrimination, intersectionality, legislation, protected grounds, remedy*

Non-discrimination (arts. 2 and 26)

6. Please clarify whether national legislation, including the Constitution, explicitly prohibits discrimination on all the grounds prohibited under the Covenant, including colour, opinion, birth, sexual orientation, gender identity and other status, and report on any plans to adopt comprehensive anti-discrimination legislation that, inter alia, addresses discrimination in the private sphere; prohibits all direct, indirect and multiple forms of discrimination; contains a comprehensive list of prohibited grounds for discrimination, in accordance with the Covenant; and provides for access to effective remedies in judicial and administrative proceedings for victims of discrimination.

Keywords: *LGBT; arrest, blackmailing, detention, discrimination, harassment, HIV/AIDS, law enforcement officials, measures, privacy, violence*

7. Please respond to the following allegations, and report on the measures taken to address the reported violations effectively:
 - (a) lesbian, gay, bisexual and transgender individuals face discrimination, violence and harassment, are targeted by law enforcement officials for amoral behaviour and crimes against morality, are forcibly registered on lists of lesbian, gay, bisexual and transgender persons and are subjected to arbitrary arrest, detention and extortion; and
 - (b) the Ministry of Internal Affairs and the Office of the Prosecutor General created, in October 2017, a register of 367 individuals suspected of being lesbian, gay, bisexual or transgender following investigative operations reportedly aimed at protecting them and at preventing the transmission of sexually transmitted infections, including HIV/AIDS.

Keywords: SOGI; access to justice, anti-discrimination legislation, discrimination, intersectionality, protected grounds, remedy

Non-discrimination (arts. 2, 3, 20 and 26)

8. Please provide information on the national legal framework regarding discrimination and indicate whether it:
- (a) provides a definition that includes a comprehensive list of prohibited grounds of discrimination, including race, colour, sexual orientation, gender identity, religion, health, and social or other status;
 - (b) includes direct, indirect and intersecting forms of discrimination; and
 - (c) provides for effective judicial and administrative remedies.

Please also provide information on the implementation of existing anti-discrimination laws, and statistical information on complaints received by the Police Complaints Authority and other competent State agencies in relation to discrimination.

Keywords: SO; LGBTI; awareness-raising campaign, consultation, court, criminalisation (decriminalisation), discrimination, jurisprudence, legislation, measures, partnership, policy, protected grounds, same-sex couples

10. Please provide information on measures taken to combat discrimination against lesbian, gay, bisexual, transgender and intersex persons, and to include different representatives from civil society in the development and implementation of policies and the drafting of legislation in this regard. In the light of the ruling of the High Court of Justice on 12 April 2018, please indicate whether the State party intends to:
- (a) ensure that same-sex relations between consenting adults are not subject to criminal sanctions;
 - (b) repeal the law barring homosexuals from immigrating to the State party;
 - (c) include provisions on same-sex unions, homosexuality and sexual orientation in its national gender policy;
 - (d) incorporate sexual orientation into legislation as a prohibited ground of discrimination, as suggested by the Equal Opportunity Commission; and
 - (e) raise awareness among the general population of the importance of non-discrimination against lesbian, gay, bisexual, transgender and intersex persons.

Keywords: SO; asylum-seekers/refugees, detention, professional groups, trainings

Treatment of aliens, including refugees and asylum seekers (arts. 7, 9, 10, 13 and 17)

22. [...] Please respond to allegations of the arbitrary detention of migrants and comment on reports indicating that decisions made to detain individuals on the grounds of immigration appear to depend solely on their irregular immigration status, including irregular entry, and do not take into account their vulnerabilities, such as their health, age or sexual orientation. Please also provide information on relevant training activities provided for immigration officers.

Keywords: SOGI; anal examination, arrest, criminalisation (decriminalisation), data collection, detention, discrimination, harassment, hate speech, investigation, legislation, prosecution, protected grounds, stigmatisation, torture/ill-treatment, violence

Non-discrimination and equality between men and women (arts. 2, 3, 20 and 26)

[...]

8. In the light of the Committee's previous concluding observations (para. 14), please indicate whether, in order to bring its legislation into conformity with the Covenant, the State party is intending to repeal those provisions of the Criminal Code that criminalize sexual relations between consenting adults of the same sex. Please provide data on the application of articles 226 (criminalizing public indecency) and 230 (criminalizing same-sex relations between consenting adults) of the Criminal Code to non-heterosexual and non-cisgender persons. Please indicate whether the State party has ended the practice of subjecting persons accused under these articles to forced anal examinations. Please provide statistical data on the number of arrests and detentions ordered under these articles of the Criminal Code since 2006. Please also provide statistics on the number of allegations of harassment, assault and ill-treatment of persons because of their actual or perceived sexual orientation or gender identity, and on the inquiries conducted and proceedings initiated, including their outcomes. Please provide information on the efforts undertaken by the State party to combat discrimination and social stigmatization aimed at non-heterosexual and non-cisgender persons and indicate whether the State party plans to amend domestic legislation to prohibit discrimination on these grounds and criminalize all forms of incitement to hatred and violence against such persons.

Uruguay – List of Issues Prior to Reporting – 122nd Session, 27 April 2018, 6th review⁷⁶

Keywords: SOGI; I, LGBTI, T; children, discrimination, hate crimes, hate speech, health, IGM, investigation, LGR, prosecution, punishment, service provision, surgical/medical intervention, violence

Sexual orientation and gender identity (arts. 6, 7, 17 and 26)

7. With reference to the most recent concluding observations ([CCPR/C/URY/CO/5](#), para. 12), please describe the steps taken to:
 - (a) Combat discrimination and incitement to hatred against lesbian, gay, bisexual, transgender and intersex persons, including children, and ensure that they have access to health services;
 - (b) Protect such persons and ensure that any and all acts of violence motivated by a person's sexual orientation or gender identity are investigated and that the perpetrators of such acts are prosecuted and punished appropriately;
 - (c) Guarantee transsexual persons' right to an identity;
 - (d) Address the issue of the performance of so-called "normalization" surgery upon intersex persons.

Keywords: SOGI; T; access to justice, anti-discrimination legislation, discrimination, intersectionality, legislation, partnership, protected grounds, remedy, same-sex couples

Non-discrimination and gender equality (arts. 2, 3, 20 and 26)

3. With reference to paragraphs 36–47 of the State party's report, please indicate whether any steps have been taken to adopt comprehensive anti-discrimination legislation that, inter alia,
 - (a) addresses discrimination in the private sphere;
 - (b) prohibits all direct and indirect discrimination and multiple forms of discrimination;
 - (c) contains a comprehensive list of prohibited grounds for discrimination, including race, colour, sex, political or other opinion, property, birth, sexual orientation, gender identity, health and other status; and
 - (d) provides for effective remedies in judicial and administrative proceedings.

Please provide information on the measures taken to enforce the non-discrimination provisions already existing in domestic law, in particular regarding women, persons with disabilities, people living with HIV and ethnic minorities. Please report on the steps taken towards legal recognition of same-sex couples and provide information on existing or planned legal frameworks pertaining to the rights of transgender persons that ensure they are not subject to discrimination.

3. Committee on the Elimination of Discrimination against Women

Angola – List of Issues – 72nd PSWG, 3 August 2018, 7th review⁷⁸

Keywords: *LBTI; education, women*

Education

16. [...] Please indicate whether the national education plan includes education on gender equality and respect for the rights of lesbian, bisexual and transgender women and intersex persons.

Keywords: *I, LBT; discrimination, stigmatisation, women*

Discriminatory gender stereotypes

6. [...] Please also indicate any steps taken to eliminate the stigmatization of and discrimination against certain minority or disadvantaged groups, including migrant women, women who are internally displaced, women living with HIV/AIDS and lesbian, bisexual and transgender women and intersex persons.

Keywords: *T; discrimination, health, HIV/AIDS, prevention, service provision, stigmatisation, women*

Health

16. [...] In particular, please provide information on prevention, treatment and health-care programmes targeted at vulnerable groups of women with HIV/AIDS, including transgender women and women in prostitution. Please explain how these programmes are provided without stigma and discrimination.

Keywords: *SOGII; anti-discrimination legislation, legislation, marriage, protected grounds, same-sex couples*

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2010 of the State party's seventh periodic report ([CEDAW/C/AUL/7](#)) in undertaking legislative reforms, in particular the adoption of the following:
 - (a) Amendments to the Marriage Act 1961, guaranteeing the right to marry for all couples, regardless of gender, in 2017;
[...]
 - (d) Amendments to the Sex Discrimination Act 1984, prohibiting discrimination on grounds of sexual orientation, gender identity and intersex status, in 2013;
[...]

Keywords: *SOGI; LGBTI; awareness-raising campaign, court, discrimination, education, employment, health, media, stereotypes, violence, women*

Stereotypes

23. The Committee takes note of the State party's initiatives to challenge negative attitudes that exacerbate gender-based violence against women. It is concerned, however, that the absence of a holistic strategy to address negative social and cultural patterns in public discourse, the media, the workplace, schools, universities, health institutions and the judiciary exacerbates discrimination against various groups of women on the basis of their gender, belonging to an indigenous group, migration, asylum or social status, religion, ethnicity, nationality, colour, age, disability, sexual orientation or gender identity.
24. **The Committee recommends that the State party develop a comprehensive strategy to overcome discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and society and raise awareness of the benefits for Australian society of respecting and protecting the diversity of its population, aiming at the full inclusion of Aboriginal and Torres Strait Islander women, migrant women and their daughters, including those born in the State party, women belonging to ethnic minority groups, refugee and asylumseeking women, women with disabilities, foreign women, older women, women in poverty, women belonging to religious minority groups, lesbian, bisexual and transgender women and intersex persons.**

Keywords: *I; children, decision-making process, family, free and informed consent, GC/GR, health, IGM, legislation, remedy, sterilisation, support services, surgical/medical intervention*

Harmful practices

25. The Committee takes note of the State party's commitment to providing support for women who are victims of forced marriage, regardless of their cooperation with the prosecution authorities. It is concerned, however, about the following:
 - (c) The conduct of medically unnecessary procedures on intersex infants and children before they reach an age when they are able to provide their free, prior and informed consent, as well as inadequate support and counselling for families of intersex children and inadequate remedies for victims;
[...]
26. **Recalling the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, the Committee recommends that the State party ensure adequate protection and support for victims of forced marriage, regardless of their collaboration with the prosecution authorities, and also recommends that the State party:**
 - (c) **Adopt clear legislative provisions that explicitly prohibit the performance of unnecessary surgical or other medical procedures on intersex children before they reach the legal age of consent, implement the recommendations made by the Senate in 2013 on the basis of its inquiry into the involuntary or coerced sterilization of intersex persons, provide adequate counselling and support for the families of intersex chil-**

dren and provide redress to intersex persons having undergone such medical procedures;

[...]

Keywords: *LBTI; bullying, children, discrimination, education, GC/GR, harassment, intersectionality, professional groups, trainings, women*

Education

41. The Committee welcomes the launch of the Connected Beginnings programme to eliminate barriers to access to education and barriers to educational attainment for indigenous women and girls. It is concerned, however, about the following:

[...]

(e) The impact of harassment and bullying in school environments on women and girls who are exposed to intersecting forms of discrimination, and the withdrawal of funding for the Safe Schools programme.

42. In line with its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party:

[...]

(e) Build the capacities of educational staff to create safer and more inclusive learning environments, including for indigenous women and girls, women and girls with disabilities, migrant women and their daughters, including those born in the State party, lesbian, bisexual and transgender women and intersex persons.

Keywords: *LBTI, T; discrimination, gender reassignment surgeries, gender reassignment treatment, health, intersectionality, LGR, measures, medical professionals, prevention, service provision, surgical/medical intervention, women*

Health

49. The Committee acknowledges the comprehensive health coverage in the State party. It notes the following, however, with concern:

[...]

(b) The deteriorating mental health situation of women and girls facing intersecting forms of discrimination;

[...]

(d) That indigenous women, migrant women and their daughters, including those born in the State party, lesbian, bisexual and transgender women and intersex persons face discrimination by health service providers or through insufficient access to health services;

(e) That some states have a requirement that medical procedures have been performed, in order for persons to change their legal gender.

50. The Committee recommends that the State party:

[...]

(b) Increase efforts and resources to address the deteriorating mental health situation of women and girls, in particular young mothers, indigenous women, women with disabilities, women in detention, migrant women and their daughters, including those born in the State party, lesbian, bisexual and transgender women and intersex persons, and reinforce preventive measures;

[...]

(d) Ensure access to non-discriminatory health services for indigenous women, migrant women and their daughters, including those born in the State party, lesbian, bisexual and transgender women and intersex persons;

(e) Abolish requirements regarding medical treatment for transgender women who wish to obtain legal recognition of their gender, ensure that those requirements are abolished throughout the State party's territory and guarantee the rights of transgender women to bodily integrity, autonomy and self-determination.

Keywords: *I; court, data collection, decision-making process, free and informed consent, health, IGM, investigation, jurisprudence, legislation, LGR, remedy, sterilisation, surgical/medical intervention*

Stereotypes and harmful practices

11. Please provide information, including detailed statistics, on legal and medical standards following best practices in relation to medical and surgical treatment of intersex persons, on investigations into incidents of involuntary sterilization or unnecessary and irreversible surgical or other medical treatment, very often done without the informed consent of the patient, and on existing remedies to the victims of such treatment, including adequate compensation. Please also indicate how many persons have registered as a third gender, following its legal recognition by the Constitutional Court in June 2018.

Keywords: *LBTI; children, court, family, jurisprudence, legislation, marriage, partnership, same-sex couples, service provision, social security, women*

Marriage and family relations

21. Please provide information on the judgment rendered by the Constitutional Court in 2017 repealing the legal provisions that denied same-sex couples the right to marry and on progress made regarding its implementation. Please elaborate on efforts to remove the remaining differential provisions for lesbian, bisexual and transgender women and intersex persons living in registered partnerships, denying them the same rights afforded to other couples, including in relation to childcare allowances for mothers, maintenance and distribution of property and assets upon dissolution of the relationship (paras. 218 and 330).

Keywords: *LBTI; action plan, discrimination, GC/GR, intersectionality, legislation, prevention, women*

Constitutional and legislative protection of women from discrimination

11. The Committee is concerned that the four constitution amendment bills aimed at achieving gender equality were rejected by voters in the referendum held in June 2016. The Committee remains concerned about the absence in the State party's Constitution and national legislation of an explicit definition of discrimination against women and provisions on gender equality, in line with the Convention. The Committee is particularly concerned about the following:

[...]

(c) The failure to eliminate discrimination, notably intersecting forms of discrimination, in particular against women of Haitian descent, migrant women, women with disabilities, lesbian, bisexual and transgender women, intersex persons and women living in the Family Islands.

12. The Committee reiterates its previous recommendation ([CEDAW/C/BHS/CO/1-5](#), para. 14) and recommends that the State party, in line with articles 1 and 2 of the Convention and the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention:

[...]

(d) Adopt an action plan that includes adequate resources, a timeline and measurable targets requiring authorities to implement relevant laws to prevent and eliminate all forms of de facto discrimination against women and girls, in particular women of Haitian descent, migrant and asylum-seeking women, women with disabilities, lesbian, bisexual and transgender women, intersex persons and women living in the Family Islands.

Keywords: *LBTI; GC/GR, hate crimes, SDGs, violence, women*

Gender-based violence against women

23. The Committee [...] is concerned, however, about the following:

(a) The high prevalence of gender-based violence against women and girls, including domestic and sexual violence and rape, and the high reported incidence of hate crimes against lesbian, bisexual and transgender women and intersex persons, which remain culturally accepted and underreported;

[...]

24. Recalling its general recommendation No. 35, and in line with target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, the Committee recommends that the State party:

(a) Develop and implement comprehensive measures for the prevention and elimination of gender-based violence against women and girls, in particular domestic and sexual violence and rape, assess the reported incidence of crimes against lesbian, bisexual and transgender women and intersex persons and intensify efforts to change the social norms and cultural perceptions through which gender-based violence is tolerated as culturally acceptable;

[...]

Keywords: *LBTI; employment, legislation, women*

Employment

15. [...] To what extent is the ongoing revision of the Employment Act designed to promote women’s employment, including that of rural women, women with disabilities and lesbian, bisexual, transgender and intersex women? [...]

Keywords: *LBT; discrimination, education, employment, health, measures, service provision, SRHR, women*

Disadvantaged groups of women

17. Please indicate how the fiscal incentives for the creation of employment for persons with disabilities (Act No. 26/VIII/2013 and Act No. 102/VIII/2016) have increased access to work for women with disabilities. Please provide information about the measures taken to promote non-discrimination and access to sexual and reproductive health services, education and work to women with disabilities, migrant women and lesbian, bisexual and transgender women.

Keywords: *GI; LGBTI; court, discrimination, law enforcement officials, legislation, SDGs, trainings, women*

Legislative framework and definition of discrimination against women

12. The Committee commends the State party on its adoption of key legislation aimed at promoting substantive equality between women and men. It notes with concern, however, that:

[...]

(c) The draft law (bill No. 8924-07) on gender identity, with amendments, remains pending;

(d) Insufficient legal protection has resulted in an increase in the number of cases of discrimination against lesbian, bisexual and transgender women and intersex persons.

13. In accordance with the State party's obligations under the Convention and in line with target 5.1 of the Sustainable Development Goals, the Committee reiterates its previous concluding observations ([CEDAW/C/CHL/CO/5-6](#), para. 11) and recommends that the State party:

[...]

(c) Adopt the draft law on gender identity with the proposed amendments;

(d) Provide in-depth training for the judiciary and other State authorities to address the discrimination and violations of rights experienced by lesbian, bisexual and transgender women and intersex persons.

Keywords: *LGBTI; access to justice, court, discrimination, GC/GR, women*

Access to Justice

14. The Committee welcomes the establishment of the Technical Secretariat for Gender Equity and Non-Discrimination in the Supreme Court, along with the policies aimed at promoting access to justice for disadvantaged women. It is concerned, however, about the institutional, procedural and practical barriers faced by women in gaining access to justice, such as:

[...]

(d) Discriminatory barriers faced by lesbian, bisexual and transgender women and intersex persons when accessing the justice system;

[...]

15. In accordance with its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:

[...]

(d) Establish processes to eliminate discriminatory rulings and practices against lesbian, bisexual and transgender women and intersex persons in the justice system; [...]

Keywords: *LGBTI; discrimination, GC/GR, intersectionality, measures, stereotypes, women*

Stereotypes

20. The Committee welcomes the legislative and other measures taken to address discriminatory stereotypes in the State party, including the continued efforts to promote equality between mothers and fathers in child-rearing duties. Nevertheless, it remains concerned that persistent discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society, along with intersecting forms of discrimination and the deep-rooted machismo culture in the State party, continue to impede progress in advancing gender equality. It further notes with concern that certain groups of women do not enjoy full respect of their rights, owing to insufficient special protective measures.

21. The Committee reiterates its previous concluding observations (see [CEDAW/C/CHL/CO/5-6](#), para. 17) and recommends that the State party adopt a comprehensive strategy targeting women, men, girls and boys to overcome machismo culture and the discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society. It also recommends that such a strategy address intersecting forms of discrimination against women, including women with disabilities, indigenous women, women of African descent, migrant women and lesbian, bisexual and transgender women and intersex persons, as defined in paragraph

18 of the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention.

Keywords: *I; access to justice, children, decision-making process, family, free and informed consent, GC/GR, health, IGM, legislation, medical professionals, remedy, reparation, support services, surgical/medical intervention*

Harmful practices

22. The Committee is concerned about:

- (a) The lack of clear legislation prohibiting the performance of unnecessary medical procedures on intersex infants and children until they reach an age when they are able to give their free, prior and informed consent;
- (b) The lack of support and effective remedies for intersex persons who have undergone medically unnecessary surgical procedures at a very early age, often with irreversible consequences and resulting in long-term physical and psychological suffering.

23. In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee of the Rights of the Child (2014) on harmful practices, the Committee recommends that the State party:

- (a) Adopt legislation to explicitly prohibit the performance of unnecessary surgical or other medical treatment on intersex children until they reach an age when they are able to give their free, prior and informed consent, ensure that medical practitioners are informed about such legislation and provide families with intersex children with adequate counselling and support;
- (b) Ensure that intersex persons who have undergone unnecessary surgical or other medical treatment without their free, prior and informed consent have effective access to justice and consider establishing a State compensation fund for them.

Keywords: *LBT, LGBTI; access to justice, awareness-raising campaign, consultation, data collection, discrimination, GC/GR, hate crimes, intersectionality, investigation, law enforcement officials, legislation, measures, police misconduct, prevention, prosecution, remedy, reparation, violence, women*

Gender-based violence against women

24. The Committee welcomes the significant legislative and institutional advances, including the national plan of action on violence against women for the period 2014–2018, made to combat gender-based violence against women and the development of a database to record incidents of violence. Nevertheless, it remains concerned about:

[...]

- (b) The lack of progress in adopting the draft law on the right of women to a life free from violence (bill No. 11077-07), which has been before Congress since 2016;

[...]

- (e) The reported use of violence by State agents against lesbian, bisexual and transgender women and the lack of data on prosecutions and convictions in such cases;

[...].

25. The Committee recalls its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and recommends that the State party:

[...]

- (b) Expedite the adoption of the draft law on the right of women to a life free from violence (bill No. 11077-07) and ensure that the intersecting nature of violence and discrimination is recognized under the law, in particular with regard to migrant women, indigenous women, women with disabilities and lesbian, bisexual and transgender women and intersex persons;

[...]

- (e) Address the lack of protective measures to ensure the dignity and integrity of lesbian, bisexual and transgender women, including by raising public awareness of their rights, in cooperation with civil society, and adopt measures to prevent hate crimes and ensure that investigations, prosecutions and convictions are carried out and that adequate redress, including reparation and compensation, is provided to victims;

[...]

Keywords: *adoption, children, family, legislation, marriage, same-sex couples*

Marriage and family relations

50. The Committee welcomes the adoption of Act 20.830 and the proposed amendments to the marital property regime (bills Nos. 1707-18 and 7727-18, consolidated with bills Nos. 7567-07 and 5907-13). It also deems positive the submission of a draft act (bill No. 9850-18) to raise the minimum age of marriage to 18 years for women and men. Nonetheless, it is concerned that:

[...]

(b) Current legislation fails to include clear provisions regarding filiation rights and parental rights for same-sex couples and does not allow for adoption procedures that recognize both parents;

[...]

51. The Committee recommends that the State party:

[...]

(b) Adopt the draft law on same-sex marriage (bill No. 11422-07) and ensure that filiation and parental rights are protected;

[...]

Keywords: *LBTI; discrimination, follow-up, GC/GR, intersectionality, legislation, violence, women*

Follow-up to the concluding observations

55. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 13 (a) and (b), 17 (b) and 25 (b) above.

Keywords: *LBTI; discrimination, intersectionality, measures, women*

Constitutional, legislative and institutional framework

1. [...] Please also indicate what measures are in place to prohibit all forms of intersecting discrimination against women, in particular against rural, indigenous, Afro-Colombian, internally displaced and migrant women, women with disabilities, and lesbian, bisexual, intersex and transgender women. In that regard, please indicate what measures are in place to ensure the implementation of the strategy to strengthen public policy on gender equity (CONPES 161) and the strategy to protect and guarantee the rights of women victims of the armed conflict (CONPES 3784), as set forth in paragraph 10 of the ninth periodic report of the State party ([CEDAW/C/COL/9](#)).

Keywords: *discrimination, employment, legislation, policy, professional groups, protected grounds, women*

B. Positive aspects

[...]

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

[...]

(d) Code of Conduct of the Public Service Act, in 2009, prohibiting discrimination in the public sector on the basis of such grounds as gender, sexual preference and maternity and family status.

Keywords: *LBT; awareness-raising campaign, discrimination, intersectionality, legislation, stigmatisation, women*

D. Principal areas of concern and recommendations

Disadvantaged groups of women

[...]

43. The Committee notes with concern the intersecting forms of discrimination against lesbian, bisexual and transgender women.
44. **The Committee recommends that the State party make the legislative changes necessary to prohibit intersecting forms of discrimination against lesbian, bisexual and transgender women and conduct awareness-raising activities to address their stigmatization in society.**

Cyprus – List of Issues – 70th PSWG, 30 November 2017, 8th review⁸⁸

Keywords: *GI; education, health, sexuality education*

Education

17. [...] Please provide further information on the implementation of the health education curriculum and the areas that it covers (para. 114 (a)), including whether it includes gender identity issues and where it is taught. [...]

Keywords: *data collection, legislation, partnership, same-sex couples*

Marriage and family relations

24. Please provide the Committee with the results of the study on the economic consequences of divorce on both spouses, focusing on gender-based disparities, which was commissioned by the Ministry of Justice and Public Order in 2016 as previously recommended by the Committee ([CEDAW/C/CYP/CO/6-7](#), para. 36 (b)). Please clarify whether the study covered the economic consequences of dissolution of cohabitation, given that the law providing for opposite-sex and same-sex cohabitation and civil unions was adopted only in 2015 and that as at January 2017 only 88 such civil unions had been solemnized (para. 175).

Cyprus – Concluding Observations – 70th Session, 25 July 2018, 8th review⁸⁹

Keywords: *LBT; legislation, partnership, same-sex couples, women*

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2013 of the State party's combined sixth and seventh periodic reports ([CEDAW/C/CYP/6-7](#)) in undertaking legislative reforms, in particular the adoption of the following:

[...]

(d) Civil Union Law of 2015, under which the right of lesbian, bisexual and transgender women to enter into same-sex civil unions and cohabitation is recognized;

[...]

Keywords: *adoption, children, family, GC/GR, legislation, partnership, same-sex couples*

F. Principal areas of concern and recommendations

Marriage and family relations

50. The Committee commends the State party for implementing two of its previous recommendations, namely the adoption of the Civil Union Law and the conduct of a study on the economic consequences of separation and divorce on both spouses ([CEDAW/C/CYP/CO/6-7](#), para. 36). It remains, however, concerned about:

(a) The apparent lack of adequate protection for children born to or adopted in the context of de facto and other civil unions;

[...]

51. The Committee recommends that the State party, in line with general recommendations No. 21 (1994) on equality in marriage and family relations and No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, expeditiously adopt the seven bills amending the family law, with the objective of:

(a) Ensuring adequate protection for children born to or adopted in the context of de facto and other civil unions;

[...]

88 [CEDAW/C/CYP/Q/8](#)

89 [CEDAW/C/CYP/CO/8](#)

Keywords: *GI; legislation, SRHR, violence, women*

Definition of discrimination and legislative framework

[...]

3. Please provide information on the current status of the draft legislation on a comprehensive system for preventing, addressing, punishing and eradicating violence against women, on sexual and reproductive rights and on gender identity, including information on major content, the timeline for adoption and any obstacles to approval. [...]

Keywords: *LBTI; measures, media, professional groups, stereotypes, women*

Stereotypes and harmful practices

6. Please provide information on sustained long-term measures taken to address the stereotyped portrayal of women, in particular women of Haitian descent, lesbian, bisexual and transgender women and intersex persons and women with disabilities, including in the media and the business sector, as provided for in the national gender equality and equity plan and as recommended by the Committee in its previous concluding observations (para. 23 (a) and (b)). Please also provide information on efforts to monitor the impact of such measures and on the trends of changing attitudes relating to the traditional roles of women and men in the family and society.

Keywords: *LBTI; health, measures, medical professionals, service provision, stereotypes, trainings, women*

Health

[...]

20. Please provide information on training provided to health personnel to eliminate prejudice and stereotypes against women in prostitution and lesbian, bisexual and transgender women and intersex persons, as well as on measures taken to ensure equal access to health care.

Keywords: *LB; criminalisation (decriminalisation), discrimination, legislation, women*

Constitutional, legislative and institutional framework

3. Please provide information on provisions prohibiting direct and indirect discrimination in the public and private spheres and intersecting forms of discrimination in line with articles 1 and 2 (b) of the Convention, on the legal framework in place providing for the use of temporary special measures in line with article 4 (1) of the Convention, and on plans to revise discriminatory provisions of the Criminal Code, including articles 629 and 630 thereof, in which lesbian and bisexual women are criminalized.

Keywords: *LB; awareness-raising campaign, corrective rape, measures, prevention, sexual violence, women*

Discriminatory gender stereotypes and harmful practices

8. [...] Please also describe measures taken to raise awareness of, prevent and eradicate polygamy and the practice of so-called “corrective rape”, to which lesbian and bisexual women reportedly fall victim.

Fiji – List of Issues – 69th PSWG, 31 July 2017, 5th review⁹²

Keywords: *LBTI; children, data collection, discrimination, education, reparation, women*

Lesbian, bisexual, transgender and intersex women and girls

20. Please provide information on the safeguards in place to protect lesbian, bisexual, transgender and intersex women and girls from discrimination at school. In the light of reports that a boarding school student was ordered to be a day scholar as a result of being perceived as a lesbian, please provide updated information on whether the student has been able to return to the boarding school and has received any form of compensation. Please provide additional information on whether there have been any other cases where students have suffered from any discriminatory treatment by the school administration for being, or being perceived as, lesbian, bisexual, transgender or intersex.

Fiji – Concluding Observations – 69th Session, 14 March 2018, 5th review⁹³

Keywords: *criminalisation (decriminalisation), legislation*

B. Positive Aspects

4. The Committee notes the progress achieved since the consideration in 2010 of the State party's combined second to fourth periodic reports ([CEDAW/C/FJI/2-4](#)) in undertaking legislative reforms, in particular the adoption of the following:

[...]

(b) Legislation to decriminalize consensual same-sex relationships, in 2010.

Keywords: *LBT; adolescents, awareness-raising campaign, bullying, children, education, GC/GR, harassment, internet, legislation, measures, policy, prevention, violence, women*

D. Principal areas of concern and recommendations

[...]

Education

37. The Committee welcomes the high rate of school enrolment for girls in the State party, but notes with concern that:

[...]

(f) Lesbian, bisexual and transgender students are subjected to bullying, including cyberbullying.

38. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party take the legislative and policy action necessary and allocate adequate resources, in order to:

[...]

(g) Adopt an anti-bullying policy and introduce adequate awarenessraising measures in educational institutions to prevent all forms of harassment and violence against students, including lesbian, bisexual and transgender students.

Keywords: *LBT; awareness-raising campaign, criminalisation (decriminalisation), discrimination, family, hate crimes, hate speech, legislation, LGR, policy, prosecution, punishment, stigmatisation, violence, women*

Lesbian, bisexual and transgender women

51. The Committee notes that consensual same-sex relationships have been decriminalized and that discrimination on the basis of sexual orientation or gender identity is prohibited under section 26.3 (a) of the Constitution. It is concerned, however, about the ongoing hostility in society towards lesbian, bisexual and transgender women, manifested by discrimination, violence and hate crimes and speech, and within the family, where it is illustrated by, among other things, disinheritance. It is also concerned about the fact that it is impossible to record changes in gender on birth certificates.

52. The Committee recommends that the State party:

92 [CEDAW/C/FJI/Q/5](#)

93 [CEDAW/C/FJI/CO/5](#)

(a) Make the necessary legislative changes and implement a policy to eliminate discrimination, hate speech and violence against lesbian, bisexual and transgender women, including by prosecuting and adequately punishing perpetrators, and conduct awareness-raising activities to address stigma within society;

(b) Allow changes in gender to be recorded on birth certificates.

Keywords: SOGI; anti-discrimination legislation, discrimination, intersectionality, legislation, women

Definition of non-discrimination

3. Please clarify how the State party plans to incorporate into national legislation, including the Prevention of Discrimination Act, No. 26 of 1997, a definition of discrimination against women that prohibits indirect discrimination and intersecting forms of discrimination, in view of the State party's commitment to prevent discrimination on the basis of sexual orientation and gender identity (para. 27).

Keywords: LGBTI; access to justice, arrest, criminalisation (decriminalisation), discrimination, employment, gender impersonation laws, harassment, health, law enforcement officials, measures, police, police misconduct, service provision, violence, women

Disadvantaged groups of women

21. With reference to the Committee's previous recommendations ([CEDAW/C/GUY/CO/7-8](#), paras. 22–23), please provide detailed information on the State party's efforts to effectively address violence against lesbian, bisexual and transgender women and intersex persons and to decriminalize consensual adult same-sex relations. Please also inform the Committee about the progress made towards decriminalizing cross-dressing, addressing the reports of police harassment, arrest and verbal abuse of, violence against, and reluctance to record complaints of discrimination submitted by, lesbian, bisexual and transgender women and intersex persons. Please indicate the measures taken to improve access to health care and employment for lesbian, bisexual and transgender women and intersex persons and to address reported discrimination in those areas.

Liechtenstein – List of Issues Prior to Reporting – 68th PSWG, 26 July 2017, 5th review⁹⁵

Keywords: *LBTI; data collection, education, employment, health, housing, measures, service provision, TSM, women*

Disadvantaged groups of women

20. Please provide updated information and data on the human rights situation of refugee and migrant women, older women, including widows and divorcees, rural women, Muslim women, women in detention, women with disabilities and lesbian, bisexual, transgender and intersex women, and specify the measures taken to ensure that they have effective access to education, health, housing, employment and participation in political and public life, including through the use of temporary special measures (para. 41). [...]

Liechtenstein – Concluding Observations – 70th Session, 3 December 2018, 5th review⁹⁶

Keywords: *I; children, decision-making process, free and informed consent, health, IGM, surgical/medical intervention*

Health

35. [...] The Committee is further concerned about medically irreversible sex reassignment surgery being performed on intersex persons from Liechtenstein in neighbouring countries at the State party's request, [...].

36. The State party should:

[...]

(c) Specifically prohibit non-consensual sex-reassignment surgery on intersex persons and develop and implement a rights-based health-care protocol for intersex children that requires their informed consent about the performance of medically irreversible sex-reassignment surgery;

[...]

Keywords: *legislation, marriage, partnership, same-sex couples*

Marriage and family relations

41. [...] The Committee welcomes the reform of the law governing the names of registered partners, but regrets the absence of an assessment of the 2011 law recognizing same-sex partnerships and its effectiveness in achieving the equal treatment in practice of registered partnerships and traditional marriages.

42. The Committee recommends that the State party:

[...]

(b) Analyse the effects of the law recognizing same-sex partnership to determine whether equality of treatment between registered partnerships and marriage has been achieved in practice;

[...]

95 [CEDAW/C/LIE/QPR/5](#)

96 [CEDAW/C/LIE/CO/5/Rev.1](#)

Luxembourg – List of Issues Prior to Reporting – 67th PSWG, 6 March 2017, 6th and 7th review⁹⁷

Keywords: *T; measures, stereotypes, women*

Stereotypes and harmful practices

10. [...] Please specify the measures taken to address the stereotyped portrayal of women, including of women belonging to minority groups, migrant women and transgender women, in society. [...]

Keywords: *court, jurisprudence, legislation, partnership, same-sex couples*

Marriage and family relations

24. [...] Please also provide information on the legal regulations (statutory and case law) in place governing the distribution of property upon divorce or the dissolution of a de facto union (opposite or same sex).

Luxembourg – Concluding Observations – 69th Session, 14 March 2018, 6th and 7th review⁹⁸

Keywords: *SM; discrimination, intersectionality, women*

National machinery for the advancement of women

19. The Committee welcomes the State party's efforts to engage men and boys in initiatives for gender equality. It takes note of the multiplicity of entities engaged in the creation of equal opportunities in the State party. It welcomes the appointment of equality officers in several ministries and government departments. It notes the following with concern, however:

[...]

(b) The limited mandate of the Ministry of Equal Opportunities, which falls short of covering the advancement of women in all areas of the Convention and intersecting forms of discrimination;

(c) The absence of a strategic framework for the implementation of the Convention that addresses multiple and intersecting forms of discrimination, gender mainstreaming and gender-responsive budgeting;

[...]

20. The Committee, recalling the guidance provided in the Beijing Declaration and Platform for Action on institutional mechanisms for the advancement of women and on the integration of a gender perspective in legislation, public policies, programmes and projects, encourages the State party to strengthen the engagement of men and boys with regard to the advancement of women, in line with the Convention, and recommends that the State party:

[...]

(b) Review the mandate of the Ministry of Equal Opportunities to include the advancement of women in all areas covered by the Convention and the elimination of intersecting forms of discrimination, including against women belonging to religious, racial and sexual minority groups;

(c) Adopt a comprehensive strategic framework for gender equality for the analysis of the structural factors causing persistent inequalities, including discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society, and for addressing those factors and the intersecting forms of discrimination against disadvantaged groups of women, and ensure that the framework provides for gender mainstreaming and gender-responsive budgeting;

[...]

Keywords: *I; children, decision-making process, free and informed consent, GC/GR, health, IGM, Istanbul Convention, legislation, medical professionals, remedy, support services, surgical/medical intervention, violence*

Harmful practices

27. The Committee takes note of the plans of the State party to adopt provisions on its extraterritorial obligations with regard to the elimination of female genital mutilation and other harmful practices, in the context of its planned ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). It notes the following with concern:

97 [CEDAW/C/LUX/QPR/6-7](#)

98 [CEDAW/C/LUX/CO/6-7](#)

[...]

(b) The performance of medically irreversible sex reassignment surgery on intersex persons, a practice which is defined as non-consensual, unnecessary genital surgery and includes other comparable procedures that violate the physical integrity of such individuals;

(c) The lack of support for intersex persons who have undergone involuntary and medically unnecessary disfiguring surgical procedures when they were infants or children, often with irreversible consequences, resulting in significant physical and psychological suffering.

28. In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, the Committee recommends that the State party:

[...]

(b) Specifically prohibit non-consensual sex reassignment surgery on intersex persons, develop and implement a rights-based health-care protocol for intersex children that requires medical doctors to inform intersex children about all available options and requires their involvement in decision-making about medical interventions and the full respect of their choices;

(c) Adopt legal provisions to provide redress to intersex persons who are victims of surgical or other medical interventions performed without their free, prior and informed consent or that of their parents.

Keywords: *LBTI; adolescents, bullying, children, discrimination, education, punishment, violence, women*

Education

39. The Committee welcomes the Girls' Day-Boys' Day initiative and its plan to provide educational materials free of charge at the secondary level of education. It notes the following with concern, however:

[...]

(e) Reports of bullying and violence towards migrant and lesbian, bisexual and transgender girls and adolescents and intersex children and adolescents in school settings.

40. The Committee recommends that the State party:

[...]

(e) Enable victims to confidentially report cases of bullying and expressions of discriminatory sentiments in educational institutions, including against migrant and lesbian, bisexual and transgender girls and adolescents and intersex children and adolescents, and ensure that those responsible receive adequate sanctions.

Keywords: *access to justice, GC/GR, health, IGM, reparation, surgical/medical intervention*

Health

45. The Committee welcomes the signature, on 17 July 2013, of the common policy for the promotion of emotional and sexual health and the increase in the State party's contribution to the United Nations Population Fund to support the "She decides" movement. It is concerned, however, about the following:

[...]

(e) The time limits restricting the ability of persons who have undergone medically irreversible sex-reassignment surgery and who have suffered related consequences to claim compensatory damages.

46. In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:

[...]

(e) Repeal time limits on the ability to claim compensatory damages for medically irreversible sex reassignment surgery and related consequences.

Keywords: *SM; GC/GR, hate speech, internet, legislation, women*

Women and girls belonging to religious minority groups and migrant, refugee and asylum-seeking women and girls

[...]

50. In line with its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:

[...]

(d) Establish a mechanism to monitor and counter hate speech, including on social media, against racial, ethnic, sexual and religious minority groups, as well as hate speech based on nationality and migration status, in line with article 457 of its Penal Code, referring to article 454;

[...]

Keywords: *adoption, assisted reproduction, children, family, GC/GR, legislation, marriage, same-sex couples, women*

Marriage and family relations

51. The Committee welcomes the adoption of the Act of 4 July 2014 on marriage reform, which authorizes same sex marriages and advancements in the reform of divorce and parental authority and in the revision of the law on filiation. It notes the following with concern, however:

(a) That women in de facto unions and same-sex couples are placed at a disadvantage with regard to the distribution of property upon dissolution of their union and to the recognition of paternity in cases of medically assisted procreation and in the adoption of stepchildren;

[...]

52. The Committee recommends, in line with its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, that the State party:

(a) Harmonize the treatment of all women, including those in de facto unions and same-sex relationships, with regard to the distribution of property upon dissolution of their union or relationship and to the recognition of paternity in cases of medically assisted procreation and in the adoption of stepchildren, regardless of their civil status;

[...]

Keywords: *SM; follow-up, GC/GR, hate speech, internet, legislation, women*

Follow-up to concluding observations

57. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 14, 16 (a), 38 and 50 (d) above.

Malaysia – List of Issues – 69th PSWG, 31 July 2017, 3rd to 5th review⁹⁹

Keywords: *LBTI; access to justice, arrest, conversion therapy, criminalisation (decriminalisation), discrimination, education, employment, gender impersonation laws, harassment, health, intersectionality, killings, legislation, measures, policy, sexual violence, torture/ill-treatment, violence, women*

Lesbian, bisexual and transgender women and intersex persons

21. According to information before the Committee, lesbian, bisexual and transgender women and intersex persons face multiple forms of discrimination and violence in the State party, including arbitrary arrests, violence, including sexual violence, murder, harassment and torture, as well as discrimination in education, employment, health care and access to justice. Please indicate what measures have been taken to protect such women from discrimination and violence, as well as to revise the laws and policies that are discriminatory on these bases, such as the prohibition of consensual relations between women and of “men posing as women” and vice versa, and policies aimed at “rehabilitating” or “curing” lesbian, bisexual and transgender women and intersex persons.

Malaysia – Concluding Observations – 69th Session, 14 March 2018, 3rd to 5th review¹⁰⁰

Keywords: *LBTI; adolescents, awareness-raising campaign, bullying, children, education, GC/GR, measures, policy, punishment, women*

Education

35. [...] The Committee further regrets the bullying of students, including lesbian, bisexual, transgender and intersex students, and the lack of information on the policy of sending bullies to training programmes in military institutions as a corrective measure and on the impact of such a policy on the right to education of girls.
36. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party:

[...]

(e) Adopt anti-bullying policies based on alternative strategies, such as counselling services and positive discipline, and undertake awareness-raising measures to foster equal rights for lesbian, bisexual, transgender and intersex students.

Keywords: *T; health, service provision, SRHR, women*

Health

39. The Committee is concerned about the obstacles faced by certain groups of women that block their access to health-care services in the State party, including asylum-seeking and refugee women, women migrant workers, rural women, transgender women and indigenous women. [...]
40. The Committee recommends that the State party:

(a) Ensure that all women, regardless of nationality or income, have effective access to affordable health-care services, including maternity, family planning and reproductive health-care services;

[...]

Keywords: *LBTI; awareness-raising campaign, conversion therapy, criminalisation (decriminalisation), discrimination, gender impersonation laws, harassment, law enforcement officials, legislation, measures, police, police misconduct, policy, professional groups, prosecution, punishment, stereotypes, violence, women*

Lesbian, bisexual and transgender women and intersex persons

47. The Committee is concerned at reports of harassment of, and discrimination and attacks against lesbian, bisexual and transgender women and intersex persons by State authorities, including the police, members of religious institutions and private citizens. It notes with concern that their situation is exacerbated by the discriminatory laws and policies of the State party.
48. The Committee recommends that the State party undertake awareness-raising measures to eliminate discrimination and negative stereotypes against lesbian, bisexual and transgender women and intersex persons. In particular, it recommends that the State party:

99 [CEDAW/C/MYS/Q/3-5](#)

100 [CEDAW/C/MYS/CO/3-5](#)

(a) Amend all laws that discriminate against lesbian, bisexual and transgender women and intersex persons, including the provisions of the Penal Code and Syariah laws that criminalize same-sex relations between women and cross-dressing;

(b) Apply a policy of zero tolerance with regard to discrimination and violence against lesbian, bisexual and transgender women and intersex persons, including by prosecuting and adequately punishing perpetrators;

(c) Expedite measures to discontinue all policies and activities aimed at “correcting” or “rehabilitating” lesbian, bisexual and transgender women and intersex persons.

Keywords: *LBTI; arrest, court, FOE/FOAA, harassment, HRD, law enforcement officials, professional groups, trainings, women*

Women human rights defenders

49. The Committee is concerned about reports that women human rights defenders, in particular those advocating for the rights of Muslim women, the rights of lesbian, bisexual and transgender women and intersex persons and democratic reforms, have been subjected to arbitrary arrest, harassment and intimidation by State authorities and members of religious institutions, including through the adoption of fatwas against women’s organizations working on the above-mentioned issues.

50. The Committee recommends that the State party ensure that women human rights defenders can freely undertake their important work without fear or threat of arbitrary arrest, harassment or intimidation, including the issuance of fatwas by religious institutions, by fully guaranteeing their rights to freedom of expression, assembly and association. It also recommends that the State party provide capacity-building on women’s rights and gender equality to law enforcement officials, members of the judiciary and members of religious institutions.

Mauritius – List of Issues Prior to Reporting – 69th PSWG, 4 December 2017, 8th review¹⁰¹

Keywords: *LBTI; measures, stereotypes, women*

Stereotypes and harmful practices

7. In its previous concluding observations (para. 18), the Committee expressed its concern about the persistence of harmful practices and discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and society. Please provide information on the implementation and monitoring of measures subsequently taken by the State party, including awareness-raising campaigns, and their impact and results, to change such stereotypes. Please also specify measures taken to address the stereotyped portrayal of women, including women belonging to minority groups, migrant women, lesbian, bisexual and transgender women and intersex persons.

Mauritius – Concluding Observations – 71st Session, 14 November 2018, 8th review¹⁰²

Keywords: *SO; anti-discrimination legislation, discrimination, education, employment, legislation, protected grounds*

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2011 of the State party's combined sixth and seventh periodic reports ([CEDAW/C/MUS/CO/6-7](#)) in undertaking legislative reforms, in particular the adoption of the following:

[...]

(d) Equal Opportunities Act 2008 (Act No. 42 of 2008), in force since 1 January 2012, which prohibits direct and indirect discrimination on the grounds of sex and sexual orientation in certain areas, such as employment and education;

[...]

Keywords: *LBTI; awareness-raising campaign, discrimination, employment, hate speech, health, intersectionality, law enforcement officials, legislation, measures, medical professionals, police, policy, shelters, stigmatisation, support services, trainings, violence, women*

D. Principal areas of concern and recommendations

Lesbian, bisexual and transgender women and intersex persons

33. The Committee notes with concern the intersecting forms of discrimination faced by lesbian, bisexual and transgender women and intersex persons, including the following:

(a) The prevalence, in all areas covered by the Convention, of discriminatory practices that disadvantage lesbian, bisexual and transgender women and intersex persons, including social exclusion and acts of hate speech and abuse;

(b) The lack of policy measures pertaining to the rights of lesbian, bisexual and transgender women and intersex persons ([CEDAW/C/MUS/8](#), para. 36);

(c) The underreporting of acts of violence and of physical, verbal and emotional abuse against lesbian, bisexual and transgender women and intersex persons.

34. The Committee recommends that the State party:

(a) Adopt the legislative and policy measures necessary to combat discrimination and violence against lesbian, bisexual and transgender women and intersex persons, including hate speech and physical, verbal and emotional abuse;

(b) Promote the protection of the rights of lesbian, bisexual and transgender women and intersex persons, in all areas covered by the Convention, including in employment and health, and conduct awareness-raising activities to address their stigmatization in society;

(c) Ensure that law enforcement mechanisms efficiently protect the rights of lesbian, bisexual and transgender women and intersex persons;

101 [CEDAW/C/MUS/QPR/8](#)

102 [CEDAW/C/MUS/CO/8](#)

(d) Provide access to shelter and assistance for lesbian, bisexual and transgender women and intersex persons who are victims of violence;

(e) Provide training to medical personnel, the police and law enforcement officials in this regard.

Mexico – List of Issues – 70th PSWG, 30 November 2017, 9th review¹⁰³

Keywords: *LBTI; access to justice, asylum-seekers/refugees, data collection, measures, violence, women*

Refugees and asylum-seeking women

21. [...] Please also provide statistics on the number of lesbian, bisexual, transgender and refugee and asylum-seeking women and intersex persons who have been subjected to gender-based violence in the State party, stating whether the alleged perpetrators have been brought to justice. [...]

Mexico – Concluding Observations – 70th Session, 25 July 2018, 9th review¹⁰⁴

Keywords: *anti-discrimination legislation, discrimination, hate speech, legislation*

B. Positive aspects

4. The Committee welcomes the progress achieved since its consideration in 2012 of the State party's combined seventh and eighth periodic reports ([CEDAW/C/MEX/7-8](#)) in undertaking legislative reforms, in particular the adoption of the following:

[...]

(d) Amendments to the Federal Act on Preventing and Eliminating Discrimination, including provisions prohibiting misogyny, homophobia and racial discrimination, in 2014, as well as hate speech, including expressions of sexism, in 2018;

[...]

Keywords: *LBTI; discrimination, intersectionality, legislation, prevention, SDGs, violence, women*

D. Principal areas of concern and recommendations

Legislative framework and definition of discrimination against women

11. The Committee welcomes the efforts made to strengthen harmonization of the legal framework with the Convention, including through amendments to article 73 of the Constitution that enable the Congress to expedite federal laws and the adoption of a national programme for equality and non-discrimination, covering the period 2014–2018. Nevertheless, it remains concerned that:

[...]

(b) The lack of effective mechanisms and the insufficient state-level budgetary allocations to implement and monitor the laws relating to gender equality and women's right to a life free of violence have failed to eliminate discrimination, notably intersecting forms of discrimination, in particular against indigenous women, Mexican women of African descent, migrant women, women with disabilities, lesbian, bisexual and transgender women and intersex persons;

[...]

12. In accordance with the State party's obligations under the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, and taking into account the positive efforts made through other general laws adopted by the State Party, the Committee recommends that the State party:

[...]

(d) Adopt a road map that includes adequate resources, a timeline and measurable targets requiring authorities at the federal, state and local levels to implement relevant laws to prevent and eliminate all forms of de facto discrimination against women, in particular indigenous women, Mexican women of African descent, migrant women, women with disabilities, lesbian, bisexual and transgender women and intersex persons.

Keywords: *I; children, decision-making process, family, free and informed consent, GC/GR, IGM, remedy, support services, surgical/medical intervention*

Harmful practices

103 [CEDAW/C/MEX/Q/9](#)

104 [CEDAW/C/MEX/CO/9](#)

21. The Committee is concerned about the limited provisions prohibiting unnecessary medical procedures on intersex children and the inadequate support and lack of effective remedies for intersex persons who have undergone medically unnecessary surgical procedures.
22. **In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee of the Rights of the Child (2014) on harmful practices, the Committee recommends that the State party adopt provisions explicitly prohibiting the performance of unnecessary surgical or other medical procedures on intersex children until they reach an age when they can give their free, prior and informed consent and provide families of intersex children with adequate counselling and support.**

Keywords: *LBT; awareness-raising campaign, consultation, GC/GR, violence, women*

Gender-based violence against women

23. The Committee welcomes the significant legislative and institutional measures taken by the State party to combat the high levels of gender-based violence in the State party. It remains deeply concerned, however, about the following:

[...]

(f) The reported use of violence by State and non-State actors against lesbian, bisexual and transgender women;

[...]

24. The Committee recalls its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and reiterates its recommendation that the State party:

[...]

(f) **Address the lack of protection measures to ensure the dignity and physical integrity of lesbian, bisexual and transgender women, including by raising public awareness of their rights, in cooperation with civil society;**

[...]

Keywords: *LBTI; domestic violence, legislation, measures, violence, women*

Gender-based violence against women

7. In the light of the Committee's previous concluding observations (para. 19) and the related follow-up report submitted by the State party ([CEDAW/C/MNG/CO/ 8-9/Add.1](#), para. 28), please specify measures taken to increase financial resources for the effective implementation, monitoring and enforcement of the revised Law on Combating Domestic Violence (2016) and subsequent relevant procedures. Please indicate whether those measures are targeted at all groups of women, including women with disabilities, lesbian, bisexual and transgender women, intersex persons and migrant women. With regard to redress and protection, please provide data on the number of additional shelters and one-stop service centres that provide assistance to women and girls who are victims of gender-based violence that have been established, in particular in rural areas, and on whether those shelters and centres provide adequate health and safety conditions and are accessible to women with disabilities. Please provide information on progress made towards the implementation of the procedure for the accreditation of non-governmental organizations offering services to victims, of 2017, and to strengthen partnership with non-governmental organizations that provide shelters and rehabilitation services.

Nepal – List of Issues – 71st PSWG, 19 March 2018, 6th review¹⁰⁶

Keywords: *I; discrimination, forced marriage, health, IGM, killings, measures, surgical/medical intervention*

Stereotypes and harmful practices

[...]

8. [...] Please also provide information on:

[...]

(d) measures taken to address the forced genital mutilation of and discrimination against intersex persons, including reported cases of abuse, infanticide and forced marriage.

Keywords: *LBT; women*

Rural women and disadvantaged groups of women

[...]

20. Please provide information on the situation of disadvantaged groups of women, in particular older women, lesbian, bisexual and transgender women, women with disabilities, women migrant workers and asylum-seeking and refugee women and girls. [...]

Nepal – Concluding Observations – 71st Session, 14 November 2018, 6th review¹⁰⁷

Keywords: *LBTI; access to justice, discrimination, GC/GR, intersectionality, service provision, support services, women*

Access to justice

10. The Committee welcomes the establishment of judicial committees at the local level and takes note of the drafting of the integrated free legal aid policy and the planned reform of the free legal aid scheme. It expresses its concern, however, about the following:

[...]

(b) The lack of targeted financial support and legal aid in commonly spoken languages for women facing intersecting forms of discrimination;

[...]

11. The Committee recommends that the State party, in line with its general recommendation No. 33 (2015) on women's access to justice:

[...]

(b) Provide targeted financial support and legal aid in commonly spoken languages for women facing intersecting and multiple forms of discrimination, such as Dalit women, indigenous women, including Madhesi and Tharu women, women belonging to religious minority groups, women with disabilities, women living in remote areas, lesbian, bisexual and transgender women, intersex persons and displaced and migrant women;

[...]

Keywords: *I; access to justice, children, decision-making process, discrimination, forced marriage, free and informed consent, GC/GR, health, IGM, killings, legislation, medical professionals, professional groups, remedy, SDGs, shelters, stigmatisation, support services, surgical/medical intervention, trainings*

Stereotypes and harmful practices

18. The Committee welcomes the criminalization of a number of harmful practices, including chhaupadi, dowry, accusation of witchcraft, discrimination against Dalit persons, and child marriage. It expresses its concern, however,

106 [CEDAW/C/NPL/Q/6](#)

107 [CEDAW/C/NPL/CO/6](#)

about the following:

[...]

(c) Discrimination against intersex persons, namely, abuse, reported infanticide, forced marriage and the conduct of medically unnecessary procedures on Nepali intersex infants and children on the territory of the State party or abroad before they reach an age at which they are able to provide their free, prior and informed consent;

(d) The underreporting of harmful practices and insufficient short- and longterm support for victims.

19. Recalling its previous recommendation ([CEDAW/C/NPL/CO/4-5](#), para. 18), the Committee recommends that the State party, in line with the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, and with target 5.3 of the Sustainable Development Goals, to eliminate all harmful practices:

[...]

(d) Adopt legislative provisions that explicitly prohibit the performance of unnecessary surgical or other medical procedures on intersex children before they reach the legal age of consent and train medical and psychological professionals on the rights of intersex persons;

(e) Ensure that victims of harmful practices can file complaints without fear of retribution or stigmatization and that they have access to effective remedies and victim support, such as legal, social, medical and psychological assistance and shelters.

Keywords: *LBTI; awareness-raising campaign, consultation, discrimination, GC/GR, health, medical professionals, SDGs, service provision, SRHR, women*

Health

38. The Committee notes with appreciation the ongoing deliberations on the public health bill, which contains provisions on the provision of non-discriminatory health services free of cost and the introduction of components on reproductive health in school curricula. It is concerned, however, that:

[...]

(d) There is persistent discrimination by health-care providers against Dalit women, indigenous women, women with disabilities, lesbian, bisexual and transgender women, intersex persons, women in prostitution and women from remote areas.

39. The Committee recommends that the State party, in line with its general recommendation No. 24 (1999) on women and health, and taking into account target 3.1, to reduce the global mortality ratio to less than 70 per 100,000 live births, and target 3.7, to ensure universal access to sexual and reproductive health-care services, of the Sustainable Development Goals:

[...]

(d) End discrimination by health-care providers against Dalit women, indigenous women, women with disabilities, lesbian, bisexual and transgender women, intersex persons and women in prostitution, by raising awareness among providers, with the support of female community health volunteers, of the rights of those groups and encouraging reporting.

Keywords: *SM; legislation*

Disadvantaged groups of women

40. The Committee welcomes the fact that, under article 18 (3) of the Constitution, the adoption of special provisions by law for the empowerment of citizens, including "Dalit, indigenous people, Madhesi, Tharu, Muslim, oppressed class, Pichhada class, minorities, the marginalized, farmers, labourers, youths, children, senior citizens, gender and sexual minorities, persons with disabilities, persons in pregnancy, incapacitated or helpless, backward region and indigent Khas Arya", is permitted. It is concerned, however, about the following: [...].

Keywords: *discrimination, legislation, marriage, policy, same-sex couples*

B. Positive aspects

[...]

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including the following:

[...]

(c) Adoption of the Marriage (Definition of Marriage) Amendment Act 2013, which allows same-sex couples to legally marry;

[...]

Keywords: *GIE, SC; anti-discrimination legislation, discrimination, GC/GR, legislation, protected grounds, SDGs*

D. Principal areas of concern and recommendations

Definition of equality and non-discrimination

11. The Committee notes that under the New Zealand Bill of Rights Act 1990 (sect. 19 (1)) and the Human Rights Act 1993 (sect. 21 (1) (a)) sex-based discrimination in the public and private spheres, including indirect discrimination, is prohibited. However, the Committee is concerned that the State party's legislation on discrimination against women is not fully in line with articles 1 and 2 of the Convention. The Committee is also concerned that:

(a) Discrimination on the grounds of gender identity, gender expression or sex characteristics are not specifically prohibited;

[...]

12. Recalling its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and drawing the attention of the State party to target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, the Committee recommends that the State party:

(a) Amend section 21 (1) (a) of the Human Rights Act 1993, with a view to including specific prohibitions of discrimination on the grounds of gender identity, gender expression and sex characteristics;

[...]

Keywords: *LBTI; access to justice, court, education, GC/GR, law enforcement officials, police, remedy, trainings, women*

Access to justice

13. The Committee remains concerned about the persistence of multiple barriers impeding women and girls from obtaining access to justice and effective remedies to claim violations of their rights, in particular for rural women, Maori, Pasifika, Asian, migrant and refugee women, women with disabilities, lesbian, bisexual and transgender women and intersex persons. In particular, it notes the following with concern:

(a) The decrease in availability of legal aid, as the number of legal aid lawyers has declined steadily since 2011;

(b) Limited legal literacy among women and limited access for women to information on available remedies, in particular among rural women and migrant women;

(c) The lack of gender sensitivity within the judiciary, in particular within the family courts, including negative attitudes among judges and law enforcement officials towards women claiming violations of their rights.

14. Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:

(a) Increase the availability of legal aid for women, in particular Maori and migrant women and women belonging to ethnic minority groups, including in civil and family courts;

(b) Disseminate information, in particular in rural and remote areas, about the legal remedies that are avail-

able to women whose rights have been violated;

(c) Strengthen gender responsiveness and gender sensitivity among members of the judiciary, including by increasing the number of women judges and strengthening systematic capacity-building on the Convention for judges, prosecutors, lawyers, police officers and other law enforcement officials.

Keywords: *I, LGBTI; adolescents, awareness-raising campaign, bullying, children, data collection, decision-making process, education, family, free and informed consent, health, IGM, internet, legislation, measures, remedy, stereotypes, support services, surgical/medical intervention, women*

Discriminatory stereotypes and harmful practices

23. While noting the efforts made by the State party to eliminate negative stereotypes affecting women, the Committee expresses concern about the following:

(a) The high persistence of cyberbullying in high schools, which disproportionately affects women and girls with disabilities and lesbian, bisexual, transgender and intersex students;

[...]

(c) The conduct of medically unnecessary procedures on intersex infants and children before they reach an age at which they are able to provide their free, prior and informed consent, and the inadequate provision of support and counselling for the families of intersex children and of remedies for victims.

24. The Committee recommends that the State party adopt a comprehensive strategy to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and society, in cooperation with civil society organizations, in particular women's groups, community leaders, teachers and the media, in order to create an enabling environment that is supportive of gender equality. It further recommends that the State party:

(a) Systematically collect data on harmful practices, including cyberbullying targeting adolescent girls, and implement measures, such as awareness-raising campaigns in schools, to prevent such practices;

[...]

(c) Adopt clear legislative provisions explicitly prohibiting the performance of unnecessary surgical or other medical treatment on intersex children before they reach the legal age of consent, provide the families of intersex children with adequate counselling and support and provide redress to intersex persons who have undergone such unnecessary surgical or medical treatment.

Keywords: *T; domestic violence, GC/GR, SDGs, sexual violence, violence, women*

Gender-based violence against women

25. The Committee [...] also remains concerned about the following:

(a) The alarmingly high level of gender-based violence against women in the State party, with one in three women being subjected to physical or psychological violence, by an intimate partner during the course of their lifetime, especially domestic and sexual violence, including rape, which disproportionately affects Maori women, women belonging to ethnic minority groups, transgender women and women with disabilities, who are more likely to be retraumatized under the State party's current system;

[...]

26. Taking into account its general recommendation No. 35 (2017) on genderbased violence against women, updating general recommendation No. 19, and recalling target 5.2 of the Sustainable Development Goals, on the elimination of all forms of violence against all women and girls in the public and private spheres, the Committee recommends that the State party, with a view to strengthening its efforts to eliminate gender-based violence against women and its underlying causes:

(a) Adopt a comprehensive and cross-party on combating gender-based violence against women in accordance with general recommendation No. 35 and ensure its consistent implementation, including by strictly applying the provisions of the bill on family and Whanau violence legislation, once adopted, and by, inter alia, including measures that specifically protect women with disabilities who are victims of abusive caregivers;

[...]

Keywords: *legislation, marriage, same-sex couples*

Marriage and family relations

47. The Committee notes the enactment of the Marriage (Definition of Marriage) Amendment Act 2013, which en-

ables adult couples of any gender to marry, including same-sex and different sex couples. [...]

Keywords: *SOGI; data collection, intersectionality, privacy, women*

Data collection and analysis

49. The Committee is concerned about the deficiencies in compiling, analysing and processing reliable statistical data on the situation of women in all areas covered by the Convention, including intersections between women belonging to more than one group.
50. **The Committee recommends that the State party set up a centralized system for the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, ethnicity, location, gender identity and sexual orientation and socioeconomic status, while maintaining the confidentiality thereof, and that it use measurable indicators to assess trends in the situation of women and progress towards the realization of substantive equality in all areas covered by the Convention.**

Keywords: *follow-up, GC/GR, SDGs, violence, women*

Follow-up to the concluding observations

55. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 20, 26 (a), 40 (a) and 48 (a) above.**

Keywords: *LBTI, T; discrimination, LGR, marriage, measures, stigmatisation, women*

Constitutional, legislative and institutional framework

3. [...] Please inform the Committee about measures taken to combat discriminatory practices and stigma against lesbian, bisexual, transgender and intersex women, as well as migrant, asylum-seeking and refugee women and women living with HIV/AIDS, in all areas covered by the Convention. [...] Please also provide information on measures to adopt provisions for the recognition of identity and the right to marry of transgender women.

Keywords: *T; asylum-seekers/refugees, measures, refoulement, women*

Disadvantaged groups of women

[...]

23. Please indicate measures taken to address discrimination against asylum seekers, refugees and migrant women in the State party and to enforce the principle of non-refoulement in asylum-seeking procedures concerning transsexual women, women living with HIV/AIDS and young women from neighbouring countries. [...]

Republic of Korea – List of Issues – 69th PSWG, 31 July 2017, 8th review¹¹⁰

Keywords: SO; anti-discrimination legislation, GC/GR, hate crimes, legislation

Legal status of the Convention and legislative and institutional framework

[...]

3. Despite the Committee's recommendation in its previous concluding observations ([CEDAW/C/KOR/CO/7](#), para. 15), the State party appears to have made slow progress towards the adoption of a comprehensive anti-discrimination law in line with articles 1 and 2 of the Convention and the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, that includes a clear prohibition of all forms of discrimination, both direct and indirect, and that takes into account article 2 (4) of the National Human Rights Commission Act (2005), which prohibits discrimination based on sexual orientation. The National Human Rights Commission proposed, in the third national action plan for the promotion and protection of human rights, covering the period 2017-2021, the adoption of an anti-discrimination law. Please provide information on the efforts to accelerate the process and provide a specific time frame. Does the State party envisage making the anti-discrimination law applicable to the private sector and prohibiting misogyny and related hate crimes and on-line sexual violence and harassment?

Keywords: SM; adolescents, education, health, measures, sexuality education, SRHR

Education

[...]

15. In view of the information before the Committee that the national standard on sex education, which was introduced by the Ministry of Education in 2015 and implemented in every school as at March 2017, excludes a number of important sexual and reproductive health and rights issues, please provide updated information on the measures taken to continuously revise school curricula to ensure that they include age-appropriate education on sexual and reproductive health and rights at all school levels in order to combat early pregnancies and inform adolescents about sexually responsible behaviour, with a gender perspective and taking into account the rights of sexual minorities and developments in the fields of education and health.

Republic of Korea – Concluding Observations – 69th Session, 14 March 2018, 8th review¹¹¹

Keywords: SOGI; LGBTI, SM; anti-discrimination legislation, discrimination, GC/GR, intersectionality, women

Definition of discrimination against women and discriminatory laws

12. The Committee notes with concern that the State party has yet to adopt a comprehensive anti-discrimination law, as recommended by the National Human Rights Commission of Korea in 2006 and 2016. The Committee takes note of the information provided by the State party during the dialogue indicating that action against discrimination, including on the grounds of sexual orientation and gender identity, would be taken and that the adoption of a general anti-discrimination law would be covered by the third national action plan, covering the period 2017-2021. It also notes with concern that a separate law on the prevention of discrimination based on gender has not been enacted since the repeal of the Gender Discrimination Prevention and Relief Act in 2005. The Committee further notes that, in 2015, the Ministry of Gender Equality and Family requested the Daejeon Metropolitan Council to remove provisions related to lesbian, bisexual, transgender and intersex persons from its Basic Ordinance on Gender Equality.
13. Reiterating its previous concluding observations ([CEDAW/C/KOR/CO/7](#), para. 15), the Committee recommends that the State party adopt a comprehensive anti-discrimination law that prohibits discrimination against women, including direct, indirect and intersecting forms of discrimination affecting disadvantaged groups of women, such as women living in poverty, women belonging to ethnic, racial, religious and sexual minority groups, women with disabilities, women refugees and asylum seekers, stateless and migrant women, rural women, single women, adolescents and older women, as defined in article 1 of the Convention and in line with the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention.

Keywords: SOGI; domestic violence, family, GC/GR, legislation, same-sex couples, SDGs, violence, women

Gender-based violence against women

110 [CEDAW/C/KOR/Q/8](#)

111 [CEDAW/C/KOR/CO/8](#)

[...]

23. The Committee refers to its previous recommendations ([CEDAW/C/KOR/CO/7](#), para. 21) and, taking into account its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and recalling target 5.2 of the Sustainable Development Goals, recommends that the State party strengthen its efforts to combat genderbased violence against women and:

[...]

(b) Amend the Act on Special Cases concerning the Punishment, etc. of Crimes of Domestic Violence, to ensure that the safety of the victims and their families becomes its primary purpose, by, among other things, extending its applicability to same-sex couples or families and all women, regardless of their sexual orientation or gender identity; [...]

[...]

Keywords: *I, T; decision-making process, discrimination, free and informed consent, health, IGM, intersectionality, legislation, policy, service provision, SRHR, sterilisation, surgical/medical intervention, women*

Health

40. The Committee welcomes the efforts to improve health-care services for women, including the expansion of social and health-care services for older women with a low income. It is, however, concerned that the State party's policies on sexual and reproductive health and rights narrowly focus on the health of married and pregnant women and family health. The Committee is also concerned that access by transgender persons to medical services is reportedly restricted and that intersex persons are reportedly subjected to irreversible sex assignment surgery, sterilization or "genital normalizing surgery" without their informed consent.

41. The Committee recommends that the State party review its health legislation and policies, in particular in relation to the sexual and reproductive health and rights of women, and take corrective action, if required, in order to advance substantive gender equality in the health sector to include all women subject to intersecting forms of discrimination. The Committee also recommends that the State party ensure that transgender persons have a right of access to medical services, including national health insurance coverage, and that intersex persons are not subjected to involuntary medical interventions.

Keywords: *SOGI; SM; anti-discrimination legislation, discrimination, domestic violence, family, follow-up, GC/GR, intersectionality, legislation, same-sex couples, women*

Follow-up to the concluding observations

52. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 13, 23 (b) and (d) and 25 (b) above.

Keywords: *LBTI; data collection, violence, women*

Gender-based violence against women

8. Noting that a system to collect disaggregated data on gender-based violence against women was adopted in 2010 (para. 58), please provide updated statistical data on gender-based violence against women, including domestic violence, sexual violence and violence against lesbian, bisexual, transgender and intersex women, disaggregated by sex, age, nationality, geographic location and relationship between the victim and perpetrator. [...]

Keywords: *LBTI; discrimination, intersectionality, measures, women*

Disadvantaged groups of women

19. Please provide information on the situation of women with disabilities, female-headed households, older women and lesbian, bisexual, transgender and intersex women. Please indicate whether any specific measures have been adopted to address intersectional forms of discrimination faced by women belonging to such groups and, if so, the impact of the measures taken. [...]

Keywords: *SOGI; anti-discrimination legislation, discrimination, intersectionality, legislation, women*

Constitutional, legislative and institutional framework and definition of discrimination

1. In the fourth periodic report of the State party ([CEDAW/C/SRB/4](#), para. 8),¹ it is stated that the bill amending the Law on the Prohibition of Discrimination, developed in cooperation with the Equality Commissioner and the European Commission, is fully compliant with European Union directives, including the definition of indirect discrimination. Please explain which specific provisions have been harmonized and whether they cover all forms of discrimination against women, direct and indirect, including those that are intersecting on the basis of residence, disability, age, ethnicity, religion, sex, sexual orientation and gender identity, in the public and private spheres. Please also explain how “harassment” and “sexual harassment” are defined in law.

Keywords: *LBTI; discrimination, legislation, protected grounds, women*

2. Please provide information about the status of adoption of the bill on gender equality, under which multiple discrimination is outlawed and which provides for free legal assistance (para. 7). [...] Please also explain whether the new law will explicitly prohibit discrimination against lesbian, bisexual and transgender women and intersex persons.

Keywords: *LBTI; discrimination, employment, women*

Employment

14. [...] Please also provide information on steps taken to eliminate discrimination in employment affecting lesbian, bisexual and transgender women and intersex persons.

Keywords: *LBTI; assisted reproduction, family, health, measures, service provision, women*

Health

[...]

16. [...] Please also provide information on measures taken to enhance access to health care, and in particular to family-planning services and artificial insemination, for lesbian, bisexual and transgender women and intersex persons.

Keywords: *marriage, partnership, same-sex couples*

Marriage and family relations

21. [...] Please provide information on the steps taken to ensure the registration of all marriages, including same-sex partnerships.

Suriname – List of Issues – 69th PSWG, 31 July 2017, 4th to 6th review¹¹⁴

Keywords: SOGI; anti-discrimination legislation, children, discrimination, legislation, SDGs, women

Legislative framework and definition of discrimination

1. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with Sustainable Development Goal 5, target 5.1, to end all forms of discrimination against all women and girls everywhere, please update the Committee on the status of the draft law on equal treatment of women and men and indicate whether it:
 - (a) integrates a definition of discrimination against women in line with article 1 of the Convention, prohibiting direct and indirect discrimination by both public and private actors, in accordance with article 2 of the Convention (para. 25);¹ and
 - (b) includes the protection of all women from discrimination, including on the basis of sexual orientation and gender identity.

Keywords: SM; action plan, discrimination, health, HIV/AIDS, measures, stigmatisation

Health

[...]

17. Please inform the Committee as to whether the national strategic plan to combat HIV/AIDS (2014-2020) in the State party includes measures to address the issues -identified in the report as requiring priority attention, namely:
 - (a) preventing the contraction of HIV/AIDS by high-risk groups, particularly women in prostitution and women in the interior;
 - (b) the need to reduce stigma and discrimination against women and sexual minorities living with HIV; and[...]

Suriname – Concluding Observations – 69th Session, 14 March 2018, 4th to 6th review¹¹⁵

Keywords: SOGI; discrimination, legislation, protected grounds

B. Positive Aspects

4. The Committee welcomes the progress achieved since the consideration in 2007 of the State party's third periodic report ([CEDAW/C/SUR/3](#)) in undertaking legislative reforms, in particular the adoption of the following:
 - (a) Laws amending the Penal Code by defining discrimination and including sexual orientation and gender identity as prohibited grounds of discrimination; [...][...]

Keywords: LGBTI; discrimination, intersectionality, legislation, women

D. Principal areas of concern and recommendations

Legislative framework and definition of discrimination

10. The Committee recognizes the diversity of cultures and ethnicities in the State party and its distinct indigenous and tribal populations. While noting the position of the State party that article 8 of its Constitution sufficiently guarantees the substantive equality of women and men, the Committee is concerned that neither the Constitution nor national legislation includes a definition of discrimination against women, in accordance with article 1 of the Convention, covering direct and indirect discrimination in both the public and private spheres and recognizing intersecting forms of discrimination. It also remains concerned that disadvantaged groups of women, including rural women, Maroon women and indigenous women, women with disabilities, lesbian, bisexual and transgender women and intersex persons, continue to experience intersecting forms of discrimination and violations of their human rights. [...]

11. The Committee recommends that the State party:

114 [CEDAW/C/SUR/Q/4-6](#)

115 [CEDAW/C/SUR/CO/4-6](#)

[...]

(b) Amend article 8 (2) of the Constitution to recognize intersecting forms of discrimination against rural women, Maroon women and indigenous women, women with disabilities, lesbian, bisexual and transgender women and intersex persons;

[...]

Keywords: *LBTI; awareness-raising campaign, discrimination, education, employment, harassment, hate speech, health, legislation, prosecution, punishment, service provision, stigmatisation, violence, women*

Lesbian, bisexual and transgender women and intersex persons

50. The Committee notes that the Penal Code has been revised, inter alia, to include the protection of lesbian, bisexual and transgender women and intersex persons and to prohibit discrimination and hate speech against them. However, it is concerned that lesbian, bisexual and transgender women and intersex persons continue to face discrimination and harassment, in particular with regard to their rights to education, employment and health.

51. **The Committee recommends that the State party ensure equal rights and opportunities for lesbian, bisexual and transgender women and intersex persons, and raise awareness in order to eliminate discrimination and social stigma against them. It further recommends that the State party apply a policy of zero tolerance of discrimination and violence against lesbian, bisexual and transgender women and intersex persons, including by prosecuting and adequately punishing perpetrators.**

Tajikistan – List of Issues – 71st PSWG, 20 March 2018, 6th review¹¹⁶

Keywords: *LBTI; data collection, TSM, women*

Temporary special measures

5. [...] Please indicate the temporary special measures used to guarantee the rights of rural women, women from ethnic minority groups, women with disabilities, women living with HIV/AIDS and women from other vulnerable groups such as lesbian, bisexual and transgender women and intersex persons, and provide relevant data and examples.

Tajikistan – Concluding Observations – 71st Session, 14 November 2018, 6th review¹¹⁷

Keywords: *LBT; detention, FOE/FOAA, harassment, investigation, legislation, prosecution, punishment, women*

Civil society and non-governmental organizations

19. The Committee is deeply concerned about the restrictions on the activities of civil society organizations following the amendments to the Law on Public Associations of 2007, which were adopted in 2015. It is particularly concerned about the following:

- (a) Reports of frequent inspections, cumbersome registration and authorization requirements, as well as barriers to gaining access to foreign funding;
- (b) Reported cases of intimidation, harassment and arbitrary detention of civil society activists, including women defending the rights of sex workers and lesbian, bisexual and transgender persons, who have suffered reprisals for their work and for “undermining traditional values”;
- (c) The limited cooperation of the State party with civil society organizations, including those working on women’s rights.

20. The Committee recommends that the State party:

- (a) Review the amendments to the Law on Public Associations and ensure that there are no disproportionate restrictions on civil society organizations, in law or in practice, and that women’s rights activists are able to exercise their rights to freedom of expression, assembly and association without intimidation or reprisals;
- (b) Ensure that cases of alleged intimidation or reprisals against civil society activists are duly investigated, that perpetrators are prosecuted and appropriately punished and that victims receive protection from such acts;
- (c) Strengthen cooperation with civil society organizations, in particular those working on women’s rights, and systematically involve them in the development of related legislation, policies and programmes.

Keywords: *LBTI; access to justice, blackmailing, corrective rape, detention, discrimination, FOE/FOAA, health, HIV/AIDS, intersectionality, law enforcement officials, measures, police, police misconduct, privacy, sexual violence, torture/ill-treatment, TSM, women*

Disadvantaged groups of women

43. The Committee notes with concern the vulnerability of the following groups whose members suffer multiple forms of discrimination: refugee women, migrant women, women who have been left behind by male migrants, widows of male migrants, stateless women, women and girls with disabilities, women living with HIV/AIDS, women in prison and women who are former inmates, lesbian, bisexual and transgender women and intersex persons. The Committee is particularly concerned about reports that:

[...]

- (d) Lesbian, bisexual and transgender women and intersex persons are subjected to police abuse, such as blackmailing, extortion, forced testing for HIV/AIDS and sexually transmitted infections, arbitrary detention and ill-treatment, including “corrective” rape, while “lists” of such persons have been compiled by the authorities and for blackmailing.

44. The Committee recommends that the State party:

- (a) Take all measures, including temporary special measures, to improve the situation of women belonging

116 [CEDAW/C/TJK/Q/6](#)

117 [CEDAW/C/TJK/CO/6](#)

to disadvantaged groups, protect them from exploitation and improve their access to health care, social benefits, psychological assistance, education and employment opportunities and participation in public and political life and allocate the funds necessary for the effective implementation of such measures;

(b) Establish mechanisms to regularly monitor the impact of social and economic policies on disadvantaged groups of women;

[...]

(g) Effectively address complaints of police abuse by lesbian, bisexual and transgender women and intersex persons, dismantle official and non-official lists of such persons and ensure that civil society organizations working on those issues enjoy the rights to freedom of expression, assembly and association;

(h) Provide comprehensive information and collect statistical data, disaggregated by sex, age and nationality, that can be used to assess the situation of disadvantaged groups of women.

The Former Yugoslav Republic of Macedonia – List of Issues – 71st PSWG, 20 March 2018, 6th review¹¹⁸

Keywords: *SOGI; anti-discrimination legislation, discrimination, legislation, protected grounds*

Constitutional, legislative and institutional framework and definition of discrimination

[...]

2. Please provide information about the status of the initiative to amend the Law on Prevention and Protection from Discrimination (para. 7). [...] Please also explain whether the new anti-discrimination legislation will explicitly prohibit discrimination based on sexual orientation and gender identity.

Keywords: *LBTI; data collection, discrimination, education, employment, health, intersectionality, measures, service provision, social security, women*

Disadvantaged groups of women

21. [...] Please also provide data, disaggregated by sex, ethnicity and disability, on intersecting forms of discrimination faced by disadvantaged groups of women, including poor and older women, female-headed households, women with disabilities, women engaged in prostitution and lesbian, bisexual and transgender women and intersex persons, in obtaining access to education, employment, social assistance, health care and other basic services, and on the measures taken to address such discrimination.

The Former Yugoslav Republic of Macedonia – Concluding Observations – 71st Session, 14 November 2018, 6th review¹¹⁹

Keywords: *LBTI; health, SDGs, service provision, SRHR, stigmatisation, women*

Health

37. The Committee notes the State party's efforts to align its actions concerning equal access to sexual and reproductive health with the 2030 Agenda, in particular the assessment of the national reproductive health strategy for the period 2020–2030, and that the State party's programme includes among its priorities the provision of free oral contraceptives. It is concerned, however, about the following:

[...]

- (e) Information about the stigma experienced by lesbian, bisexual and transgender women and intersex persons when endeavouring to access health care.

38. The Committee recommends that the State party:

[...]

- (e) Address the stigma experienced by lesbian, bisexual and transgender women and intersex persons when they endeavour to gain access to health care, including sexual and reproductive health care.

118 [CEDAW/C/MKD/Q/6](#)

119 [CEDAW/C/MKD/CO/6](#)

Keywords: *I; children, data collection, health, IGM, surgical/medical intervention*

Discriminatory gender stereotypes and harmful practices

[...]

8. [...] Please provide data on the number of surgical and other procedures that have been undertaken on intersex children under the age of 18 years in the State party.

Keywords: *LBT; children, measures, violence, women*

Gender-based violence against women

9. [...] What measures are being taken to protect lesbian, bisexual and transgender women and girls from abuse and violence?

Keywords: *T; bullying, children, education, harassment, measures, women*

Education

16. [...] What measures are being taken to address gender-based harassment and bullying in education facilities, in particular of transgender women and girls?

4. Committee on the Rights of the Child

Angola – Concluding Observations – 78th Session, 27 June 2018, 5th to 7th review¹²¹

Keywords: *LGBTI; children, discrimination*

Non-discrimination

15. The Committee urges the State party to continue and strengthen its activities to combat discrimination, in particular with regard to children with disabilities, pregnant girls, children with HIV/AIDS, San children, lesbian, gay, bisexual, transgender and intersex children and children in street situations, who are still exposed to discriminatory attitudes and behaviours.

Argentina – List of Issues – 78th PSWG, 31 October 2017, 5th and 6th review¹²²

Keywords: *LGBTI; adolescents, children, discrimination, education, prevention*

5. Please report on the steps taken to project a positive image of adolescence and to prevent discrimination against adolescents, with special emphasis on adolescents who are living in poverty in urban centres or in the streets, migrants, members of indigenous groups, pregnant adolescents and minors who are lesbian, gay, bisexual, transgender or intersex persons. Please also report on the measures adopted to make certain that school regulations ensure that no child or adolescent will be discriminated against.

Argentina – Concluding Observations – 78th Session, 1 October 2018, 5th and 6th review¹²³

Keywords: *LGBTI; anti-discrimination legislation, awareness-raising campaign, children, discrimination, education, GC/GR*

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

14. The Committee recognizes the adoption of anti-discrimination legislation and the development of a national plan against discrimination. It remains deeply concerned, however, at reports of persisting de facto discrimination, social exclusion and physical, sexual and psychological abuse of children on the grounds of disability, indigenous origin and socioeconomic status. In this regard, the Committee reiterates its previous recommendations ([CRC/C/ARG/CO/3-4](#), para. 33), and urges the State party:

(a) To ensure full implementation of relevant existing laws prohibiting discrimination, including by strengthening public education campaigns to address negative social attitudes towards indigenous children, children with disabilities, minority children, children from migrant backgrounds, and lesbian, gay, bisexual, transgender and intersex children;

[...]

Keywords: *I; children, decision-making process, family, free and informed consent, health, IGM, support services, surgical/medical intervention, violence*

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

[...]

Harmful practices

26. The Committee recommends that the State party develop and implement a rights-based health-care protocol for intersex children, ensuring that no child is subjected to unnecessary surgery or treatment and that children are involved, to the greatest extent possible, in decision-making about their treatment and care. Families with intersex children should be provided with adequate counselling and support.

122 [CRC/C/ARG/Q/5-6](#)

123 [CRC/C/ARG/CO/5-6](#)

Keywords: *I; children, health, IGM, surgical/medical intervention*

8. Please inform the Committee of the measures taken to remove the obstacles that prevent children from gaining access to health services, including mental health services, such as financial costs, waiting lists and lack of infrastructure. With respect to paragraphs 133 to 135 of the State party's report, please provide information on the progress made in eliminating harmful practices such as female and intersex genital mutilation and child marriage.

Keywords: *LGBTI; children, discrimination, education, hate speech, health, measures, service provision*

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

11. Please inform the Committee about the measures taken to prohibit and eradicate all forms of de jure and de facto discrimination and hate speech against children of ethnic minorities, including Serbian and Roma children, and children of religious minorities, children with disabilities, lesbian, gay, bisexual, transgender and intersex children, and migrant, asylum-seeking and refugee children, with particular regard to their access to education and health-care services.

El Salvador – List of Issues – 79th PSWG, 12 March 2018, 5th and 6th review¹²⁶

Keywords: *LGBTI; adolescents, discrimination, measures*

4. Please state what measures the Secretariat for Social Inclusion has adopted to combat discrimination against adolescents, including lesbian, gay, bisexual, transgender and intersex adolescents, children living in rural and remote areas, indigenous children and children from economically marginalized families. Please provide information on the steps that have been taken to provide access to effective, high-quality, inclusive education for children with disabilities.

El Salvador – Concluding Observations – 79th Session, 29 November 2018, 5th and 6th review¹²⁷

Keywords: *LGBTI; children, discrimination*

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

13. The Committee urges the State party to strengthen its efforts to eliminate discrimination: against girls, particularly regarding their access to education and to sexual and reproductive health services, and in relation to sexual violence, civil unions and teenage pregnancy; against boys concerning stereotypes related to criminality, violence and conflict with the law; and against indigenous children, children with disabilities and lesbian, gay, bisexual, transgender and intersex children.

126 [CRC/C/SLV/Q/5-6](#)

127 [CRC/C/SLV/CO/5-6](#)

Guatemala – List of Issues – 77th PSWG, 17 July 2017, 5th and 6th review¹²⁸

Keywords: SOGI; adolescents, children, discrimination, intersectionality, measures, reparation

2. Please provide information on measures to combat and eliminate multiple discrimination and prejudice against children and adolescents based on sex, their belonging to an indigenous people, disability, migration status, asylum or refugee status, social status, gender identity and sexual orientation. Please also indicate what reparation is available to children and adolescents under existing protection mechanisms, such as the criminal definition of discrimination and the public policy to counter racial discrimination.

Guatemala – Concluding Observations – 77th Session, 28 February 2018, 5th and 6th review¹²⁹

Keywords: LGBTI; children, GC/GR, measures

A. General measures of implementation (arts. 4, 42 and 44 (6))

[...]

Allocation of resources

8. With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:

[...]

(b) Address the inequality faced by, and define budgetary lines for, indigenous and Afro-descendant children, children living in poverty, both in rural and urban areas, migrant and refugee children, children with disabilities and lesbian, gay, bisexual, transgender and intersex children;

[...]

Keywords: LGBTI; children, discrimination, education, health, intersectionality, measures, service provision, social security

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

13. Noting the structural discrimination of children based on their age and the persistent discrimination and exclusion of girls, indigenous and Afro-descendant children, children with disabilities, migrant, asylum-seeking and refugee children, and lesbian, gay, bisexual, transgender and intersex children and taking into consideration measures to recognize discrimination as a criminal offence, the Committee urges the State party to:

[...]

(c) Adopt a national strategy with clear benchmarks, indicators and monitoring mechanisms aimed at addressing structural and multiple discrimination against children belonging to the above-mentioned groups in areas such as health, education, social protection and standard of living;

[...]

128 [CRC/C/GTM/Q/5-6](#)

129 [CRC/C/GTM/CO/5-6](#)

Keywords: *LGBTI; children, discrimination, intersectionality, measures, stereotypes*

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

10. Please provide information on the measures taken to eliminate, in practice, discrimination against children in marginalized and disadvantaged situations, particularly children with disabilities, Roma children, children in situations of migration, and refugee and asylum-seeking children. Please also provide information on the measures taken to eliminate discrimination against girls and against lesbian, gay, bisexual, transgender and intersex children, including by specifically addressing gender stereotypes and multiple or intersectional forms of discrimination. Please inform the Committee about the use of Act C of 2012 on non-discrimination by the courts and provide information on any related criminal procedures regarding discrimination against children.

Keywords: *LGBTI; children, measures, prevention, sexual violence, violence*

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Violence, abuse and neglect

15. Please inform the Committee about the measures taken to:

(a) Develop a national strategy to prevent and address all forms of violence against children, including sexual abuse, specifying measures targeting girls, Roma children and lesbian, gay, bisexual, transgender and intersex children;

[...]

Keywords: *SOGIE; children, education, measures, violence*

H. Education, leisure and cultural activities (arts. 28–31)

Education

25. Please inform the Committee about the measures taken to:

[...]

(e) Reduce violence in schools and promote respect for diversity, with particular regard to sexual orientation and gender identity and expression.

Keywords: *LGBTI; children, discrimination, family, legislation, policy, prevention*

Part I

[...]

3. Please provide information on how the State party ensures that its policies, strategies, laws, practices and mechanisms to prevent and combat the discrimination of certain groups of children, e.g., children living in families with lesbian, gay, bisexual, transgender or intersex parents, or who are themselves lesbian, gay, bisexual, transgender or intersex, children born to unmarried parents, children living in single-parent families, asylum-seeking, refugee or migrant children, and Roma, Sinti and Caminanti children, are effective. [...]

Keywords: *I, LGBTI; children, data collection, decision-making process, family, free and informed consent, health, IGM, surgical/medical intervention*

Part III

Data, statistics and other information, if available

[...]

17. Please provide, if available, updated statistical data disaggregated by age, sex, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on:

[...]

(b) Children living in families with lesbian, gay, bisexual, transgender or intersex parents;

[...]

(e) Children who are born intersex;

(f) The number of non-urgent, irreversible surgical and other procedures that have been undertaken on intersex children before an age at which they are able to provide informed consent;

Keywords: *LGBTI; anti-discrimination legislation, children, discrimination, hate speech, measures*

3. Please provide information on the targeted measures taken to eliminate discrimination and hate speech against girls, lesbian, gay, bisexual, transgender and intersex children, children of unmarried parents, children belonging to ethnic minorities and children of non-Japanese origin. Please also provide information on any plans to adopt a comprehensive anti-discrimination law.

Keywords: *SOGI; LGBTI; bullying, children, data collection, family, violence*

Data, statistics and other information, if available

[...]

15. Please provide, if available, updated statistical data disaggregated by age, sex, ethnic origin, national origin, and socioeconomic status, for the past three years, on:

[...]

(b) Violence against or bullying of children based on sexual orientation or gender identity;

(c) Children living in families with lesbian, gay, bisexual, transgender or intersex parents;

[...]

Norway – List of Issues – 78th PSWG, 26 October 2017, 5th and 6th review¹³⁴

Keywords: *LGBT; children, data collection, discrimination, education, measures, professional groups*

5. Please provide information on the scope and causes of discrimination against lesbian, gay, bisexual and transgender children, children from ethnic and national minority groups and from indigenous groups, such as Sami children, and migrant, refugee and asylum-seeking children. Please indicate what measures are being taken to combat such discrimination, including those targeting staff in institutions that deal with children, such as schools and child welfare services (see [CRC/C/NOR/5-6](#), para. 34).

Norway – Concluding Observations – 78th Session, 4 July 2018, 5th and 6th review¹³⁵

Keywords: *GI, SOGI; adolescents, children, discrimination, education, GC/GR, professional groups, SDGs, trainings*

G. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

29. In the light of the Committee's general comment No. 1 (2001) on the aims of education, and target 4.7 of the Sustainable Development Goals on ensuring that all learners acquire the knowledge and skills needed to promote sustainable development, the Committee recommends that the State party:

(a) Increase its efforts to implement a zero-tolerance approach to discrimination on the grounds of race, migration status, sexual orientation or gender identity in the school context and expand the scope of that approach to include private schools and by ensuring recurrent training for all school staff members on equality and gender identity and addressing all forms of discrimination, as well as civic instruction for students on the importance and methods of combating and reporting instances of discrimination. The State party should also develop a new plan of action for promoting gender equality and preventing discrimination on the ground of ethnicity;

[...]

134 [CRC/C/NOR/Q/5-6](#)

135 [CRC/C/NOR/CO/5-6](#)

Palau – List of Issues – 77th PSWG, 18 July 2017, 2nd review¹³⁶

Keywords: SOGI; children, discrimination, legislation, measures

4. [...] Please also inform the Committee on the measures taken, including legislative measures, to protect children against discrimination on the basis of sexual orientation and gender identity.

Palau – Concluding Observations – 77th Session, 28 February 2018, 2nd review¹³⁷

Keywords: SOGI; discrimination, legislation, protected grounds

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

20. The Committee is concerned that the Constitution does not explicitly prohibit discrimination based on sexual orientation and gender identity and that girls, children with disabilities and children of non-Palauan descent are subject to discrimination and are more exposed to exclusion.

21. The Committee recalls its previous concluding observations (see [CRC/C/15/Add.149](#), para. 33) and recommends that the State party:

[...]

(b) Revise the Constitution to explicitly prohibit discrimination on the basis of sexual orientation and gender identity and align other laws in that regard to ensure that discrimination on those grounds is prohibited;

[...]

136 [CRC/C/PLW/Q/2](#)

137 [CRC/C/PLW/CO/2](#)

Keywords: *LGBTI; adolescents, awareness-raising campaign, children, consultation, GC/GR, measures, media*

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

[...]

16. The Committee recalls its previous concluding observations (see [CRC/C/PAN/CO/3-4](#), para. 34) and recommends, in line with its general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, that the State party allocate adequate human, technical and financial resources for the implementation of the inter-agency strategic plan for young people 2015–2019, disseminate this plan, and reinforce measures to:

[...]

(e) Raise awareness of the fact that adolescents are rights holders, including through campaigns that are designed with the full participation of adolescents and are disseminated through the mass media. Focus especially on children and adolescents from Afro-Panamanian and indigenous communities, pregnant girls, children with disabilities, children with HIV/AIDS, lesbian, gay, bisexual, transgender and intersex children, refugee and asylum-seeking children and other groups of children in marginalized situations, through such campaigns.

Keywords: *LGBTI; adolescents, awareness-raising campaign, children, consultation, education, family, GC/GR, legislation, policy*

Respect for the views of the child

17. The Committee notes the establishment of two councils of children and adolescents in municipalities and recommends that the State party strengthen efforts to give due consideration to children's and adolescents' views in decisions that concern them, in accordance with its general comment No. 12 (2009) on the right of the child to be heard, and that it:

[...]

(b) Institutionalize the Children's Parliament as a regular event, combining its action with the Youth Assemblies Programme (*Programa Asambleas Juveniles*). Ensure that these mechanisms are provided with a meaningful mandate and adequate human, technical and financial resources, and that eligible children from Afro-Panamanian and indigenous communities, pregnant girls, children with disabilities, children with HIV/AIDS, lesbian, gay, bisexual, transgender and intersex children, refugee and asylum-seeking children and other groups of children in situations of vulnerability are able to fully participate and that their views are taken into account when defining the legislative agenda and national policies;

[...]

(f) Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, the community and schools, including within student councils, with particular attention to children in vulnerable situations.

Keywords: *LGBTI; children, discrimination, hate crimes, hate speech, intersectionality, measures, violence*

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

10. Please provide information on the measures taken to prohibit discrimination against children on all grounds and in all aspects of life, including multiple and intersectional discrimination. Please also provide information on the measures taken to address:

(a) The discrimination and hate crimes against children belonging to ethnic, religious, linguistic and minority groups, including those of Roma, Arab, Asian and African descent, Muslims, Jews, refugee, asylum-seeking and migrant children, children with disabilities and lesbian, gay, bisexual, transgender and intersex children;

(b) The increased incidence of racial violence and abuse, including hate speech, xenophobia and homophobia.

Keywords: *I; children, decision-making process, family, free and informed consent, health, IGM, support services, surgical/medical intervention, violence*

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

[...]

Harmful practices

24. The Committee recommends that the State party prohibit the performance of unnecessary medical or surgical treatment on intersex children, where those procedures entail a risk of harm and can be safely deferred until the child can actively participate in the decision-making process. It also recommends that the State party ensure that intersex children and their families receive adequate counselling and support.

Keywords: *SOGI; bullying, children, data collection, education, GC/GR, harassment, internet, policy, prevention, professional groups, SDGs, trainings*

H. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

39. [...] The Committee is also concerned about:

[...]

(d) The incidence of bullying and harassment, including on the basis of disability, sexual orientation and gender identity, in schools and on social media, and the inadequate implementation of policies and strategies to address those phenomena;

[...]

40. With reference to its general comment No. 1 (2001) on the aims of education and taking note of target 4.1 of the Sustainable Development Goals on ensuring that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes, the Committee urges the State party to foster a national dialogue on the basic and structural characteristics of the education system and to protect resources dedicated to education and training for children. The Committee also recommends that the State party provide reinforcement, orientation and support programmes to prevent early school leaving and:

[...]

(d) Establish a strategy to combat bullying and harassment, including cyberbullying, that encompasses prevention, early detection mechanisms, the empowerment of children and professionals, intervention protocols and harmonized guidelines for the collection of case-related data;

[...]

Keywords: *assisted reproduction, children, family*

D. Civil rights and freedoms (arts. 7, 8 and 13–17)

[...]

Right to identity

19. The Committee recommends that the State party ensure that children born through international surrogacy have access to information about their origins.

Keywords: *LGBTI, T; access to justice, action plan, children, criminalisation (decriminalisation), discrimination, harassment, law enforcement officials, media, sexual violence, violence*

C.General principles (arts. 2, 3, 6 and 12)

Non-discrimination

16. [...] Furthermore, the Committee recommends that the State party:

[...]

(b) Adopt a proactive and comprehensive strategy containing specific and well-targeted action, including affirmative social actions to eliminate discrimination against children in marginalized or vulnerable situations, including girls, children belonging to ethnic or ethnoreligious or indigenous minority groups, children subjected to caste-based discrimination, children living in rural areas, refugee and internally displaced children, children in street situations, children of migrant workers abroad, children in institutional care, children with disabilities and lesbian, gay, bisexual, transgender and intersex children;

(c) Combat discrimination against lesbian, gay, bisexual, transgender and intersex children, including by decriminalizing consensual same-sex sexual acts, prohibit the harassment of transgender children by law enforcement personnel and bring perpetrators of violence, including of sexual abuse of lesbian, gay, bisexual, transgender and intersex children, to justice;

[...]

(e) Mobilize communities and the public at large by making systematic efforts, in collaboration with the mass media, social networks and community and religious leaders, to combat and change discriminatory attitudes towards and practices concerning children in general and children in disadvantaged and marginalized situations;

[...]

Keywords: *awareness-raising campaign, children, criminalisation (decriminalisation), legislation, measures, policy, privacy, sexual violence, stigmatisation*

E.Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

[...]

Sexual exploitation and abuse

23. Despite noting the efforts to combat the sexual exploitation and abuse of children, the Committee is gravely concerned about:

[...]

(b) The lack of legal recognition of male rape and underreporting of sexual abuse of boys because of stigmatization, criminalization of homosexuality and feelings of shame concerning so-called “emasculatation”;

[...]

24. The Committee urges the State party to develop an effective and comprehensive policy for preventing the sexual exploitation and abuse of children, including through child pornography, and for promoting the recovery and social reintegration of child victims, taking into consideration the root causes that place children at risk. It further urges the State party to:

[...]

(b) Take prompt measures to revise article 363 of the Penal Code to criminalize statutory rape of boys and take large-scale awareness-raising measures to encourage the reporting of rape of boys, to eliminate the associated stigma and to ensure accessible, confidential, child-friendly and effective channels for the reporting of such violations;

[...]

5. Committee against Torture

Andorra – List of Issues Prior to Reporting – 63rd Session, 21 June 2018, 2nd review¹⁴²

Keywords: SO; discrimination, education, hate crimes, hate speech, investigation, measures, prevention, prosecution, punishment

Article 2

[...]

7. With reference to the Committee's previous concluding observations (para. 11), please provide information on any measures taken to prohibit and punish discrimination and incitement to violence against vulnerable groups, including with regard to sexual orientation and in school settings, and ensure that all hate crimes are always investigated and prosecuted and the perpetrators convicted and punished. Please also provide information on steps taken to prevent and condemn hate speech during the period under review.

Keywords: SOGI; detention, investigation, law enforcement officials, police, police misconduct, torture/ill-treatment, violence

Article 16

[...]

30. Please comment on reports of acts of police brutality committed against individuals on the basis of their actual or perceived sexual orientation and gender identity, including the detention in September 2017 of around 150 people and the alleged physical ill-treatment to which they were subjected. Please provide information on the investigative steps taken to address these allegations and their outcome.

Keywords: *LGBTI, T; access to justice, detention, discrimination, investigation, law enforcement officials, measures, sexual violence, stigmatisation, violence, women*

Lesbian, gay, bisexual, transgender and intersex persons in detention

29. The Committee is concerned at the reports it has received that lesbian, gay, bisexual, transgender and intersex persons in prison facilities are subject to abuse and stigmatization by public officials and fellow inmates. The violent clashes and humiliating and degrading treatment of homosexual prisoners by other inmates and their involuntary segregation from other inmates due to the criminal subculture and hierarchy in prisons aggravate their conditions of detention. The Committee is also concerned at the reported involuntary placement of transgender women with male detainees, which exposes them to a high risk of sexual assault (arts. 2, 11 and 16).

30. The State party should:

(a) Take measures to protect lesbian, gay, bisexual, transgender and intersex persons from violence by public officials and fellow inmates, and in particular protect transgender women from violence inflicted by male detainees;

(b) End the discrimination and violence against lesbian, gay, bisexual, transgender and intersex prisoners, abolish the practice of their degrading and involuntary segregation and all other degrading and humiliating practices that still persist in prisons; and investigate promptly, impartially and thoroughly all such allegations, and bring the perpetrators to justice.

Keywords: *SOGI; LGBTI; access to justice, court, hate crimes, investigation, law enforcement officials, measures, prosecution, punishment, torture/ill-treatment, trainings, violence*

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

42. The Committee is concerned at reports that lesbian, gay, bisexual, transgender and intersex persons are subjected to violence, such as physical attacks and other ill-treatment, on the basis of their sexual orientation or gender identity by law enforcement officials and private individuals. The Committee is also concerned at reports that the law enforcement authorities fail to act with due diligence in investigating and punishing these cases and in applying legal provisions for crimes motivated by hate (arts. 2, 12, 13 and 16).

43. **The State party should intensify its efforts to ensure prompt, thorough and impartial investigations into allegations of attacks against persons on the basis of their sexual orientation or gender identity; provide training to law enforcement officials and the judiciary on detecting and combating hate-motivated crimes, including those motivated by sexual orientation or gender identity; and develop specific monitoring mechanisms documenting the administrative and judicial measures taken to investigate and prosecute such crimes and the sentences imposed on perpetrators.**

Keywords: *LGBT; measures, violence*

Article 16

31. Further to the Committee's recommendation in its previous concluding observations (para. 20), please indicate which actions and measures have been taken to strengthen the State party's efforts to exercise due diligence to intervene to stop and sanction acts of torture or ill-treatment committed by non-State officials or private actors, and to provide remedies to victims. What efforts has the State party made to end all forms of violence against indigenous women, girls and two-spirited and LGBT persons?

Keywords: SOGI; LGBT, SM; discrimination, hate crimes, investigation, killings, legislation, violence

Article 2

[...]

6. [...] Please provide information on current legislation, institutions and practice aimed at protecting the rights of sexual minorities (LGBT) from discrimination on the grounds of sexual orientation and gender identity. The Committee wishes to receive information on the steps taken to investigate the violent death of Daniel Zamudio following a fatal homophobic attack on 27 March 2012 in Santiago and to identify those responsible.

Keywords: *I; children, data collection, decision-making process, free and informed consent, health, IGM, measures, surgical/medical intervention*

Article 16

32. In the light of the previous concluding observations (paras. 42–43), please indicate the measures taken by the State party to guarantee respect for the physical integrity and autonomy of intersex persons and to ensure that no one is subjected during infancy or childhood to non-urgent medical or surgical procedures intended to decide the sex of the child. Please indicate the number of intersex children who have undergone sex assignment surgery during the reporting period.

Keywords: *I; children, decision-making process, family, free and informed consent, health, IGM, investigation, measures, remedy, reparation, support services, surgical/medical intervention*

Article 16

[...]

21. In the light of the Committee's previous concluding observations (para. 35) regarding intersex persons, please indicate:

(a) The measures taken by the State party to ensure that no one is subjected during childhood to non-urgent medical or surgical treatment in order to establish a gender for that person;

(b) The measures taken to ensure that the persons concerned and their parents receive impartial counselling services and psychological and social support free of charge;

(c) The measures taken to ensure that no medical treatment is carried out without a person's full, free and informed consent, and that the person or the parents concerned are informed of the available options, including the possibility of deferring any decision on unnecessary treatment until the person can decide for himself or herself;

(d) The investigations conducted by the State party into cases of surgical or other medical treatment carried out on intersex persons without their free and informed consent; and, where applicable, the steps taken by the State party to provide redress, including adequate compensation, to victims.

Keywords: *LGBTI; data collection, hate crimes, measures, prevention, prosecution, violence*

22. In the light of the Committee's previous concluding observations (para. 15), please provide information on the measures taken to prevent and to combat criminal acts motivated by hatred or intolerance targeting specific populations, including members of the Jewish and Muslim communities, as well as acts of violence against the Roma, migrants and lesbian, gay, bisexual, transgender and intersex persons. Please also provide data on cases of hate crimes identified since 2016, disaggregated by type of crime, and specify whether the perpetrator is an agent of the State. Please also provide data on prosecutions for hate crimes and the outcomes.

Keywords: *hate crimes, measures, prevention, violence*

Article 16

[...]

30. With reference to the Committee's previous concluding observations (para. 22), please indicate the concrete measures that have been taken by the State party to prevent homophobic and transphobic violence.

Keywords: *GI, SOGI; LGBTI, T; data collection, detention, investigation, killings, legislation, privacy, prosecution, punishment, reparation, service provision, sexual violence, violence, women*

Violence motivated by sexual orientation or gender identity

40. While appreciating the State party's efforts to guarantee the rights of lesbian, gay, bisexual, transgender and intersex persons, the Committee remains concerned at the high rate of violence they face, and is particularly concerned at the killings of transgender women, often linked to organized crime. The Committee is also concerned that the passage of draft legislation that would perpetuate discrimination based on sexual orientation, such as Bill No. 5272, may exacerbate this violence. The Committee is further concerned at the vulnerable situation of lesbian, gay, bisexual, transgender and intersex persons in detention, including transgender women incarcerated in men's prisons, who are exposed to a high rates of sexual violence, lengthy periods of segregation for their own safety and invasive and humiliating body searches (arts. 2, 12 and 16).

41. The State party should:

- a) (a) Ensure the physical integrity of lesbian, gay, bisexual, transgender and intersex persons in all settings and uphold the principle of non-discrimination on the grounds of sexual orientation or gender identity;
- (b) Ensure that assaults motivated by a person's sexual orientation or gender identity are investigated, that the persons responsible are tried and punished and that the victims obtain redress, and that data on such crimes are systematically collected;
- (c) Expedite the adoption and implementation of protocols to address the special needs of lesbian, gay, bisexual, transgender and intersex persons in the prison system;
- (d) Exercise strict supervision of body search procedures and ensure that they are not degrading, that invasive searches are conducted only in exceptional cases and are as unintrusive as possible, and that they are conducted by trained staff of the same sex, and with full respect for the dignity and gender identity of the individual concerned (rules 50 to 53 and 60 of the Nelson Mandela Rules);
- (e) Ensure that segregation for safety reasons conforms to the provisions of the Nelson Mandela Rules.

149 [CAT/C/GT-M/QPR/7](#)

150 [CAT/C/GTM/CO/7](#)

Keywords: *SO; asylum-seekers/refugees, court, jurisprudence, measures, refoulement, torture/ill-treatment, violence*

Article 3

[...]

9. With reference to the asylum procedure and the Committee's previous concluding observations (paras. 11 and 13), please provide information for each part of the State party on:

[...]

(c) Measures taken to ensure that the assessment of a well-founded fear of being subjected to torture in the country of destination takes into account previous experience of persecution or serious harm, and not only whether protection against widespread and generalized violence in the country is provided. In this regard, please comment on the compatibility with the Convention of the return of three men to the Democratic Republic of Congo after having given testimony to the International Criminal Court in proceedings against a Congolese former militia leader. Please also indicate the measures taken to ensure that persons claiming asylum on the basis of their sexual orientation are not sent to a country where they can suffer persecution.¹⁵² In addition, please indicate the measures taken to refrain, in practice, from setting a higher burden of proof for undocumented asylum seekers than for documented applicants. Please also indicate whether article 29 (1) (c) of the Aliens Act has been amended and, if so, provide details of the amendment;

[...]

Keywords: *SO; arrest, court, detention, law enforcement officials, medical professionals, prevention, professional groups, torture/ill-treatment, trainings, violence*

Article 10

12. With reference to the Committee's previous concluding observations (paras. 8 (c), 12 and 19), please provide information on the instruction provided for law enforcement personnel at all levels, State security organs, prison staff, immigration officials, judges, prosecutors, medical personnel dealing with detainees, forensic doctors and any other State agents involved in holding persons in custody, interrogation or treatment of any individual under any form of detention or imprisonment, including the overall size of the target group and the percentage of those trained, as well as the periodicity of the training, with respect to:

[...]

(d) Issues related to violence against ethnic minorities, as well as against persons because of their sexual orientation or gender;

[...]

13. Please indicate whether the State party has developed specific methodologies to evaluate the effectiveness and impact of such training on the prevention and absolute prohibition of torture.

Keywords: *I; access to justice, children, decision-making process, free and informed consent, health, IGM, legislation, remedy, surgical/medical intervention*

Article 16

[...]

31. Please provide information on the amendments to the Medical Research Act in relation to non-therapeutic medical research involving minors and adults who are incapable of giving informed consent. With regard to persons with variations of sex development (intersex persons), please clarify whether unnecessary medical or surgical treatment aimed at determining the sex of a child is permitted and performed on children and adults who are incapable of giving informed consent. If so, please indicate which criminal or civil remedies are available for victims in these cases and whether they are subject to any statute of limitations.

151 [CAT/C/NLD/QPR/7](#).

152 "See the judgement of the Court of Justice of the European Union in joined cases C-148/13 to C-150/13, A, B and C v. Staatssecretaris van Veiligheid en Justitie (2 December 2014)."

Keywords: *SOGI; LGBT; access to justice, hate crimes, investigation, measures, prosecution, punishment, violence*

Lesbian, gay, bisexual and transgender persons

50. The Committee is concerned at reports that many lesbian, gay, bisexual and transgender persons are subjected to hate crimes because of their sexual orientation or gender identity, and that the alleged perpetrators are not always brought to justice (arts. 2, 12, 14 and 16).

51. **The State party should take all necessary measures to protect lesbian, gay, bisexual and transgender persons from threats and any form of violence, including hate crimes. It should also ensure that violence against lesbian, gay, bisexual and transgender persons is promptly, impartially and thoroughly investigated and the perpetrators prosecuted and punished.**

Keywords: *I; children, decision-making process, family, free and informed consent, health, IGM, investigation, legislation, measures, prosecution, punishment, remedy, reparation, support services, surgical/medical intervention*

Intersex persons

52. The State party is concerned at reports that unnecessary and irreversible surgery and other medical treatments are performed on intersex children without their informed consent and impartial counselling. It is concerned that such procedures, which cause long-term physical and psychological suffering, have not been the object of any inquiry, sanction or reparation and that there are no specific legal provisions providing redress and rehabilitation to the victims.

53. **The State party should:**

(a) **Take the legislative, administrative and other measures necessary to guarantee respect for the physical integrity and autonomy of intersex persons and to ensure that no one is subjected during infancy or childhood to non-urgent medical or surgical procedures intended to decide the sex of the child without his or her informed consent;**

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

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

(d) **Undertake investigation of instances of surgical interventions or other medical procedures performed on intersex persons without effective consent and prosecute and, if found responsible, punish perpetrators. It should also ensure that the victims are provided with redress including adequate compensation.**

Peru – List of Issues Prior to Reporting – 52nd Session, 16 June 2014, 7th review¹⁵⁴

Keywords: *LGBT; investigation, law enforcement officials, police, police misconduct, professional groups, prosecution, punishment*

Articles 12 and 13

26. With reference to the previous concluding observations (para. 22), please provide detailed information on the results of criminal investigations and prosecutions, including the convictions and sentences imposed on members of the armed forces, police force, municipal security forces and civilian security services for attacks on lesbian, gay, bisexual and transgender persons.

Peru – Concluding Observations – 65th Session, 20 November 2018, 7th review¹⁵⁵

Keywords: *SOGI; LGBT, T; access to justice, data collection, detention, education, investigation, law enforcement officials, legislation, measures, police, police misconduct, prosecution, sexual violence, trainings, violence, women*

Police violence and arbitrary detention motivated by sexual orientation or gender identity

22. The Committee is concerned by reports of transgender women being subjected to arbitrary detention and sexual violence by members of the National Police. With regard to this type of situation, the Committee takes note of the applicable provisions of the human rights handbook prepared for police staff, adopted by Ministerial Decision No. 952-2018-IN, and of the inclusion of modules on gender-based violence in the curricula of police training centres. While also taking note of the information provided by the delegation concerning the Azul Rojas Marín and Yefri Edgar Peña Tuanama cases, the Committee regrets that the State party has not provided the requested data on the complaints concerning this type of abuse that were filed during the period under review (arts. 2, 12, 13 and 16).
23. The State party should also ensure that assaults motivated by a person's sexual orientation or gender identity are investigated and that the persons responsible are brought to justice. The State party should take all necessary measures to ensure the personal safety of lesbian, gay, bisexual and transgender persons in all spheres, including in places of detention.

154 [CAT/C/PER/QPR/7](#)

155 [CAT/C/PER/CO/7](#)

Keywords: *LGBTI; data collection, harassment, investigation, measures, police, prosecution, punishment, violence*

Article 16

32. Please provide information on the measures adopted to combat violence, harassment and intimidation against lesbian, gay, bisexual, transgender and intersex persons and on the number of complaints and police reports, investigations, prosecutions, convictions and punishments handed down in cases of offences committed against these persons.

Russia – List of Issues Prior to Reporting – 52nd Session, 13 June 2014, 6th review¹⁵⁷

Keywords: *LGBT; adolescents, FOE/FOAA, measures, media, propaganda, prosecution*

Articles 2 and 11

[...]

23. Please provide information on the measures taken to ensure that no individual or human rights group to which such individual belongs is subjected to reprisals or prosecution for monitoring incidents, and communicating with, or for providing information to, the Committee against Torture under its procedures, or to other human rights treaty bodies or United Nations human rights organs in accordance with their mandates. (para. 12). Please discuss measures directed against human rights defender Natalia Taubina of the Public Verdict Foundation, who participated in the Committee's review of Russia in 2012. Also, please clarify the status of the administrative proceedings brought against journalist Lena Klimova who wrote about and assisted communications among lesbian, gay, bisexual and transgender (LGBT) teenagers and LGBT leaders, and the sentencing of environmental rights defender Evgeny Vitishko to a penal colony in 2014.

Keywords: *LGBT; data collection, discrimination, investigation, prosecution, remedy, violence*

26. Please provide information on the numbers and outcomes of investigations into allegations of acts of violence and discrimination against Roma and other ethnic minorities, migrant workers, foreign nationals and LGBT persons, the number and outcome of any resulting prosecutions and what redress has been provided to the victims (para. 15).

Keywords: *LGBT; discrimination, measures, prevention, violence*

Article 16

[...]

33. With reference to the previous conclusions and recommendations of the Committee please provide detailed information on the measures taken to prevent discrimination and abuses, including violent attacks and abuses against Roma and other ethnic minorities, migrant workers, foreign nationals and LGBT persons, please provide information on the measures taken to ensure their protection (para. 15).

Russia – Concluding Observations – 64th Session, 28 August 2018, 6th review¹⁵⁸

Keywords: *SOGI; G, LGBTI; access to justice, court, detention, family, hate crimes, honour crimes, investigation, killings, law enforcement officials, legislation, police, police misconduct, propaganda, prosecution, punishment, stigmatisation, torture/ill-treatment, trainings, violence*

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

32. The Committee is concerned at consistent reports that lesbian, gay, bisexual, transgender and intersex persons are subjected to violence because of their sexual orientation or gender identity, including physical attacks and other ill-treatment. The Committee is also concerned at reports that the hate crimes against such persons have significantly increased since the introduction of the federal law prohibiting “propaganda of non-traditional sexual relations”. The Committee expresses its particular concern at reports that during the “anti-gay purge” in March 2017, the Chechen police and military officials and others arbitrarily detained and tortured with electric devices men presumed to be gay and encouraged their families to make them victims of honour killings. The Committee is concerned at reports that Chechen law enforcement officials themselves participated in the pre-investigation into these allegations and that, as stated by the delegation during the dialogue, no facts were established and thus no criminal proceeding was opened (arts. 12, 13, 14 and 16).

33. The State party should:

(a) Ensure that those responsible for violent attacks and hate crimes against persons on the basis of their sexual orientation or gender identity, in particular with respect to the violent incident in Chechnya in March 2017, are charged, investigated, prosecuted and, if found responsible, punished;

(b) Repeal the law prohibiting “propaganda of non-traditional sexual relations” which promotes stigma and

157 [CAT/C/RUS/QPR/6](#)

158 [CAT/C/RUS/CO/6](#)

prejudice against lesbian, gay, bisexual, transgender and intersex persons;

(c) Provide training to law enforcement officials and the judiciary on detecting and combating hate-motivated crimes, including those motivated by sexual orientation or gender identity.

Keywords: SO; access to justice, arrest, criminalisation (decriminalisation), discrimination, investigation, law enforcement officials, legislation, measures, police, police misconduct, prevention, prosecution, reparation, torture/ill-treatment, violence

Ill-treatment motivated by discrimination

35. While taking note of the delegation's assertion that homosexuality is not explicitly prosecuted in Senegal, the Committee is concerned by consistent reports of several violent arrests motivated by the person's perceived sexual orientation, followed by prosecution for "unnatural" acts. [...]

36. The State party should:

- (a) Repeal article 319 (3) of the Criminal Code, which is used to prosecute homosexual conduct between consenting persons;
- (b) Take effective measures to prevent arrests and police violence motivated by the victim's actual or perceived sexual orientation and to protect persons with albinism from ritual attacks and other harmful traditional practices;
- (c) Ensure that all acts of violence are investigated, that perpetrators are brought to justice and that victims receive reparation.

Tajikistan – List of Issues – 62nd Session, 27 December 2018, 3rd review¹⁶⁰

Keywords: *LGBTI; blackmailing, data collection, investigation, police, punishment, sexual violence, torture/ill-treatment*

Article 16

[...]

37. Please provide information on the efforts made by the State party to encourage lesbian, gay, bisexual transgender and intersex people to come forward with allegations of torture, ill-treatment, sexual abuse and extortion by police or abuse by non-State actors and to protect complainants from reprisals. Please also provide data on any investigations and convictions undertaken by the authorities in response to such allegations.

Tajikistan – Concluding Observations – 63rd Session, 18 June 2018, 3rd review¹⁶¹

Keywords: *LGBTI; access to justice, blackmailing, detention, investigation, law enforcement officials, legislation, police, police misconduct, prosecution, remedy, sexual violence, torture/ill-treatment*

Situation of lesbian, gay, bisexual, transgender and intersex persons

49. The Committee is concerned that lesbian, gay, bisexual, transgender and intersex persons continue to be subjected to torture, ill-treatment, sexual abuse, arbitrary detention, blackmail and extortion by police or at the instigation of or with the consent or acquiescence of public officials or other persons acting in an official capacity, and that they are subjected to reprisals when they lodge complaints (arts. 12, 13, 14 and 16).
50. The State party should fulfil its national and international legislative obligations concerning equality before the law as they apply to the protection of lesbian, gay, bisexual, transgender and intersex persons and develop legislation in this regard. It should publicly condemn acts of torture and other types of abuse against them, in particular by public officials or other persons acting in an official capacity. The State party should act promptly on complaints regarding cases of torture and abuse against lesbian, gay, bisexual, transgender and intersex persons, investigate and prosecute them, ensure that they do not give rise to reprisals and provide redress to the victims.

160 [CAT/C/TJK/Q/3](#)

161 [CAT/C/TJK/CO/3](#)

6. Committee on the Rights of Persons with Disabilities

Algeria – List of Issues – 9th PSWG, 19 April 2018, initial review¹⁶²

Keywords: *LGBTI; discrimination, intersectionality, legislation*

Equality and non-discrimination (art. 5)

3. Please specify whether:

[...]

(c) There are legal provisions prohibiting intersecting and multiple forms of discrimination against persons with disabilities, including those belonging to ethnic, religious or linguistic minorities, such as Amazigh, Sah-raoui and black people, and against migrants, refugees and asylum seekers with disabilities as well as women, children and lesbian, gay, bisexual, transgender and intersex persons with disabilities.

[...]

Keywords: *I; children, data collection, health, IGM, surgical/medical intervention, torture/ill-treatment*

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

[...]

32. Please indicate whether intersex children are treated as children with disabilities and if surgery continues to be performed on these children in the State party. If so, please provide data on the number of children who have undergone surgery since the the review of the initial report.

Keywords: SOGI; anti-discrimination legislation, discrimination, intersectionality, protected grounds

Equality and non-discrimination (art. 5)

5. Please provide information on the steps that the State party envisages taking to adopt a comprehensive law prohibiting discrimination against persons with disabilities which encompasses denial of reasonable accommodation and multiple and intersectional discrimination, including protection against discrimination on the basis of two or more characteristics, for example, disability, sex, gender identity, sexual orientation, ethnic origin or other aspects such as social status and rurality.

Germany – List of Issues Prior to Reporting – 20th Session, 21 September 2018, 2nd and 3rd review¹⁶⁵

Keywords: *I; children, decision-making process, follow-up, free and informed consent, health, IGM, legislation, measures, sterilisation, surgical/medical intervention*

Protecting the integrity of the person (art. 17)

16. Please inform the Committee about:

- (a) Measures to repeal legislation still authorizing the sterilization of persons without their consent, but with the consent of a third party;
- (b) Initiatives to implement its recommendations relating to intersex children ([CRPD/C/DEU/CO/1](#), para 38 (d)).

Keywords: *SOGI; consultation, legislation, policy*

A. General principles and obligations (arts. 1–4)

[...]

6. The Committee is concerned that:

[...]

(c) Persons with disabilities, including women and children with disabilities, are not actively, sufficiently and meaningfully consulted, through their representative organizations, in the development of laws, public policies, plans of action, and training and awareness-raising activities in all sectors.

7. The Committee recommends that the State party:

[...]

(c) Effectively and meaningfully consult with persons with disabilities, through their representative organizations, in the development of all laws, policies and programmes that relate to persons with disabilities, regardless of age, sex, faith, race, gender identity or sexual orientation, migrant or other status.

Keywords: *SOGI; action plan, awareness-raising campaign, discrimination, intersectionality, prevention, stereotypes, stigmatisation*

Awareness-raising (art. 8)

14. The Committee notes with concern:

[...]

(b) The fact that negative attitudes resulting in stigmatization on grounds of sex, sexual orientation, gender identity, albinism, and the combination of these factors with disability, are highly prevalent in society and a major obstacle to the participation and inclusion of persons with disabilities;

[...]

15. The Committee recommends that the State party:

[...]

(b) Formulate a national awareness-raising strategy and implementation plan to effectively address stereotypes related to disability and stigmatization based on negative beliefs in order to prevent and address discrimination, including multiple and intersectional discrimination, against persons with disabilities;

[...]

Keywords: *LGBTI; anti-discrimination legislation, discrimination, intersectionality, measures*

Equality and non-discrimination (art. 5)

5. Please provide information about:

(a) Measures taken to ensure that the anti-discrimination framework in the State party encompasses all forms of discrimination on the basis of disability, including the denial of reasonable accommodation, discrimination by association and multiple and intersectional discrimination faced by children, women, migrants, refugees, asylum seekers, Māori and Pacific and lesbian, gay, bisexual, transgender and intersex persons with disabilities;

[...]

Keywords: *I; children, decision-making process, free and informed consent, health, IGM, legislation, measures, policy, prevention, sterilisation, surgical/medical intervention*

Protecting the integrity of the person (art. 17)

16. Please provide information on:

(a) Measures taken to enact legislation prohibiting and preventing the practice of non-consensual treatments on persons with disabilities, including forced sterilization, genital mutilation and conversion surgeries of intersex persons, with particular attention to children with disabilities;

(b) The practice of Ashley Treatment or growth attenuation procedures in the State party, as well as current legal and policy framework of such treatments.

Keywords: *SM; consultation, legislation, policy*

General obligations (art. 4)

1. Please inform the Committee about:

[...]

(b) The mechanisms established and the human and financial resources available at the national, county and municipal levels for meaningful consultation with organizations of persons with disabilities, including those belonging to ethnic, religious, linguistic or sexual minorities, regarding the design and monitoring of legislation and policies aimed at implementing the Convention;

[...]

Keywords: *SOGI; I; discrimination, intersectionality, measures, prevention, SDGs*

Equality and non-discrimination (art. 5)

2. Please inform the Committee about the measures taken to:

[...]

(b) Prevent and eliminate multiple and intersectional discrimination on the grounds of disability, age, sex, ethnicity, religion, language, origin, nationality, migration status, intersex traits, sexual orientation and gender identity, in accordance with targets 10.2 and 10.3 of the Sustainable Development Goals.

Keywords: *SOGII; awareness-raising campaign, education, media, stereotypes*

Awareness-raising (art. 8)

5. [...] Please also provide information on the steps taken to modify and address stereotypes, prejudice and harmful practices against persons with disabilities in all aspects of life, including on the grounds of sexual orientation, gender identity or being intersex, including in schools and in the media.

Keywords: *I; access to justice, data collection, decision-making process, free and informed consent, health, IGM, legislation, measures, remedy, sterilisation, support services, surgical/medical intervention*

Protecting the integrity of the person (art. 17)

14. Please provide more information on:

(a) The legal and other measures to bring all legislation, particularly the Patients' Rights Act, the Sterilization Act and legislation governing abortion, into line with article 12 of the Convention, and to protect persons with psychosocial or intellectual disabilities from forced contraception, sterilization, the use of drugs and castration;

(b) The steps taken to prohibit the sterilization of women and girls with disabilities, as well as of intersex persons, and the castration of boys and men with disabilities without their own free and informed consent, and data on such cases involving persons considered to lack legal capacity. Please indicate the procedures to obtain consent from a third party for carrying out the sterilization of women and girls with disabilities and intersex persons, and the castration of boys and men with disabilities without the consent of the person concerned;

(c) Available support, rehabilitation and legal remedies for intersex persons identifying as persons with disabilities that have been subjected to non-consensual medical procedures, including castration and sterilization.

Keywords: SOGI; discrimination, GC/GR, intersectionality, prevention

Equality and non-discrimination (art. 5)

[...]

11. The Committee, in line with its general comment No. 6 (2018) on equality and non-discrimination, recommends that the State party:

[...]

(b) Adopt a comprehensive strategy to prevent all forms of discrimination against persons with disabilities to prevent intersectional and multiple forms of discrimination against persons with disabilities on the grounds of sex, age, origin, religion, ethnicity, sexual orientation and gender identity, impairment, migrant, asylum-seeking or refugee status, and social status;

[...]

Poland – List of Issues – 9th PSWG, 25 April 2018, initial review¹⁷⁰

Keywords: *LGBTI; conversion therapy, discrimination, health, intersectionality, measures*

Equality and non-discrimination (art. 5)

[...]

10. Please provide information on any measures taken or envisaged to combat the intersectional discrimination faced by lesbian, gay, bisexual, transgender or intersex persons with disabilities. Please also indicate whether the State party has the intention of prohibiting so-called “conversion therapies”.

Poland – Concluding Observations – 20th Session, 29 October 2018, initial review¹⁷¹

Keywords: *LGBT; consultation, legislation, policy, SDGs*

A. General principles and obligations (arts. 1–4)

5. The Committee is concerned at:

[...]

(d) The selective and limited involvement of and meaningful consultations with organizations of persons with disabilities in policymaking;

[...]

6. The Committee recommends that the State party:

[...]

(d) Ensure active and full-scale involvement and meaningful consultations with various organizations of persons with disabilities, including but not limited to those representing women, children, refugees and asylum seekers, lesbian, gay, bisexual and transgender plus persons, persons with psychosocial and/or intellectual disabilities, those with hearing or visual impairments, persons living in rural areas and persons in need of high level of support, when designing new laws and strategies to ensure that legislation complies with the Convention, and also in the implementation and monitoring of and reporting on the Sustainable Development Goals;

[...]

Keywords: *SOGI; anti-discrimination legislation, discrimination, GC/GR, intersectionality, policy, protected grounds*

Equality and non-discrimination (art. 5)

7. The Committee is concerned at the absence of:

[...]

(b) Recognition of multiple and intersectional discrimination in anti-discrimination legislation, and the prohibition of discrimination against all persons with disabilities on grounds such as sex, age, ethnicity, sexual orientation and gender identity in all areas of life;

[...]

8. Recalling its general comment No. 6 (2018) on equality and non-discrimination, the Committee recommends that the State party:

[...]

(b) Explicitly recognize and prohibit multiple and intersectional discrimination on the grounds of disability, sex, age, ethnicity, gender identity or sexual orientation, and any other status in

170 [CRPD/C/POL/Q/1](#)

171 [CRPD/C/POL/CO/1](#)

all areas of life within its anti-discrimination legislation, policies and strategies, including the Equality Act;

[...]

Keywords: *SOGI; LGBT; conversion therapy, free and informed consent, health, medical professionals, support services*

Protecting the integrity of the person (art. 17)

30. The Committee is concerned about the reported forced sterilization of women and girls with disabilities, deprived of their legal capacity, placed under guardianship and living in institutions. It is also concerned at reports of so-called “conversion therapy” being conducted by public and private health entities on lesbian, gay, bisexual and transgender plus persons without their consent, and based upon the presumed psychosocial impairment of the person.
31. **The Committee recommends that the State party ensure that women and girls with disabilities have access to support when they make important life decisions for themselves and are not subjected to sterilization without their full, free and informed consent. It urges the State party to put an end to the use of conversion therapy and to offer support for persons with a psychosocial disability that respects the gender identity and sexual orientation of the persons concerned.**

Keywords: SO; LGBTI; anti-discrimination legislation, discrimination, intersectionality, policy, protected grounds

Equality and non-discrimination (art. 5)

6. The Committee is concerned about:

[...]

(c) Multiple and intersectional forms of discrimination against persons with disabilities, including Roma, Sinti and members of other ethnic groups, and the lack of information about discrimination against lesbian, gay, bisexual, transgender or intersex persons with disabilities.

7. The Committee recommends that the State party:

[...]

(c) Explicitly incorporate in its anti-discrimination legislation, policies and strategies, the recognition of multiple and intersectional discrimination based on sex, age, ethnic background or sexual orientation or on migrant, asylum-seeking, refugee, disability or any other status. The Committee also recommends that the State party provide for judicial and quasi-judicial remedies in cases of discrimination in the public or private sector, disseminate information among persons with disabilities about such remedies, provide redress and all adequate compensation, and establish sanctions for perpetrators;

[...]

Keywords: *LGBTI; discrimination, intersectionality*

Equality and non-discrimination (art. 5)

2. Please provide information about:

[...]

(b) The measures taken to assess any mechanisms designed to address intersecting forms of discrimination with a view to ensuring that they target all forms of discrimination on the basis of disability, including the denial of reasonable accommodation, discrimination by association, and multiple and intersecting forms of discrimination faced by children, women, migrants, refugees, asylum seekers and lesbian, gay, bisexual, transgender and intersex persons with disabilities, and Sami persons with disabilities;

[...]

7. Committee on the Elimination of Racial Discrimination

Cuba – List of Themes – 96th Session, 18 June 2018, 19th to 21st review¹⁷⁴

Keywords: SOGI; data collection, discrimination, intersectionality

Multiple forms of discrimination (arts. 2 and 5)

[...]

15. Information on cases of multiple discrimination on grounds of ethnic origin and sexual orientation or gender identity. Information on the steps taken to incorporate an ethno-racial perspective in the fight against discrimination based on sexual orientation and gender identity.

Cuba – Concluding Observations – 96th Session, 20 September 2018, 19th to 21st review¹⁷⁵

Keywords: SO; discrimination, employment, legislation, measures, protected grounds

B. Positive aspects

[...]

4. The Committee notes the legislative measures adopted by the State party during the period under consideration, in particular:
 - (a) The adoption of the Labour Code, Act No. 116, of December 2013, which introduced a ban on discrimination, including discrimination based on “colour, gender, religious beliefs, sexual orientation, place of origin, disability or any other differentiation detrimental to human dignity” (art. 2 (d));

[...]

174 [CERD/C/CUB/Q/19-21](#)

175 [CERD/C/CUB/CO/19-21](#)

Keywords: SOGI; LGBT; access to justice, discrimination, intersectionality, investigation, law enforcement officials, measures, prosecution, reparation

Intersecting forms of discrimination

15. Despite the steps taken by the State party to combat discrimination based on sexual orientation and gender identity, the Committee is concerned that lesbian, gay, bisexual and transgender individuals belonging to ethnic minorities are subjected to multiple forms of discrimination, and to a range of human rights violations, by State and non-State actors, often acting with impunity. [...]
16. **The Committee recommends that the State party take the necessary measures to combat the multiple forms of discrimination faced by lesbian, gay, bisexual and transgender individuals and women and children belonging to ethnic minorities, including by mainstreaming gender, sexual orientation and gender identity dimensions into its measures to combat racial discrimination. The Committee also recommends that the State party take effective measures to investigate human rights violations committed, including by law enforcement officials, against lesbian, gay, bisexual and transgender individuals, prosecute perpetrators, and compensate victims. [...]**

Keywords: SOGI; data collection, discrimination, GC/GR, hate crimes, intersectionality, violence

Racist hate speech and violence

10. [...] The Committee is concerned about the lack of information on persons affected by hate crimes on the grounds of multiple and intersecting forms of discrimination, such as gender, ethnicity, colour, religious belief, disability, gender identity or sexual orientation (art. 4).

11. Recalling its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party step up its efforts to:

[...]

(e) Provide in its next report detailed information on the number and nature of racist hate crimes, including hate speech and racist violence, such as the number of cases reported, the number of prosecutions initiated as well as the number of convictions, the sentences imposed on perpetrators and the compensation awarded to victims. Also provide information, taking into account victimization surveys, on hate crimes on the basis of intersecting forms of discrimination.

8. Committee on Migrant Workers

Argentina – List of Issues Prior to Reporting – 28th Session, 20 June 2018, 2nd review¹⁷⁸

Keywords: *LGBTI; access to justice, data collection, harassment, investigation, law enforcement officials, police, police misconduct, professional groups, prosecution, punishment*

Articles 8 to 22

[...]

13. Please provide information on reported cases of persecution by police officers or harassment by immigration officials of informal migrant workers, migrant families living in poverty or groups of lesbian, gay, bisexual, transgender or intersex persons when reviewing their immigration documents or work permits or in the course of other procedures in which those officials justify their actions with reference to Emergency Decree No. 70/2017. Please provide detailed information on the action taken to investigate complaints of harassment, corruption or abuse of authority. Please include information on the number of complaints that have been received and investigated in the last seven years and on the steps taken to investigate, prosecute and convict the officers responsible; please specify the nature of the charges brought and the sentences imposed. In this connection, it would be useful to know the number of complaints lodged with the judicial authorities relating to cases involving informal street vendors.

Keywords: *LGBTI; detention, GC/GR*

16. In the light of article 16 of the Convention and the Committee's general comment No. 3 (2017) on the general principles regarding the human rights of children in the context of international migration:

[...]

(c) Please indicate whether specific protocols or procedures are in place to ensure that persons in special situations of vulnerability (such as asylum seekers, pregnant or nursing women, victims of human trafficking or domestic violence, lesbian, gay, bisexual, transsexual and intersex persons, children and adolescents) are identified, are not placed in detention and receive proper care;

[...]

Keywords: *LGBTI; detention, GC/GR*

Articles 8 to 22

[...]

18. In the light of article 16 of the Convention and the Committee's joint general comments with the Committee on the Rights of the Child No. 3 (2017), on the general principles regarding the human rights of children in the context of international migration, and No. 4 (2017), regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return:

[...]

(c) Please indicate whether specific protocols or procedures are in place for the identification of persons in special situations of vulnerability (such as asylum seekers, pregnant or breastfeeding women, victims of human trafficking or domestic violence, members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community, children and adolescents) and for ensuring that they are not held in detention and receive proper care;

[...]

9. Committee on Enforced Disappearances

Honduras – Concluding Observations – 14th Session, 4 July 2018, initial review¹⁸⁰

Keywords: SOGI; legislation, measures, reparation

Measures to provide reparation and to protect children against enforced disappearance (arts. 24 and 25)

Definition of “victim” and right to obtain reparation and prompt, fair and adequate compensation

36. The Committee [...] also notes with concern that domestic law does not provide for a system of full reparation under the responsibility of the State that includes all the measures of reparation provided for in article 24 (5) of the Convention. [...]

37. The Committee recommends that the State party take the necessary measures to:

[...]

(b) Establish a comprehensive system of reparation that takes into account the personal situation of the victims, such as their sex, sexual orientation, gender identity, age, ethnic origin, social status and disability, and is fully in line with the provisions of article 24 (4) and (5) of the Convention, is under the responsibility of the State and is applicable even if no criminal proceedings have been initiated;

[...]

Keywords: SOGI; legislation, measures, reparation

5. Measures to provide reparation and to protect children from enforced disappearance (arts. 24–25)

Definition of victim and right to receive reparation and prompt, fair and adequate compensation

[...]

39. The Committee [...] is further concerned that national legislation does not provide for a system of full reparation under the responsibility of the State that includes all the measures of reparation provided for in article 24 (5) of the Convention. [...]

40. The Committee recommends that the State party take the necessary measures to:

[...]

(b) Establish a comprehensive system of reparation that takes into account the personal situation of the victims, such as their sex, sexual orientation, gender identity, age, ethnic origin, social status and disability, that is fully in line with the provisions of article 24 (4) and (5) of the Convention, that is under the responsibility of the State and that is applicable even if no criminal proceedings have been initiated;

[...]