



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

**Compilation and Keywords 2019**

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# List of Acronyms

FOE/FOAA	freedom of expression / freedom of assembly and association
GC/GR	general comment / general recommendation
HIV/AIDS	human immunodeficiency virus infection and acquired immune deficiency syndrome
HRD	human rights defenders
ILGA World	International Lesbian, Gay, Bisexual, Trans and Intersex Association
L / G / B / T / I / Q	lesbian / gay / bisexual / trans / intersex / queer
LGR	legal gender recognition
LOI	list of issues
LOIPR	list of issues prior to reporting
MSM	Men who have sex with men
PSWG	Pre-sessional working group
SDGs	Sustainable Development Goals
SI	sexual identity
S / G / M	sexual minorities / gender minorities
SO / GI / E / SC	sexual orientation / gender identity / gender expression / sex characteristics
SRHR	sexual and reproductive health and rights
TSM	temporary special measures
UPR	Universal Periodic Review

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# General Comments

## Committee on the Rights of the Child

### General Comment No. 24 (2019) on children's rights in the child justice system<sup>1</sup>

Keywords: SOGI; access to justice, children, court, discrimination, intersectionality

#### IV. Core elements of a comprehensive child justice policy

[...]

#### D. Guarantees for a fair trial

[...]

40. Safeguards against discrimination are needed from the earliest contact with the criminal justice system and throughout the trial, and discrimination against any group of children requires active redress. In particular, gender-sensitive attention should be paid to girls and to children who are discriminated against on the basis of sexual orientation or gender identity. Accommodation should be made for children with disabilities, which may include physical access to court and other buildings, support for children with psychosocial disabilities, assistance with communication and the reading of documents, and procedural adjustments for testimony.

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1 [CRC/C/GC/24](#).

# Decisions on Individual Communications

## Committee on the Elimination of Discrimination against Women

### **K.K. v. Russian Federation, communication No. 98/2016, decision of 25 February 2019<sup>2</sup>**

Keywords: SO, SOGI; LBT, LBTI, LGBT; access to justice, court, discrimination, FOE/FOAA, hate speech, HRD, intersectionality, jurisprudence, stereotypes, stigmatization, women

*Subject matter:* Hate speech and verbal assault of a lesbian woman and LGBT activist by a representative of a regional legislative assembly

*Substantive issues:* Discrimination based on gender and sexual orientation; stereotypes; hate speech

*Articles of the Convention:* 2 (b), (d) and (e), 5 (a) and 7 (c)

### **Background**

1. The author is K.K., a Russian national born in 1983. She claims a violation of her rights guaranteed by articles 2 (b), (d) and (e), 5 (a) and 7 (c) of the Convention. [...].

### **Facts as submitted by the author**

- 2.1 The author, who is an activist for [LGBT] rights and a volunteer legal counsel for the organization *Vykhod*, was invited to assist with running the *QueerFest* festival held in 2013. On 19 September 2013, at the entrance of the building in which the event was held, she saw a deputy of the Saint Petersburg Legislative Assembly, Vitaly Milonov, with representatives of the police and several other men, whom she recognized as perpetrators of previous assaults against activists for [LGBT] rights. Under instructions from Mr. Milonov, the police requested that the organizers of the event provide them with the lease documents for the venue. The author intervened to clarify the legal aspects of the request. At that moment, Mr. Milonov interrupted the conversation, saying that the author and other participants of the event were not Russians and that they bowed to foreign diplomats and begged them for money. Subsequently, he and his party continued to threaten and insult visitors and volunteers at the festival. In particular, he used such words as “*spidozny*”, “*petukh*” and “*petushatnik*”. With regard to women, he used the phrases “*cut your hair, animal*” and “*beast*”, and he called one woman the “*husband*” of another woman. He called the author “*stukachka*” and “*kovyryalka*”, when, seeing one of Mr. Milonov’s men trying to use violence against an event participant, she had asked police officers to intervene. However, the police officers took no action in response to the offensive conduct against the author.
- 2.2 On 30 September 2013, the author filed a request to initiate proceedings against Mr. Milonov with the Office of the Prosecutor of Saint Petersburg and with the Office of the Prosecutor of Primorsky District, under articles 5.61 (insult) and 5.62 (discrimination) of the Code of Administrative Offences of the Russian Federation. The Office in Primorsky District rejected the request on 17 October 2013 on the grounds that the Code of Administrative Offences did not contain any regulations with regard to the administrative liability of deputies, because deputies of the Legislative Assembly had immunity and any prosecution against them must be regulated by a special federal law, but such a law had not been adopted. The author appealed to the Primorsky District Court of Saint Petersburg on 30 January 2014, requesting that the decision of the Office of the Prosecutor of Primorsky District be quashed. On 20 March 2014, the Primorsky District Court of Saint Petersburg rejected the appeal.
- 2.3 On 9 November 2013, the author filed a civil lawsuit against Mr. Milonov with the Oktyabrsky District Court of Saint Petersburg asking the court to protect her honour and dignity and to recognize a violation of her moral rights. The case was transferred to the Kirovsky District Court, due to its jurisdiction. On 29 April 2014, the lawsuit was rejected, in a decision stating that there was no evidence proving that the defendant had made offensive

statements.

- 2.4 On 28 May 2014, the author appealed to the Saint Petersburg City Court against the decision of the Kirovsky District Court. On 14 October 2014, the Saint Petersburg City Court denied the appeal.
- 2.5 On an unspecified date, the author filed a cassation appeal to the Presidium of the Saint Petersburg City Court. On 27 February 2015, the Presidium denied the appeal, stating that the basis for revocation or amendment of a court ruling under the cassation procedure required a material violation of substantive and procedural norms of law, which had not been found in this case.

### **Complaint**

- 3.1 The author claims that the State party has not provided effective legal protection tools and has not recognized the violation of her rights nor provided compensation or application of any other procedures aimed to restore her rights.
- 3.2 The author alleges a violation of her rights under articles 2 (b), (d) and (e) of the Convention, due to the humiliation and insult of her honour and dignity on the basis of her sexual orientation and gender identity and her affiliation with the [LGBT] communities.
- 3.3 The author also claims violation of her rights under article 5 (a) of the Convention, because she was humiliated and insulted for her non-compliance with stereotypes regarding the traditional role of women in gender relations and the social roles of [LBT] women.
- 3.4 Furthermore, the author claims a violation of article 7 (c) of the Convention, due to the discrimination and negative attitude that she experienced working as an advocate for an organization for [LGBT] rights.

### **State party's observations on admissibility**

[...]

- 4.3 The State party asserts that the author's communication is also inadmissible due to non-substantiation. According to the State party, the submitted documents show that the national authorities have provided the author with lawful, reasoned and timely responses to her complaints and that the courts have carried out justice based on an adversarial approach and the principle of equality of the parties. The court of first instance found that the defendant's words could not be construed as insults, and that decision was confirmed by both the appellate and cassation courts. The State party notes that the evidence presented by the author, including witness testimonies and video material, were fully and objectively studied by the courts and that that was reflected in their decisions.

### **Author's comments on the State party's observations on admissibility**

[...]

- 5.6 As to the State party's submission on the absence of the fact of insult, the author refers to the conclusion of a forensic linguistic examination conducted in another case, in the period 2015–2016, by the Kirovsky District Court of Saint Petersburg, in which a civil case was brought against Mr. Milonov by local activists for [LGBT] rights, male and female, for insulting them in a homophobic manner. The forensic expert in that case testified that the word "*kovyryalka*", when directed at a particular individual, is used as an insult and maintains its insulting meaning in practically any context. The author notes that the conclusions of the forensic expert are no different from the conclusions presented by a specialist in her case, however, in both cases, the claims were rejected. The author submits that this underscores the fact that the Russian Federation completely lacks domestic legal remedies against the discriminatory acts committed by the deputy of the Saint Petersburg Legislative Assembly, Mr. Milonov, against socially vulnerable groups within the population, such as [LGBT] persons and their rights defenders.

### **State party's observations on the merits**

- 6.1 On 6 May 2016, the State party submitted its observations on the merits. It notes that, when deciding the author's lawsuit against Mr. Milonov, the Kirovsky District Court based its decision on the Constitution of the Russian Federation, the Civil Code and resolutions of the Supreme Court and found that there were no grounds for judicial protection of the author's rights, because Mr. Milonov was expressing his subjective opinion and views. The State party submits that, upon analysing the collected evidence, including video footage of the 19 September 2013 events, the conclusions of the psychologist and linguists and the testimonies of witnesses, the Kirovsky District Court did not find the defendant's words to be insulting or degrading to the honour and dignity of the author, because the words and phrases did not personally characterize the author, did not contain insulting, swear or abusive words and simply reflected the subjective opinion of the defendant towards the happenings, which he was



free to express under the Constitution and international law. The court held that, just because the defendant had critically expressed his opinion and had disrespected the author by referring to her intimately by the pronoun *ti*, his actions could not be characterized as insulting or as degrading the honour, dignity and reputation of the author. The defendant's attitude could have been the result of a conflict situation or could have been triggered by other factors, however, his actions do not contain elements of nationalism, xenophobia or misogyny, as argued in the lawsuit.

- 6.2 The State party further submits that the author's claim that the video footage shows the manner in which Mr. Milonov directly addresses her and calls her "*kovyryalka*", which is jargon referring to the author's intimate relationships, is a speculation and has not been supported by the submitted evidence. Both parties have submitted to the court conclusions made by specialist linguists about the meaning of that word. The author has claimed that it means "a lesbian" and was used in the sense of the worst insulting slang used in women's prisons. However, the first instance court has determined that the meaning of the word, as claimed by the author, was not widely known to the general public and that there were no grounds to believe that Mr. Milonov knew that specific meaning of the word. The court took into consideration the conclusion by the specialist linguist who testified that the word "*kovyryalka*" had many meanings and that not all of them were offensive and, according to various published dictionaries, the word had even more non-offensive meanings. The court determined that the defendant had said the word at almost a whisper and without expressing any emotion. His representative argued that he did not even remember saying the word and that, even if he did, he would not ascribe to it the same meaning as the author.
- 6.3 The State party notes that, in accordance with article 1 of the Convention, discrimination against women means any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. The national courts came to the conclusion that there had been no violation of the author's personal, nonpecuniary rights, including the right not to be subjected to a discrimination. The State party also notes that the evaluation of evidence and application of national law is within the competence of national authorities, including courts. Therefore, it considers that there has been no violation of the Convention in the present case.

#### **Author's comments on the State party's observations on the merits**

- 7.1 In her comments dated 25 November 2016, the author reiterated her position that, at a public human rights event, she had been discriminated against by a representative of the State authorities, who came to the venue and made statements that the author found offensive and humiliating. The author insists that the humiliation of her honour and dignity and the insults made on the basis of her sexual orientation were instances of discrimination against her as a member of a vulnerable group, [LBT] women, and based on her sexual orientation and gender identity and her affiliation with her work relating to advocacy for [LGBT] human rights. The author also states that she was humiliated and insulted due to her non-compliance with the stereotypes regarding the traditional role of women in gender relations and in the family and regarding the social role of [LBT] women. She claims that the words used against her, the level of rhetoric of which exclusively belonged in the criminal environment in detention facilities, were aimed at associating her with the context of that criminal environment in order to marginalize her and create an impression that her lifestyle was criminal.
- 7.2 The author submits that, even though she appealed to the national authorities for the protection of her rights to equality and non-discrimination, respect for private life, honour and dignity, the authorities dismissed her claims, failing to provide her with effective legal remedy. The author also submits that the principles of nondiscrimination and equality require the establishment of substantive equality, not just legal or formal equality. Substantive equality requires an individual approach to the specific needs of certain vulnerable groups and the elimination of any obstacles that they may encounter. The author notes that she is especially vulnerable to discrimination prohibited under the Convention, given that she is a member of a [LBT] women's group and a human rights defender. According to the author, discrimination against women on the basis of their sex and gender identity is closely linked with other factors affecting women, such as their social status and sexual orientation. Therefore, the State party must legally recognize and prohibit such intersecting forms of discrimination and their cumulative negative effects on women. The author notes that the Human Rights Committee has ruled that the reference to "sex" in articles 2 (1) and 26 of the International Covenant on Civil and Political Rights includes sexual orientation. In the light of the foregoing, the author contends that she has been a victim of discrimination within the meaning of article 1 of the Convention on the Elimination of All Forms of Discrimination against Women.
- 7.3 The author submits that international bodies regularly express their concern about reports of cases of discrimination and use of hate speech, including against [LBT] women. She refers to the concluding observations of the Committee on the eighth periodic report of the Russian Federation (CEDAW/C/RUS/CO/8), in which the Com-



mittee expressed its concern about reports of discrimination, harassment and hate speech, based on negative stereotyping, against [LBT] women and intersex persons and urged the State party to provide the necessary protection from discrimination for such women (ibid., paras. 41–42). The author notes that her particular vulnerability to various forms of discrimination imposes an obligation on the State party not just to refrain from such actions but to carefully investigate reports of discrimination against her as a member of a vulnerable group. The author also makes note of the recommendation of the Committee of Ministers of the Council of Europe on measures to combat discrimination on grounds of sexual orientation or gender identity and the jurisprudence of the European Court of Human Rights as steps taken by other international bodies to combat discrimination on the basis of sexual orientation or gender identity. The author is of the view that the State party failed to provide her with effective legal remedies to account for the fact that the discrimination against her was perpetrated by a person acting as a State official and failed to provide recognition and denouncement of the violation of her rights or compensation or application of any other procedures aimed at restoring her violated rights. The author also notes that Mr. Milonov is currently serving as a member of the State Duma, the lower house of the federal parliament of the Russian Federation.

### Issues and proceedings before the Committee

[...]

- 8.5 The Committee notes the author's claims under articles 2 (b), (d) and (e), 5 (a) and 7 (c) of the Convention. According to the author, the State party failed to recognize the discrimination and humiliation that she had suffered due to her sexual orientation and gender identity. The Committee also notes that the State party has submitted that, upon considering the author's lawsuit, the national courts did not find the defendant's words to be insulting or degrading to the honour and dignity of the author, because those words and phrases did not personally characterize the author, did not contain insulting, swear or abusive words and reflected only the subjective opinion of the defendant towards the happenings, which he was free to express under the Constitution of the Russian Federation and international law. It further notes that the State party has pointed out that the national courts concluded that there had been no violation of the author's personal, non-pecuniary rights, including the right not to be subjected to discrimination.
- 8.6 The Committee notes that, in substance, the author's claims aim at challenging the manner in which the national courts assessed the circumstances of her case and applied national law. The Committee emphasizes that it does not replace the national authorities in the assessment of the facts, nor does it decide on the alleged perpetrator's criminal responsibility. The Committee considers that it is generally for the courts of the States parties to the Convention to evaluate the facts and evidence and the application of national law in a particular case, unless it can be established that such evaluation was biased or based on harmful gender stereotypes that constitute discrimination against women, was clearly arbitrary or amounted to a denial of justice. In that connection, the Committee notes that nothing in the material before it suggests elements likely to demonstrate that the examination by the courts of the author's case, whether regarding her claims of insult or discrimination, suffered from any such defects. The Committee observes that both sides of the lawsuit were able to put forward their specialists' opinions on the meaning of the words used towards the author, some of which had several meanings, including offensive, and that the courts determined that the author's claims of discrimination and humiliation due to her sexual orientation were not corroborated by sufficient evidence. In the light of the foregoing, and in the absence of any other pertinent information on file, the Committee considers that the communication is insufficiently substantiated for the purposes of admissibility and that it is therefore inadmissible under article 4 (2) (c) of the Optional Protocol.
9. The Committee therefore decides that:
  - (a) The communication is inadmissible under article 4 (2) (c) of the Optional Protocol;
  - (b) The present decision shall be communicated to the State party and to the author.

# Lists of Issues and Concluding Observations

## 1. Committee on Economic, Social and Cultural Rights

**Azerbaijan – List of Issues – 65<sup>th</sup> PSWG, 4 November 2019, 4<sup>th</sup> review<sup>3</sup>**

Keywords: SOGI; GT, LGBTI; court, discrimination, housing, law enforcement officials, measures, remedy

### Non-discrimination (art. 2 (2))

10. Please provide information on the measures taken to prevent discrimination on grounds of sexual orientation or gender identity, including those aimed at raising awareness of the human rights of lesbian, gay, bisexual, transgender and intersex persons among the general population. Please also provide information on measures taken to address discrimination against lesbian, gay, bisexual, transgender and intersex persons in courts and by law enforcement agencies so that they can seek redress for violations of their economic, social and cultural rights, such as in the reported cases of forced eviction of gay and transgender persons from their places of residence in 2017.

Keywords: *GI; LGBTI; legislation, measures*

**Non-discrimination (art. 2 (2))**

9. Please provide information on the impact of the Gender Identity Act (Act No. 807) and on the measures taken to guarantee all the rights enshrined in the Covenant to lesbian, gay, bisexual, transgender and intersex persons.

Keywords: *LGBTI; discrimination, education, measures, violence*

**Right to education (arts. 13 and 14)**

25. [...]. Please provide information on measures to prevent discrimination and violence in schools, in particular against girls, lesbian, gay, bisexual, transgender and intersex persons and other disadvantaged groups and individuals.

## **Cameroon – List of Issues – 62<sup>nd</sup> PSWG, 25 April 2018, 4<sup>th</sup> review<sup>5</sup>**

Keywords: *SO; LGBT; criminalization (decriminalization), 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.

## **Cameroon – Concluding Observations – 65<sup>th</sup> Session, 25 March 2019, 4<sup>th</sup> review<sup>6</sup>**

Keywords: *SOGI; LGBTI; awareness-raising campaign, criminalization (decriminalization), discrimination, health, legislation, service provision, stigmatization*

### **Discrimination on the basis of sexual orientation and gender identity**

23. The Committee notes with concern that consensual same-sex relationships are criminalized by article 347-1 of the Criminal Code and that lesbian, gay, bisexual, transgender and intersex persons are discriminated against in terms of the enjoyment of their economic, social and cultural rights, particularly in the case of their right to health (art. 2).
24. The Committee recommends that the State party decriminalize consensual homosexual relations and repeal article 347-1 of the Criminal Code, along with all other legal provisions that are discriminatory with regard to sexual orientation or gender identity. It also recommends that the State party combat discrimination and stigmatization of lesbian, gay, bisexual, transgender and intersex persons by, inter alia, conducting awareness-raising campaigns and that it ensure that no one is discriminated against in terms of the enjoyment of economic, social and cultural rights, in particular with regard to access to health services, on the basis of sexual orientation or gender identity.

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

6 [E/C.12/CMR/CO/4](#)

### Non-discrimination

21. The Committee notes that various specific acts protect against discrimination in different areas in the State party. At the same time, the Committee is concerned at the remaining gaps in the State party's anti-discrimination legal framework, including the lack outside the labour market of prohibition of discrimination on grounds such as sexual orientation and gender identity, age and religion, as well as the lack of a legal obligation to ensure accessibility and provide reasonable accommodation for persons with disabilities (art. 2 (2)).
22. **The Committee reiterates its recommendation calling on the State party and its self-governing territories to adopt comprehensive anti-discrimination legislation prohibiting differential treatment that is directly or indirectly based on prohibited grounds of discrimination and that affects the enjoyment, on an equal footing, of the Covenant rights, in the absence of a reasonable and objective justification. [...].**

Keywords: SC; I, LGBTI; action plan, children, consultation, decision-making process, family, free and informed consent, health, investigation, legislation, medical professionals, policy, support services, surgical/medical intervention, training

### Intersex children

64. The Committee is concerned that the definition of "disorders (differences) of sex development" in the State party's legislation does not contain all elements of the definition of "intersex". It is also concerned at reports that medically unnecessary procedures continue to be performed on intersex children (arts. 10 and 12).
65. **The Committee recommends that, in the implementation of the 2018–2021 National Action Plan on lesbian, gay, bisexual, transgender and intersex persons, the State party:**
- (a) **Replace in its legislation the concept of "disorders (differences) of sex development" with a definition of intersex person in which differences in sex characteristics include genitals, gonads and chromosome patterns;**
  - (b) **Ensure that, in practice, medically unnecessary procedures on the sex characteristics of intersex children are not performed until the children are capable of forming their own views and can give their informed consent;**
  - (c) **Train health-care personnel on the health needs and human rights of intersex persons, including their right to autonomy and physical integrity;**
  - (d) **Ensure that, in addition to the information material for parents of intersex children to be published by the Danish Health Authority, intersex persons and their families receive adequate counselling and support, including from peers;**
  - (e) **Identify and investigate human rights violations against intersex persons in the context of the examination of the living conditions of intersex persons to be conducted in 2020;**
  - (f) **Ensure that intersex persons and organizations continue to be consulted and participate in the development of research, legislation and policies that impact on their rights.**

## **Ecuador – List of Issues – 64<sup>th</sup> PSWG, 22 March 2019, 4<sup>th</sup> review<sup>8</sup>**

Keywords: *SOGI; discrimination, measures*

### **Non-discrimination (art. 2 (2))**

10. Please provide information on the measures adopted to combat discrimination and violence against persons because of their sexual orientation or gender identity and on the impact of those measures.

## **Ecuador – Concluding Observations – 66<sup>th</sup> PSWG, 14 November 2019, 4<sup>th</sup> review<sup>9</sup>**

Keywords: *LGBTI; anti-discrimination legislation, family, court, discrimination, jurisprudence, marriage, violence*

### **Non-discrimination**

25. The Committee is concerned about the absence of a general law establishing a comprehensive list of prohibited grounds of discrimination. [...]. Lastly, it is concerned about the persistence of de facto systemic discrimination and manifestations of violence against some population groups, in particular women, indigenous peoples, people of African descent, Montubio people, rural populations, migrants and lesbian, gay, bisexual, transgender and intersex persons, among others (art. 2 (2)).
26. The Committee recommends that the State party promote the adoption of a general non-discrimination law that reflects all prohibited grounds of discrimination. The Committee encourages the State party to take measures to document formal and substantive discrimination in the State party and to report on the impact of measures taken. Lastly, the Committee encourages the State party to take the necessary steps to give effect to the decision of the Constitutional Court of Ecuador on equal civil marriage rights. [...].

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

9 [E/C.12/ECU/CO/4](#)

#### **Non-discrimination**

10. The Committee is concerned that the Equal Treatment Act only prohibits discrimination on the grounds of religion or views, age, disability and sexual orientation in areas relating to working life and the acquisition of professional qualifications. It regrets the delay in amending the Act to broaden its scope and application to other social sectors. It is also concerned at the insufficient level of financial and human resources allocated to the Gender Equality and Equal Treatment Commissioner to fully carry out the mandate (art. 2 (2)).
11. The Committee recommends that the State party amend without delay the Equal Treatment Act with a view (a) to ensuring that it prohibits all direct, indirect and intersectional forms of discrimination, on the grounds set out in article 2 (2) of the Covenant and in all spheres relevant to economic, social and cultural rights, and (b) to providing effective remedies for victims of discrimination, including through judicial and administrative proceedings. It also recommends that the State party allocate a sufficient level of financial and human resources to the Gender Equality and Equal Treatment Commissioner for the effective functioning of the mandate. In this context, the Committee draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

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

#### **D. Other recommendations**

59. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 11 (amendments to the Equal Treatment Act), 15 (a) and (b) (removal of barriers to acquisition of Estonian citizenship by stateless persons) and 45 (d) (development of a gender-sensitive drug policy) above.



**Non-discrimination**

18. The Committee notes the absence of comprehensive anti-discrimination legislation in the State party and is concerned that the existing anti-discrimination legislation is not fully in line with article 2 (1) of the Covenant, given the limited prohibited grounds of discrimination, and that the State party has not taken any step to review existing legislation (art. 2 (2)).
19. The Committee recommends that the State party review existing anti-discrimination legislation or adopt comprehensive anti-discrimination legislation with a view to ensuring that such legislation prohibits all direct, indirect and multiple forms of discrimination, on all grounds, including language, colour, social origin, property, sexual orientation, birth or other status, and provides for effective remedies for victims of discrimination. The Committee draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

## **Kazakhstan – List of Issues – 62<sup>nd</sup> PSWG, 23 April 2018, 2<sup>nd</sup> review<sup>12</sup>**

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

### **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.

## **Kazakhstan – Concluding Observations – 65<sup>th</sup> Session, 27 March 2019, 2<sup>nd</sup> review<sup>13</sup>**

Keywords: *LGBT; FOE/FOAA, HRD*

### **Civil society**

8. The Committee is concerned at information that some non-governmental organizations in the State party working for the protection and promotion of human rights, in particular the rights of lesbian, gay, bisexual and transgender persons, have faced difficulty in registering.
9. **The Committee recommends that the State party guarantee an enabling environment for non-governmental organizations engaged in the promotion and protection of economic, social and cultural rights, including a functional and accommodating registration procedure.**

Keywords: *SOGI; LGBT; anti-discrimination legislation, discrimination, GC/GR, harassment, legislation, prevention, protected grounds*

### **Non-discrimination**

10. The Committee is concerned that neither the Constitution nor the domestic legislation of the State party explicitly prohibits some of the existing grounds of discrimination, such as gender identity and sexual orientation, which contributes to the persistence of discrimination on those grounds in access to employment, health care and education. It is also concerned by the lack of tailored legal protection of lesbian, gay, bisexual and transgender persons against attacks and harassment. [...].

### **11. The Committee recommends that the State party:**

- (a) **Adopt comprehensive anti-discrimination legislation that addresses direct and indirect discrimination and encompasses all the prohibited grounds of discrimination, including sexual orientation and gender identity, as set out in article 2 (2) of the Covenant, taking also into account the Committee's general comment No. 20 (2009) on**

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

13 [E/C.12/EST/CO/3](#)

non-discrimination in economic, social and cultural rights;

[...]

- (c) Take all steps necessary to prevent and combat discrimination against lesbian, gay, bisexual and transgender persons, and ensure their equal enjoyment of the rights under the Covenant, and enact tailored legal protections of these persons against attacks and harassment.

Keywords: *LGBT; bullying, children, discrimination, education, violence*

#### **Right to education**

48. While recognizing the efforts made by the State party to ensure universal access to education and to improve its quality, the Committee remains concerned about reports that:

[...]

- (f) Bullying, violence and discrimination persist in schools, in particular against lesbian, gay, bisexual and transgender students;

[...].

49. The Committee recommends that the State party:

[...]

- (e) Protect all children against bullying and violence in schools, and expand efforts to prevent their occurrence;

[...].

Keywords: *SOGI; anti-discrimination legislation, discrimination, GC/GR, follow-up, legislation, protected grounds*

#### **D. Other recommendations**

56. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs on non-discrimination (para. 11 (a) and (b)), maximum available resources (para. 20) and trade union rights (para. 33) above.

Keywords: *SOGI; LGBTI; discrimination, education, family, gender reassignment treatment, harassment, investigation, legislation, measures, partnership, same-sex couples, stereotypes*

**Non-discrimination (art. 2 (2))**

12. Please indicate whether the State party has taken any measures: (a) to regulate the procedure and conditions for gender reassignment; (b) to adopt a legal framework recognizing same-sex partnerships; and (c) to combat prejudice and discrimination based on sexual orientation and gender identity, particularly in educational institutions. Please provide detailed information on investigations with regard to cases of harassment of or discrimination against lesbian, gay, bisexual, transgender and intersex persons.

## **Mauritius – List of Issues – 62<sup>nd</sup> PSWG, 19 April 2018, 5<sup>th</sup> review<sup>15</sup>**

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

## **Mauritius – Concluding Observations – 65<sup>th</sup> Session, 5 April 2019, 5<sup>th</sup> review<sup>16</sup>**

Keywords: *GI; anti-discrimination legislation, discrimination, GC/GR, legislation, protected grounds*

### **Non-discrimination**

15. The Committee is concerned about the shortcomings of the Equal Opportunities Act 2012. The list of prohibited grounds of discrimination in section 2 does not include gender identity, social origin or property. The term “spouse” is defined narrowly, thus excluding persons in unregistered Muslim marriages and de facto unions from protection from discrimination in the enjoyment of their rights under the Covenant. [...].
16. **The Committee recommends that the State party revise the Equal Opportunities Act, in particular sections 2 and 19 (2), with a view to ensuring that the Act prohibits all direct, indirect and intersectional forms of discrimination, on any ground, including gender identity, social origin, property and other status, in all spheres relevant to the Covenant rights. The Committee also recommends that the State party provide for effective remedies for victims of discrimination, including through judicial and administrative proceedings. It draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

Keywords: *GI, SOGI; LGBTI; anti-discrimination legislation, criminalization (decriminalization), discrimination, family, legislation, partnership, protected grounds, same-sex couples*

### **Lesbian, gay, bisexual, transgender and intersex persons**

17. The Committee is concerned that same-sex relations are still criminalized under section 250 of the Criminal Code, a legacy of the colonial era. It is also concerned about the limited protection of lesbian, gay, bisexual, transgender and intersex persons provided in anti-discrimination provisions, since gender identity is not included as a prohibited ground. It is further concerned about the absence of any legal recognition of same-sex couples, which may restrict the protection of same-sex partners upon separation, or following the illness or death of a partner (arts. 2 (2) and 10).
18. **The Committee urges the State party to make the necessary legislative changes with a view to repealing section 250 of the Criminal Code, fully protecting lesbian, gay, bisexual, transgender and intersex persons from discrimination based on sexual orientation and gender identity, and providing for legal recognition of same-sex unions or partnerships.**

Keywords: *GI; anti-discrimination legislation, discrimination, follow-up, GC/GR, legislation, protected grounds*

### **D. Other recommendations**

68. **In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 16 (revision of the Equal Opportunities Act), 29 (minimum wage legislation) and 44 (a) and (b) (parental leave and paternity leave) above.**

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15 [E/C.12/MUS/Q/5](#)

16 [E/C.12/MUS/CO/5](#)

**Non-discrimination (art. 2 (2))**

10. Please explain the specific measures that have been taken to combat discrimination, in particular discrimination against indigenous peoples, Afrodescendants and persons with disabilities and discrimination based on gender identity and/or sexual orientation, in terms of its effects on the exercise of economic, social and cultural rights, and particularly on access to employment, education and health services.

## Senegal – List of Issues – 64<sup>th</sup> PSWG, 23 April 2018, 3<sup>rd</sup> review<sup>18</sup>

Keywords: SOGI; SGM; anti-discrimination legislation, discrimination, legislation, measures, prevention, protected grounds, stigmatization, violence

### Non-discrimination (art. 2 (2))

5. 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 national extraction and colour, sexual orientation, gender identity, disability and legal status; and (c) provides effective remedies for victims. Please state the number of complaints of discrimination recorded and prosecutions brought in the State party. Please indicate the measures taken to combat and prevent acts of discrimination, stigmatization and violence against: (a) persons with albinism; (b) persons living with HIV/AIDS, especially sex workers, drug users and homosexuals; and (c) persons belonging to sexual or gender minorities. [...].

Keywords: health, HIV/AIDS, prevention, stigmatization

### Right to physical and mental health (art. 12)

23. In relation to the measures described in paragraphs 176 to 179 of the State party's report, please clarify the measures taken relating to HIV/AIDS prevention and testing and treatment for persons with a prevalence rate significantly higher than the national average, including sex workers, men who have sexual relations with men, drug users and persons in detention. Please describe the strategy adopted to combat stigma that prevent these categories of the population from enjoying their right to health on an equal basis with the rest of the population (persons in conflict with the law). Please provide explanations of the causes of the low antiretroviral treatment coverage among children, which results in this category of the population being left behind.

## Senegal – Concluding Observations – 66<sup>th</sup> Session, 13 November 2019, 3<sup>rd</sup> review<sup>19</sup>

Keywords: SO, SOGI; anti-discrimination legislation, criminalization (decriminalization), discrimination, GC/GR, legislation, protected grounds

### Non-discrimination

12. The Committee notes with concern the existence of discriminatory legal provisions in Senegalese law. It also notes the lack of a general law prohibiting all forms of direct and indirect discrimination. The Committee is concerned about the persistence of discrimination against certain individuals on the basis of their sex, skin colour (albinism), descent or sexual orientation (art. 2).
13. The Committee recommends that the State party adopt comprehensive legislation on non-discrimination that: (a) clearly defines and criminalizes direct and indirect discrimination; (b) gives a comprehensive list of prohibited grounds of discrimination, including descent and colour, sexual orientation, gender identity, disability, residence status and other status; and (c) provides effective remedies for victims. The Committee urges the State party to decriminalize consensual homosexual relations and repeal article 319 (3) of the Criminal Code, along with all other legal provisions that are discriminatory with regard to sexual orientation or gender identity. The Committee draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

Keywords: MSM; criminalization (decriminalization), health, HIV/AIDS, stigmatization

### HIV/AIDS

39. While noting the efforts made by the State party to reduce the prevalence rate of HIV/AIDS among the population, the Committee notes with concern that it remains significantly higher than the national average among sex workers, men who have sexual relations with men, drug users and persons in detention. The Committee is also concerned about figures indicating a low antiretroviral treatment coverage among children, which results in this category of the population being left behind (art. 12).
40. In view of the fact that the groups that have a higher prevalence of HIV and AIDS tend to form part of the category of persons who are "in conflict with the law", the Committee encourages the State party to adopt a na-

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18 [E/C.12/SEN/Q/3](#)

19 [E/C.12/SEN/CO/3](#)



tional strategy to combat the stigma that prevent these categories of the population from enjoying their right to health on an equal basis with the rest of the population. In this regard, the Committee requests the State party to consider the possibility of decriminalizing:

- (a) Same-sex relations;
- (b) Drug use.

Keywords: *SOGI; anti-discrimination legislation, criminalization (decriminalization), discrimination, follow-up, GC/GR, legislation, protected grounds*

#### **D. Other recommendations**

49. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide within 24 months from the adoption of the present concluding observations, information on the implementation of the recommendations made by the Committee in paragraphs 13 (non-discrimination), 27 (forced begging and exploitation of children) and 44 (sexual abuse in schools) above.

**Non-discrimination (art. 2 (2))**

7. Please provide information on the impact of measures taken to counter discriminatory acts and attitudes against persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons and people living with HIV, specifically in the areas of employment, health, education and family life.

**Slovakia – List of Issues – 62<sup>nd</sup> PSWG, 19 April 2018, 3<sup>rd</sup> review<sup>21</sup>**

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.

**Slovakia – Concluding Observations – 66<sup>th</sup> Session, 14 November 2019, 3<sup>rd</sup> review<sup>22</sup>**

Keywords: SO, SOGI; awareness-raising campaign, consultation, discrimination, family, legislation, marriage, partnership, policy, same-sex couples

**Discrimination based on sexual orientation and gender identity**

14. The Committee is concerned about discrimination based on gender identity and sexual orientation and regrets that, in the absence of the recognition of same-sex marriage, there exists no legal institution, such as registered partnerships or civil unions, that provides protection equivalent to marriage to those in same-sex relationships (art. 2 (2)).
15. The Committee recommends that the State party develop and implement dedicated legal provisions, policies and programmes to ensure protection from discrimination based on gender identity and sexual orientation. Furthermore, it recommends that the State party initiate societal awareness-raising and consultations to overcome discrimination based on sexual orientation, and develop a legal institution, such as registered partnerships or civil unions, that provides protection equivalent to marriage to those in same-sex relationships.

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21 [E/C.12/SVK/Q/3](#)

22 [E/C.12/SVK/CO/3](#)

## Switzerland – List of Issues – 63<sup>rd</sup> PSWG, 15 November 2018, 4<sup>th</sup> review<sup>23</sup>

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, health, 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.

## Switzerland – Concluding Observations – 66<sup>th</sup> Session, 18 November 2019, 4<sup>th</sup> review<sup>24</sup>

Keywords: SI; LGBTI; anti-discrimination legislation, discrimination, follow-up, GC/GR, legislation, protected grounds

### Non-discrimination

20. The Committee takes note of the explanations provided by the State party concerning progress made in respect of policies and strategies to combat discrimination. Nevertheless, it regrets that the lack of a general anti-discrimination law continues to make it difficult for victims to access effective remedies and adequate protection against all prohibited grounds for, and multiple forms of, discrimination. The Committee also remains concerned about the discrimination that, in practice, some individuals and groups continue to experience, such as lesbian, gay, bisexual, transgender and intersex persons, persons with disabilities, migrants, and persons living in poverty (art. 2).
21. The Committee reminds the State party of the recommendations in its previous concluding observations (para. 7) and recommends that it pass a general anti-discrimination law, enforceable uniformly throughout the Confederation, that: (a) covers all prohibited grounds of discrimination, including discrimination based on economic and social status and sexual identity; (b) defines multiple discrimination; (c) prohibits direct and indirect discrimination; and (d) provides judicial or administrative remedies for victims, so that they are able to enjoy effective protection. Furthermore, the Committee recommends that the State party continue its efforts to prevent and combat persistent discrimination against certain individuals and groups, including through awareness-raising campaigns, in order to ensure their full enjoyment of the rights recognized under the Covenant. In this connection, the Committee draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

Keywords: SOGI; access to justice, court, discrimination, employment, harassment, sexual violence

### Discrimination and harassment in the workplace

34. The Committee notes with concern reports that cases of wrongful dismissal during pregnancy and cases of sexual harassment and discrimination linked to sexual orientation and gender identity continue to occur and that existing mechanisms do not guarantee effective protection from such acts (arts. 7 and 10).
35. [...]. The Committee recommends that the State party implement effective measures to protect victims of wrongful dismissal, sexual harassment and discrimination linked to sexual orientation and gender identity, including through the reversal of the burden of proof in legal proceedings.

Keywords: LGBTI; adolescents, health, measures, prevention, service provision, suicide

### Mental health

48. The Committee remains concerned that, despite the measures taken, the suicide rate continues to be high in the State party, in particular among lesbian, gay, bisexual, transgender and intersex youth (art. 12).
49. The Committee recommends that the State party implement the recommendations set out in the Swiss Health

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

24 [E/C.12/CHE/CO/4](#)

Observatory report entitled "Mental Health in Switzerland" and take the necessary measures to ensure the availability and accessibility of appropriate mental health services throughout the State party. The Committee further recommends that the State party continue its efforts to prevent suicide, including through the mobilization of the necessary resources.

## 2. Human Rights Committee

**Afghanistan – List of Issues prior to reporting – 127<sup>th</sup> Session, 21 August 2012, 3<sup>rd</sup> review<sup>25</sup>**

*Keywords: SO; discrimination, legislation, measures*

**Non-discrimination, equal rights of men and women (art. 2, paras. 1 and 3)**

5. Please indicate which legislative and other measures have been taken to combat widespread discriminatory practices based on sex, sexual orientation, religion, ethnic, tribal, family and political affiliation.

Keywords: SO; aggravating circumstance, discrimination, legislation, measures

## **B. Positive aspects**

3. The Committee welcomes the following legislative, institutional and policy measures taken by the State party, in particular the adoption or the establishment of:

(a) The new Penal Code, which criminalizes, among others, acts of discrimination based on sexual orientation, in 2019;

[...].

Keywords: SO; LGBT; access to justice, anti-discrimination legislation, criminalization (decriminalization), discrimination, employment, legislation, stigmatization

## **C. Principal subjects of concern and recommendations**

[...]

### **Combating discrimination**

13. The Committee welcomes the criminalization of acts of “discrimination based on sexual orientation”, including in employment. It also notes the measures to eliminate discrimination against persons with disabilities. The Committee reiterates its concern that the State party has not yet adopted a general law on equality and non-discrimination (see CCPR/C/AGO/CO/1, para. 8). It is also concerned at reports that individuals belonging to certain groups face stigmatization and de facto discrimination, in particular indigenous peoples, foreign nationals, persons living with HIV/AIDS, persons with disabilities, persons with albinism and LGBT persons. It further regrets the lack of information on the number of complaints of cases of discrimination and their outcomes (arts. 2 and 26).

**14. The State party should take necessary measures to:**

- (a) Enact comprehensive legislation providing full and effective protection against discrimination in all spheres and containing a comprehensive list of prohibited grounds of discrimination;
- (b) Effectively protect indigenous peoples, foreign nationals, persons living with HIV/AIDS, persons with disabilities, persons with albinism and LGBT persons and safeguard their fundamental rights, while ensuring that all cases of discrimination are duly addressed.
- (c) Carry out broad education and awareness-raising campaigns that promote equality, tolerance and respect for diversity;
- (d) Ratify the International Convention on the Elimination of All Forms of Racial Discrimination.



## **Belgium – List of Issues prior to reporting – 117<sup>th</sup> Session, 29 July 2016, 6<sup>th</sup> review<sup>27</sup>**

Keywords: GIE, SOGI; SM, T; anti-discrimination legislation, discrimination, gender reassignment surgeries, gender reassignment treatment, legislation, LGR, measures, prevention, protected grounds, psychiatry, sterilization, surgical/medical intervention, remedy

### **Non-discrimination and the rights of persons belonging to ethnic, religious, linguistic or sexual minorities (arts. 2, 20, 22 and 24-27)**

[...].

10. Please describe the measures adopted to prevent and punish discrimination based on gender identity and sexual orientation, and the remedies available to victims of such discrimination. Please indicate whether the State party plans to include gender expression and gender identity as explicit grounds of discrimination in the various anti-discrimination laws at the federal, regional and community levels. Please explain whether any steps have been taken to amend the Act of 10 May 2007 on transsexuality in order to abolish the requirement that transgender persons who wish to obtain legal recognition of their gender undergo a psychiatric assessment, sterilization and surgery.

## **Belgium – Concluding Observations – 127<sup>th</sup> Session, 6 December 2019, 6<sup>th</sup> review<sup>28</sup>**

Keywords: LGBTI; action plan, discrimination, measures, violence

### **B. Positive aspects**

3. The Committee welcomes the State party's adoption of the following legislative and policy measures:

[...]

- (m) The adoption, in May 2018, of the intergovernmental action plan to combat discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons 2018–2019.

Keywords: SM; discrimination

### **Non-discrimination and the rights of persons belonging to ethnic, religious, linguistic or sexual minorities**

15. While welcoming the measures taken by the State party to combat all forms of discrimination, the Committee expresses its concern about the persistence of discriminatory acts against persons belonging to ethnic, religious, linguistic or sexual minorities. It notes with concern the persistence of discriminatory acts such as ethnic profiling for identity checks by the police and obstacles to access to housing or the enjoyment of social benefits, owing to discrimination based on language, without the provision of effective remedies. It also notes that data disaggregated by ethnicity, sex and age are missing at various levels and that no national action plan against racism has yet been adopted (arts. 2, 18, 20 and 24–27).

### **16. The State party should:**

- (a) Amend its legislation by expressly prohibiting ethnic profiling and ensure the effective implementation and monitoring of the prohibition;
- (b) Provide an effective remedy for complaints of discrimination based on language;
- (c) Ensure that data disaggregated by ethnicity, sex and age are collected at different levels and in different sectors, in accordance with the guidance for human rights indicators issued by the Office of the United Nations High Commissioner for Human Rights;
- (d) Expedite the adoption of a national action plan against racism and ensure its implementation and monitoring.

Keywords: SOGI; I; children, free and informed consent, measures, stereotypes, surgical/medical intervention

### **Sexual orientation, gender identity and intersexuality**

21. The Committee notes with concern that children born with intersex traits are sometimes subjected to invasive and irreversible medical procedures aimed at assigning them with a sex, that such actions are often based on a

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27 [CCPR/C/BEL/QPR/6](#)

28 [CCPR/C/BEL/CO/6](#)

stereotyped vision of gender roles and that they are carried out before the persons in question are of an age to give their free and informed consent (arts. 3, 7, 9, 17, 24 and 26).

- 22. The State party should take the necessary measures to end the performance of irreversible medical acts, especially surgical operations, on intersex children who are not yet capable of giving their free and informed consent, except in cases where such interventions are absolutely necessary for medical reasons.**

**Non-discrimination (arts. 2, 3, 17, 26 and 27)**

5. With regard to paragraphs 90 to 92, 97, 101, 104 and 107 of the report and the Committee's previous concluding observations (para. 7), please provide additional information on: (a) the resources allocated for the effective implementation of Act No. 045 and the mechanisms developed for this purpose; (b) the programmes mentioned in paragraph 92 of the report and the impact of the Plan of Action 2012–2015; (c) the content of the Multisectoral Plan of the Plurinational State of Bolivia to Combat Racism and All Forms of Discrimination 2016–2020, the resources allocated for its implementation and the results achieved; (d) any public education and awareness-raising campaigns carried out; (e) the units for combating racism and all forms of discrimination; and (f) the content of Act No. 807, on gender identity, mentioned in paragraph 104 of the report. With regard to paragraph 107 of the report, please provide up-to-date statistics on complaints of discrimination filed, including complaints of acts of violence based on sexual orientation or gender identity, and on their outcome. Please also describe the steps taken to ensure respect for the principle of non-discrimination and to eradicate the stereotypes and prejudices that persist in Bolivian society, in particular against indigenous persons and persons of African descent.

### **Cabo Verde – List of Issues – 125<sup>th</sup> Session, 25 April 2019, initial review<sup>30</sup>**

Keywords: SOGI; access to justice, criminalization (decriminalization), data collection, discrimination, measures

#### **Non-discrimination (arts. 2, 3, 13, 24 and 26)**

3. [...] In the light of the decriminalization of same-sex conduct in 2004, please report on the measures taken to ensure the elimination of discrimination based on sexual orientation and gender identity in practice and in all areas. With reference to the State party's report (para. 17), please provide information on the number of discrimination cases reported and on their outcome.

### **Cabo Verde – Concluding Observation – 127<sup>th</sup> Session, 3 December 2019, initial review<sup>31</sup>**

Keywords: LGBT; access to justice, anti-discrimination legislation, discrimination, legislation

#### **Combating discrimination**

9. While recognizing that the Constitution prohibits discrimination on certain grounds, the Committee is concerned about the absence of comprehensive anti-discrimination legislation covering all the grounds prohibited under the Covenant and notes a lack of information about whether there are plans to address this situation. The Committee is concerned about reports that individuals belonging to certain groups continue to face discrimination, in particular persons living with HIV/AIDS, persons with disabilities and lesbian, gay, bisexual and transgender persons. Furthermore, it regrets the lack of information on the number of complaints regarding cases of discrimination and their outcomes (arts. 2 and 26).

#### **10. The State party should:**

[...]

- (c) **Effectively protect and safeguard the fundamental rights of persons living with HIV/AIDS, persons with disabilities and lesbian, gay, bisexual and transgender persons;**

[...].

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30 [CCPR/C/CPV/Q/1/Add.1](#)

31 [CCPR/C/CPV/CO/1/Add.1](#)

## Chile – List of Issues prior to reporting – 126<sup>th</sup> Session, 14 August 2019, 7<sup>th</sup> review<sup>32</sup>

Keywords: SOGI; access to justice, arrest, awareness-raising campaign, criminalization (decriminalization), discrimination, education, family, follow-up, legislation, marriage, measures, prevention, prosecution, punishment, same-sex couples, violence

### Non-discrimination, equal rights for men and women (arts. 2, 3, 17 and 26)

[...]

7. In the light of the Committee's preceding concluding observations (para. 14), please provide updated information on the nature and impact of the measures taken, including awareness-raising campaigns, to prevent and combat violence and discrimination based on sexual orientation or gender identity, including in the education system, and to prosecute and punish those responsible. Please also provide information on: (a) the steps taken to repeal article 373 of the Criminal Code, which provides for criminal penalties for anyone who "offends against decency or morality", as recommended by the Committee in its preceding concluding observations (para. 14), and on whether the article has been invoked during the reporting period for the purpose of arresting, prosecuting and/or convicting individuals on the basis of their sexual orientation or gender identity; (b) the current status of the same-sex marriage bill (Bulletin No. 11422-07); and (c) the current status of the bill to repeal article 365 of the Criminal Code (Bulletin No. 6685-07).

Keywords: *GI; adolescents, children, family, legislation, LGR, marriage*

8. Regarding Act No. 21120, which recognizes and protects the right to gender identity, please: (a) specify what resources are available to enable persons between the ages of 14 and 18 years to make use of the procedure for changing their registered name and registered sex in the event that their legal guardians refuse to submit a request to that effect; and (b) comment on the compatibility of article 19 – which provides for a procedure for ending a marriage, irrespective of whether or not the spouses wish to maintain their marriage bond, when the person applying to change his or her registered name and registered sex is married – with the provisions of the Covenant, in particular articles 17 and 26.

[...]

Keywords: *SC; I; children, free and informed consent, health, measures, medical professionals, surgical/medical intervention*

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

13. Please report on the measures adopted to prohibit the performance of irreversible surgery or other unnecessary medical procedures on intersex newborns and children in both public and private health centres until they have reached an age at which they are able to give their free, prior and informed consent. Please comment on reports that, in some cases, the Civil Registry has refused to register newborn babies whose sex was classified as "undefined" by medical staff.

Keywords: *LGBT; discrimination, employment, follow-up, measures*

**Non-discrimination, rights of minorities and prohibition of advocacy of national, racial or religious hatred (arts. 2, 20, 26 and 27)**

[...]

8. With reference to the previous concluding observations (para. 10), please outline measures taken in response to reports of discrimination and prejudice against lesbian, gay, bisexual and transgender persons, including discrimination in employment.

Keywords: *SOGI; aggravating circumstance, data collection, hate crimes, hate speech, investigation, prosecution*

9. With reference to the previous concluding observations (paras. 9–10), please report on measures taken to address effectively: (a) the rise of historical revisionism in the form of a denial of the Holocaust and a glorification of the fascist Ustaša regime; (b) the continued reports of ethnic intolerance, racist and antisemitic rhetoric and hate speech, including in political discourse, in the media and on the Internet, and hate-motivated violence targeting Serbs, Roma and Jews; (c) racist or inflammatory graffiti depicting Ustaša or Nazi symbols and slogans frequently directed at the Serb minority; and (d) hate speech and hate crimes motivated by a person's sexual orientation or gender identity. Please respond to concerns that such violations are insufficiently condemned and inadequately investigated and sanctioned by the State party and that criminal hate speech and hate-motivated violence are reportedly prosecuted mainly as misdemeanours, while the provisions on hate motivation as an aggravating circumstance are rarely applied in practice. Please provide statistics since 2015 on the number of reported hate crimes, investigations and prosecutions and on their outcome. Please clarify whether incitement to discrimination is criminalized and report on any relevant case law.

**Non-discrimination, gender equality and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20, 24 and 26)**

[...]

5. With reference to the previous concluding observations (para. 7), please provide updated information about measures taken and progress made with regard to: (a) preventing and eradicating all forms of discrimination, including against Turkish Cypriots, Roma, migrants and lesbian, gay, bisexual, transgender and intersex persons; (b) tackling racist stereotypes and hate speech in the public sphere; (c) facilitating and encouraging the reporting of cases of discrimination, including by raising awareness about anti-discrimination laws among the general population; and (d) investigating reports of hate crimes, bring perpetrators to justice and provide reparations to victims. In addition, please provide statistical data for the reporting period on the number of cases of discrimination received, investigations carried out and their outcome, and reparations provided to victims. Please also clarify whether national legislation explicitly addresses and prohibits multiple discrimination and provide information about activities carried out by the Anti-Discrimination Body and the Equality Authority during the reporting period and their impact.

## **Czech Republic – List of Issues prior to reporting – 120<sup>th</sup> Session, 31 August 2017, 4<sup>th</sup> review<sup>35</sup>**

Keywords: *LGBTI; aggravating circumstance, data collection, hate speech, investigation, legislation, measures, media, professional groups, prosecution, violence*

### **Non-discrimination, equality between men and women (arts. 2, 3, 20 and 25-27)**

[...]

6. Please provide information on the measures taken to address the reported proliferation of hate speech against Roma, migrants, Muslims, Jews and lesbian, gay, bisexual, transgender and intersex persons, including by politicians at the national and local levels and by high-level officials and in the media, as well as physical attacks against members of minority groups. Please indicate the measures taken to increase the investigation and prosecution rate for such crimes and provide relevant statistical data on the number of complaints, investigations and prosecution and their outcome. Please indicate the measures taken to address the dissemination of hatred against such people through web pages and social media providers registered outside the country. Please also indicate whether the State party is considering revising the Criminal Code, in particular sections 352, 355 and 356, to cover a wider range of grounds on which hate speech and crimes are based. Please further provide information on the implementation of the Fight Against Extremism Strategy.

[...].

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

10. Please provide information on the measures taken to implement the judgment of the Constitutional Court that section 13 (2) of the Registered Partnership Act is unconstitutional and that the provision should be repealed. Please indicate whether there are any plans to recognize the right of same-sex couples to adopt a child.

Keywords: *SO; detention, measures, prevention, torture/ill-treatment*

### **Right to liberty and security of person, treatment of persons deprived of their liberty, fair trial and independence of the judiciary (arts. 7, 9-10, 14 and 24)**

[...].

17. Please indicate the measures taken to prevent and prohibit ill-treatment by prison officers, including physical ill-treatment and verbal abuses of a racist nature and based on presumed sexual orientation, particularly against juveniles. [...]

## **Czech Republic – Concluding Observations – 127<sup>th</sup> Session, 6 December 2019, 4<sup>th</sup> review<sup>36</sup>**

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

### **Discrimination on the grounds of sexual orientation and gender identity**

11. The Committee notes that significant differences persist in the treatment of couples in same-sex registered partnerships, and is concerned that the law does still not recognize their right to joint adoption of children, despite the Constitutional Court's judgment that section 13 (2) of the Registered Partnership Act – which prohibits individuals in a registered same-sex partnership from adopting a child – is unconstitutional. The Committee notes that a same-sex marriage bill is currently being debated (arts. 2, 23, 24 and 26).

Keywords: *T; gender reassignment surgeries, gender reassignment treatment, jurisprudence, LGR, psychiatry, sterilization, surgical/medical intervention*

12. The Committee is concerned that the law requires transgender persons to undergo mandatory sterilization as a prerequisite for legal gender recognition. The Committee regrets that this issue remains unsettled despite the decision adopted by the European Committee of Social Rights in 2018 in the case *Transgender Europe and ILGA-Europe v. Czech Republic*, and notes that the matter is currently under consideration by the Constitutional Court. The Committee is further concerned that a psychiatric diagnosis is also a precondition for legal recognition of gender

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35 [CCPR/C/CZE/QPR/4](#)

36 [CCPR/C/CZE/CO/4](#)



(arts. 7, 16, 17 and 26).

- 13. The State party should: (a) review relevant legislation to fully ensure the equal treatment of same-sex couples, including by considering recognizing their right to joint adoption of children; and (b) eliminate abusive requirements for legal gender recognition, including mandatory sterilization and psychiatric diagnosis, and provide for and implement effectively a quick, transparent and accessible gender recognition procedure on the basis of self-identification by the applicant.**

Keywords: *LGBTI; hate speech, internet, media, professional groups, violence*

#### **Racial discrimination, hate speech and hate crimes**

- 16. While welcoming the measures taken to address racism, hate speech and other forms of intolerance, including the annual Concept for Combating Extremism and Prejudiced Hatred and the Campaign against Racism project and Hate Free media campaign, the Committee is concerned about the reported high level of hate speech against Roma, asylum seekers, refugees and migrants, Muslims, Jews and lesbian, gay, bisexual, transgender and intersex persons, including by politicians and high-level officials and in the media and online, and attacks motivated by hatred. The Committee is particularly concerned that senior officials in the State party reportedly encourage the public perception of migration as a threat to public security and that the media has been used to instil fear of migrants and asylum seekers and to strengthen stereotypical prejudices based on ethnicity or religion (arts. 2, 7, 18, 20 and 26).**
- 17. The State party should redouble its efforts, through both law enforcement and awareness-raising activities, to combat racial discrimination, hate speech and incitement to discrimination or violence on racial, ethnic or religious grounds, 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. It should, inter alia:**
- (a) Take effective measures to prevent hate speech, particularly by politicians and high-level public officials, firmly and publicly condemn such speech and intensify efforts aimed at addressing online hate speech;**
  - (b) Strengthen awareness-raising efforts, and conduct campaigns aimed at promoting respect for human rights and tolerance for diversity and revisiting and eradicating stereotypical prejudices based on ethnicity or religion;**
  - (c) Investigate hate crimes thoroughly, prosecute suspected perpetrators where appropriate and, if they are convicted, punish them and provide victims with adequate remedies;**
  - (d) Ensure that adequate training continues to be provided to law enforcement officials, judges and prosecutors on addressing hate crimes and to media workers on promoting racial, ethnic and religious diversity.**

Keywords: *LGBTI; follow-up, hate speech, internet, media, professional groups, violence*

#### **D. Dissemination and follow-up**

[...]

- 49. In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the State party is requested to provide, by 8 November 2021, information on the implementation of the recommendations made by the Committee in paragraphs 17 (racial discrimination, hate speech and hate crimes), 27 (restraint in psychiatric institutions) and 29 (detention under the foreign nationals act) above.**

**Non-discrimination (arts. 2, 3, 14, 20, 23, 26 and 27)**

4. With reference to section 13 of the Constitution, please indicate whether there are specific laws in place prohibiting discrimination in the domestic legal system and if so, please provide details. In particular, clarify whether domestic law: (a) provides a definition of discrimination that includes a comprehensive list of prohibited grounds of discrimination including race, religion, colour, property, birth, national or social origin, political or other opinion, sexual orientation, gender identity and any other status; (b) covers direct, indirect and intersecting forms of discrimination; and (c) provides for effective judicial and administrative remedies. Please describe the measures aimed at combating and preventing acts of discrimination against persons in vulnerable situations, including persons with HIV/AIDS, sex workers and elderly persons. Please provide information on steps taken to adopt a legal framework aimed at prohibiting discrimination against persons with disabilities.

Keywords: LGBT; access to justice, court, criminalization (decriminalization), data collection, detention, investigation, jurisprudence, legislation, measures, police, police misconduct, prevention, psychiatry, stigmatization, violence

5. With reference to sections 14 and 16 of the Sexual Offences Act of 1998, please indicate whether the State party intends to revise its legislation that criminalizes consensual same-sex conduct with penalties of up to 25 years of imprisonment and grants the courts discretionary powers to order the psychiatric admission of persons convicted of buggery. Please indicate the number of persons who have been convicted under these provisions, the sentences imposed on them and the number of persons detained in psychiatric institutions under court orders. Please provide information on measures to combat and prevent the violence, marginalization and social stigmatization faced by lesbian, gay, bisexual and transgender persons. Please respond to allegations that some police officers refuse to accept or investigate complaints relating to violence against those persons. Please explain the action taken following the murder conviction quashed by the Eastern Caribbean Court of Appeal in 2009, in its ruling that the victim's "unnatural advances" towards the accused led to a situation of "justifiable homicide", and indicate whether this precedent has been followed in other court decisions in Dominica.

## **Equatorial Guinea – List of Issues – 124<sup>th</sup> Session, 5 February 2019, initial review<sup>38</sup>**

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

### **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. With reference to paragraph 14 of the Committee's previous concluding observations, please specifically address the allegations that the Bubi people of the island of Bioco is a victim of discrimination, oppression and serious abuse.

## **Equatorial Guinea – Concluding Observations – 126<sup>th</sup> Session, 22 August 2019, initial review<sup>39</sup>**

Keywords: SOGI; LGBT; access to justice, anti-discrimination legislation, awareness-raising campaign, discrimination, education, legislation, measures, prevention, protected grounds, remedy, stigmatization

### **C. Principal matters of concern and recommendations**

[...].

#### **Combating discrimination**

24. The Committee notes the legislative framework, including constitutional provisions that prohibit discrimination. Nevertheless, it regrets the absence of legislation defining and prohibiting direct and indirect discrimination, and covering all prohibited grounds for discrimination enumerated in articles 2 and 26 of the Covenant, in particular sexual orientation, gender identity and disability. It further regrets the lack of information regarding a legislative framework offering effective remedies for victims of discrimination. The Committee is concerned about the information received regarding acts of discrimination and stigmatization against lesbian, gay, bisexual, transgender and intersex persons and persons living with HIV/AIDS, and about the lack of action taken to ensure that persons with disabilities are not discriminated against in practice (arts. 2 and 26).
25. **The State party should take the necessary measures to:**
  - (a) **Enact comprehensive legislation providing full and effective protection against multiple discrimination, both direct and indirect, in all spheres and on all grounds enumerated in the Covenant;**
  - (b) **Provide access to effective and appropriate remedies for all victims of discrimination;**
  - (c) **Effectively protect lesbian, gay, bisexual, transgender and intersex persons, persons living with HIV/AIDS and persons with disabilities, and safeguard their fundamental rights, while ensuring that all cases of discrimination are duly addressed;**
  - (d) **Conduct wide-ranging education and awareness-raising campaigns that promote equality, tolerance and respect for diversity.**

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38 [CCPR/C/GN/Q/1](#)

39 [CCPR/C/GNQ/CO/1](#)

## **Eritrea – List of Issues – 123<sup>rd</sup> Session, 17 August 2018, initial review<sup>40</sup>**

Keywords: SOGI; anti-discrimination legislation, criminalization (decriminalization), discrimination, legislation, measures, protected grounds

### **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.

## **Eritrea – Concluding Observations – 125<sup>th</sup> Session, 3 May 2019, initial review<sup>41</sup>**

Keywords: LGBTI; awareness-raising campaign, criminalization (decriminalization), measures, stigmatization

### **Gender-based violence, including domestic violence**

21. [...]. The Committee is also concerned that consensual same-sex relationships is criminalized in the State party, which promotes homophobic attitudes and stigmatize lesbian, gay, bisexual, transgender and intersex persons (arts. 3, 6, 7, 14 and 26).
22. [...]. **The State party should also decriminalize same-sex relationships between consenting adults and take measures, including policy and public education initiatives, to change societal perceptions of lesbian, gay, bisexual, transgender and intersex persons.**

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40 [CCPR/C/ERI/Q/1](#)

41 [CCPR/C/ERI/CO/1](#)

## **Estonia – List of Issues prior to reporting – 116<sup>th</sup> Session, 26 April 2016, 4<sup>th</sup> review<sup>42</sup>**

Keywords: *GI, SOGI; aggravating circumstance, hate crimes, hate speech, legislation*

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

[...]

7. Please clarify whether the Criminal Code has been amended to: (a) include citizenship and gender identity among the prohibited grounds for racially motivated offences; (b) recognize hatred on the basis of sexual orientation, gender identity and racism as aggravating circumstances for all offences and crimes; and (c) remove or ease the restrictions in article 151 limiting the criminal offences of incitement to racial hatred, racial violence and racial discrimination to cases posing a threat to the health, life or property of the victim. Please also indicate whether measures have been taken to prohibit by law the promotion in public of an ideology that claims the superiority of a certain group of persons and the public denial, justification or condoning of crimes of genocide, crimes against humanity or war crimes, and to outlaw organizations and propaganda activities, organized or otherwise, that promote and incite racial discrimination and hate speech.

Keywords: *LGBT; awareness-raising campaign, data collection, discrimination, harassment, hate crimes, hate speech, law enforcement officials, measures, professional groups, violence*

8. Please provide information on measures taken to combat: (a) xenophobic and racist statements, including by politicians, in the media and on the Internet, targeting minorities, migrants, asylum seekers and refugees, as well as violent attacks against asylum seekers; and (b) discrimination against and the harassment of lesbian, gay, bisexual and transgender individuals, homophobic and transphobic discourse by politicians and impunity for such acts. Please report on steps taken to ensure the collection of data on cases of racist, homophobic and transphobic hate speech and violence, encourage reporting of such cases and raise awareness of the criminal nature of such acts, including among law enforcement officers, prosecutors and judges.

## **Estonia – Concluding Observations – 125<sup>th</sup> Session, 18 April 2019, 4<sup>th</sup> review<sup>43</sup>**

Keywords: *GI, SOGI; aggravating circumstance, awareness-raising campaign, data collection, hate crimes, hate speech, investigation, law enforcement officials, legislation, professional groups, prosecution, protected grounds, punishment, remedy, training*

### **C. Principal matters of concern and recommendations**

[...]

#### **Hate speech and hate crimes**

12. The Committee is concerned that the current legal framework does not provide comprehensive protection against hate speech and hate crimes due to, inter alia, the light penalties and the high threshold for the offence of incitement to hatred, violence or discrimination under article 151 of the Criminal Code, which requires “danger to the life, health or property” of the victim; the absence of gender identity among the prohibited grounds for offences against equality in articles 151 and 152 of the Code; and the recognition of hate motives, including on the basis of sexual orientation and gender identity, as aggravating circumstances for all offences. The Committee notes the plans to amend article 151 of the Criminal Code and to recognize hate motives as aggravating circumstances. [...]
13. [...] the Committee regrets the lack of specific data on the number of complaints regarding hate speech and hate crimes, including on the basis of sexual orientation and gender identity, and on their effective investigation and prosecution (arts. 2, 19, 20 and 26).
14. **The State party should ensure effective protection against hate speech and hate crimes, both in law and in practice, in accordance with articles 19 and 20 of the Covenant and the Committee’s general comment No. 34 (2011) on freedoms of opinion and expression, including by:**
  - (a) **Revising the penalties and the threshold for the offence of incitement to hatred, violence or discrimination under article 151 of the Criminal Code;**

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42 [CCPR/C/EST/QPR/4](#)

43 [CCPR/C/EST/CO/4](#)

- (b) Including gender identity among the prohibited grounds for hatred-motivated offences provided for in articles 151 and 152 of the Criminal Code;
- (c) Recognizing hate motives, including on the basis of sexual orientation and gender identity, as aggravating circumstances for all offences;
- (d) Prohibiting by law the public denial, justification or condoning of crimes of genocide, crimes against humanity, war crimes or hate propaganda that is racist or otherwise incites discrimination;
- (e) Conducting regular awareness-raising activities among the public at large aimed at promoting mutual tolerance, respect for diversity and countering hatred; ensuring continuous training on hate crimes for law enforcement officials, border guards, prosecutors and judges; and expanding the number of web constables, as planned;
- (f) Investigating hate crimes effectively, prosecuting suspected perpetrators where appropriate and, if they are convicted, punishing them with appropriate sanctions; and providing victims with adequate remedies.

Keywords: *GI, SOGI; aggravating circumstance, awareness-raising campaign, data collection, follow-up, hate crimes, hate speech, investigation, law enforcement officials, legislation, professional groups, prosecution, protected grounds, punishment, remedy, training*

#### D. Dissemination and follow-up

[...]

40. In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the State party is requested to provide, by 29 March 2021, information on the implementation of the recommendations made by the Committee in paragraphs 14 (hate speech and hate crimes), 24 (non-consensual psychiatric treatment) and 28 (refugees and asylum seekers) above.

Keywords: *T; discrimination, follow-up, legislation, LGR, measures, psychiatry, sterilization, surgical/medical intervention*

**Discrimination on the grounds of gender identity and intersex status (arts. 2, 7, 9, 17, 24 and 26)**

8. In connection with the previous concluding observations (para. 8), please report on the measures taken to address discrimination against transgender persons. Please also report on the progress made in bringing into compliance with the Covenant the Act on Legal Recognition of the Gender of Transsexuals, which requires, inter alia, sterilization or infertility as a precondition for legal gender recognition, and comment on reports that gender recognition requires a mental health diagnosis of “transsexualism”.

Keywords: *SC; I; access to justice, children, data collection, free and informed consent, medical professionals, remedy, surgical/medical intervention*

9. Please respond to reports that infants and children with variations in sex characteristics (intersex) are subjected to medically unnecessary and irreversible “sex-normalizing” surgeries and other medical treatment without fully informed and free consent. Please report on:
- (a) any follow-up to the proposal made in 2016 by the National Advisory Board on Social Welfare and Health Care Ethics that measures to modify external sex characteristics of intersex children not be taken until they themselves can both define their gender and form a position on their sexuality;
  - (b) the outcome of the study on the rights and experiences of intersex children, planned under the National Action Plan on Fundamental and Human Rights 2017–2019, and on any ensuing follow-up measures;
  - (c) efforts to adopt national binding guidelines for medical professionals on the treatment of intersex individuals; and
  - (d) measures to facilitate effective access to justice and redress for individuals who have been subjected to such surgeries or other medical interventions.

Keywords: SOGI; *anti-discrimination legislation, discrimination, legislation, protected grounds*

**Non-discrimination (arts. 2 and 26)**

7. Please report on the anti-discrimination legal framework and clarify whether: (a) it prohibits discrimination, including direct, indirect and intersecting forms of discrimination, on all the grounds set forth in the Covenant, including colour, language, political or other opinion, national or social origin (including caste), property, sexual orientation, gender identity and other status; and (b) it provides for effective judicial and administrative remedies.

Keywords: *LGBTI, T; discrimination, gender reassignment surgeries, gender reassignment treatment, jurisprudence, legislation, measures, police, police misconduct, punishment, surgical/medical intervention, violence*

[...]

9. Please report on measures taken to: (a) combat societal discrimination and violence, including abuses by the police, against lesbian, gay, bisexual, transgender and intersex persons; and (b) fully implement the 2014 Supreme Court judgment in *National Legal Services Authority v. Union of India and others*, in which the rights of transgender persons were recognized. Please clarify whether revisions are being considered to the Transgender Persons (Protection of Rights) Bill, which was passed by the Lok Sabha (lower house of Parliament) on 17 December 2018, with a view to bringing it into compliance with the Covenant, including as regards mandatory sex reassignment surgery for transgender people and the light sentences imposed for serious offences against transgender people.



**Non-discrimination and equality between men and women (arts. 2, 3, 25 and 26)**

7. 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 encompasses all prohibited grounds of discrimination including race, color, 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 elderly persons, sex workers, persons with HIV/AIDS and LGBTI persons. In this regard and in view of paragraph 13 of the previous concluding observations, please provide clarification on the current legal status of sexual acts between consenting adults of the same sex. [...].

### **Mauritania – List of Issues – 124<sup>th</sup> Session, 5 February 2019, 2<sup>nd</sup> review<sup>47</sup>**

Keywords: SOGI; anti-discrimination legislation, criminalization (decriminalization), discrimination, legislation, protected grounds, 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: SM; criminalization (decriminalization), legislation, measures

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.

### **Mauritania – Concluding Observations – 126<sup>th</sup> Session, 23 August 2019, 2<sup>nd</sup> review<sup>48</sup>**

Keywords: SOGI; anti-discrimination legislation, criminalization (decriminalization), death penalty, detention, discrimination, legislation, protected grounds, remedy, stigmatization

#### **Non-discrimination**

12. The Committee notes the constitutional provisions prohibiting discrimination, as well as the adoption of Act No. 2018-023 of 18 January 2018 on the criminalization of discrimination. It is, however, concerned at the lack of a clear definition and criminalization of direct and indirect discrimination that covers all the grounds enumerated in the Covenant, including sexual orientation and gender identity. The Committee is concerned that the lack of legal clarity may lead to many of the Act's provisions being interpreted in such a way as to restrict the enjoyment of some rights and freedoms and perpetuate discriminatory practices. The Committee is further concerned at acts of discrimination and stigmatization against specific minorities on account of their sexual orientation or gender identity and regrets that sexual activity between consenting adults of the same sex remains an offence that carries the death penalty under article 308 of the Criminal Code (arts. 2, 6, 19, 20 and 26).
13. The State party should amend Act No. 2018-023 to bring it fully into line with the Covenant by incorporating a definition of discrimination, both direct and indirect, including in the private sphere, that contains an exhaustive list of the grounds for discrimination enumerated in the Covenant and covers sexual orientation and gender identity. It should also ensure that the Act provides sufficient guarantees of effective civil and administrative remedies for any type of discrimination. Moreover, it should repeal article 308 of the Criminal Code in order to decriminalize sexual relations between consenting adults of the same sex and release anyone currently detained under this article.

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47 [CCPR/C/MRT/Q/2](#).

48 [CCPR/C/MRT/CO/2](#).

### **Mexico – List of Issues prior to reporting – 111<sup>st</sup> Session, 6 August 2014, 6<sup>th</sup> review<sup>49</sup>**

Keywords: SOGI; LGBT; access to justice, awareness-raising campaign, court, data collection, discrimination, follow-up, investigation, jurisprudence, measures, prevention, punishment, remedy, violence

#### **Equality and non-discrimination (arts. 2, 3, 25 and 26)**

[...].

8. In the light of the Committee's previous concluding observations (para. 21), please provide information on the measures, including awareness-raising campaigns, taken to prevent and to provide protection from violence and discrimination based on sexual orientation or gender identity. Please include information on any relevant court decisions concerning this matter. Please also include information on the number of complaints received regarding violence against lesbian, gay, bisexual or transgender persons; the investigations carried out in such instances and their results, including the sentences handed down to the perpetrators; and the remedies provided to the victims.

### **Mexico – Concluding Observations – 127<sup>th</sup> Session, 4 December 2019, 6<sup>th</sup> review<sup>50</sup>**

Keywords: SOGI; I, LGBTI; access to justice, discrimination, free and informed consent, hate crimes, investigation, killings, prevention, prosecution, punishment, remedy, stereotypes, surgical/medical intervention, violence

#### **Discrimination and violence based on sexual orientation and gender identity**

12. The Committee is concerned about the discrimination and the high level of violence, including a large number of homicides, that are motivated by the victim's sexual orientation or gender identity and regrets that consolidated data on investigations and prosecutions initiated, convictions and punishments handed down and reparations granted in such cases are not available. In spite of the explanations provided by the State party's delegation, the Committee is concerned about reports of irreversible and invasive medical procedures being performed on intersex children (arts. 2, 6, 7, 17 and 26).
13. The State party should adopt the investigation protocols necessary to ensure that: (a) crimes motivated by the victim's sexual orientation or gender identity are systematically registered and investigated from a gender perspective; (b) the perpetrators of such crimes are investigated, prosecuted and punished appropriately; and (c) victims have access to safe complaint mechanisms, due support and assistance, adequate protection and comprehensive redress. The State party should redouble its efforts to combat stereotypes and prejudice against lesbian, gay, bisexual, transgender and intersex persons and to guarantee that acts of discrimination and violence directed against them are prevented. It should also take steps to stop irreversible medical treatments being performed, in particular surgical procedures performed on intersex children who do not yet have the capacity to give fully informed and free consent, except when these procedures are absolutely necessary from the medical point of view.

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49 [CCPR/C/MEX/QPR/6](#)

50 [CCPR/C/MEX/CO/6](#)

**Treatment of aliens, including refugees and asylum seekers (arts. 7 and 13)**

24. Please report on measures taken to:

[...]

- (b) Combat harassment, threats, discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons, asylum seekers or refugees in reception facilities, and ensure the effective investigation and prosecution of those responsible for such acts;

[...].

Keywords: SOGI; LGBT, T; access to justice, data collection, detention, discrimination, investigation, measures, prevention, punishment, remedy, violence

**Non-discrimination, equal rights of men and women and violence against women (articles 2, 3, 6, 7 and 26)**

3. Please indicate the measures taken, and their impact, to prevent and provide effective protection against violence and discrimination based on sexual orientation or gender identity, particularly with regard to transgender persons in detention. In this connection, please also provide information on: (a) the number of complaints of violence against lesbian, gay, bisexual and transgender persons received; (b) the investigations carried out and their outcome, including convictions of those responsible; and (c) the reparation measures granted to the victims. [...].

### **Niger – List of Issues – 123<sup>rd</sup> Session, 11 September 2018, 2<sup>nd</sup> review<sup>53</sup>**

Keywords: SOGI; SGM; anti-discrimination legislation, criminalization (decriminalization), discrimination, legislation, measures, prevention, protected grounds, remedy, stigmatization, 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: (a) persons with albinism; (b) persons living with HIV/AIDS, especially women; (c) children born out of wedlock; (d) persons belonging to ethnic minorities; and (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. [...].

### **Niger – Concluding Observations – 125<sup>th</sup> Session, 16 May 2019, 2<sup>nd</sup> review<sup>54</sup>**

Keywords: SOGI; anti-discrimination legislation, criminalization (decriminalization), discrimination, legislation

#### **Non-discrimination**

18. While taking note of the legislative framework, including constitutional provisions that prohibit discrimination, the Committee nevertheless regrets the absence of legislation that would thoroughly define and criminalize direct and indirect discrimination and would cover, inter alia, discrimination on the basis of sexual orientation, gender identity and disability. The Committee further regrets the characterization of consensual sexual activities between adults of the same sex as “unnatural” acts under article 282 of the Criminal Code (arts. 2, 17 and 26).
19. **The State party should take appropriate steps to: (a) enact comprehensive legislation providing full and effective protection against discrimination in all spheres and containing an exhaustive list of prohibited grounds of discrimination, including sexual orientation and gender identity; and (b) amend article 282 of the Criminal Code in order to decriminalize consensual sexual relations between adults of the same sex.**

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53 [CCPR/C/NER/Q/2](#)

54 [CCPR/C/NER/CO/2](#)

## **Nigeria – List of Issues – 124<sup>th</sup> Session, 28 November 2018, 2<sup>nd</sup> review<sup>55</sup>**

Keywords: SOGI; LGBTI; anti-discrimination legislation, criminalization (decriminalization), detention, discrimination, law enforcement officials, legislation, marriage, prevention, protected grounds, remedy, sexual violence, stigmatization, 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 national system and if so please provide details. Please clarify whether national 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: (a) persons with albinism; (b) persons affected by leprosy; (c) single mothers and children born out of wedlock; (d) persons belonging to minorities, in particular the Hausa, Igbo and Yoruba; (e) persons with disabilities, in particular women with disabilities; and (f) lesbian, gay, bisexual and transgender persons. With regard to the last issue, please indicate whether the State party intends to revise: (a) section 214 of its Criminal Code, which criminalizes sexual acts between persons of the same sex, provides for up to 14 years of imprisonment and assimilates such acts with bestiality; and (b) the Same Sex Marriage (Prohibition) Act of 2014 that prohibits a marriage contract or civil union between persons of the same sex. Please comment on allegations that, since the adoption of the Same Sex Marriage (Prohibition) Act, lesbian, gay, bisexual and transgender persons have been subject to increased harassment, threats and mob violence. Please comment on allegations of torture, sexual violence, arbitrary detention and extortion committed by law enforcement agents on lesbian, gay, bisexual and transgender persons, based on their perceived sexual orientation or gender identity.

## **Nigeria – Concluding Observations – 126<sup>th</sup> Session, 29 August 2019, 2<sup>nd</sup> review<sup>56</sup>**

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

### **Non-discrimination and gender equality**

- 16 The Committee is concerned about the lack of comprehensive anti-discrimination legislation and the absence of a definition of discrimination in the State party's legislation. The Committee notes with concern that the gender and equal opportunities bill has not yet been adopted and that discrimination against women in access to justice, education, employment and enjoyment of land and property rights persists both in law and in practice. The Committee is particularly concerned about legal provisions and practices that discriminate against women, including with regard to the transmission of nationality, and polygamy, repudiation, adultery and inheritance rights in the states that apply sharia law, and discriminatory traditional practices. The Committee regrets that women remain underrepresented in the public and private sectors, particularly in decision-making positions (arts. 2, 3, 14, 25 and 26).
17. The State party should adopt comprehensive anti-discrimination legislation that: (a) includes a comprehensive list of prohibited grounds of discrimination, including race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, sexual orientation, gender identity and other status; (b) covers direct, indirect and intersecting forms of discrimination; and (c) provides for effective remedies, including judicial remedies. [...].

Keywords: SOGI; LGBT; arrest, awareness-raising campaign, criminalization (decriminalization), detention, discrimination, harassment, HRD, investigation, legislation, professional groups, prosecution, punishment, stereotypes, stigmatization, training, violence

### **Discrimination on the basis of sexual orientation and gender identity**

18. The Committee is concerned that the Criminal Code criminalizes consensual same-sex sexual activity and that the Same-Sex Marriage (Prohibition) Act provides for 14 years' imprisonment for a person who enters into a same-sex union and 10 years' imprisonment for anyone who supports, meets with or forms a group advocating for the

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55 [CCPR/C/NGA/Q/2](#)

56 [CCPR/C/NGA/CO/2](#)

human rights of lesbian, gay, bisexual and transgender persons. The Committee is further concerned about reports that, since the adoption of the Act, harassment and violence against such persons has increased, as well as the number of arrests and the detention of young people based on their actual or perceived sexual orientation and gender identity (arts. 2, 6, 7 and 26).

19. **The State party should decriminalize consensual same-sex relationships between consenting adults and ensure that arrest, prosecution and punishment based on actual or perceived sexual orientation or gender identity or advocacy of the rights of lesbian, gay, bisexual and transgender persons are prohibited. It should consider repealing the Same Sex Marriage (Prohibition) Act and reviewing all other relevant legislation. Pending such revisions, those measures should not be employed. The State party should provide effective protection to lesbian, gay, bisexual and transgender persons and ensure the investigation, prosecution and punishment of any act of violence motivated by the victim's sexual orientation or gender identity. The State party should take efforts to combat stereotypes and prejudice against lesbian, gay, bisexual and transgender persons, including by launching a sensitization campaign aimed at the general public and providing appropriate training to public officials so as to put an end to the social stigmatization of such persons.**



**Paraguay – List of Issues – 118<sup>th</sup> Session, 21 November 2016, 4<sup>th</sup> review<sup>57</sup>**

Keywords: *LGBTI; discrimination, service provision, violence*

**Non-discrimination (arts. 2, 3 and 25 to 27)**

7. Further to the previous concluding observations (para. 9), please provide information on legislative and other measures taken to combat discrimination, including programmes to eliminate stereotyping and discrimination. Please also describe actions taken to promote equal opportunities and access to services for women, persons with disabilities, indigenous persons, persons of African descent, stateless persons, lesbian, gay, bisexual, transgender and intersex persons, sex workers and persons living with HIV/AIDS throughout the State party and to combat violence against such persons. Please comment in particular on the progress made in adopting legislation to counter all forms of discrimination and in establishing mechanisms to monitor and protect against discrimination. Please also provide information on actions taken with regard to paragraph 11 of the previous concluding observations, especially measures to eliminate discrimination against persons with disabilities in the Electoral Code.

[...]

Keywords: *LGBTI; criminalization (decriminalization), discrimination, prevention, violence*

**Violence against women, including domestic violence (arts. 6, 7, 14 and 26)**

9. [...]. Please also include information on actions taken to prevent, punish and criminalize violence and discrimination against lesbian, gay, bisexual, transgender and intersex persons.

Keywords: *LGBTI; adolescents, awareness-raising campaign, education, health, measures, SRHR*

**Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 3, 6, 7, 9 and 14)**

10. In the light of the previous concluding observations (para. 13), please describe any reforms made to legislation on abortion, including further exceptions to the ban on abortion. Please provide information on the measures adopted to ensure that reproductive health services are accessible to all women, adolescents and lesbian, gay, bisexual, transgender and intersex persons in every region of the country and on the implementation of education and awareness programmes, particularly for adolescents, on the use of contraceptives and on sexual and reproductive health rights. Please provide information on pregnancy and maternal mortality rates among adolescents.

**Paraguay – Concluding Observations – 126<sup>th</sup> Session, 20 August 2019, 4<sup>th</sup> review<sup>58</sup>**

Keywords: *LGBTI, T; anti-discrimination legislation, awareness-raising campaign, discrimination, education, employment, FOE/FOAA, hate crimes, health, HRD, investigation, law enforcement officials, legislation, policy, professional groups, punishment, remedy, training, violence*

**Non-discrimination**

- 14 The Committee is concerned about the lack of a comprehensive anti-discrimination legal framework and the persistent discrimination suffered by women, persons of African descent, indigenous peoples, persons with disabilities, sex workers, lesbian, gay, bisexual, transgender and intersex persons, and persons with HIV, especially in the areas of education, health care and employment. It is also concerned about reports of restrictions on the right to association of lesbian, gay, bisexual, transgender and intersex persons; homophobic organizations' receiving financial support from public funds; hate crimes and violence against lesbian, gay, bisexual, transgender and intersex persons, and in particular transgender persons; and the high level of impunity surrounding these crimes (arts. 2, 3, 6, 7, 17, 21, 26 and 27).

**15. The State party should:**

- (a) **Adopt comprehensive legislation prohibiting discrimination, including multiple, direct and indirect discrimination, in all spheres, in both the public and the private sectors, on any of the grounds listed in the Covenant;**
- (b) **Guarantee comprehensive protection against discrimination, both in law and in practice, for women, persons of**

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57 [CCPR/C/PRY/QPR/4](#)

58 [CCPR/C/PRY/CO/4](#)

African descent, indigenous peoples, persons with disabilities, sex workers, lesbian, gay, bisexual, transgender and intersex persons, and persons infected with HIV, including by expanding training programmes for law enforcement and security officers and awareness-raising campaigns promoting tolerance and respect for diversity;

- (c) Adopt and implement effective policies for the protection of lesbian, gay, bisexual, transgender and intersex persons and sex workers, and ensure that cases of discrimination and violence committed by individuals or State agents against persons belonging to these groups are systematically investigated, that the persons responsible are punished with appropriate penalties and that the victims receive full reparation.

[...].

*Keywords: LGBTI, T; detention, professional groups, training*

#### **Persons deprived of their liberty and detention conditions**

26. [...] The Committee is further concerned about the vulnerable situation of women and lesbian, gay, bisexual, transgender and intersex persons, and especially transgender persons, who are deprived of their liberty (arts. 6, 7, 9, 10, 14 and 26).

27. The State party should:

[...]

- (d) Ensure that the rights of persons deprived of their liberty who are particularly vulnerable, such as women and lesbian, gay, bisexual, transgender and intersex persons, and especially transgender persons, are respected, in accordance with international standards and without discrimination of any kind, including by providing regular and ongoing training for the staff of all places of deprivation of liberty.

Keywords: *LGBTI; legislation*

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

6. Taking into account the prohibition in the Constitution against collecting disaggregated data, please clarify how the State party intends to address the discrimination faced by certain groups, in particular persons of African descent and Roma. Please also provide information on the bill presented before the parliament in April 2018 on the rights of lesbian, gay, bisexual, transgender and intersex persons. Please provide information on the bill's content and on a timeline for its adoption.

Keywords: *SOGI; anti-discrimination legislation, discrimination, legislation, protected grounds*

**Non-discrimination (arts. 2 and 26)**

5. With reference to the previous concluding observations (para. 13), please report on steps taken to combat discrimination, especially against ethnic minorities and nationals of the Democratic People's Republic of Korea, and to adopt comprehensive anti-discrimination legislation explicitly addressing all spheres of life and defining and prohibiting discrimination on any ground, including race, sexual orientation and gender identity. In this respect, please provide information on the sanctions imposed for direct and indirect discrimination committed by both public and private entities, and on the remedies provided for the victims.

Keywords: *SOGI; LGBTI; conversion therapy, discrimination, education, FOE/FOAA, follow-up, hate speech, HRD, legislation, LGR, measures, sexuality education, SRHR, violence*

**Sexual orientation and gender identity (arts. 2, 7, 17 and 26)**

6. Please report on any measures taken to combat discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons, including in the military. In connection with the Committee's previous concluding observations (para. 15) and its report on follow-up to the concluding observations (CCPR/C/124/2, pp. 10–12), and taking note of the information provided by the State party in the first addendum on follow-up to the concluding observations (CCPR/C/KOR/CO/4/Add.1, paras. 3–9), please indicate the measures taken to:
  - (a) Address discrimination, hate speech and violence against lesbian, gay, bisexual, transgender and intersex persons, including in connection with public events, and the propagation of “conversion therapies”;
  - (b) Strengthen the legal framework to protect lesbian, gay, bisexual, transgender and intersex persons;
  - (c) Repeal article 92-6 of the Military Criminal Act. In this respect, please report on the number of convictions under this article;
  - (d) Facilitate access to the legal recognition of gender reassignment;
  - (e) Develop sex education programmes at all stages of the education system that provide comprehensive, accurate and age-appropriate information regarding sexuality and diverse forms of sexual orientation and gender identity.

[...]

Keywords: *LGBTI; FOE/FOAA, follow-up, HRD*

**Peaceful assembly (arts. 6, 7, 9 and 21)**

25. In connection with the Committee's previous concluding observations (para. 53) and its report on follow-up to the concluding observations (CCPR/C/124/2, pp. 13–14), and taking note of the information provided by the State party in the first addendum on follow-up to the concluding observations (CCPR/C/KOR/CO/4/Add.1, paras. 13–18), please report on: (a) the training provided to police officers on crowd control; (b) the steps taken to amend the Assembly and Demonstration Act to ensure strict compliance with article 21 of the Covenant, commenting in particular on reports of restrictions on the right to peaceful assembly of lesbian, gay, bisexual, transgender and intersex persons in this regard; (c) measures taken to review the State party's regulations on the use of force to ensure that they are in compliance with the Covenant; and (d) the investigation into the death of the 69-year-old farmer Baek Nam-gi, the prosecution of those responsible and the reparation provided to his family. Please provide information on measures taken to ensure that organizers of and participants in demonstrations, in particular journalists and human rights defenders, are not criminalized for exercising their right to freedom of assembly.

## **Saint Vincent and the Grenadines – List of Issues – 121<sup>st</sup> Session, 14 December 2017, 2<sup>nd</sup> review<sup>61</sup>**

*Keywords: SOGI; criminalization (decriminalization), discrimination, employment, housing, legislation, measures, same-sex couples, violence*

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

6. Please provide information on the measures taken in law and in practice to protect persons from discrimination and violence based on sexual orientation and gender identity, including in housing and employment. Please also provide information on any plans to remove the provisions that criminalize sexual relations between same-sex adult couples.

## **Saint Vincent and the Grenadines – Concluding Observations – 125<sup>th</sup> Session, 9 May 2019, 2<sup>nd</sup> review<sup>62</sup>**

*Keywords: SOGI; LGBT; anti-discrimination legislation, criminalization (decriminalization), discrimination, education, harassment, legislation, measures, policy, protected grounds, remedy*

### **Non-discrimination and the rights of lesbian, gay, bisexual and transgender persons**

16. The Committee is concerned at the absence of comprehensive anti-discrimination legislation in the State party. The Committee is also concerned that consensual same-sex relationships remain criminalized in the State party and that the law, even if not enforced, may promote homophobic attitudes and discourage lesbian, gay, bisexual and transgender persons from submitting complaints relating to discrimination, threats and harassment. It is especially concerned because lesbian, gay, bisexual and transgender persons reportedly continue to be subjected to such treatment (arts. 2, 9, 17 and 26).
17. The State party, in addition to carrying out a review of the Constitution as indicated above, should ensure that its anti-discrimination legislation:
  - (a) Provides for 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;
  - (c) Provides for access to effective and appropriate remedies for victims of discrimination.

It should adopt policies tackling discrimination, decriminalize same-sex relationships between consenting adults and take measures, including policy and public education initiatives, to change societal perceptions of lesbian, gay, bisexual and transgender persons and to protect them from threats and harassment.

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61 [CCPR/C/VCT/Q/4](#)

62 [CCPR/C/VCT/CO/2/Add.1](#)

## Senegal – List of Issues – 125<sup>th</sup> Session, 10 April 2019, 5<sup>th</sup> review<sup>63</sup>

*Keywords: SOGI; G, SGM; anti-discrimination legislation, discrimination, HIV/AIDS, legislation, prevention, protected grounds, stigmatization, violence*

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

4. With reference to the information submitted in paragraphs 92 to 97 of the State party's fifth report, please provide details of the steps taken to adopt comprehensive legislation that: (a) clearly defines and criminalizes direct and indirect discrimination; (b) contains a complete list of prohibited grounds of discrimination, including sexual orientation, gender identity, legal status and disability, and (c) provides effective remedies for victims. Please indicate 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 or violence against: (a) persons with albinism; (b) persons living with HIV/AIDS, especially women and homosexual men; (c) children born out of wedlock; (d) persons belonging to ethnic minorities, and (e) persons belonging to sexual or gender minorities.

[...]

*Keywords: SOGI; SM; arrest, asylum-seekers/refugees, criminalization (decriminalization), data collection, legislation, measures, stereotypes, violence*

### Non-discrimination of persons on the basis of their sexual orientation and gender identity (arts. 2, 7, 9, 13, 14, 17 and 26)

7. With reference to paragraphs 92 et seq. of the State party's fifth report, please provide updated information on the State party's efforts to decriminalize sexual relations between persons of the same sex by repealing article 319.3 of the Criminal Code. Please also describe the measures taken to combat stereotypes surrounding homosexuality, which is widely considered to be taboo and repugnant to cultural values, and to protect persons belonging to sexual minorities from privacy breaches, arbitrary arrest and violence. Please provide statistical data on arrests for and the bringing of charges of unnatural acts and information on the legal action taken. Please provide statistical data on the number of asylum applications that are based on an individual's belonging to a sexual minority and on the number of such applications that are rejected.

## Senegal – Concluding Observations – 127<sup>th</sup> Session, 10 April 2019, 5<sup>th</sup> review<sup>64</sup>

*Keywords: SOGI; SGM; anti-discrimination legislation, discrimination, legislation, protected grounds*

### Non-discrimination

10. While noting the existence of article 3 of Act No. 81-77 of 10 December 1981 on the suppression of discriminatory acts, the Committee notes that this Act covers only racial, ethnic and religious discrimination, without regard to both direct and indirect discrimination. The Committee notes with concern the absence of complaints registered in the State party of acts of discrimination, despite the allegations of discriminatory acts brought before the Committee, in particular against persons with albinism, persons belonging to sexual or gender minorities and women (arts. 2, 7, 24, 25 and 26).
11. The State party should adopt comprehensive anti-discrimination legislation to ensure that its legal framework:  
[...]  
(b) Contains a comprehensive list of grounds of discrimination, including colour, language, political or other opinion, national or social origin, property, disability, sexual orientation and gender identity or other status; [...].

*Keywords: SO, SOGI; SGM; arrest, criminalization (decriminalization), harassment, hate speech, HIV/AIDS, HRD, law enforcement officials, legislation, measures, media, professional groups, violence*

### Non-discrimination of persons on the basis of sexual orientation and gender identity

14. The Committee is concerned about hate speech and violence in the media, including by public figures, against persons belonging to sexual or gender minorities and some defenders of their rights. It is also concerned about

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63 [CCPR/C/SEN/Q/5](#)

64 Unofficial translation. [CCPR/C/SEN/CO/5](#)

allegations of arbitrary arrests, violations of the right to privacy, harassment and violence, including by law enforcement officials. In this connection, the Committee is concerned about the maintenance and application of the third paragraph of article 319 of the Criminal Code, which criminalizes sexual acts between consenting adults of the same sex (arts. 2, 9, 17, 19, 21, 22 and 26).

**15. The State party should:**

- (a) Take concrete and urgent measures to address the current campaign to incite hatred against persons on the basis of their sexual orientation and against defenders of their rights, including partner organizations involved in the fight against HIV/AIDS;**
- (b) Repeal the third paragraph of Article 319 of the Criminal Code, which criminalizes sexual acts between consenting adults of the same sex, with a view to reducing the stigmatization of the persons concerned;**
- (c) Issue clear instructions to law enforcement officials to stop any violence or arbitrary arrest against persons on the basis of their real or perceived sexual orientation or gender identity; [...].**

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

4. In the light of the common core document (HRI/CORE/ESP/2019, para. 211), please give details of the content and current status of the following legislative initiatives: (a) the Comprehensive Act on Equal Treatment; (b) the Act against discrimination based on sexual orientation, gender identity or expression and sexual characteristics, and on social equality for lesbian, gay, bisexual, transsexual, transgender and intersex persons; (c) the bill to amend Act No. 3/2007, on changing the registration of a person's sex so as to facilitate a change in the name and registration of the sex of transsexual persons. Please also indicate whether there are any initiatives to revise the provisions of the Criminal Code on hate crimes in order to cover all the prohibited grounds of discrimination under article 2 of the Covenant.

*Keywords: SC; I; access to justice, children, free and informed consent, measures, remedy, surgical/medical intervention*

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

10. Please report on the measures adopted to limit or prohibit the performance of medically unnecessary irreversible surgery and other unnecessary medical procedures on intersex newborns and children until they have reached an age at which they are able to give their free, prior and informed consent. Please also provide information on measures taken to facilitate effective access to justice and redress, including rehabilitation, for those who have been subjected to such surgical procedures or other medical treatment without their consent.



## Tajikistan – List of Issues – 124<sup>th</sup> Session, 29 November 2018, 3<sup>rd</sup> review<sup>66</sup>

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

### 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, criminalization (decriminalization), 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.

## Tajikistan – Concluding Observations – 126<sup>th</sup> Session, 22 August 2019, 3<sup>rd</sup> review<sup>67</sup>

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

### Anti-discrimination framework

13. While noting that article 17 of the Constitution and other legislative acts guarantee equality before the law and the rights of every person without discrimination on several grounds, the Committee is concerned that the existing legal framework does not afford comprehensive protection against discrimination on all the grounds prohibited under the Covenant and regrets the lack of information, inter alia on the prohibition of discrimination in the private sphere and on effective remedies for all forms of discrimination. The Committee notes that a working group was set up in 2018 to prepare a bill on the prohibition of discrimination and regrets that no further details have been provided regarding the bill and the timeline for its adoption (arts. 2 and 26).
14. The State party should take all the measures necessary, including by adopting a comprehensive anti-discrimination law, to ensuring that its legal framework provides adequate and effective substantive and procedural protection against all forms of direct, indirect and multiple discrimination, including in the private sphere, on all the prohibited grounds under the Covenant, including colour, opinion, birth, sexual orientation, gender identity and other status, as well as access to effective and appropriate remedies for victims of discrimination.

Keywords: SOGI; LGBT; arrest, awareness-raising campaign, detention, discrimination, harassment, hate speech, investigation, law enforcement officials, legislation, privacy, professional groups, remedy, stigmatization, training, violence

### Discrimination and violence on grounds of sexual orientation and gender identity

15. The Committee is concerned about reports of deep-rooted discrimination against lesbian, gay, bisexual and transgender individuals, including homophobic and transphobic rhetoric by public officials, violence and harassment, including arbitrary arrest, detention and extortion by law enforcement officials. The Committee is concerned about reports, although they are denied by the State party, that individuals suspected of being lesbian, gay, bisexual or transgender were identified following special operations entitled “Morality” and “Purge” and placed on a registry, which exacerbates their social stigmatization. The Committee is also concerned at the statement made by the Commissioner for Human Rights in January 2019 that international recommendations regarding the protection of lesbian, gay, bisexual and transgender rights would not be followed because they would be contrary to

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66 [CCPR/C/TJK/Q/3](#).

67 [CCPR/C/TJK/CO/3](#).

the “moral and ethical norms of relationships among people in the country” (arts. 2, 7, 9, 17 and 26).

16. The State party should: (a) provide effective protection against all forms of discrimination and violence on the basis of sexual orientation and gender identity, both in law and in practice, and ensure that no such discrimination or violence is tolerated and that such conduct is properly addressed and remedied; (b) combat homophobic and transphobic discourse, including by providing appropriate training to law enforcement and other officials on combating discriminatory attitudes towards lesbian, gay, bisexual and transgender individuals and by conducting similar awareness-raising activities aimed at the general public; and (c) investigate law enforcement practices to ensure that lesbian, gay, bisexual and transgender individuals are not registered and end any such practices that unduly interfere with their rights, including to privacy and to liberty and security.

*Keywords: SOGI; anti-discrimination legislation, discrimination, follow-up, legislation, measures, protected grounds*

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

4. With reference to the previous concluding observations (para. 8) and the State party's eighth periodic report (CCPR/C/UKR/8, paras. 5–7 and 11), please report on measures taken to prevent and combat all forms of discrimination on all the grounds prohibited under the Covenant. In this respect, please also indicate the extent to which the law on principles for preventing and combating discrimination and any other relevant draft legislative amendments under consideration: (a) explicitly include sexual orientation and gender identity among the protected grounds; (b) set out clearly the sharing (or shifting) of burden of proof in discrimination cases; and (c) provide for accessible and effective remedies in judicial and administrative proceedings for victims of discrimination.

[...]

*Keywords: SOGI; LGBT; aggravating circumstance, data collection, discrimination, follow-up, hate crimes, hate speech, internet, investigation, legislation, media, police, police misconduct, punishment, violence*

6. In connection with the previous concluding observations (para. 10) and the Committee's evaluation of the State party's follow-up information (see CCPR/C/121/2), please comment on reports of discrimination, hate speech and calls to violence against lesbian, gay, bisexual and transgender individuals on social media and of attacks motivated by a person's sexual orientation or gender identity, such as that perpetrated on 19 June 2019 in Kyiv, and respond to concerns about the lack of effective investigation and sanctioning of such conduct, particularly of homophobic and transphobic violence owing, inter alia, to the inaction of the police or failure to properly classify such incidents as hate crimes. Please provide relevant statistics on homophobic and transphobic hate speech and violence since 2014. Please also clarify whether the State party plans to include sexual orientation and gender identity among the prohibited grounds for the hate-motivated offences set out in article 161 of the Criminal Code and to recognize hate motives on the basis of sexual orientation and gender identity as aggravating circumstances for all offences.

*Keywords: LGBT; access to justice, FOE/FOAA, follow-up, harassment, HRD*

**Freedom of expression and peaceful assembly (arts. 19 and 21)**

21. With reference to the previous concluding observations (para. 20), please respond to continued reports of harassment, intimidation and assaults by various actors, including extreme right-wing groups, against journalists and other media professionals in connection with their professional activities, as well as against human rights defenders, particularly anti-corruption, lesbian, gay, bisexual and transgender and gender activists. Please report on measures taken to ensure their effective protection against such acts, to accurately classify attacks against journalists under article 345-1 (threats or violence against journalists) of the Criminal Code, and to investigate all acts of harassment, intimidation and assault and bring perpetrators to justice. [...]

[...]

*Keywords: LGBT; access to justice, FOE/FOAA, follow-up, HRD, investigation, legislation*

23. In connection with the previous concluding observations (para. 21), please report on the progress made in adopting a law regulating peaceful assemblies that is compliant with the Covenant. Please also respond to alleged violations of the right to peaceful assembly, including violations perpetrated by extreme right-wing groups or individuals allegedly affiliated with them, and report on measures taken to investigate them and bring perpetrators to justice, including for: (a) attacks on women's marches in Kyiv, Lviv and Uzhhorod on 8 March 2018; (b) attacks against political figures and activists and property degradation, including by extreme right-wing groups, committed in 2018 and ahead of the 2019 elections; and (c) frequent attacks against participants in, or violent disruption of, peaceful assemblies organized by Roma and lesbian, gay, bisexual and transgender persons.

Keywords: SOGI; LGBT, T; access to justice, detention, discrimination, education, employment, housing, legislation, remedy, service provision

**Non-discrimination and equal rights of men and women (arts. 2, 3 and 26)**

[...]

11. Please provide information on the legislative and judicial protections and remedial avenues available to lesbian, gay, bisexual and transgender individuals who have been subjected to discriminatory practices, such as unjust dismissal from employment, eviction from housing or refusal of services because of their sexual orientation or gender identity. In addition, provide information on the mechanisms available to transgender individuals to protect them from discrimination in schools, prisons and jails, and the United States Armed Forces.

Keywords: discrimination, FOE/FOAA, hate crimes, hate speech, violence

**Freedom of expression (art. 19)**

[...]

24. Please provide information on measures taken to address violent acts of discrimination against those belonging to racial and other minorities, and to ensure that the right to freedom of expression and association and the right to peaceful assembly are not exercised by certain groups, including white supremacists and homophobic groups, to promote hate speech and hate crimes.

Keywords: *SOGI; anti-discrimination legislation, discrimination, follow-up, legislation, measures, protected grounds*

**Non-discrimination (arts. 2 and 26)**

4. With reference to the previous concluding observations (para. 6), please report on measures taken to ensure that the legal framework: (a) provides full and effective protection against direct, indirect and multiple discrimination in all spheres, including in the private sphere, and on all the grounds prohibited under the Covenant, including colour, political or other opinion, national origin, property, birth, sexual orientation, gender identity and other status; and (b) provides for effective remedies in judicial and administrative proceedings for victims of discrimination. In this respect, please clarify if there are any plans to adopt comprehensive anti-discrimination legislation to address the above requirements.

Keywords: *LGBT; arrest, detention, criminalization (decriminalization), discrimination, follow-up, harassment, law enforcement officials, LGR, measures, psychiatry, stigmatization, violence*

5. With reference to the information in paragraph 69 of the State party's report (CCPR/C/UZB/5), please report on the measures taken: (a) to raise awareness about the principles of universality of human rights and of non-discrimination among the population at large; and (b) to implement the Committee's long-standing recommendation to decriminalize consensual sexual activities between adult males (CCPR/C/UZB/CO/3, para. 22 and CCPR/C/UZB/CO/4, para. 7). Please respond to reports of social stigmatization, harassment, violence and discrimination against lesbian, gay, bisexual and transgender individuals by both State officials and private individuals, including extortion and arbitrary arrest and detention by law enforcement officials. Please clarify the procedure for legal recognition of gender reassignment and comment on reports that it requires a minimum of one month's hospitalization in a psychiatric clinic.

## **Viet Nam – List of Issues – 123<sup>rd</sup> Session, 16 August 2018, 3<sup>rd</sup> review<sup>71</sup>**

Keywords: SOGI; T; anti-discrimination legislation, discrimination, family, legislation, protected grounds, 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 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.

## **Viet Nam – Concluding Observations – 125<sup>th</sup> Session, 29 August 2019, 3<sup>rd</sup> review<sup>72</sup>**

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

### **Non-discrimination framework**

13. The Committee is concerned that the current legal framework does not afford comprehensive protection against discrimination on all the grounds prohibited under the Covenant (arts. 2 and 26).
14. **The State party should consider adopting a comprehensive anti-discrimination law, to ensure that its legal framework provides for full and effective protection against all forms of discrimination in all spheres, and a comprehensive list of grounds for discrimination, including race, colour, national or social origin, birth, disability, age, sexual orientation and gender identity and any other status. It should also ensure that reported acts of discrimination are effectively addressed and victims are provided with full reparation.**

Keywords: SOGI, SOGII; I, LGBTI, T; children, discrimination, family, free and informed consent, legislation, LGR, marriage, measures, same-sex couples, stigmatization, surgical/medical intervention, remedy

### **Sexual orientation, gender identity, intersex status and persons with HIV**

15. The Committee welcomes the efforts made by the State party to improve the situation of lesbian, gay, bisexual, transgender and intersex persons, including by eliminating the prohibition on same sex-marriage and providing for legal gender recognition. It takes note of the ongoing drafting of a law regarding transgender persons. Nevertheless, it is concerned that persons continue to face discrimination on the grounds of their sexual orientation and gender identity. It is also concerned by the absence of legal recognition and protection of same-sex couples, and that infants and children under the age of 9, born with intersex variations, may undergo irreversible medical interventions for purposes of gender assignment that are performed before the children concerned are able to provide free and informed consent. The Committee is further concerned that people living with HIV continue to face discrimination and stigmatization (arts. 2–3, 7, 9, 17, 24 and 26).
16. **The State party should:**
  - (a) **Intensify its efforts to eradicate all forms of discrimination and violence against and social stigmatization of persons based on their sexual orientation, gender identity, or HIV status, and provide access to effective remedies for victims of such acts;**
  - (b) **Establish a procedure for legal gender recognition without a medical requirement that is compatible with the Covenant;**
  - (c) **Consider providing legal recognition of and protection for same-sex couples;**
  - (d) **Take measures to end irreversible medical treatment of intersex children who are not yet able to provide fully informed and free consent, unless such procedures constitute an absolute medical necessity.**

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71 [CCPR/C/VNM/Q/3](#)

72 [CCPR/C/VNM/CO/3](#)

### 3. Committee on the Elimination of Discrimination against Women

#### **Andorra – Concluding Observations – 74<sup>th</sup> Session, 13 November 2019, 4<sup>th</sup> review<sup>73</sup>**

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

#### **Marriage and family relations**

43. The Committee welcomes the adoption of the Act 34/2014 regulating civil partnerships and amending the Marriage Act of 1995, which provides the same legal basis for same-sex civil partnerships as for marriages and legalises adoption for the same-sex civil partnerships. However, it notes the following with concern:

[...]

(b) The persistence of discriminatory provisions in practice in certain areas, in relation with the enjoyment of rights in favour of marriage in comparison with civil unions;

[...].

44. The Committee recommends that the State party:

[...]

(b) Eliminate in practice any discriminatory difference in the enjoyment of rights between those in marriages and those in civil unions;

[...].

### **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.

### **Women facing multiple and intersecting forms of discrimination**

43. The Committee welcomes the criminalization of acts of discrimination based on sexual orientation, including in employment, through the adoption of the new Penal Code. It takes note of the information provided by the State party during the interactive dialogue that General Labour Act No. 7/15 promotes the inclusion of persons with disabilities. It is concerned, however, that:
- (a) Rural women and girls and women and girls with disabilities, with albinism, living with HIV/AIDS and in prostitution, lesbian, bisexual and transgender women and intersex persons face multiple and intersecting forms of discrimination, restricting in particular their access to health services, employment, education, housing and justice and their participation in public and political life;
  - (b) There are no policies addressing multiple and intersecting forms of discrimination, such as policies promoting the rights of women and girls with disabilities.
44. **The Committee recommends that the State party, in line with general recommendation No. 18 (1991) on disabled women:**
- (a) **Undertake awareness-raising activities to change negative attitudes towards women and girls with disabilities, with albinism, living with HIV/AIDS and in prostitution, lesbian, bisexual and transgender women and intersex persons, ensuring that strict penalties are imposed on the perpetrators of violations against them;**
  - (b) **Develop, and allocate adequate human, technical and financial resources for the adoption and implementation of a strategy that promotes access for women and girls with disabilities to inclusive and appropriate health services, employment, education, housing and justice and the participation of those women and girls in public and political life, including by granting them legal capacity.**

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74 [CEDAW/C/AGO/Q/7](#)

75 [CEDAW/C/AGO/CO/7](#)



## **Antigua and Barbuda – List of Issues – 72<sup>nd</sup> PSWG, 3 August 2018, 4<sup>th</sup>–7<sup>th</sup> review<sup>76</sup>**

Keywords: *LBTI; discrimination, intersectionality, stigmatization, 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.

## **Antigua and Barbuda – Concluding Observations – 72<sup>nd</sup> Session, 14 March 2019, 4<sup>th</sup>–7<sup>th</sup> review<sup>77</sup>**

Keywords: *LBT; access to justice, awareness-raising campaign, GC/GR, intersectionality, remedy, women*

### **Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations**

11. The Committee welcomes the various educational and awareness-raising programmes on women's rights. It is concerned, however, about the general lack of awareness of the Convention and the Optional Protocol thereto in the State party, in particular among women and government and law enforcement officials.
12. **The Committee recommends that the State party:**
  - (a) **Strengthen the capacity of the judiciary, legal professionals, civil servants and law enforcement officials on the Convention and the Committee's jurisprudence with a view to ensuring a thorough understanding of the concept of the substantive equality of women and men, in line with the Convention, and to enabling them to apply the Convention to laws and policies on gender equality and the advancement of women;**
  - (b) **Intensify efforts to enhance awareness among women, including migrant women, older women, women with disabilities and lesbian, bisexual and transgender women, of their rights under the Convention and the remedies available to them to claim violations of those rights and ensure that information on the Convention, the Optional Protocol thereto and the Committee's general recommendations is provided to all women.**

Keywords: *LBT; anti-discrimination legislation, criminalization (decriminalization), discrimination, employment, health, legislation, protected grounds, service provision, social security, stigmatization, women*

### **Lesbian, bisexual and transgender women**

46. The Committee is concerned about the criminalization of same-sex relations between consenting adults, the absence of legislation prohibiting discrimination on all grounds prohibited under the Convention and the reports of discrimination and stigma against lesbian, bisexual and transgender women.
47. **The Committee recommends that the State party enact comprehensive antidiscrimination legislation that prohibits all forms of discrimination and ensure equal rights and opportunities for lesbian, bisexual and transgender women, including through the decriminalization of same-sex relations between consenting adults. The Committee also recommends that the State party ensure access for lesbian, bisexual and transgender women to, inter alia, employment, health care and social services without discrimination or stigma.**

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76 [CEDAW/C/ATG/Q/4-7/Add.1](#)

77 [CEDAW/C/ATG/CO/4-7](#)

## **Austria – List of Issues – 73<sup>th</sup> PSWG, 20 November 2018, 9<sup>th</sup> review<sup>78</sup>**

Keywords: *LBTI; children, court, discrimination, family, jurisprudence, marriage, partnership, same-sex couples*

### **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).

## **Austria – Concluding Observations – 73<sup>th</sup> Session, 30 July 2019, 9<sup>th</sup> review<sup>79</sup>**

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

### **Constitutional framework and definition of discrimination against women**

10. Cognizant of the complex federal structure in the State party, the Committee takes note of the positive efforts made to strengthen the coordination of the implementation of the Convention, in particular at the *Länder* and municipal levels. Nevertheless, the Committee remains concerned that, in areas under the exclusive responsibility of the *Länder*, the Convention is not applied consistently. It takes note of the information provided by the delegation during the dialogue, that the European Convention on Human Rights has been implemented as directly applicable constitutional law in the State party and that the parliament has decided that all other human rights treaties should be implemented by legislation. The Committee notes the complexity of the anti-discrimination legislation and commends the efforts made by the State party to gradually harmonize federal legislation. While noting the information provided by the delegation during the dialogue that the devolution system in place at the federal level may intervene to harmonize legislation at all levels, the Committee remains concerned that gender equality structures and their mandates and resources vary between the *Länder*.
11. [...]. **The Committee recommends that the State party should also consider amending the Equal Treatment Act and the Federal Equal Treatment Act and other acts addressing discrimination on the basis of ethnicity, disability, religion or belief, age and sexual orientation and relevant provincial laws, with a view to ensuring substantive and procedural protection against discrimination with regard to all prohibited grounds of discrimination in the private and public sectors.**

Keywords: *I, LBT; children, decision-making process, education, family, free and informed consent, GC/GR, health, intersectionality, sexuality education, stereotypes, surgical/medical intervention, women*

### **Health**

34. The Committee commends the State party for the adoption of the Action Plan for Women's Health in 2017 and welcomes the measures adopted to integrate a gender perspective into all health sector programmes. Nevertheless, the Committee remains concerned about:

[...]

- (d) The lack of comprehensive sexual and reproductive health education for adolescents;

[...]

- (h) Reports of mostly irreversible medical and other treatments that are performed on intersex persons.

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

[...]

- (d) **Ensure that education includes mandatory and age-appropriate education in school curricula for girls and boys on sexual and reproductive health and rights, including responsible sexual behaviour. In particular, education**

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78 [CEDAW/C/AUT/Q/9](#)

79 [CEDAW/C/AUT/CO/9](#)

programmes should integrate a special focus on eliminating sexual and gender stereotypes that might hinder access to health for lesbian, bisexual and transgender women and other vulnerable groups of women;

[...]

- (h) Develop and implement a rights-based health-care protocol for intersex persons, ensuring that children and their parents are appropriately informed of all options, that the children are involved, to the greatest extent possible, in decision-making about medical interventions and that their choices are respected and that no person is subjected to surgery or treatment without their free, informed and prior consent.

**Disadvantaged groups of women**

22. Please provide updated information and data on the human rights situation of women facing intersecting forms of discrimination, including migrant women, women with disabilities and lesbian, bisexual and transgender women, and specify the measures, including temporary special measures, taken to ensure that they have effective access to education, health, housing, employment and participation in political and public life. [...].

Keywords: *SOGISC; anti-discrimination legislation, asylum-seekers/refugees, discrimination, legislation, protected grounds*

#### **B. Positive aspects**

4. The Committee welcomes the progress achieved since the consideration in 2013 of the State party's combined fourth and fifth periodic reports (CEDAW/C/BIH/45) in undertaking legislative reforms, in particular the adoption of the following:

[...]

- (d) Law on asylum, which prohibits discrimination on the grounds stipulated in article 2 (1) of the law on the prohibition of discrimination, including sex, sexual orientation, gender identity and sexual characteristics, in 2016;

[...].

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

#### **Legislative framework and definition of discrimination**

11. The Committee welcomes the amendment of the law on the prohibition of discrimination, to which age, disability and sexual orientation were added as prohibited grounds for discrimination and in which the definition of sexual harassment was revised. [...].

Keywords: *LBT; action plan, discrimination, intersectionality, stigmatization, women*

#### **Disadvantaged groups of women**

43. The Committee welcomes the measures taken to increase access to education and health care for Roma women and girls. It is nevertheless concerned that women who belong to disadvantaged groups continue to face intersecting forms of discrimination, in particular:

[...]

- (e) Stigmatization and discrimination faced by lesbian, bisexual and transgender women.

#### **44. The Committee recommends that the State party:**

[...]

- (e) Ensure respect for the human rights of lesbian, bisexual and transgender women and that national action plans on gender equality address stigma and discrimination against them in all spheres of life.

**Botswana – List of Issues – 72<sup>nd</sup> PSWG, 3 August 2018, 4<sup>th</sup> review<sup>82</sup>**

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? [...].

**Botswana – Concluding Observations – 72<sup>nd</sup> Session, 14 March 2019, 4<sup>th</sup> review<sup>83</sup>**

Keywords: *LBTI; health, intersectionality, service provision, women*

**Disadvantaged groups of women**

43. [...] The Committee is also concerned about the lack of equal access to free antiretroviral treatment for members of disadvantaged groups, including indigenous women, women prisoners, women with disabilities, lesbian, bisexual and transgender women, intersex persons and migrant women. [...]

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

[...]

- (b) **Review and remove obstacles faced by indigenous women, women prisoners, women with disabilities, lesbian, bisexual and transgender women, intersex persons and migrant women in gaining access to public services and obtaining free antiretroviral treatment;**

[...].

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82 [CEDAW/C/BWA/Q/4](#)

83 [CEDAW/C/BWA/CO/4](#)

**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: *LBTI; intersectionality, follow-up, women*

**Visibility of the Convention and the Optional Protocol thereto and the Committee's general recommendations**

2. In the light of the Committee's concluding observations on the combined eighth and ninth periodic reports of the State party, (CEDAW/C/CAN/CO/8-9, para. 9), and the report of the Committee on its inquiry conducted under article 8 of the Optional Protocol to the Convention (CEDAW/C/OP.8/CAN/1) please provide information on the steps taken: (a) to give sufficient visibility to the Convention and to increase awareness of the communications and inquiry procedures provided for under the Optional Protocol and of the Committee's general recommendations; (b) to ensure that women in the State party are aware of their rights under the Convention, in particular women and girls with disabilities, indigenous women and girls, Canadian women and girls of African descent, migrant, refugee, asylum-seeking, lesbian, bisexual and transgender women and girls and intersex persons; and (c) to provide capacity-building for judges, prosecutors and lawyers to enable them to interpret national legislation in accordance with the Convention.

Keywords: *LBTI; discrimination, education, employment, health, housing, intersectionality, measures, TSM, women*

**Disadvantaged groups of women**

23. Please provide updated information and data on the human rights situation of women facing intersectional discrimination, including women and girls with disabilities, Canadian women and girls of African descent, indigenous, migrant, refugee, asylum-seeking, lesbian, bisexual and transgender women and girls and intersex persons, and specify the measures taken to ensure that they have effective access to education, health, housing and employment and the opportunity to participate in political and public life, including through the use of temporary special measures. [...].



### **Constitutional, legislative and institutional framework**

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 indicate whether any measures have been taken, or are envisaged, to incorporate the principle of equality in all legislation. 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).

### **General context and priority concerns**

9. The Committee acknowledges the achievements made by the State party in the fields of peace, security and justice, through the signing in 2016 of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace. The agreement established an important precedent in the participation of women in negotiations and the incorporation of a gender perspective into accords. It provides an important basis for the fulfilment of women's human rights in the State party. The Committee is concerned, however, at the slow pace at which the implementation of the gender-related provisions of the agreement is proceeding and the lack of harmonization with the national development plan. The Committee is further concerned about indications that threats and violence, including sexual violence, against women human rights defenders have increased considerably in the period following the signing of the agreement and that the most vulnerable groups of women, in particular Colombian women of African descent, indigenous, rural, lesbian, bisexual and transgender women and women with disabilities, continue to suffer serious violations of their rights without access to the protection of the State or to justice.
10. **The Committee recommends that the State party, as a matter of priority, expedite the implementation of the gender provisions of the peace agreement and harmonize them with the national development plan, to ensure the protection of, and access to justice for, the most vulnerable groups of women in the State party.**

### **Legislative and policy framework**

11. The Committee notes the State party's efforts to strengthen its legislative framework on gender since its previous review, in 2013. In particular, it notes with appreciation the elaboration of the pact for the equity of women in the proposed national development plan for the period from 2018 to 2022. The Committee also takes note of document 3918/2018 of the National Council on Economic and Social Policy, which establishes a road map for gender equality as a cross-cutting matter in the achievement of the Sustainable Development Goals. The Committee is concerned, however, that the gender provisions of the proposed national development plan do not yet provide for specific budget allocations. The Committee is also concerned about the absence of efficient legislative and policy measures targeting the intersectional discrimination faced by women belonging to vulnerable groups.
12. **Recalling its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, the Committee recommends that the State party:**

[...]

- (b) **Apply in its legislation the comprehensive definition of discrimination against women and girls contained in article 1 of the Convention, prohibit all discrimination against women, in accordance with article 2 (b) and ensure**

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that legislation covers all prohibited grounds of discrimination, including protection from discrimination for indigenous women, Colombian women of African descent, rural women, women with disabilities and lesbian, bisexual and transgender women, in the public and private spheres, and that it covers intersecting forms of discrimination.

Keywords: *LBT; access to justice, awareness-raising campaign, court, discrimination, GC/GR, HRD, intersectionality, killings, law enforcement officials, police, service provision, sexual violence, training, violence, women*

#### **Access to justice**

13. The Committee welcomes measures taken to improve and increase access for women to justice and notes in particular the equity criteria for the administration of justice and the evaluation of judges and the capacity-building programmes on gender-related issues for competitive exams. [...]. The Committee remains concerned, however, about the limited institutional capacity of the judiciary, in particular in rural areas, and the high level of impunity, in particular in cases related to femicide, sexual violence and violence against women human rights defenders, which disproportionately affect women from vulnerable groups, such as indigenous women, Colombian women of African descent, rural women, women with disabilities and lesbian, bisexual and transgender women.

14. **Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Strengthen the judicial system, including through additional financial, technical and specialized human resources, with a view to handling cases in a timely, gender-sensitive, non-discriminatory and competent manner in all of its territory, in particular in rural areas;**

[...]

(d) **Strengthen capacity-building programmes on the Convention for judges, prosecutors, lawyers and the police;**

(e) **Increase the number of judges and prosecutors specialized in sexual violence matters, as recommended in the Committee's previous concluding observations (CEDAW/C/COL/CO/7-8, para. 18);**

(f) **Ensure access to legal aid services for women and girls and undertake awareness-raising campaigns to inform women and girls about their rights under the Convention.**

Keywords: *LBT; decision-making process, follow-up, women*

#### **National machinery for the advancement of women**

19. The Committee welcomes the increase in the budget allocation to the Office of the Presidential Council for Women's Equity. [...]. The Committee also notes with concern that indigenous women, Colombian women of African descent, lesbian, bisexual and transgender women and women with disabilities are not represented in the Office of the Presidential Council for Women's Equity.

20. **Reiterating its previous recommendation (CEDAW/C/COL/CO/7-8, para. 12), the Committee recommends that the State party:**

[...]

(d) **Ensure that indigenous women, Colombian women of African descent, lesbian, bisexual and transgender women and women with disabilities are represented in the Presidential Council for Women's Equity.**

Keywords: *LBT; action plan, GC/GR, intersectionality, prevention, violence, women*

#### **Gender-based violence against women**

25. The Committee welcomes the directives developed by the Attorney General's Office on parameters for ensuring due diligence in the investigation of cases of violence against women and the mechanisms established to implement agreement 10554/2016 regarding the obligation to consider gender in cases related to violence against women. The Committee is concerned, however, about the increasing and persistently high number of cases of gender-based violence against women and girls, including femicide and violence in institutions, and about the level of impunity for such acts. It is also concerned about the limited implementation of Act No. 1257/2008 concerning health services for victims and about the low capacity for integrated services, such as shelters, for victims in rural areas. The Committee notes the State party's efforts to strengthen the role of the family commissioners and of model procedures developed for protective measures. It is concerned, however, that the family commissioners are not sufficiently funded or staffed, that they report to the local municipalities and that they are tasked with too

many responsibilities.

26. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:
- (a) Strengthen its efforts, as a matter of priority and within a specific time frame, to implement the national plan for the prevention of gender-based violence against women and girls, including violence in institutions, in particular targeting indigenous women, Colombian women of African descent, rural women, women with disabilities and lesbian, bisexual and transgender women;
  - (b) Ensure the adequate and sustainable allocation of resources for the implementation of Act No. 1257/2008 concerning integrated and accessible services for victims in rural areas, in particular health services, and the provision of shelters for victims in rural areas;
  - (c) Consider restructuring the family commissioners under the Ministry of Justice, streamline their mandates and allocate sufficient human, technical and financial resources to strengthen them in their work;
  - (d) Ensure that the Attorney General's directives on due diligence in the investigation of cases of violence against women are effectively implemented by all actors in the judiciary.

Keywords: *SGI; LBT; access to justice, awareness-raising campaign, children, court, discrimination, education, family, hate crimes, jurisprudence, marriage, measures, prevention, punishment, reparation, same-sex couples, training, violence, women*

#### **Lesbian, bisexual and transgender women**

43. The Committee is concerned about reports of widespread discrimination, threats and attacks directed against lesbian, bisexual and transgender women. The Committee is further concerned that, despite the fact that the Constitutional Court has ordered the legal recognition of same-sex marriages, lesbian, bisexual and transgender women continue to face unjustified delays, discriminatory interpretations and unforeseen requirements when exercising their rights. The Committee welcomes judgment T478/2015 of the Constitutional Court, which ordered the Ministry of Education to implement preventive and responsive measures against discrimination on the basis of sexual and gender identity and incorporate that information into school manuals. It is concerned, however, that those measures have not yet been fully implemented. The Committee is also concerned that the national school coexistence system, implemented in 2013, has not produced the expected results regarding the protection of lesbian, bisexual and transgender students.
44. The Committee recommends that the State party:
- (a) Effectively protect lesbian, bisexual and transgender women from violence and discrimination and ensure their access to justice, through the appropriate handling of their complaints, punishment of perpetrators and awarding of compensation to victims, and adopt measures to prevent hate crimes;
  - (b) Ensure compliance with the judgment of the Constitutional Court that orders the legal recognition of same-sex marriages and train civil servants who handle such requests;
  - (c) Take immediate steps to ensure compliance with judgment T-478/2015 of the Constitutional Court, including by raising public awareness in partnership with civil society organizations;
  - (d) Include in the national school coexistence system a more efficient programme on teaching children about the rights of lesbian, bisexual and transgender women.

Keywords: *LBT; health, women*

**Health**

19. [...] Please provide further information on the studies indicating greater health risks and risks of marginalization and poor well-being among lesbian, bisexual and transgender women (para. 50).

Keywords: *LBT; data collection, discrimination, intersectionality, measures, women*

**Legislation on discrimination against women**

3. Please inform the Committee about effective measures taken to implement the Comprehensive Organic Criminal Code, in particular at the local level and in remote areas. Please indicate the progress that has been made with regard to the strengthening of institutions that are mandated to establish public policies and enforce legislation. Please provide information on measures taken to end de facto and intersecting forms of discrimination faced by indigenous, Ecuadorian women of African descent, Montubio women, women with disabilities, lesbian, bisexual and transgender women, migrant women, women asylum seekers and refugee women. Please also inform the Committee about steps taken to establish mechanisms to collect information and assess the status and progress made with regard to the realization of the human rights of women belonging to disadvantaged and marginalized groups.

Keywords: *SO; LBT; conversion therapy, follow-up, health, measures, prevention, violence, women*

**Gender-based violence against women and girls**

7. With reference to the Committee's previous concluding observations (para. 21) and the follow-up report of the State party (CEDAW/C/ECU/CO/8-9/Add.1), please provide detailed information on steps taken to implement plans aimed at creating a unified register on gender-based violence against women and girls, with data disaggregated data by age, ethnicity, disability, sexual orientation, whether the victim was in detention, type of violence and relationship between the victim and the perpetrator, outlined in the national plan to eradicate gender-based violence against children, adolescents and women. [...]. Please provide detailed information on measures taken to prevent, prohibit and sanction clinical practices of so-called "de-homosexualization", which violate the rights of lesbian, bisexual and transgender women. [...].

Keywords: *LB; criminalization (decriminalization), 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, violence, women*

**Discriminatory gender stereotypes and harmful practices**

8. In the light of the Committee's previous recommendations (CEDAW/C/CO/ETH/6-7, para. 21 (a)), please provide information on measures taken to increase the penalties for female genital mutilation and, if an assessment was conducted, on the achievements of the national strategy on harmful traditional practices and of the accompanying action plan on addressing female genital mutilation, child marriage and abduction since their adoption in 2013 (CEDAW/C/ETH/CO/6-7, para. 19 (d)). [...]. 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.

## Guyana – List of Issues – 73<sup>rd</sup> PSWG, 20 November 2018, 9<sup>th</sup> review<sup>91</sup>

Keywords: SOGI; anti-discrimination legislation, intersectionality, legislation, prevention, protected grounds, 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; arrest, criminalization (decriminalization), discrimination, employment, follow-up, gender impersonation laws, harassment, health, measures, police, police misconduct, 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.

## Guyana – Concluding Observations – 73<sup>rd</sup> Session, 30 July 2019, 9<sup>th</sup> review<sup>92</sup>

Keywords: SOGI; anti-discrimination legislation, employment, GC/GR, discrimination, follow-up, intersectionality, legislation, protected grounds, SDGs, women

### Definition of discrimination against women

13. The Committee notes that articles 149 and 149 F of the Constitution prohibit discrimination on grounds of gender and sex and further notes the efforts undertaken to begin reviewing the Prevention of Discrimination Act (1997) to prohibit discrimination based on sexual orientation and gender identity in employment. It remains concerned, however, that the definition of discrimination in the Constitution, the Prevention of Discrimination Act (1997) and the Equal Rights Act (1990) is not in line with articles 1 and 2 of the Convention.
14. The Committee reiterates its previous recommendations (ibid., para. 13) that the State party expedite the adoption of a comprehensive definition of discrimination against women, which covers direct, indirect and intersecting forms of discrimination in the public and private spheres, in line with articles 1 and 2 of the Convention, the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere.

Keywords: LGBTI; anti-discrimination legislation, arrest, discrimination, employment, follow-up, hate crimes, health, investigation, law enforcement officials, legislation, measures, medical professionals, policy, professional groups, prosecution, punishment, reparation, sexual violence, stigmatization, training, UPR, violence, women

### Lesbian, bisexual, transgender women and intersex persons

47. The Committee notes the ongoing development of training tools for health-care workers on stigma and discrimination against lesbian, bisexual, transgender women and intersex persons. It expresses concern, however, that lesbian, bisexual, transgender women and intersex persons face discrimination in law and in practice in the State party, as well as physical and sexual violence, including at the hands of law enforcement officers. Moreover, it is concerned at delays in adopting legislation protecting lesbian, bisexual, transgender women and intersex persons from discrimination at work and in health-care facilities, hate crimes, gender-based violence and arbitrary arrest by law enforcement officers.
48. The Committee recalls its previous concluding observations (CEDAW/C/GUY/CO/7-8, para. 23 (f)) and rec-

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ommends that the State party adopt legislative and policy measures to protect lesbian, bisexual, transgender women and intersex persons from discrimination, including at work, in health-care facilities and by law enforcement personnel, and from hate crimes, gender-based violence and arbitrary arrest, to investigate, prosecute and adequately punish perpetrators of such acts, in line with commitments made during the universal periodic review (A/HRC/29/16, paras. 130.25–130.27), and to provide safe spaces, support and reparation, including compensation, to victims.



Keywords: *LBTI; aggravating circumstance, honour crimes, intersectionality, killings, measures, prevention, prosecution, punishment, sexual violence, stereotypes, torture/ill-treatment, violence, women*

**Gender-based violence against women**

11. Please provide information on measures taken by the State party to combat impunity for crimes committed in the name of so-called “honour”, including rape, torture and murder, against women politicians, journalists, teachers, doctors, human rights defenders, women returnees in the aftermath of the conflict with ISIL, lesbian, bisexual and transgender women and intersex persons for challenging traditional gender stereotypes on the role of women in the family and in society and measures taken to comply with its due diligence obligation to prevent, investigate, prosecute and punish such crimes, and to ensure that sentences are commensurate with the gravity of the offences committed.

## **Kazakhstan – List of Issues – 74<sup>th</sup> PSWG, 18 March 2019, 5<sup>th</sup> review<sup>94</sup>**

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

### **Constitutional and legislative framework**

2. Please indicate the measures taken to ensure that the amendments to be introduced in certain legislative acts related to family and gender policy issues, including regarding the definition of direct and indirect discrimination, as well as the change envisaged in the definition of gender equality in the Act on State guarantees of equal rights and equal opportunities for men and women (the Gender Equality Act), contain a comprehensive legal definition of discrimination against women in line with article 1 of the Convention that encompasses direct and indirect discrimination both in the public and private spheres, as well as intersecting forms of discrimination, and prohibits and sanctions all forms of discrimination against women, including discrimination based on sexual orientation and gender identity, in conformity with the Convention.

Keywords: L; criminalization (decriminalization), follow-up, legislation, sexual violence, violence, women

### **Gender-based violence against women**

10. In view of the Committee's previous concluding observations, please indicate whether steps are envisaged to revise the Criminal Code (art. 120) to ensure that the definition of the crime of rape is in accordance with the Convention and the Committee's jurisprudence under the Optional Protocol (CEDAW/C/KAZ/CO/3-4, para. 19 (d)). Please clarify the references to "lesbianism" in articles 121 to 123 of the Code.

## **Kazakhstan – Concluding Observations – 74<sup>th</sup> Session, 12 November 2019, 5<sup>th</sup> review<sup>95</sup>**

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

### **Access to justice and legal complaints mechanisms**

13. The Committee notes that a major legislation overhaul initiated in 2016 has led to the strengthening of the court system, increased transparency in court procedures and the development of an e-justice system, with around 70 per cent of lawsuits now being submitted electronically, which has facilitated access to justice in rural areas. It also welcomes the establishment of a working group to develop a legal mechanism for implementing treaty bodies' recommendations on individual communications. However, the Committee is concerned about the following:

[...]

- (c) The remedy foreseen under article 145 of the Criminal Code for violations of the right to equality is ineffective and does not cover intersecting forms of discrimination, such as discrimination based on sexual orientation and gender identity;

[...].

### **14. The Committee recommends that the State party:**

[...]

- (b) Ensure that article 145 of the Criminal Code encompasses intersecting forms of discrimination, such as discrimination based on sexual orientation and gender identity, and ensure that all women, including disadvantaged groups of women (see para. 48 below), are aware of this provision and other remedies available in the case of a violation of their rights and that they have effective access to legal aid and can seek redress and compensation;

[...].

Keywords: LGBTI; FOE/FOAA, HRD, legislation, women

### **Civil society organisations**

17. The Committee welcomes the increase in grants made available to civil society organizations, including those

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working on gender issues. However, it is concerned about the overall limited cooperation of the State party with civil society and about the cases of registration being denied to feminist organizations promoting women's human rights and the rights of lesbian, bisexual and transgender women and intersex persons for reasons of non-compliance with "spiritual and moral values, culture, prestige and the role of the family", as stated in one such decision. In this context, it also notes that the vision for the development of civil society for the period up to 2025 is pending approval.

**18. The Committee recommends that the State party take advantage of the adoption of the vision for the development of civil society for the period up to 2025:**

- (a) To enhance cooperation with civil society organizations, in particular those working on women's rights, to ensure that they play a strong role in the area of the advancement of women and are meaningfully involved in policymaking and law-making processes;
- (b) To review the law on charities to remove disproportionate restrictions on the registration of civil society organizations and ensure that such organizations, including feminist organizations promoting women's human rights and the rights of lesbian, bisexual and transgender women and intersex persons, are able to exercise their rights to freedom of expression, assembly and association without undue interference.

Keywords: *T; gender reassignment surgeries, GC/GR, gender reassignment treatment, Istanbul Convention, legislation, LGR, surgical/medical intervention, women*

#### **Gender-based violence against women**

25. The Committee notes the 2014 amendments to the law on domestic violence of 2009 that provide for restraining and protection orders and social assistance to victims of domestic violence. It also takes note of the State party's intention to adopt the bill on countering domestic violence and to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. However, the Committee notes with concern the following:

[...]

(h) The subjection of women with disabilities, in particular those living in institutions, to forced sterilization and forced abortion, police violence against women in prostitution, the mandatory gender reassignment surgery for transgender women for the purpose of legal gender recognition and the limited access to justice for the victims of those forms of gender-based violence.

**26. Recalling its general recommendation no. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

[...]

- (i) Ensure that forced sterilization and abortion are criminalized and perpetrators prosecuted, abolish mandatory gender reassignment surgery, in law and in practice, identify and eliminate the barriers preventing victims from gaining access to justice in rural and urban areas and ensure that all victims have access to effective reparation, including compensation;

[...].

Keywords: *SOGI; L, LGBTI, T; aggravating circumstance, blackmailing, criminalization (decriminalization), discrimination, gender reassignment surgeries, gender reassignment treatment, hate crimes, health, HIV/AIDS, intersectionality, investigation, legislation, LGR, prosecution, punishment, surgical/medical intervention, women*

#### **Disadvantaged groups of women**

47. The Committee is concerned about reports that women with disabilities, lesbian, bisexual and transgender women and intersex persons, refugee women, asylum seeking women, stateless women and women with undetermined citizenship continue to experience multiple and intersecting forms of discrimination.

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

[...]

- (b) With regard to lesbian, bisexual and transgender women and intersex persons:

- (i) Review the legislation, including article 257 (13) of the Code on Marriage and Family, to remove sex reassign-

ment surgery from the list of requirements for gender recognition;

- (ii) Ensure that its health-care policies and HIV programme take into account the needs of transgender women;
- (iii) Criminalize offences based on sexual orientation and/or gender identity as a stand-alone crime and consider “sexual orientation and gender identity” as aggravating circumstances if they are used as a motive for committing a crime;
- (iv) Revise articles 121 to 123 of the Criminal Code to remove the reference to “lesbianism”;
- (v) Investigate reports of threats and blackmailing against lesbian, bisexual and transgender women and intersex persons and prosecute the perpetrators and bring them to justice, as appropriate;
- (vi) Ensure that lesbian, bisexual and transgender women and intersex persons are not prosecuted merely on the ground of their real or assumed sexual orientation or gender identity;

[...].

Keywords: *follow-up, gender reassignment surgeries, gender reassignment treatment, legislation, LGR, surgical/medical intervention*

#### **Follow-up to concluding observations**

53. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 26 (b), (c) and (i) and 38 (d) above.

**Constitutional, legislative and institutional framework**

3. In accordance with the State party's obligations under articles 1 and 2 of 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, please provide information on the measures taken or envisaged to amend the Constitution and adopt comprehensive anti-discrimination legislation to guarantee the substantive equality of women and men, to define and prohibit direct and indirect discrimination in the public and private spheres and to protect women who face intersecting forms of discrimination, including rural women, women living in the outer islands, women with disabilities, low-income women and lesbian, bisexual and transgender women.

**Disadvantaged groups of women**

21. Please provide information on the measures in place to ensure access to justice, employment, health care, including sexual and reproductive health services, and social protection for disadvantaged groups of women, including women belonging to ethnic minority groups, refugee and asylum-seeking women, migrant women, older women, women with disabilities, women living with HIV/AIDS, women using drugs and lesbian, bisexual and transgender women. Please also indicate if the State party has taken any steps to adopt a comprehensive national programme for migrant women and to combat discrimination and violence by the police against women in disadvantaged situations, in particular, lesbian, bisexual and transgender women, women living with HIV/AIDS and women using drugs.

### **Marriage and family relations**

23. Please provide information on whether non-traditional families, including de facto unions and same-sex couples, are fully encompassed in the notion of family used in the State party's laws, policies, programmes and strategies, in line with the Committee's general recommendation No. 21 (1994) on equality in marriage and family relations and general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, respectively.

## **Lithuania – List of Issues – 74<sup>th</sup> PSWG, 18 March 2019, 6<sup>th</sup> review<sup>99</sup>**

Keywords: *family, follow-up, GC/GR, legislation, partnership, policy, same-sex couples*

### **Marriage and family relations**

19. Please provide information on the steps taken by the State party to give effect to the Committee's recommendation (CEDAW/C/LTU/CO/5, para. 41 (a)), in order to ensure that non-traditional families, including same-sex couples and de facto unions, are fully encompassed in the notion of family used in all State laws, policies, programmes and strategies, in line with the Committee's general recommendation 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. [...].

## **Lithuania – Concluding Observations – 74<sup>th</sup> Session, 12 November 2019, 6<sup>th</sup> review<sup>100</sup>**

Keywords: *SO; anti-discrimination legislation, hate speech, legislation, protected grounds*

### **B. Positive aspects**

4. The Committee welcomes the progress achieved since the consideration in 2014 of the State party's fifth periodic report (CEDAW/C/LTU/5) in undertaking legislative reforms, in particular the adoption of the following:

[...]

(b) Amendments to the Criminal Code:

- (i) Establishing criminal liability for acts of discrimination or incitement to hatred on the basis of, inter alia, sex, gender and sexual orientation, in 2017;
- (ii) Providing for temporary protection orders in cases of domestic violence, including obligating the perpetrator to reside separately from, and not to approach, the victim, in 2015;

[...].

Keywords: *anti-discrimination legislation, discrimination, gender reassignment treatment, legislation, protected grounds*

### **Definition of equality and non-discrimination**

10. The Committee recognizes the improvements to the State party's legislative framework aimed at ensuring equality between women and men and prohibiting gender-based discrimination, including direct and indirect discrimination on various grounds. However, it notes with concern:

[...]

- (b) That there is no legislation specifically prohibiting intersecting forms of discrimination against women and no definition of the legal concepts of gender and sex;
- (c) The absence of legislation prohibiting discrimination on the grounds of gender reassignment, whereas such discrimination has been recognised as sex-based discrimination in a number of court decisions.

11. **The Committee recommends that the State party consider adopting comprehensive legislation on gender equality and non-discrimination. It further recommends that the State party:**

[...]

- (b) **Adopt legislation explicitly protecting women from intersecting forms of discrimination and legally define the concepts of gender and sex;**
- (c) **Explicitly recognize in law the discrimination against women on the basis of gender reassignment as gender-based discrimination.**

Keywords: *LBTI; access to justice, GC/GR, intersectionality, women*

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100 [CEDAW/C/LTU/CO/6](#)



## Access to justice and legal complaint mechanisms

12. The Committee welcomes the legal aid reform of 2019 that provides for primary legal assistance (except in proceedings before courts) for all persons in vulnerable situations, including women, and secondary legal assistance in court proceedings to all victims, inter alia, of gender-based violence, including sexual and domestic violence, and hate crimes, irrespective of their financial status. However, the Committee notes that, in 2018, the Office of the Equal Opportunities Ombudsperson did not receive any complaints from women or girls with disabilities and that there was a low number of complaints of discrimination on the basis of sex or gender overall, due in part to the absence of regional and local branches of the Office.
13. In the light of its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:
- (a) Ensure full access to justice for disadvantaged or marginalized groups, such as women belonging to minority groups, migrant, rural and older women, women with disabilities, lesbian, bisexual and transgender women and intersex persons;
  - (b) Raise awareness among women of the remedies available to them to claim violations of their rights under the Convention;
  - (c) Expand the scope of the Office of the Equal Opportunities Ombudsperson so as to facilitate access to justice for all women at the regional and local levels.

Keywords: *family, follow-up, GC/GR, marriage, partnership, same-sex couples*

### Marriage and family relations

44. The Committee remains concerned that:

- (a) Non-traditional forms of family relations are not recognized in the State party.

[...].

45. Reiterating its previous recommendations (CEDAW/C/LTU/CO/5, para. 41), the Committee calls upon the State party to:

- (a) Recognize non-traditional forms of family relations other than marriage, including same-sex and de facto unions, in line with the Committee's general recommendation No. 21 (1994) on equality in marriage and family relations and general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution;

[...].

**National machinery for the advancement of women**

5. Please indicate the human resources and budget allocations for the Ministry of Gender, Family and Social Services, the Departments responsible for the Family and Children Service Centres, the inter-ministerial gender focal points' network and the women's development centres in all inhabited islands. Please inform on mechanisms put in place to ensure gender sensitive budgets across all sectors and levels of government. Please provide updated information on the progress achieved in adopting a National Gender Equality Action Plan to implement the Gender Equality Act (para. 21). Please indicate how existing policies address the situation of girls, women with disabilities, migrant, asylum-seeking, refugee women, older women, and lesbian, bisexual and transgender women.

## Serbia – List of Issues – 72<sup>nd</sup> PSWG, 3 August 2018, 4<sup>th</sup> review<sup>102</sup>

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

### 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), 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; anti-discrimination legislation, discrimination, intersectionality, legislation, protected grounds, SDGs, 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). 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 indicate whether gender-based violence is addressed and provide information on protection mechanisms. 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 provide information on the results of the implementation of the national action plan on employment (para. 57) and the measures taken to eliminate the gender pay gap and improve the low employment rate of women (paras. 152–158). 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, SRHR, women*

### Health

16. Please indicate which steps have been taken to improve the availability and quality of sexual and reproductive health counselling services for women and girls and provide information on the measures taken to improve access to modern contraceptive methods, including by ensuring universal coverage under State health insurance of all costs relating to such methods, in order to prevent unwanted pregnancies (paras. 174–183). 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: *family, 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.

## Serbia – Concluding Observations – 72<sup>nd</sup> Session, 14 March 2019, 4<sup>th</sup> review<sup>103</sup>

Keywords: *GI; asylum-seekers/refugees, legislation, protected grounds*

### B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2013 of the State party’s combined second and third periodic reports (CEDAW/C/SRB/23) in undertaking legislative reforms, in particular the adoption of the following:

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102 [CEDAW/C/SRB/Q/4](#)

103 [CEDAW/C/SRB/CO/4](#)

[...]

- (b) Law on Asylum and Temporary Protection, prohibiting persecution on the grounds of sex, gender or gender identity and prohibiting gender-based violence, in 2018;

[...].

Keywords: *SOGI; anti-discrimination legislation, discrimination, intersectionality, legislation, protected grounds, women*

#### **Legislative framework and definition of discrimination**

11. The Committee notes the information provided by the State party that the new draft law on the prohibition of discrimination, which defines and prohibits direct and indirect discrimination, sexual harassment and incitement to discrimination, is pending adoption before the National Assembly. It also notes that it is envisaged that the new draft law on gender equality will outlaw direct and indirect discrimination. The Committee is nevertheless concerned that the adoption of those laws has been hampered by a lack of political consensus.

#### **12. The Committee encourages the State party:**

- (a) **To adopt the new draft law on the prohibition of discrimination without further delay;**
- (b) **To review, with a view to its timely adoption, the new draft law on gender equality in line with the Convention through an inclusive, participatory process in cooperation with civil society organizations focusing on women's rights, while ensuring that the law addresses direct, indirect and intersecting forms of discrimination, including on the grounds of sexual orientation and gender identity;**
- (c) **To ensure sufficient budget allocations for, as well as regular monitoring and impact assessment of, anti-discrimination laws, to ensure that all women, including the most vulnerable groups, fully benefit from their provisions;**
- (d) **To raise awareness of those laws, especially among women belonging to disadvantaged groups.**

Keywords: *LBTI; employment, harassment, measures, punishment, sexual violence, women*

#### **Employment**

35. The Committee commends the State party's efforts to ensure the equality of women and men in the labour market and to combat gender-based discrimination. It welcomes the active employment measures taken with regard to Roma women and women with disabilities. However, the Committee remains concerned about the following:

[...]

- (e) The lack of measures to address sexual harassment in the workplace, specifically with regard to young women and lesbian, bisexual and transgender women and intersex persons, including the disproportionately low number of convictions for sexual harassment, which adversely affects women's possibilities for employment and promotion.

#### **36. The Committee recalls its previous recommendations (CEDAW/C/SRB/CO/2-3, para. 31) and urges the State party:**

[...]

- (f) **To undertake a comprehensive survey to assess the prevalence of sexual harassment at the workplace; encourage reporting of sexual harassment at the workplace and raise public awareness of its discriminatory nature, its negative impact on women's employment and potential sanctions; strengthen the mechanism to address cases of sexual harassment effectively, including in court; and collect statistics, disaggregated by age, origin, geographical area and relationship with the perpetrator, on the number and nature of complaints of sexual harassment at the workplace in the public and private sectors.**

Keywords: *LBTI; assisted reproduction, family, follow-up, health, SRHR, women*

#### **Health**

37. The Committee commends the adoption of the national programme for the preservation and improvement of sexual and reproductive health, in 2017. However, it is concerned about the following:

[...]

- (f) Reports that lesbian, bisexual and transgender women and intersex persons are excluded from family planning

services, including artificial insemination.

**38. The Committee recalls its previous recommendations (CEDAW/C/SRB/CO/2-3, para. 33) and urges the State party:**

[...]

**(d) To enhance access to family planning services and artificial insemination for lesbian, bisexual and transgender women and intersex persons.**

## **Seychelles – List of Issues – 74<sup>th</sup> PSWG, 18 March 2019, 6<sup>th</sup> review<sup>104</sup>**

Keywords: *criminalization (decriminalization), UPR*

### **Definition of discrimination against women**

1. [...]. Please provide information on the development of the strategy and on the repealing of provisions criminalizing same-sex relationships in the State party in the light of the State party's commitments to do so under the universal periodic review process (A/HRC/32/13/Add.1, paras. 120.96 and 120.46–120.53).

## **Seychelles – Concluding Observations – 74<sup>th</sup> Session, 12 November 2019, 6<sup>th</sup> review<sup>105</sup>**

Keywords: *LBT; awareness-raising campaign, criminalization (decriminalization), discrimination, legislation, policy, prosecution, punishment, stigmatization, violence, women*

### **Lesbian, bisexual and transgender women**

43. The Committee notes that consensual same-sex relationships have been decriminalized. It is concerned, however, about acts of gender-based violence and persistent societal discrimination against lesbian, bisexual and transgender women.
44. The Committee recommends that the State party make the necessary legislative changes and implement a policy to eliminate gender-based discrimination and violence against lesbian, bisexual and transgender women, including by prosecuting and adequately punishing perpetrators, and conduct awareness-raising activities to eliminate their stigmatization within society.

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104 [CEDAW/C/SYC/Q/6](#)

105 [CEDAW/C/SYC/CO/6](#)

Keywords: *LBTI; education, employment, TSM, women*

**Temporary special measures**

6. [...]. Please also supply information about temporary special measures adopted to ensure equality between women and men in all areas in which women, including Roma women, women with disabilities, migrant and asylum-seeking women and lesbian, bisexual and transgender women, as well as intersex persons, continue to be disadvantaged or underrepresented, such as in political and public life, education and employment.

Keywords: *LBTI; measures, stereotypes, women*

**Stereotypes**

7. [...]. Please provide information on measures taken to eliminate stereotypes concerning lesbian, bisexual and transgender women and intersex persons.

Keywords: *LBTI; data collection, intersectionality, violence, women*

### **Gender-based violence against women**

13. [...]. Please also provide statistical data on the number of reported cases of gender-based violence against women, including women in detention, women with disabilities, women belonging to ethnic minority groups, lesbian, bisexual, transgender women and intersex persons, disaggregated by age, type of violence and relationship between the victim and the perpetrator. [...].

Keywords: *I; free and informed consent, gender reassignment treatment, health, LGR, measures, reparation, surgical/medical intervention*

### **Health**

19. Please provide information on the measures taken to: (a) remove all barriers, including financial barriers faced by women and girls in acquiring access to health-care services without discrimination; [...] (c) facilitate the legal recognition of gender reassignment and prevent any intrusive medical or surgical treatment from being conducted on intersex persons without their prior, free and informed consent and compensate victims of non-consensual treatment; (d) ensure the availability and accessibility of health-care services, including confidential treatment and services, for women living with HIV/AIDS and other sexually transmitted infections

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

### **Marriage and family relations**

24. Please provide information on measures taken to: [...] (d) ensure that non-traditional forms of family relations, including de facto and same-sex unions, are fully recognized by law, in line with the Committee's general recommendation No. 21 (1994) on equality in marriage and family relations and general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution.



**Disadvantaged groups of women**

21. Please provide disaggregated statistical data on the situation of disadvantaged groups of women, such as women and girls in rural areas, ethnic and religious minorities, particularly Amazigh women and girls, women and girls of sub-Saharan origin, migrant women, older women, women with disabilities, lesbian, bisexual and transgender women and intersex persons, in all areas covered by the Convention, in addition to information on specific programmes and on the impact on women and girls of the implementation of Organic Act No. 2018-50 of 23 October 2018 on the elimination of all forms of racial discrimination. [...].

**United Kingdom of Great Britain and Northern Ireland – List of Issues – 72<sup>th</sup> PSWG, 3 August 2018, 8<sup>th</sup> review<sup>109</sup>**

Keywords: *I; children, data collection, 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; 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?

**United Kingdom of Great Britain and Northern Ireland – Concluding Observations – 72<sup>th</sup> Session, 14 March 2019, 8<sup>th</sup> review<sup>110</sup>**

Keywords: *LBTI; discrimination, intersectionality, women*

**Legislative and policy framework**

15. The Committee notes that the Equality Act of 2010 prohibits both direct and indirect discrimination on the basis of sex. [...]. The Committee remains concerned about the limitations of the public sector equality duty under the Equality Act to effectively protect women from discrimination, including intersecting forms of discrimination, and regrets the lack of progress made to bring into force the provisions of the Act relating to the public sector duty regarding socioeconomic inequalities (sections 1 to 3 of the Act) and the recognition of “combined discrimination” (section 14 of the Act).

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

[...]

- (c) Review and amend the public sector equality duty in order to address situations of intersecting forms of discrimination, such as discrimination faced by “Black, Asian and Minority Ethnic” women, older women, women with disabilities, asylum-seeking and refugee women, lesbian, bisexual and transgender women and intersex persons;
- (d) Bring into force the provisions of the Equality Act relating to the public sector duty regarding socioeconomic inequalities (sections 1 to 3 of the Act) and “combined discrimination” (section 14 of the Act).

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109 [CEDAW/C/GBR/Q/8](#)

110 [CEDAW/C/GBR/CO/8](#)

Keywords: *LBT; measures, media, stereotypes, women*

**Stereotypes and harmful practices**

10. [...]. Please indicate the measures taken to address stereotyped portrayals of women, including Uruguayan women of African descent, lesbian, bisexual and transgender women and migrant women, in the media. Please also indicate whether the State party has adopted a comprehensive policy, targeted at women, men, boys and girls, to combat such traditional stereotypes, as previously recommended by the Committee (para. 18 (a)).

Keywords: *T; discrimination, domestic violence, intersectionality, measures, violence, women*

**Gender-based violence against women**

11. [...]. Please also provide information on specific measures taken to address the high incidence of gender-based violence against women facing intersecting forms of discrimination, in particular Uruguayan women of African descent, women with disabilities and transgender and migrant women, and to prevent gender-based violence, including domestic violence.

**Zimbabwe – List of Issues – 75<sup>th</sup> PSWG, 31 July 2019, 6<sup>th</sup> review<sup>112</sup>**

Keywords: *I, LGBTI; children, discrimination, education, employment, free and informed consent, hate speech, health, killings, LGR, measures, medical professionals, stigmatization, surgical/medical intervention, violence, women*

**Lesbian, bisexual, transgender women and intersex persons**

20. Please inform the Committee on measures taken to eliminate hate speech, stigma and discrimination against lesbian, bisexual and transgender women and intersex persons in education, health and employment. Please also provide information on measures taken to prevent the hiding and infanticide of intersex persons and to guarantee their access to national identity documents. Please further provide updated information on the type of medical treatments provided to young intersex women and girls in State hospitals and clarify whether their free, prior and informed consent is ensured.

## 4. Committee on the Rights of the Child

### **Australia – List of Issues – 82<sup>nd</sup> PSWG, 1 March 2019, 5<sup>th</sup>–6<sup>th</sup> review<sup>113</sup>**

Keywords: SOGI; LGBTI; children, discrimination, intersectionality, legislation, measures, service provision, stereotypes

#### **Part I**

4. Please provide information on measures taken to eliminate de facto discrimination against girls, Aboriginal and Torres Strait Islander children, children living in remote areas, refugee, asylum-seeking and migrant children, children with disabilities, and lesbian, gay, bisexual, transgender and intersex children, including measures to combat gender stereotypes, address disparities in access to services, evaluate the Northern Territory National Emergency Response Act (2007) and prohibit discrimination on the basis of sexual orientation or gender identity.

### **Australia – Concluding Observations – 82<sup>nd</sup> Session, 1 November 2019, 5<sup>th</sup>–6<sup>th</sup> review<sup>114</sup>**

Keywords: LGBTI; children, follow-up, health, SDGs, service provision, violence

#### **III. Main areas of concern and recommendations**

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: violence, including sexual violence, abuse and neglect (para. 30), children deprived of a family environment (para. 34), mental health (para. 38), the impact of climate change on the rights of the child (para. 41), asylum-seeking, refugee and migrant children (para. 45) and administration of child justice (para. 48).

Keywords: LGBTI; children, follow-up, GC/GR, SDGs, violence

#### **Violence, including sexual violence, abuse and neglect**

29. The Committee welcomes the creation in 2018 of the National Office for Child Safety; the financial commitment made in March 2019 towards the establishment of the National Centre for the Prevention of Child Sexual Abuse; the adoption of the National Framework for Protecting Australia's Children 2009–2020; the adoption of the National Plan to Reduce Violence against Women and their Children 2010–2022; the report of the Royal Commission into Institutional Responses to Child Sexual Abuse of December 2017; and the Prime Minister's National Apology to Victims and Survivors of Institutional Child Sexual Abuse on 22 October 2018. However, the Committee remains seriously concerned:

[...]

- (g) About the limited information available regarding violence against children in remote areas, children with culturally and linguistically diverse backgrounds and lesbian, gay, bisexual, transgender and intersex children.

30. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals, the Committee recalls its previous recommendations on violence against children and women (CRC/C/AUS/CO/4, paras. 47–48) and urges the State party:**

[...]

- (h) **Encourage community-based programmes to address violence in all its forms against children in remote areas, children with culturally and linguistically diverse backgrounds and lesbian, gay, bisexual, transgender and intersex children.**

Keywords: I; children, consultation, family, legislation, SDGs, sterilization, support services, surgical/medical inter-

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113 [CRC/C/AUS/Q/5-6](#)

114 [CRC/C/AUS/CO/5-6](#)

vention

#### Harmful practices

**31. The Committee welcomes the criminalization of forced marriage and, taking note of target 5.3 of the Sustainable Development Goals, urges the State party:**

[...]

**(b) To enact legislation explicitly prohibiting coerced sterilization or unnecessary medical or surgical treatment, guaranteeing the bodily integrity and autonomy of intersex children and providing adequate support and counselling to families of intersex children.**

Keywords: *LGBTI; children, follow-up, health, SDGs, service provision*

#### Mental health

**37. The Committee is seriously concerned that the number of children with mental health problems is increasing and, while welcoming the adoption in 2017 of the Fifth National Mental Health and Suicide Prevention Plan, is concerned that the Plan does not include enough child-specific measures. The Committee is also particularly concerned:**

[...]

**(c) That children themselves have identified mental health as a main issue of concern, one that affects in particular Aboriginal and Torres Strait Islander children, children in alternative care, homeless children, children living in rural and remote areas, asylum-seeking children, children from culturally and linguistically diverse backgrounds and lesbian, gay, bisexual, transgender and intersex children;**

[...].

**38. Taking note of target 3.4 of the Sustainable Development Goals, the Committee recalls its previous recommendations on mental health (CRC/C/AUS/CO/4, para. 65) and urges the State party:**

[...]

**(b) To prioritize mental health service delivery to children in vulnerable situations, in particular Aboriginal and Torres Strait Islander children, children with disabilities, children in alternative care, homeless children, children living in rural and remote areas, asylum-seeking, refugee and migrant children, children from culturally and linguistically diverse backgrounds and lesbian, gay, bisexual, transgender and intersex children;**

[...].

Keywords: *LGBTI; bullying, children, internet, prevention, SDGs, support services*

#### Education, including early childhood education and care

**43. The Committee is still concerned that the efforts made to close the gap for Aboriginal and Torres Strait Islander children remain insufficient. The Committee, taking note of target 4.1 of the Sustainable Development Goals, urges the State party:**

[...]

**(e) To intensify its efforts to prevent and address bullying in schools, including online bullying, through the eSafety Commissioner and provide support to child victims, in particular lesbian, gay, bisexual, transgender and intersex children.**

Keywords: *bullying, children, education, internet, violence*

**Part I**

6. Please specify the steps, including legislation and policy, taken to:

[...]

(b) protect children from bullying at school, violence online, at home and in institutions, specifically in relation to homosexual boys and drug-addicted children;

[...].

Keywords: *SOGI; education*

11. [...] Please explain how the questions concerning contraception, sexual orientation and gender identity are integrated into school education.

**Belgium – List of Issues – 80<sup>th</sup> PSWG, 9 July 2018, 5<sup>th</sup>–6<sup>th</sup> review<sup>116</sup>**

Keywords: *I; children, IGM, surgical/medical intervention*

**Part I**

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.

**Belgium – Concluding Observations – 80<sup>th</sup> Session, 28 February 2019, 5<sup>th</sup>–6<sup>th</sup> review<sup>117</sup>**

Keywords: *I; children, consultation, family, free and informed consent, GC/GR, remedy, SDGs, support services, surgical/medical intervention*

**E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

**Harmful practices**

25. The Committee notes with concern that:

[...]

- (b) Intersex children are subjected to medically unnecessary surgeries and other procedures.

26. With reference to 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 taking into account target 5.3 of the Sustainable Development Goals, the Committee urges the State party:

[...]

- (e) To prohibit the performance of unnecessary medical or surgical treatment on intersex children where those procedures may be safely deferred until children are able to provide their informed consent; and ensure that intersex children and their families have access to adequate counselling and support and to effective remedies, including by lifting the relevant statute of limitations.

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116 [CRC/C/BEL/Q/5-6](#)

117 [CRC/C/BEL/CO/5-6](#)



Keywords: *LGBTI; awareness-raising campaign, children, discrimination, family, intersectionality, legislation, measures*

**Part I**

4. In the light of the Law on Prohibition of Discrimination (2009), please describe further legal and awareness-raising measures taken to combat discrimination against children, particularly Roma children, children with disabilities, migrant, asylum-seeking and refugee children, and lesbian, gay, bisexual, transgender and intersex children and children of parents belonging to that community. [...].

**Part I**

2. Please provide information on measures taken to eliminate discrimination against girls and boys, including children in rural areas and children in vulnerable situations, such as (a) children with disabilities, (b) lesbian, gay, bisexual, transgender and intersex children, (c) children without parents, (d) children living in poverty, (e) children living in street situations, (f) children belonging to ethnic minorities and (g) children with HIV/AIDS.

**Part I**

2. [...]. Please provide information on the inclusion in health surveys of questions on gender identity and on measures to combat forms of discrimination against lesbian, gay, bisexual, transgender and intersex children and adolescents.

**Part I**

4. Please provide information on measures taken to prevent the de facto discrimination of orphans, children with disabilities, children with albinism, children living with HIV/AIDS and lesbian, gay, bisexual, transgender and intersex children. Please clarify whether the State party has a protocol for determining the best interests of the child. Please also provide information on plans to prohibit the corporal punishment of children in all settings.

**C. General principles (arts. 2, 3, 6 and 12)**

**Non-discrimination**

**17. Taking note of targets 5.1 and 10.3 of the Sustainable Development Goals, the Committee recalls its previous recommendations (CRC/C/GIN/CO/2, para. 37) and urges the State party to:**

- (a) Develop and implement a comprehensive national strategy against all forms of discrimination;**
- (b) Continue and strengthen its activities to combat discrimination and to prioritize and target social services for children in the most marginalized and disadvantaged situations, in particular with regard to girls, including non-circumcised girls, children with disabilities, children with albinism, lesbian, gay, bisexual, transgender and intersex children, child survivors of Ebola, children infected or affected by HIV/AIDS, children living in rural areas and/or in poverty and children who have served sentences;**

[...].

## Italy – List of Issues – 80<sup>th</sup> PSWG, 3 July 2018, 5<sup>th</sup>–6<sup>th</sup> review<sup>123</sup>

Keywords: *LGBTI; children, discrimination, family, intersectionality, 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, family, free and informed consent, surgical/medical intervention*

#### 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;

[...].

## Italy – Concluding Observations – 80<sup>th</sup> Session, 28 February 2019, 5<sup>th</sup>–6<sup>th</sup> review<sup>124</sup>

Keywords: *I, LGBT; children, discrimination, family, SDGs, follow-up*

### III. Main areas of concern and recommendations

4. [...] The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: allocation of resources (para. 8); non-discrimination (para. 15); education (para. 32); asylum-seeking and refugee children (para. 34); and children in situations of migration (para. 36).

Keywords: *SOGI; I, LGBT; children, discrimination, family, SDGs, follow-up*

#### C. General principles (arts. 2, 3, 6 and 12)

##### Non-discrimination

14. The Committee reiterates its previous concerns (CRC/C/ITA/CO/3-4, para. 24), in particular:

[...]

- (b) The prevalence of negative attitudes towards children based on their status, origin, sexual orientation or gender identity.

15. Taking note of targets 5.1 and 10.3 of the Sustainable Development Goals, the Committee recommends that the State party ensure full protection against all forms of discrimination, including advocacy of national, racial or religious hatred, by:

[...]

- (b) Strengthening its measures to combat negative attitudes among State representatives and the public;

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123 [CRC/C/ITA/Q/5-6](#)

124 [CRC/C/ITA/CO/5-6](#)

- (c) Strengthening other preventive activities against discrimination and, if necessary, taking affirmative action for the benefit of children and in particular children in marginalized and disadvantaged situations, such as asylum-seeking, refugee and migrant children; stateless children; children belonging to minorities, including Roma, Sinti and Caminanti children; children born to unmarried parents; lesbian, bisexual, gay or transgender children and children living in lesbian, bisexual, gay or transgender families; intersex children; children with disabilities; and children in street situations.

Keywords: *I; children, consultation, family, health, medical professionals, professional groups, support services, surgical/medical intervention, training*

**E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

**Harmful practices**

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

- (a) Develop and implement a child rights-based health-care protocol for intersex children, setting the procedures and steps to be followed by health teams, ensuring that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to children concerned, and provide families with intersex children with adequate counselling and support;
- (b) Educate and train medical and psychological professionals on the range of sexual, and related biological and physical, diversity and on the consequences of unnecessary surgical and other medical interventions for intersex children.

**Japan – List of Issues – 80<sup>th</sup> PSWG, 9 July 2018, 4<sup>th</sup>–5<sup>th</sup> review<sup>125</sup>**

Keywords: *LGBTI; anti-discrimination legislation, children, discrimination, hate speech, measures*

**Part I**

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.

**Japan – Concluding Observations – 80<sup>th</sup> Session, 5 March 2019, 4<sup>th</sup>–5<sup>th</sup> review<sup>126</sup>**

Keywords: *LGBTI; awareness-raising campaign, children, discrimination, education, intersectionality, measures, prevention*

**III. Main areas of concern and recommendations**

4. [...] The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: non-discrimination (para. 18), respect for the views of the child (para. 22), corporal punishment (para. 26), children deprived of a family environment (para. 29), reproductive and mental health (para. 35) and juvenile justice (para. 45).

Keywords: *LGBTI; awareness-raising campaign, children, discrimination, education, intersectionality, measures, prevention*

**C. General principles (arts. 2, 3, 6 and 12)**

**Non-discrimination**

17. [...] The Committee remains concerned, however, that:

- (a) There is no comprehensive anti-discrimination law;
- (b) Discriminatory provisions on the illegitimacy of children born to unmarried parents in the Family Register Act have been partially retained, in particular those that concern birth notification;
- (c) Societal discrimination persists against children of various marginalized groups.

**18. The Committee urges the State party to:**

- (a) Enact comprehensive anti-discrimination legislation;
- (b) Repeal all provisions that discriminate against children on any basis, including those that relate to the status of children born to unmarried parents;
- (c) Strengthen the measures, including awareness-raising programmes, campaigns and human-rights education, to reduce and prevent discrimination in practice, particularly against children belonging to ethnic minorities, including Ainu people, children of Buraku people, children of non-Japanese origin, such as Korean, children of migrant workers, lesbian, gay, bisexual, transgender and intersex children, children born outside marriage and children with disabilities.

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125 [CRC/C/BJPN/Q/4-5](#)

126 [CRC/C/JPN/CO/4-5](#)



**II. Rights under the Convention and its Optional Protocols**

**D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

**Harmful practices**

18. Please provide information on any regulation of and protocol for the treatment of intersex children. Please inform the Committee also about measures to provide families with intersex children with adequate counselling and support, and on rehabilitation and redress to intersex children who have undergone unnecessary and irreversible medical or surgical treatment.

Keywords: *I; children, data collection, surgical/medical intervention*

**III. Statistical information and data**

**D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

37. Please provide data, disaggregated, on:

[...]

(b) The number of intersex children subjected to medically irreversible surgery and the number of children with disabilities subjected to forced sterilization and medication, including contraception;

[...].

Keywords: SOGI; LGBTI; data collection, family, children, 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;

[...].

Keywords: I; children, consultation, family, free and informed consent, GC/GR, health, investigation, legislation, LGR, remedy, SDGs, support services, surgical/medical intervention

**III. Main areas of concern and recommendations**

6. [...] The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: children's rights and the business sector (para. 17), birth registration and nationality (para. 23), harmful practices (para. 29), education, including vocational training and guidance (para. 39), asylum-seeking, refugee and migrant children (para. 42) and administration of juvenile justice (para. 45).

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

**C. General principles (arts. 2–3, 6 and 12)**

**Non-discrimination**

19. The Committee welcomes the amendments made to the Equality for Men and Women Act and to the Criminal Code to include sexual orientation, gender identity and religion as prohibited grounds of discrimination. [...]

Keywords: GI, GIESC; I; children, consultation, family, free and informed consent, GC/GR, health, investigation, legislation, LGR, remedy, SDGs, support services, surgical/medical intervention

**E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

**Harmful practices**

28. While welcoming [...] the adoption of the Gender Identity, Gender Expression and Sex Characteristics Act which provides for the recognition of gender identity on the basis of a person's self-identification rather than harmful medical and surgical requirements, the Committee remains concerned:

[...]

(b) That there are cases of intersex children who have allegedly been subjected to surgical and other procedures, which were medically unnecessary, without their consent to such procedures, which often entail irreversible consequences and can cause severe physical and psychological suffering; and at the lack of redress and compensation in such cases.

29. With reference to 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 taking note of target 5.3 of the Sustainable Development Goals, the Committee urges the State party to:

[...]

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- (d) Ensure that intersex children are not subjected to unnecessary medical or surgical procedures during infancy or childhood, and guarantee the bodily integrity, autonomy and self-determination of the children concerned, and provide families with intersex children with adequate counselling and support;
- (e) Investigate effectively incidents of surgical and other medical treatment of intersex children without informed consent and provide redress to victims of such treatment, including adequate compensation and rehabilitation.

Keywords: *LGBTI; children, discrimination, intersectionality, measures*

**Non-discrimination**

12. Please provide information on the measures taken to:

[...];

- (c) Address discrimination against children belonging to ethnic and religious minority groups (including those of African descent), Muslims and Jews, refugee, asylum-seeking, migrant and undocumented children, children with disabilities, chronically ill children and lesbian, gay, bisexual, transgender and intersex children.

**Portugal – List of Issues – 82<sup>nd</sup> PSWG, 28 February 2019, 5<sup>th</sup>–6<sup>th</sup> review<sup>131</sup>**

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

**Part I**

4. Please provide information on the effect on children of Law No. 2/2016 on the elimination of discrimination against same-sex and non-married couples with regard to adoption, civil sponsorship and other family relationships.

Keywords: *I, LGBT; data collection, children, family, free and informed consent, intersectionality, surgical/medical intervention*

**Data, statistics and other information, if available**

15. Please provide, if available, updated statistical data disaggregated by age, sex, type of disability, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on the number of:

[...]

- (d) Children living in families with lesbian, gay, bisexual or transgender parents;

[...]

- (j) Children who are born intersex;

- (k) Non-urgent, irreversible surgical and other procedures that have been carried out on intersex children before an age at which they are able to provide informed consent;

[...].

**Portugal – Concluding Observations – 82<sup>nd</sup> Session, 9 December 2019, 5<sup>th</sup>–6<sup>th</sup> review<sup>132</sup>**

Keywords: *LGBTI; adolescents, awareness-raising campaign, discrimination, follow-up, law enforcement officials, prevention, professional groups, stereotypes*

**Non-discrimination**

16. While welcoming the adoption of Law No. 93/2017 to prevent and combat discrimination on the grounds of racial and ethnic origin, colour, nationality, descent and country of origin and of the national strategy for equality and non-discrimination (2018–2030), the Committee recalls its previous concluding observations (para. 26) and recommends that the State party strengthen efforts to raise awareness among the public and civil servants, as well as law enforcement officials, on the importance of cultural diversity and inter-ethnic understanding, in order to combat stereotyping, prejudice and discrimination against girls, children with disabilities, children in migration, those of ethnic, religious and racial minorities, including Roma, people of African descent and Muslim children, as well as lesbian, gay, bisexual and transgender adolescents and intersex children.

Keywords: *I; children, consultation, family, GC/GR, health, measures, reparation, SDGs, support services, surgical/medical intervention*

**Harmful practices**

28. With reference to 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 taking note of target 5.3 of the Sustainable Development Goals, the Committee urges the State party to:

[...]

- (b) Continue to implement measures, including legal and administrative measures, to guarantee that no child, including intersex children, is subjected to unnecessary medical or surgical treatment during infancy or childhood, in line with the rights of children to bodily integrity, autonomy and self-determination, and provide social, medical and psychological services, where necessary, as well as adequate counselling, support and reparations to families with intersex children.

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132 [CRC/C/PRT/CO/5-6](#)

## Republic of Korea – List of Issues – 82<sup>nd</sup> PSWG, 28 February 2019, 5<sup>th</sup>–6<sup>th</sup> review<sup>133</sup>

Keywords: *SO; children, detention, measures, shelters*

### Part I

5. Please clarify the status of the draft amendments to the Family Litigation Act to extend the right to be heard to children under the age of 13. Please specify the efforts made to address:
  - (a) Discrimination against children based on sexual orientation while in detention and in accessing shelters;  
[...].

## Republic of Korea – Concluding Observations – 82<sup>nd</sup> Session, 24 October 2019, 5<sup>th</sup>–6<sup>th</sup> review<sup>134</sup>

Keywords: *SOGI; anti-discrimination legislation, discrimination, education, follow-up, legislation, policy, protected grounds, sexuality education, SDGs, SRHR, training*

### III. Main areas of concern and recommendations

5. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: non-discrimination (para. 17), the right to life, survival and development (para. 20), violence against children, including corporal punishment (para. 27), sexual exploitation and abuse (para. 29), education and the aims of education (para. 42) and the administration of child justice (para. 47).

Keywords: *SO, SOGI; LGBTI; anti-discrimination legislation, children, discrimination, family, intersectionality, legislation, policy, protected grounds, SDGs*

#### Non-discrimination

16. While welcoming the measures taken to support children in disadvantaged situations, the Committee remains concerned that the adoption of a draft anti-discrimination act has been hampered since 2007. It is also concerned that:  
[...]
  - (d) Cases of discrimination based on sexual orientation are persistent, a situation that the State party acknowledged by stating that its policies regarding young lesbian, gay, bisexual, transgender and intersex persons is inadequate (CRC/C/KOR/5-6, para. 36).
17. Taking note of target 10.3 of the Sustainable Development Goals on ensuring equal opportunity and reducing inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard, the Committee urges the State party to expeditiously adopt anti-discrimination legislation and ensure that such legislation prohibits discrimination based on origin, sexual orientation and gender identity. It also recommends that the State party:
  - (a) Enact a comprehensive anti-discrimination law and strategy and conduct public campaigns to eliminate and prevent discrimination against children in vulnerable and disadvantaged situations;
  - (b) Ensure that all children within its territory are equally able to be registered at birth and have access to childcare facilities, education, health care, welfare, leisure and State support;
  - (c) Prevent and eliminate achievement-based discrimination in schools;
  - (d) Ensure equal treatment for all families, including in accessing child support, and review legislation and practices accordingly.

Keywords: *SOGI; discrimination, education, sexuality education, stereotypes*

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133 [CRC/C/KOR/Q/5-6](#)

134 [CRC/C/KOR/CO/5-6](#)

## Education and the aims of education

41. The Committee welcomes the adoption of the Special Act on the Promotion of the Normalization of Public Education and Regulation of Prior Learning, which aims to eradicate the practice of prior learning (i.e. the taking of private classes at the preschool level in preparation for school), the extension of the school admission quota for vulnerable groups of children, the introduction of the “free semester system” and the provision of support to out-of-school children. [...]. It is also seriously concerned about the highly competitive education conditions, which virtually deprive children of their childhood, and also about:

[...]

(g) The lack of adequate and age-appropriate education on sexuality, in the context of adolescent pregnancies and increased HIV prevalence;

[...].

42. Recalling target 4.5 of the Sustainable Development Goals on eliminating gender disparities in education and ensuring equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations, the Committee urges the State party to reform its public education system in line with the Committee’s general comment No. 1 (2001) on the aims of education and with a view to reducing competitiveness, including by diversifying the national curriculum, reconsidering its college admissions system and strengthening career counselling. Furthermore, it urges the State party:

[...]

(f) To provide age-appropriate sexual education, paying special attention to preventing adolescent pregnancies and HIV/AIDS and adequately covering sexual orientation and gender identity; and remove discriminatory and gender stereotypical language from the national standard on school sexual education;

[...].

Keywords: *SOGI; LGBTI; children, detention, discrimination*

### Administration of child justice

46. The Committee welcomes the amendment to the Juvenile Act making it possible to count the period spent in a juvenile reformatory as part of the final sentence. However, it is concerned about:

[...]

(f) Inappropriate conditions of detention, including overcrowding and insufficient medical assistance, education, training, leisure and food, especially for girls; restrictions on communications, petitions and outdoor exercise; the absence of reasonable accommodations for children with minority backgrounds; and discrimination against lesbian, gay, bisexual, transgender and intersex children in detention;

[...].

47. The Committee urges the State party to:

[...]

(n) Ensure that all children in conflict with the law are treated equally and without discrimination, regardless of their nationality, disability status, sexual orientation or gender identity, and provide reasonable accommodation whenever appropriate.

Keywords: *LGBTI; access to justice, awareness-raising campaign, children, criminalization (decriminalization), discrimination, education, family, law enforcement officials, professional groups, same-sex couples, training, violence*

### III. Main areas of concern and recommendations

5. [...] The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: definition of the child (para. 18), non-discrimination (para. 20), corporal punishment (para. 27), children deprived of a family environment (para. 32), education, including vocational training and guidance (para. 39) and administration of juvenile justice (para. 46).

Keywords: *LGBTI; access to justice, awareness-raising campaign, children, criminalization (decriminalization), discrimination, education, family, law enforcement officials, professional groups, same-sex couples, training, violence*

#### C. General principles (arts. 2, 3, 6 and 12)

##### Non-discrimination

19. The Committee is concerned about the persisting discrimination, either in law or in practice or in both, against inter alia children without Singaporean citizenship, girls, children with disabilities, children of ethnic minorities, children of unmarried couples and children of same sex couples as well as about the lack of attention to the discrimination against lesbian, gay, bisexual, transgender and intersex children.

20. Taking note of target 10.3 of the Sustainable Development Goals, 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 children without Singaporean citizenship, girls, children with disabilities, children of ethnic minorities, children of unmarried couples, children of same sex couples 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, implementing awareness-raising and educational activities for children, families and the public and providing sensitivity training for the relevant professionals including teachers, social workers, personnel of child care institutions and law enforcement officers so that children are encouraged to report cases of discrimination and violence and that reported cases are promptly and appropriately addressed;

[...].

Keywords: *LGBTI; children, health, SRHR, policy*

#### G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)

##### Adolescent health

36. The Committee [...] recommends that the State party adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that the education is gender sensitive, not discriminatory against lesbian, gay, bi, transgender and intersex children and that it includes the use of contraception, including emergency contraception and care and treatment of sexually transmitted infections.



Keywords: *SO; LGBTI; children, discrimination, intersectionality, legislation, measures*

#### **Non-discrimination**

10. [...]. Please also provide information on the measures taken to eliminate discrimination against lesbian, gay, bisexual, transgender and intersex children, including the adoption of the draft law resulting from parliamentary initiative No. 13.407 on combating discrimination based on sexual orientation, and the results of the report on the right to protection from discrimination, prepared by the Federal Council in response to proposal No. 12.3543.

Keywords: *I; children, consultation, measures, remedy, support services, surgical/medical intervention*

#### **Harmful practices**

16. Please provide information on the measures taken to:

[...]

- (b) Ensure that intersex children are not subjected to unnecessary medical or surgical treatment, and to provide adequate counselling, support and access to effective remedies for the victims subjected to such treatment during childhood. Please provide information on whether unnecessary medical or surgical treatment for intersex children is still covered by disability insurance;

[...].

**Part I**

4. [...]. Please indicate the progress made in reviewing discriminatory laws, including the Penal Code, under which consensual same-sex sexual activity between boys is penalized. [...].

## 5. Committee against Torture

**Armenia – List of Issues prior to reporting – 68<sup>th</sup> Session, 9 December 2019, 5<sup>th</sup> review<sup>138</sup>**

Keywords: *detention, discrimination, follow-up, violence*

### **Article 11**

17. With reference to the Committee's previous concluding observations (paras. 31–32), please provide updated information on:

[...]

(c) Steps taken to improve the authority of prison administrations, reduce the impact of the criminal subculture and informal hierarchy in prisons and their influence within the penitentiary system and put an end to the discrimination and violence against homosexual prisoners and sex offenders;

[...].

Keywords: *LGBT; criminalization (decriminalization), data collection, intersectionality, investigation, law enforcement officials, prosecution, punishment, remedy, violence*

**Violence against indigenous, ethnic, and religious minorities and other vulnerable groups**

23. [...] The Committee is also concerned at reports of violence against lesbian, gay, bisexual and transgender individuals by private individuals and by law enforcement officials, which is facilitated by the State party's criminalization of consensual same-sex sexual relations as "unnatural behaviour" (arts. 2, 12, 13, 14 and 16).

24. The State party should:

(a) Ensure that independent investigations are carried out into reports of attacks and violence directed against indigenous, ethnic, religious and other vulnerable minorities, including those detailed above;

[...]

(d) Provide redress, including compensation and rehabilitation, to the Santal community and members of other minorities and vulnerable groups who suffered physical violence, damage to and looting of their property; and implement in practice the Restoration of Vested Property Act, 2001 (Act No. 16) in order to ensure the return of "vested" property to their original owners;

(e) Repeal Section 377 of the Penal Code of Bangladesh criminalizing "unnatural behavior" which the State party considers to prohibit consensual same-sex sexual conduct;

(f) Collect and publish statistical information about attacks on and violence against indigenous, ethnic and religious minorities and other vulnerable groups, including members of the lesbian, gay, bisexual and transgender community;

(g) Prosecute and punish the perpetrators all acts of violence committed by police and non-State actors against members of vulnerable groups.

Keywords: *SO; detention, follow-up, law enforcement officials, medical professionals, police, professional groups, training, violence*

**Article 10**

13. With reference to the Committee's previous concluding observations (paras. 11 (c) and 20) and the information received from the State party in follow-up to the concluding observations, 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 foreign nationals, as well as against persons because of their sexual orientation or gender.

Keywords: *SOGI; data collection, intersectionality, law enforcement officials, police, professional groups, torture/ill-treatment, training*

#### **Article 10**

15. Please provide information on training programmes conducted by the State party with a view to ensuring that all public officials, including, in particular, members of the armed forces, police officers, law enforcement officials, prison officers and immigration and border control officers: [...] (b) treat members of vulnerable groups appropriately, with due regard for their gender, cultural or ethnic affiliation and sexual orientation or gender identity; [...]. Please indicate whether this training is mandatory or optional, how often it is provided, how many officers, as a proportion of their total number, have received the training, whether there are plans to provide training for officers who have yet to receive it, and whether the State party has developed a methodology to assess the effectiveness and impact of its training programmes in terms of reducing the number of cases of torture and ill-treatment. If so, please provide information on the methodology's content and application.

Keywords: *LGBTI, T; access to justice, data collection, hate crimes, intersectionality, investigation, legislation, measures, prosecution, punishment, women*

#### **Article 16**

35. Please indicate what legislative and other measures have been taken by the State party to combat hate crimes and acts of intolerance against specific groups, including: [...] (b) lesbian, gay, bisexual, transgender and intersex persons, particularly transgender women. Please provide data on cases of hate crime identified over the past five years disaggregated by grounds for discrimination, the sex, age group and ethnic origin or nationality of the victim and whether the perpetrator was a public official. Please provide information on the outcome of the investigations and prosecutions conducted in each case and the sentences and penalties imposed.

Keywords: *LGBT; detention*

**Article 11**

22. Please provide information on measures taken by the State party to address the special needs of minors and women in detention. Please indicate whether protocols are in place to meet the needs of other groups of prisoners with special needs, such as persons with disabilities, older persons and lesbian, gay, bisexual and transgender persons.

Keywords: *SOGI; conversion therapy, discrimination, follow-up, investigation, measures, prosecution, violence*

**Article 16**

36. With reference to the previous concluding observations (paras. 49 and 50), please provide information on measures taken to ensure that all crimes and acts of violence committed against persons on the basis of their sexual orientation or gender identity are properly and promptly investigated and prosecuted. Please also clarify whether so-called “conversion therapies” and other forced, involuntary and coercive or abusive treatment have been prohibited.

**Article 16**

40. In the light of the previous concluding observations (para. 20) please provide updates since November 2011 on any steps taken by the State party to ensure that the current legal standards and medical practices applied with regard to medical and surgical treatment of intersex persons at the Federal and *Länder* levels guarantee that prior information about the suggested treatment, as well as the consequences of unnecessary interventions is given to the individuals concerned orally and in writing and their legal guardians, when appropriate. Please also explain whether the current legal standards and medical practices require mandatory prior consent of the patient and their legal guardians, when appropriate, before the treatment is provided. Please inform the Committee about any training carried out among medical professionals on the range of sexual, biological and physical diversity and the respect of the rights of intersex persons, including their right to free, prior and informed consent to any treatment. Please provide updated data on the number of complaints of incidents of medical treatment on intersex persons without their effective consent and information on investigations, prosecutions, convictions and penalties in relation to such complaints. Please also provide updates on the legal means of redress provided to intersex people who have been victims of non-consensual surgical and other medical treatment, including legal, medical and psychological aid, and adequate compensation.



Keywords: *LGBT; detention, intersectionality*

**Article 11**

21. [...] Please indicate whether there are protocols in place for meeting the needs of other groups of prisoners with special needs, such as persons with disabilities, older adults and lesbian, gay, bisexual and transgender persons.

Keywords: *SOGI; access to justice, follow-up, investigation, prosecution, violence*

**Article 16**

34. With reference to the preceding concluding observations (paras. 49 and 50), please provide information on the steps taken to ensure that all crimes and acts of violence that target persons on the basis of their sexual orientation or gender identity are properly and promptly investigated and prosecuted.

**Article 16**

40. Please indicate what practical measures have been taken by the State party to combat violence against individuals based on their sexual orientation or gender identity. Please comment on reports that, in 2017, Kuwait deported 76 men on suspicion of being gay and that transgender people can be arrested under a 2007 Penal Code provision that prohibits “imitating the opposite sex in any way”. Has the State party taken any steps to decriminalize consensual sexual relations between same-sex adults?

Keywords: SOGI; access to justice, violence

**Article 2**

8. With reference to the Committee's previous concluding observations (para. 14), please provide updated information on:

[...]

(f) Any steps taken to establish an effective and independent complaints mechanism for victims of domestic, including sexual, violence, as well as violence based on sexual orientation and gender identity.

Keywords: SOGI; investigation, measures, prosecution, violence

**Article 16**

52. Please provide information on the measures taken to ensure that all crimes and acts of violence that target persons on the basis of their sexual orientation or gender identity are properly and promptly investigated and prosecuted.

**Article 16**

24. With reference to the Committee’s previous concluding observations (paras. 29 and 30), please provide updated information on measures taken to prevent discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons. Please provide information on steps taken to establish a comprehensive legal framework to prevent violence, such as physical attacks and other ill-treatment, and to ensure the protection of vulnerable groups, including persons with HIV/AIDS and lesbian, gay, bisexual, transgender and intersex persons. Please provide information concerning any policing, enforcement and complaints mechanism that has been established to ensure that reports of violence are registered and investigated by the police. Please provide information on the measures taken to ensure that the perpetrators of violent acts against vulnerable populations on the basis of their sexual orientation or gender identity are brought to justice. Please indicate whether there is a provision in the new Criminal Code about lesbian, gay, bisexual, transgender and intersex persons.

## Namibia – List of Issues prior to reporting – 68<sup>th</sup> Session, 2<sup>nd</sup> review<sup>149</sup>

Keywords: *SOGI; asylum-seekers/refugees, criminalization (decriminalization), data collection, discrimination, follow-up, legislation, measures, refoulement*

### Article 3

20. With reference to the Committee's previous recommendation (para. 27 (d)), please provide specific information on the measures taken to ensure that persons at risk of persecution due to their sexual orientation or gender identity are not subject to refoulement, and have equal access to refugee protection, without discrimination. Please indicate the number of asylum applications received from individuals claiming persecution on such grounds, the number of successful applications and the number of such asylum seekers who have been returned, extradited or expelled. Indicate what measures have been taken to amend the Immigration Control Act No. 7 (1993), which bars individuals convicted of sodomy from entering Namibia.

Keywords: *SOGIE; hate crimes, investigation, measures, prosecution, violence*

### Article 16

43. Please provide information on the measures taken to ensure that all crimes and acts of violence that target persons on the basis of their sexual orientation or gender expression or identity are properly and promptly investigated and prosecuted.

**Poland – List of Issues prior to reporting – 56<sup>th</sup> Session, 12 January 2016, 7<sup>th</sup> review<sup>150</sup>**

Keywords: *SO; follow-up, investigation, measures, prosecution, violence*

**Article 16**

29. With respect to the previous concluding observations (para. 25), please provide information on the measures taken to ensure that all crimes and acts of violence that target persons on the basis of their sexual orientation, disability or age are properly and promptly investigated and prosecuted.

**Poland – Concluding Observations – 67<sup>th</sup> Session, 8 August 2019, 7<sup>th</sup> review<sup>151</sup>**

Keywords: *LGBT, LGBTI; access to justice, discrimination, follow-up, investigation, law enforcement officials, measures, police, prevention, prosecution, training, violence*

**Situation of vulnerable persons and hate crimes**

35. The Committee is concerned:

[...]

- (d) While acknowledging the State party's statement that all hate crimes are of "particular interest" to the Public Prosecutor's Office and Police, the Committee remains concerned at the incidents of physical assaults and hate speech against migrants from Africa, Asia, Arab migrants, as well as Roma and Ukrainians; and that cases of hate crimes are substantially underreported due to lack of confidence in the police, according to a recent Survey report on the nature and scale of unreported hate crimes developed by ODIHR and the NHRC of Poland; and that the violent incidents against LGBTI persons continue to be reported and that these acts of violence are not adequately investigated and prosecuted;

[...].

36. The State party should:

[...]

- (e) Ensure that all cases of hate crimes are reported and that reasons for the gross underreporting are addressed as a matter of urgency through appropriate measures, including training of and trust-building activities within the national police. The Committee reiterates its previous recommendation to take all necessary measures to combat discrimination and violence against persons of Arab, Asian and African origin, lesbian, gay, bisexual and transgender people as well as persons belonging to the Roma community; and to take effective measures to prevent all manifestations of hate crimes and ensure prompt and effective investigation and appropriate prosecutions of all such incidents;

[...].

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150 [CAT/C/POL/QPR/7](#)

151 [CAT/C/POL/CO/7](#)

**Portugal – List of Issues prior to reporting – 56<sup>th</sup> Session, 14 January 2016, 7<sup>th</sup> review<sup>152</sup>**

Keywords: *SO; detention, follow-up, law enforcement officials, medical professionals, police, professional groups, training, violence*

**Article 10**

9. In the light of the Committee's previous concluding observations (para. 20), please provide information, indicating the overall size of the target group and the percentage of those trained as well as the periodicity of the training, on the instruction provided to 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, with respect to:

[...]

- (d) Issues related to violence against women, domestic violence, violence against ethnic or national minorities as well as against persons because of their sexual orientation or gender;

[...].

**Portugal – Concluding Observations – 68<sup>th</sup> Session, 18 December 2019, 7<sup>th</sup> review<sup>153</sup>**

Keywords: *GIESC; legislation*

**B. Positive aspects**

5. The Committee also welcomes the State party's initiatives to revise its legislation in areas of relevance to the Convention, including:

[...]

- (f) The enactment in 2018 of Act No. 38/2018 on the right to self-determination of gender identity and gender expression and the protection of sex characteristics.

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152 [CAT/C/PRT/QPR/7](#)

153 [CAT/C/PRT/CO/7](#)



**United Kingdom of Great Britain and Northern Ireland – List of Issues prior to reporting – 57<sup>th</sup> Session, 7 June 2016, 6<sup>th</sup> review<sup>154</sup>**

Keywords: *T; hate crimes, measures*

**Article 16**

43. What measures have been taken to combat hate crimes, including crimes committed on the basis of race, nationality and religion? Please comment on reports of a rise in Islamophobic and anti-Semitic hate crimes. Please provide information on the specific measures taken to address underreporting of disability and transgender-motivated hate crimes.

**United Kingdom of Great Britain and Northern Ireland – Concluding Observations – 66<sup>th</sup> Session, 7 June 2019, 6<sup>th</sup> review<sup>155</sup>**

Keywords: *T; aggravating circumstance, hate crimes, investigation, police, prosecution, training*

**Hate crimes**

62. While acknowledging the legislative and other measures taken by the State party to tackle hate crime and prejudice, the Committee is concerned by the reports it has received from both government sources and community-based organizations reflecting a marked increase in the incidence of racist, xenophobic, anti-Semitic, anti-Muslim, anti-disabled and anti-transgender crimes in recent years, and by estimates that only 2 per cent of all hate crimes result in a successful conviction with an enhanced sentence for hostility on the basis of a protected characteristic (art. 16).

**63. The State party should strengthen its efforts to investigate alleged hate crimes and prosecute perpetrators, including by improving hate crimes training for the police and improving their initial handling of hate crimes reports.**

Keywords: *I; children, consultation, family, free and informed consent, legislation, remedy, support services, surgical/medical intervention*

**Intersex persons**

64. While noting that in January 2019 the Government Equalities Office launched a call for evidence to better understand the experiences of intersex persons in the United Kingdom, the Committee remains concerned about reports of cases of unnecessary surgery and other medical treatment with lifelong consequences, including severe pain and suffering, to which intersex children have been subjected. The Committee is further concerned about the lack of legal provisions providing redress and rehabilitation in such cases (arts. 14 and 16).

**65. The State party should ensure that:**

- (a) The parents or guardians of intersex children receive impartial counselling services and psychological and social support, including information on the possibility of deferring any decision on unnecessary treatment until they can be carried out with the full, free and informed consent of the person concerned;**
- (b) Persons who have been subjected to such procedures without their consent and resulting in severe pain and suffering obtain redress, including the means for rehabilitation.**

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154 [CAT/C/GBR/QPR/6](#)

155 [CAT/C/GBR/CO/6](#)

### **Uzbekistan – List of Issues – 66<sup>th</sup> Session, 12 June 2019, 5<sup>th</sup> review<sup>156</sup>**

Keywords: *LGBT; access to justice, data collection, detention, investigation, measures, police, police misconduct, prevention, prosecution, punishment, remedy, torture/ill-treatment, violence*

#### **Articles 2, 4 and 15**

9. Please provide information on whether the State party has investigated allegations that members of the police have subjected lesbian, gay, bisexual and transgender people to torture and violence while in detention and have failed to investigate acts of violence perpetrated against them by private persons. Please indicate any measures that the State party is taking to exercise due diligence to prevent, stop and sanction violence against lesbian, gay, bisexual and transgender people, including by collecting:
  - (a) Data on any prosecutions and convictions of public officials for subjecting lesbian, gay, bisexual and transgender people to torture and violence;
  - (b) Data on investigations, prosecutions and convictions of private individuals for engaging in violence against lesbian, gay, bisexual and transgender people during the reporting period;
  - (c) Information on whether any lesbian, gay, bisexual and transgender victims of violence have obtained redress.

### **Uzbekistan – Concluding Observations – 68<sup>th</sup> Session, 14 January 2020, 5<sup>th</sup> review<sup>157</sup>**

Keywords: *LGBT; access to justice, arrest, blackmailing, criminalization (decriminalization), detention, discrimination, investigation, legislation, police, police misconduct, prevention, torture/ill-treatment, violence*

#### **Violence against lesbian, gay, bisexual and transgender persons**

63. The Committee is concerned at reports that lesbian, gay, bisexual and transgender persons are subjected to: violence and torture while in detention; persecution by the police, including through entrapment schemes carried out using websites, threatening videos and extortion; and violence by private persons. The Committee is also concerned that the State party indicated that it has no cases open involving violence against lesbian, gay, bisexual or transgender persons. In addition, it is concerned about reports that the criminalization of same-sex sexual relations in article 120 of the criminal procedure code renders lesbian, gay, bisexual and transgender persons particularly vulnerable to violence by both law enforcement officials and private persons. This is because lesbian, gay, bisexual and transgender persons are reluctant to contact the authorities to seek protection from violence for fear of being arrested (arts. 2, 12–14 and 16).
64. The State party should undertake prompt, effective and impartial investigations of all allegations of torture and ill-treatment perpetrated against lesbian, gay, bisexual or transgender persons by or with the consent or acquiescence of public officials. The State party also should take measures to prevent violence and discrimination against lesbian, gay, bisexual or transgender persons on the basis of their sexual orientation and gender identity, including by repealing article 120 of the criminal code and ensuring that its complaints mechanisms are accessible to and capable of facilitating effective protection for lesbian, gay, bisexual or transgender persons who are victims of or at risk of violence.

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156 [CAT/C/UZB/Q/5](#)

157 [CAT/C/UZB/CO/5](#)

## 6. Committee on the Rights of Persons with Disabilities

### Australia – List of Issues prior to reporting – 18<sup>th</sup> Session, 21 September 2017, 2<sup>nd</sup>–3<sup>rd</sup> review<sup>158</sup>

Keywords: SC; health, SRHR, surgical/medical intervention

#### Protecting the integrity of the person (art. 17)

20. Please provide information on the measures taken to harmonize the legal frameworks at the national, state and territory levels that, in the absence of the free, prior and informed consent of the person concerned, prohibit the following:
- (a) Sterilization of children and adults with disabilities;
  - (b) Administration of unnecessary medical interventions, with particular attention to an individual's sexual and reproductive health and to people born with variations of sex characteristics.

### Australia – Concluding Observations – 22<sup>nd</sup> Session, 15 October 2019, 2<sup>nd</sup>–3<sup>rd</sup> review<sup>159</sup>

Keywords: LGBTIQ; awareness-raising campaign, decision-making process, intersectionality

#### Awareness-raising (art. 8)

15. The Committee is concerned about the lack of concerted efforts at all levels and about the low level of participation of persons with disabilities, particularly women, Aboriginal and Torres Strait Islander persons, persons with disabilities from culturally and linguistically diverse backgrounds and lesbian, gay, bisexual, transgender, intersex and queer persons with disabilities, through their representative organizations, to promote awareness-raising efforts about disability, including campaigns promoting a positive image and awareness of the contribution of persons with disabilities, in line with the Convention.
16. The Committee recommends that the State party develop a national government strategy to promote a positive image and awareness of the rights of all persons with disabilities and that it ensure the consultation and participation of representative organizations of persons with disabilities, particularly women, Aboriginal and Torres Strait Islander persons, persons with disabilities from culturally and linguistically diverse backgrounds and lesbian, gay, bisexual, transgender, intersex and queer persons with disabilities, in the development and delivery of all awareness-raising activities.

Keywords: SC; children, consultation, family, free and informed consent, health, legislation, remedy, surgical/medical intervention

#### Protecting the integrity of the person (art. 17)

33. The Committee is seriously concerned about:

[...]

- (b) The unregulated use of involuntary surgery on infants and children born with variations in sex characteristics and of other intrusive and irreversible medical interventions without the free and informed consent of those undergoing such interventions or without evidence of the need to carry them out.

34. The Committee urges the State party to:

[...]

- (b) Adopt clear legislative provisions that explicitly prohibit the performance of unnecessary, invasive and irreversible medical interventions, including surgical, hormonal or other medical procedures on intersex children before they reach the legal age of consent; also provide adequate counselling and support for the families of intersex children and redress to intersex persons having undergone such medical procedures;

158 [CRPD/C/AUS/QPR/2-3](#)

159 [CRPD/C/AUS/CO/2-3](#)

[...].

Keywords: *LGBTIQ; assisted reproduction, discrimination, family*

**Respect for home and the family (art. 23)**

43. The Committee is concerned about:

[...]

(b) The reported discrimination suffered, in particular by women with disabilities and by lesbian, gay, bisexual, transgender, intersex and queer persons with disabilities, in accessing assisted reproductive technologies.

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

[...]

(c) **Ensure that women with disabilities and lesbian, gay, bisexual, transgender, intersex and queer persons with disabilities have equal access to assisted reproductive technologies.**

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

**Protecting the integrity of the person (art. 17)**

17. Please indicate measures taken to prohibit and prevent non-consensual treatment, including forced sterilization, for persons with disabilities, and to protect intersex persons from undergoing unnecessary conversion surgery.

Keywords: *LGBTI; anti-discrimination legislation, discrimination, intersectionality, measures, remedy*

**Equality and non-discrimination (art. 5)**

3. Please provide information about measures taken to implement the Committee's previous concluding observations (CRPD/C/CAN/CO/1, para 14) in its entirety and in particular:

[...]

(b) Measures taken to ensure that the anti-discrimination provisions at federal, provincial and territorial levels encompass 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, particularly, children, women, migrants, refugees, asylum seekers, indigenous persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons with disabilities and to ensure their access to effective remedies in case of discrimination;

[...].

Keywords: *LGBTI; follow-up, intersectionality, measures, stereotypes, stigmatization*

**Awareness-raising (art. 8)**

6. Please provide information on measures taken to fully implement the Committee's recommendations (CRPD/C/CAN/CO/1 para. 20) at the federal, provincial and territorial levels and, in particular:

(a) Measures taken to combat stigma, stereotypes, prejudices and negative attitudes towards persons with disabilities, including autistic persons and lesbian, gay, bisexual, transgender and intersex persons with disabilities, to reinforce their human dignity and support their inclusion in society;

[...].

Keywords: *T; gender reassignment treatment, health, intersectionality, service provision, SRHR*

**Health (art. 25)**

24. Please provide information on the steps taken to:

[...]

(b) Increase access to information and services related to sexual and reproductive health by persons with disabilities including transgender and gender-diverse persons with disabilities, such as surgical and medical abortion services, and gender-affirming comprehensive health care;

[...].

**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.

**Equality and non-discrimination (art. 5)**

8. The Committee is concerned that there is lack of recognition and prohibition of multiple and intersectional discrimination, especially against women, indigenous persons and persons of African descent with disabilities. It is also concerned that legislation, such as the Law on Equality, Fairness, and the Elimination of Discrimination against Women and the Special Comprehensive Law for a Violence-free Life for Women, does not include or consider the perspective of women and girls with disabilities, especially those with psychosocial or intellectual disabilities. It is concerned about the lack of progress in recognizing denial of reasonable accommodation as a form of disability-based discrimination under the law.
9. **Recalling its general comment No. 6 (2018) on equality and non-discrimination, the Committee recommends that the State party adopt effective legal and policy measures, including the prohibition of all forms of discrimination against persons with disabilities, particularly on the grounds of disability, sex, age, ethnicity and gender identity. [...].**



Keywords: *SOGISC; discrimination, intersectionality, remedy, reparation*

**Equality and non-discrimination (art. 5)**

3. Please inform the Committee on measures taken to:

[...]

(b) Recognize multiple and intersectional forms of discrimination, including on the grounds of disability, age, ethnic or national origin, religion, language, nationality, migration status, place of residence, sexual orientation, gender identity and sex characteristics;

(c) Provide legal redress and reparations for the types of discrimination mentioned above.

Keywords: *I; access to justice, intersectionality*

**Access to justice (art. 13)**

12. Please provide information on:

[...]

(c) Eligibility criteria to access legal aid and efforts undertaken to guarantee the access of persons with disabilities, including those who are deaf, those with intellectual or psychosocial disabilities and intersex persons with disabilities, to legal representation during criminal proceedings.

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

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

15. Please inform the Committee about efforts taken to prohibit:

[...]

(b) Non-consensual irreversible procedures on intersex persons, including children.

Keywords: *I; health, intersectionality, service provision, surgical/medical intervention*

**Health (art. 25)**

27. Please inform the Committee about measures taken to:

(a) Ensure the access of all persons with disabilities, including women and girls, Roma and intersex persons with disabilities, to health care – including gynaecological, dental and other health-care services, facilities, amenities and equipment – and to provide specific accessible amenities and equipment for women and girls with disabilities;

[...].

## India – List of Issues – 11<sup>st</sup> PSWG, 16 May 2019, initial review<sup>165</sup>

Keywords: *LGBTI; discrimination, intersectionality*

### Equality and non-discrimination (art. 5)

5. Please provide information about:

- (a) Existing frameworks for promoting equality and non-discrimination with regard to persons with disabilities, including the provision of reasonable accommodation, and the progress achieved in combating multiple and inter-sectional forms of discrimination against persons affected by leprosy, in scheduled castes (Dalits) and scheduled tribes (Adivasi), internally displaced persons, older persons with disabilities, persons with disabilities living with HIV/AIDS, indigenous persons with disabilities or persons with disabilities who belong to ethnic and religious minorities, and lesbian, gay, bisexual, transgender and intersex persons with disabilities;

[...].

## India – Concluding Observations – 22<sup>nd</sup> Session, 29 October 2019, initial review<sup>166</sup>

Keywords: *LGBTI; anti-discrimination legislation, discrimination, GC/GR, intersectionality, legislation, SDGs, remedy*

### Equality and non-discrimination (art. 5)

12. The Committee is concerned about:

- (a) The lack of an explicit prohibition of disability-based discrimination in the Constitution, and the exception to the anti-discrimination clause in section 3 (3) of the Rights of Persons with Disabilities Act, which allows discrimination against persons with disabilities under certain circumstances;
- (b) Multiple and intersecting discrimination and discrimination by association in legislation and in practice against persons affected by leprosy and their family members, particularly women, who experience isolation, seclusion in “leprosy colonies” or at home, rejection from school, dismissal from jobs, and barriers to autonomy;
- (c) The absence of measures to combat multiple and intersecting discrimination against, inter alia, persons with disabilities in scheduled castes and scheduled tribes, including Dalits and Adivasi, older persons with disabilities, persons with disabilities living with HIV/AIDS, indigenous persons with disabilities, persons with disabilities who belong to ethnic, linguistic and religious minorities, and lesbian, gay, bisexual, transgender and intersex persons with disabilities;
- (d) The lack of effective redress in cases of discrimination on the basis of disability and multiple and intersecting discrimination, including gender-based discrimination against women with disabilities.

**13. The Committee recommends that the State party, guided by the Committee’s general comment No. 6 (2018) on equality and non-discrimination and taking account of targets 10.2 and 10.3 of the Sustainable Development Goals:**

- (a) Amend the Constitution to explicitly prohibit disability-based discrimination and repeal section 3 (3) of the Rights of Persons with Disabilities Act, ensuring that its legislation recognizes direct and indirect disability-based discrimination and multiple and intersecting discrimination as faced by persons with disabilities;
- (b) Repeal all discriminatory legislation against persons affected by leprosy in all areas, including provisions in the Hindu marriage rules and the family court rules and provisions restricting their freedom of movement or preventing them from participating in public life, and be guided by the principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members (A/HRC/15/30, annex) in order to address the situation of persons affected by leprosy and their family members;
- (c) Assess the situation of and adopt anti-discrimination legislation and public policies to tackle multiple and intersecting discrimination, with the aim of achieving inclusive equality for persons with disabilities facing such discrimination;
- (d) Ensure access by persons with disabilities to effective legal remedies and redress, including compensation in

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cases of disability-based discrimination and the denial of reasonable accommodation, taking account of the gender dimension of discrimination against women with disabilities.

Keywords: *SOGII; discrimination, intersectionality*

#### **Awareness-raising (art. 8)**

18. The Committee is concerned about:

- (a) The prevalence of prejudices and stigmas underpinning the isolation and segregation of persons with disabilities, and the limited impact of and lack of information provided by awareness-raising campaigns undertaken in rural areas, where disability is seen as an “outcome of fate”;
- (b) The regressive negative portrayal of persons with disabilities in the media, and a recent spate of unaddressed discriminatory and derogatory narratives by political leaders and actors;
- (c) The lack of information made available on the Convention and other disability-rights related laws and policies, particularly in states in the north-east region.

**19. The Committee recommends that the State party, in cooperation with organizations of persons with disabilities:**

[...]

- (b) **Implement comprehensive awareness-raising programmes, including training, for policymakers, administrative staff at all levels of authority, the judiciary, law enforcement officers, the media, professionals and staff working with and for persons with disabilities and their families. The State party should promote the human rights model of disability, and address prejudices and the use of derogatory language against persons with disabilities in society and multiple and intersecting discrimination against intersex persons and on the grounds, inter alia, of sexual orientation and gender identity;**

[...].

Keywords: *I; children, intersectionality, killings*

#### **Right to life (art. 10)**

22. The Committee is concerned about the deaths of children with disabilities in institutions, and information about “mercy killings” of intersex children with disabilities. It is also concerned about information about alleged extrajudicial executions of persons with intellectual or psychosocial disabilities in conflict areas.

**23. The Committee recommends that the State party adopt measures to ensure respect for the right to life of all persons with disabilities, enforce investigations aimed at identifying the cause of death of children with disabilities in institutions and sanction the perpetrators. It also recommends that the State party protect intersex children from attacks against their lives and any related harmful practices, and adopt measures to prevent the execution of persons with disabilities in relation to violence and armed conflict.**

Keywords: *I; bullying, children, measures, service provision, stigmatization, surgical/medical intervention*

#### **Protecting the integrity of the person (art. 17)**

36. The Committee is concerned about:

[...]

- (c) Sex-assignment or “sex-normalizing” surgery on intersex children, stigmatization and bullying against intersex children and their restricted access to community services.

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

[...]

- (c) **Adopt measures to prevent sex-assignment or “sex-normalizing” surgery, stigmatization and bullying against intersex children and ensure their right to respect for their physical and mental integrity.**

Keywords: *I; children*

#### **Liberty of movement and nationality (art. 18)**

38. The Committee is concerned about:

- (a) The lack of registration at birth of children with disabilities, particularly deafblind children, children requiring high levels of support and intersex children at a heightened risk of neglect, the absence of disaggregated data and the insufficiency of measures to ensure the early registration of and access to unique disability identification cards by children with disabilities in remote and rural areas, those internally displaced and those in refugee camps, resulting in their lack of access to community services;

[...].

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

- (a) **Adopt a programme to ensure the registry of children with disabilities immediately after birth and the disaggregation of data of the birth registry, and to facilitate the recognition of unique disability identification cards for all children with disabilities and their access to appropriate early intervention and community services;**

[...].

Keywords: *I; access to justice, bullying, GC/GR, education, stereotypes, stigmatization*

**Education (art. 24)**

50. The Committee is concerned about:

[...]

- (b) Rejection from school of children with disabilities, particularly children affected by leprosy, and bullying against intersex children, causing many to drop out of school;

[...].

**51. The Committee recommends that the State party, guided by the Committee's general comment No. 4 (2016) on the right to inclusive education and taking account of targets 4.5 and 4.a of the Sustainable Development Goals:**

[...]

- (b) **Take measures to prevent the rejection, stigmatization and bullying of children with disabilities, particularly children affected by leprosy and intersex children, review regulations to ensure access to education, undertake campaigns to combat disability stereotypes and establish complaint mechanisms and sanctions in cases of discrimination;**

[...].

**Equality and non-discrimination (art. 5)**

11. The Committee is concerned about the lack of:

- (a) Legal provisions in the Constitution and laws of the State party that explicitly prohibit disability-based discrimination in accordance with the Convention, including multiple and intersectional forms of discrimination and the denial of reasonable accommodation;
- (b) A comprehensive anti-discrimination policy that provides appropriate protection from disability-based discrimination in all areas of life, including multiple and intersectional forms of discrimination and the denial of reasonable accommodation;

[...].

12. Recalling its general comment No. 6 (2018) on equality and non-discrimination, the Committee recommends that the State party:

- (a) Take the necessary legal measures, including reviewing the Constitution and laws to prohibit disability-based discrimination in accordance with the Convention, including multiple and intersectional forms of discrimination on the grounds of disability, sex, age, ethnicity, religion, gender identity, sexual orientation and any other status, and the denial of reasonable accommodation, in all areas of life;
- (b) Adopt and implement a comprehensive anti-discrimination policy to provide appropriate protection against disability-based discrimination, including multiple and intersectional discrimination and the denial of reasonable accommodation;

[...].

## Norway – List of Issues – 10<sup>th</sup> PSWG, 30 October 2018, initial review<sup>168</sup>

Keywords: *SM; decision-making process, 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: *SOGII; 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.

## Norway – Concluding Observations – 21<sup>st</sup> Session, 7 May 2019, initial review<sup>169</sup>

Keywords: *LGBTI; action plan, intersectionality*

### II. Positive aspects

4. The Committee welcomes the progress achieved by the State party in implementing the Convention. In particular, it appreciates the adoption of the following legislative, policy and administrative measures:

[...]

(b) The action plan for lesbian, gay, bisexual, transgender and intersex persons on safety, diversity and openness (2017–2020), which features a programme aimed at incorporating issues relating to disability, sexuality and lesbian, gay, bisexual, transgender and intersex persons into the online information service run by the Directorate for Children, Youth and Family Affairs;

[...].

Keywords: *SOGI; awareness-raising campaign, education, intersectionality, law enforcement officials, media, police, professional groups, stereotypes*

### Awareness-raising (art. 8)

13. The Committee is concerned about the persistence of negative stereotypes, prejudices and language concerning persons with disabilities. It is also concerned about the lack of comprehensive and innovative awareness-raising programmes on the rights of persons with disabilities.

14. The Committee recommends that the State party, in collaboration with organizations of persons with disabilities, develop and implement innovative public awareness-raising and education programmes for the media, public officials, judges and lawyers, the police, social workers and the general public, with the aim of raising awareness and promoting the human rights model of disability and addressing negative stereotypes, prejudices and language concerning persons with disabilities in society, including on the grounds of sexual orientation and gender identity.

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169 [CRPD/C/NOR/CO/1](#)

Keywords: *LGBT; discrimination, intersectionality, support services*

**Equality and non-discrimination (art. 5)**

4. In view of parliament's rejection in 2019 of the proposal to amend the Anti-Discrimination Act concerning discrimination based on disability, please inform the Committee on the measures taken to:
  - (a) Ensure that the protection against discrimination encompasses all forms of discrimination based on disability, including direct and indirect discrimination, the denial of reasonable accommodation, discrimination by association, and multiple and intersectional forms of discrimination;
  - (b) Provide persons with disabilities with individualized supports in all areas of life, and eliminate the discrimination faced by persons with disabilities, in particular, children, migrants, refugees, asylum seekers, older persons, women, intersex persons and persons who identify as lesbian, gay, bisexual or transgender with disabilities, regardless of geographical location, place of residence or ethnic background;

[...].

Keywords: *I; children, measures, remedy, surgical/medical intervention*

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

17. Please provide information on measures taken to prevent and abolish forced sterilization, contraception and sex reassignment surgery of persons with disabilities, including intersex children, and to provide redress. [...].

**A. General principles and obligations (arts. 1–4)**

6. The Committee is concerned that several national, regional and municipal laws and policies, particularly the revised text of the general act on the rights of persons with disabilities and their social inclusion (2013) and the Personal Autonomy Promotion Act (2006), are not compliant with the Convention or the human rights model of disability. [...]. The Committee is also concerned about:

[...]

- (c) The limited progress in ensuring the equal and full involvement and participation of persons with disabilities through their representative organizations in all matters that concern them, including the formulation of public policies and laws;

[...].

7. **The Committee recommends that the State party review and amend all laws, policies and practices relating to the provision of services for persons with disabilities at all levels and across all autonomous communities, in accordance with the principles enshrined in the Convention and in line with the human rights model of disability. The Committee also recommends that the State party:**

[...]

- (c) **Ensure the continued involvement of and meaningful consultation with various organizations of persons with disabilities, including but not limited to those representing women, children, refugees and asylum seekers, lesbian, gay, bisexual, transgender and intersex persons, persons with psychosocial disabilities or with intellectual, hearing or visual impairments, persons living in rural areas and persons in need of high levels of support, in the designing and amending of new and current laws, policies and programmes to ensure their compliance with the Convention, in line with the Committee’s 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;**

[...].

Keywords: *SOGI; anti-discrimination legislation, discrimination, GC/GR, intersectionality, legislation, protected grounds, SDGs*

**B. Specific rights (arts. 5–30)**

**Equality and non-discrimination (art. 5)**

8. The Committee is concerned about the lack of explicit recognition and prohibition of multiple and intersectional discrimination on the grounds of disability, sex, age, ethnicity, gender identity, sexual orientation and any other status, in all areas of life. It regrets that a number of mental health conditions are not considered to be disabilities under Spanish law. It is also concerned that the denial of reasonable accommodation is not recognized as a form of discrimination in all areas of life.

9. **The Committee recommends that the State party refer to the Committee’s general comment No. 6 (2018) on equality and non-discrimination and targets 10.2 and 10.3 of the Sustainable Development Goals, to revise its anti-discrimination legislation, policies and strategies, including the Equality Act, to adhere to the Convention and to explicitly recognize and prohibit multiple and intersectional discrimination on the grounds of disability, sex, age, ethnicity, gender identity, sexual orientation and any other status, in all areas of life. [...].**



Keywords: *SOGII; consultation, decision-making process, intersectionality, legislation, policy*

**A. Purpose and general obligations (arts. 1–4)**

1. Please provide information on:

[...]

(b) Mechanisms established and the human and financial resources available at the federal, cantonal and municipal levels for meaningful consultation with persons with disabilities, including persons with disabilities with diverse sexual orientations and gender identities and intersex persons with disabilities, through their representative organizations, regarding the design and monitoring of legislation and policies aimed at implementing the Convention;

[...].

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

**Equality and non-discrimination (art. 5)**

2. Please provide information on:

(a) Measures taken to ensure that discrimination laws at the federal and cantonal levels adhere to the Convention, taking account of the Committee’s general comment No. 6 (2018) on equality and non-discrimination, to provide equal and effective legal protection against all forms of discrimination on all grounds for persons with disabilities, including multiple and intersectional discrimination and the denial of reasonable accommodation in the public or private sphere;

[...]

(c) Measures taken by the Federal Council to respond to the recommendations of the Swiss Centre of Expertise in Human Rights in its study about access to legal protection in cases of alleged discrimination, including gaps in the field of private law and with regard to the rights of lesbian, gay, transgender and intersex persons (CRPD/C/CHE/1, para. 35).

Keywords: *I; access to justice, health, intersectionality, remedy, surgical/medical intervention*

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

12. Please provide information on:

[...]

(e) Criminal and civil remedies available to persons with disabilities, including intersex persons with disabilities, who have undergone involuntary sterilization or unnecessary and irreversible medical or surgical treatment, procedures to access medical records and whether remedies are subject to any statutes of limitations.

Keywords: *I; children, family, free and informed consent, health, surgical/medical intervention*

**Freedom from exploitation, violence and abuse (art. 16)**

13. Please provide information on:

[...]

(e) Measures taken to promote the physical, cognitive and psychological recovery and rehabilitation and social reintegration of intersex persons who have undergone involuntary procedures, including those who underwent irreversible surgical procedures as children with parental consent, and steps taken to ensure that such measures are covered by medical insurance.

Keywords: *I; children, follow-up, free and informed consent, measures, surgical/medical intervention*

**Protecting the integrity of the person (art. 17)**

14. Please provide information on:

[...]

- (b) Measures taken to ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood (CRC/C/CHE/CO/2-4, para. 43 (b); CAT/C/CHE/CO/7, para. 20 (a); CEDAW/C/CHE/CO/4-5, para. 25 (c); and CCPR/C/CHE/CO/4, para. 25), and data on the number of irreversible surgical and other procedures that are performed on intersex children, disaggregated by age and geographic location.

Keywords: *SO; family, intersectionality, training*

**Respect for home and the family (art. 23)**

25. Please provide information on:

[...]

- (b) The measures taken to ensure that persons with disabilities can exercise their rights in respect of parenthood and the adoption or fostering of children on an equal basis with others. Please also indicate whether the Family Orientation and Training Programme of the National Council for Disabilities includes counselling for persons with disabilities on personal relations, marriage, sexual orientation and reproduction, their right to custody of their children (with or without disabilities) and their right to adopt.

## 7. Committee on the Elimination of Racial Discrimination

**Colombia – Concluding Observations – 100<sup>th</sup> Session, 22 January 2020 – 17<sup>th</sup>-19<sup>th</sup> review<sup>174</sup>**

Keywords: *LGBT; discrimination, hate speech, intersectionality*

### **Racial hatred and incitement to racial discrimination**

10. The Committee is concerned about the increase in discriminatory views, racial hatred and xenophobia in the State party, especially towards migrants, in particular migrants living with HIV and lesbian, gay, transgender, bisexual and intersex migrants. The Committee reiterates its previous concern that criminal legislation is still not fully in conformity with article 4 of the Convention and that it still contains no reference to propaganda activities that promote and incite racial discrimination (arts. 4 and 6).
11. The Committee refers the State party to its general recommendations No. 15 (1993) on article 4 of the Convention and No. 35 (2013) on combating racist hate speech and recommends that the State party:
  - (a) Take effective measures to prevent and combat hate speech, incitement to racial discrimination and expressions of racism;
  - (b) Ensure that all cases of xenophobia, hate speech, incitement to racial discrimination and racially motivated violence are investigated and that those responsible are prosecuted and adequately punished;
  - (c) Carry out public awareness-raising campaigns on respect for diversity and the elimination of racial discrimination;
  - (d) Criminalize the dissemination of ideas that justify or promote racial hatred and prohibit organizations that promote and incite racial discrimination, as previously recommended by the Committee.

Keywords: *SO; hate speech, legislation, media, protected grounds*

**B. Positive aspects**

4. The Committee also welcomes the following legislative and policy measures taken by the State party: [...]
- (d) Article 27 of Act No. 38/2011 on the media, which prohibits media service providers from encouraging hatred in the media on the grounds of race, gender, sexual orientation, religious belief, nationality, opinion or cultural, economic, social or other standing in society; [...].

## 8. Committee on Migrant Workers

### Argentina – List of Issues prior to reporting – 28<sup>th</sup> Session, 20 June 2018, 2<sup>nd</sup> review<sup>176</sup>

Keywords: *LGBTI; anti-discrimination legislation, awareness-raising campaign, discrimination, intersectionality, stigmatization, violence*

#### 2. Part III of the Convention

##### 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, intersectionality*

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;

[...].

### Argentina – Concluding Observations – 31<sup>st</sup> Session, 4 February 2020, 2<sup>nd</sup> review<sup>177</sup>

Keywords: *LGBT; harassment, intersectionality, investigation, police, police misconduct, prevention, prosecution, punishment, violence*

#### 3. Human rights of all migrant workers and members of their families (arts. 8–35)

##### Protection from violence, physical injury, threats and intimidation

32. The Committee takes note of the adoption of the first National Action Plan for the Prevention and Eradication of Violence against Women and for Assistance to Victims, 2017–2019. It is nevertheless concerned at reports that groups of migrant workers, such as street vendors ("*manteros*"), especially those from Senegal or Haiti, textile workers, women engaged in prostitution and lesbian, gay, bisexual or transgender migrant workers, are subjected to violence and harassment by the police. [...].

33. The Committee recommends that the State party step up its efforts to prevent violence against vulnerable groups of migrants, that it protect them from crime and that it investigate, prosecute and punish perpetrators, including anyone acting as an accomplice of State officials.

Keywords: *follow-up, intersectionality, investigation, police, police misconduct, prevention, prosecution, punishment, violence*

##### Follow-up to concluding observations

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177 [CMW/C/ARG/CO/2](#)

56. The Committee requests the State party to provide, by 1 October 2020, written information on the implementation of the recommendations contained in paragraphs 11, 31 and 33 above.

## 2. Part II of the Convention

### Article 7

10. Please indicate whether the national legislation, in particular the Constitution, the Labour Act, the Immigration Act and the Belizean Nationality Act, ensure that all migrant workers and members of their families enjoy the rights established in the Convention, without distinction of any kind, and whether such legislation covers all the prohibited grounds of discrimination, including sex, age, gender identity and sexual orientation, disability, language, national, ethnic or social origin, nationality, economic status, property, marital status, birth or other status. In the light of the Committee's previous recommendation (CMW/C/BLZ/CO/1, para. 19) as well as of a previous Human Rights Committee's recommendation (CCPR/C/BLZ/CO/1/Add.1, para. 13), please provide information on measures taken to review the legislation and repeal all discriminatory provisions, in particular section 5 (1) of the Immigration Act.



### C. Part III of the Convention

#### 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;

[...].

## Guatemala – List of Issues prior to reporting – 27<sup>th</sup> Session, 12 October 2017, 2<sup>nd</sup> review<sup>180</sup>

Keywords: *SO; discrimination, intersectionality, violence*

### A. General information

2. In the light of the information before the Committee about the absence of a comprehensive, rights-based public policy in the area of migration, please indicate what short- and long-term comprehensive policies and programmes the State party intends to implement and what the expected results of the programmes are to address and prevent irregular migration of Guatemalans, particularly from a rights-based perspective. [...]. Please include information on efforts to counter the various forms of violence prevailing in the region, poverty, discrimination based on gender, ethnicity, sexual orientation and other grounds and the extreme economic inequality in countries of origin.

Keywords: *LGBTI; health, intersectionality, service provision*

### Articles 25-30

22. With reference to the previous concluding observations (para. 33), please provide information on the measures taken by the State party to ensure, in law and in practice, that all migrant workers and members of their families, including those in an irregular situation, have adequate access to health-care services, including urgent medical care. Please provide differentiated information for women, children, migrant workers in situations of sexual exploitation, domestic workers, lesbian, gay, bisexual, transgender and intersex persons and Guatemalan migrant workers and members of their families who have been deported, including those with disabilities. [...].

## Guatemala – Concluding Observations – 30<sup>th</sup> Session, 2 May 2019, 2<sup>nd</sup> review<sup>181</sup>

Keywords: *LGBTI; anti-discrimination legislation, awareness-raising campaign, discrimination, intersectionality, stigmatization, violence*

### 2. General principles (arts. 7 and 83)

#### Non-discrimination

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

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

[...].

#### 27. The Committee recommends that the State party:

- (a) Further promote the hospitality and solidarity for which Guatemalans are well known and advocate, in migrant host communities, a culture of peace and dialogue, in other words, the peaceful resolution of conflicts and the appreciation of diversity, in order to meet the challenges of migration and the mass movement of persons;

[...]

- (c) Adopt specific legislation classifying as a punishable act the various forms of discrimination, in accordance with article 7 of the Convention, and to amend national legislation where necessary to bring it into line with the Convention;

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

[...].

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181 [CMW/C/GTM/CO/2](#)

## 9. Committee on Enforced Disappearances

**Bolivia – Concluding Observations – 17<sup>th</sup> Session, 11 October 2019, initial review<sup>182</sup>**

Keywords: SOGI; intersectionality, reparation

### **Right to the truth, to reparation and to prompt, fair and adequate compensation**

34. The Committee is concerned that the Truth Commission does not have sufficient resources to carry out its investigative work on enforced disappearances. [...]. It is also concerned that the reparations granted to victims do not include all the modalities established in article 24.5 of the Convention, as well as the fact that only 20% of the amount to be granted to victims has been paid. It is also concerned at the lack of measures to guarantee reparation to victims of enforced disappearances that may currently occur (art. 24).

**35. The Committee recommends that the State party take the necessary measures to:**

[...]

(d) **Ensure that the reparations system is sensitive to the individual conditions of the victims, taking into account, for example, their sex, sexual orientation, gender identity, age, ethnic origin, social situation and disability, and is in full compliance with article 24, paragraphs 4 and 5.**

Keywords: SOGI; LGBTI; intersectionality, measures, reparation

**Definition of “victim” and the right to obtain reparation and prompt, fair and adequate compensation**

28. The Committee is concerned to note that, under Act No. 30470 on the Search for Persons Who Disappeared during the Violence of 1980–2000 and Act No. 28592 establishing the Comprehensive Reparations Plan, only disappeared persons and members of their families, not all the persons referred to in article 24 (1) of the Convention, are regarded as victims, and that this definition excludes persons such as the spouses or partners of lesbian, gay, bisexual, transgender and intersex persons. [...]

**29. The Committee recommends that the State party take the necessary measures to:**

[...]

(b) Ensure that all victims of enforced disappearance have access to full reparation and that all obstacles and restrictions hindering their registration in the Comprehensive Reparations Programme are eliminated;

(c) Ensure that the system for awarding reparations takes into account the personal circumstances 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);

[...].

Keywords: SOGI; follow-up, intersectionality, reparation

**D. Dissemination and follow-up**

39. In accordance with the Committee’s rules of procedure, the State party is requested to provide, no later than 18 April 2020, relevant information on the implementation of the Committee’s recommendations contained in paragraphs 15 (definition of enforced disappearance and appropriate penalties), 29 (definition of “victim” and the right to obtain reparation) and 33 (search for disappeared persons) of the present concluding observations.

Keywords: SOGI; intersectionality, reparation

**Right to reparation and prompt, fair and adequate compensation**

24. The Committee takes note of the different systems to obtain compensation in the State party. However, it is concerned that domestic law does not fully guarantee the right of victims of enforced disappearance to obtain adequate compensation and all forms of reparation provided for in article 24 (5) of the Convention under the responsibility of the State. [...].
25. **The State party should guarantee the right to reparation and to prompt, fair and adequate compensation of all persons who have suffered harm as a direct result of an enforced disappearance, regardless of their nationality. To this effect, the Committee recommends that the State party adopt the necessary measures, including the revision of the Victims Act, to guarantee that its domestic legislation provides for a comprehensive system of compensation and reparation that is fully compliant with article 24 (4) and (5) of the Convention and other relevant international standards; for which the State is responsible and is applicable even if no criminal proceedings have been initiated; and that is sensitive to the victims' individual characteristics, taking into account, for instance, their sex, sexual orientation, gender identity, age, ethnic origin, social status and disability.**

Keywords: SOGI; follow-up, intersectionality, reparation

**D. Dissemination and follow-up**

31. In accordance with the Committee's rules of procedure, the State party is requested to provide, not later than 11 October 2020, information relevant to the implementation of the Committee's recommendations contained in paragraphs 11 (National Human Rights Institution), 23 (Training) and 25 (Right to reparation and prompt, fair and adequate compensation) of the present concluding observations.