



United Nations Treaty Bodies: References to Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (first half of 2023)

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1. Introduction

This article explores the activities carried out by nine United Nations (UN) treaty bodies (Committees),¹ from 1 January to 30 June 2023, in the context of lesbian, gay, bisexual, trans, and intersex (LGBTI) human rights, as well as the advancements in terms of sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC).

The article begins by presenting the primary challenges confronting the LGBTI human rights movements in 2023, providing essential context for the activities of UN treaty bodies. Thereafter, it analyses each Committee individually, identifying the main themes covered during the first half of the year concerning LGBTI human rights and SOGIESC. Following this, a comparative analysis of how extensively the UN Committees have engaged with LGBTI topics is undertaken to identify treaty bodies most actively involved. Finally, an examination of the regional areas that have garnered the attention from the treaty bodies is presented.

This study encompasses a comprehensive range of UN documents produced by treaty bodies, including lists of issues, lists of issues prior to reporting, lists of themes, concluding observations, follow-up assessment reports in state periodic reviews, general comments, and decisions on individual communications relevant to LGBTI and SOGIESC topics. Notably, this article does not include an analysis of submissions by civil society organisations due to the additional resources this would require. However, for some Committees, certain shadow reports were assessed on a case-by-case basis, specifically when they made a significant contribution to understanding the realities of LGBTI communities on the ground.

2. LGBTI / SOGIESC developments by Treaty Bodies in the first half of 2023: Committee-specific overview

a. Committee on the Elimination of Discrimination against Women (CEDAW)

CEDAW has published a series of recommendations in the first half of 2023, primarily centred around the following key subjects related to LGBTI rights: **stereotypes and gender-based violence (GBV) against LBTI women, unemployment, intersecting forms of discrimination and legal gender recognition (LGR)** for trans women.

In the context of advancing LBTI rights, CEDAW has taken a proactive stance on the issue of **stereotypes concerning LBTI women**. For instance, it has advised Costa Rica to “[e]nsure that all intervention measures to change societal stereotypes are conducted through an intersectional lens, so that they combat stereotypes against [...] [LBTI] and older women and women disabilities.”² This demonstrates the Committee’s willingness to encourage states to change stereotypes affecting LBTI women. Furthermore, the Committee has consistently

¹ The Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Rights of the Child (CRC), the Human Rights Committee (HRCtee), the Committee on the Elimination of Racial Discrimination (CERD), the Committee on Economic, Social and Cultural Rights (CESCR), the Committee Against Torture (CAT), the Committee on Enforced Disappearances (CED), the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), and the Committee on the Rights of Persons with Disabilities (CRPD).

² para. 22(b), [CEDAW/C/CRI/CO/8](#).

applied an intersectional lens in its recommendations to various states concerning the rights of LGBTI women.

In accordance with renowned academic scholars in the field of human rights of women, one of the most significant advancements made by the CEDAW Committee in terms of Article 5 of the Convention on the Elimination of All Forms of Discrimination against Women,³ which addresses stereotypes, is that

the Committee has expanded its vision of who suffers from gender stereotyping. In recent years, the Committee has acknowledged that gender stereotypes also negatively affect [LGBTI] persons mostly by invoking the concept of intersectional or multiple discrimination.⁴

Concluding observations from the first half of 2023 have contributed to such developments, as seen in the case of Costa Rica, where intersectionality was employed as a lens to combat stereotyping in the context of LGBTI women.

Regarding the topic of **intersectional forms of discrimination**, in the case of China, intersectionality was applied in the context of access to justice. The Committee noted that LGBTI women “face economic and linguistic barriers, as well as intersecting forms of discrimination, in accessing justice.”⁵ Consequently, the Committee recommended that the State

remove intersecting forms of discrimination and barriers faced by women and girls, in particular women with disabilities, [LBTI], [...] in accessing justice, including by sensitizing the judiciary on their equal rights and providing free legal aid to women without sufficient means and independent and professional translation and interpretation services, when needed.⁶

Moreover, the Committee called upon Hong Kong, China, to persist in its efforts to dismantle the intersecting forms of discrimination faced by LGBTI women.⁷ Similarly, CEDAW requested Tajikistan, San Marino and Cuba to provide data that would facilitate an assessment of the violence experienced by groups of women susceptible to intersectional discrimination, encompassing LGBTI women.⁸

Additionally, vis-à-vis involuntary sterilizations and medical procedures required in some states for **LGR**, the Committee expressed its concern about the “involuntary sterilization of transgender women as a precondition for legal gender recognition”⁹ in Slovakia and recommended that the State party “ensure that transgender women can continue to obtain legal recognition of their gender and change their names in civil registries without undergoing

³ Convention on the Elimination of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

⁴ The UN Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol (2nd Edition) (2022), Chapter on Article 5, Patricia Schulz, Ruth Halperin-Kaddari, Beate Rudolf and Marsha A. Freeman, Oxford Public International Law.

⁵ para. 15, [CEDAW/C/CHN/CO/9](#).

⁶ *ibid* paras. 16(a)(b)(c).

⁷ *ibid* para. 80.

⁸ para. 13, [CEDAW/C/SMR/QPR/1-5](#); para. 20, [CEDAW/C/CUB/Q/9](#); para. 19(f), [CEDAW/C/TJK/Q/7](#).

⁹ paras. 44(a)(b) [CEDAW/C/SVK/CO/7](#).

involuntary sterilization and commit not to adopt legislation on compulsory sterilization.”¹⁰ With regard to Germany, CEDAW welcomed the removal of “the obligation for persons to undergo sex-affirming surgeries or hormone therapy or undergo psychological counselling in order to legally change their name and sex.”¹¹

Within the context of LGR, CEDAW issued various concluding observations aimed at enhancing the protection of trans and gender-diverse women. As an example, CEDAW recommended that China “ensure that transgender women can change the gender marker in their passports and other identity documents, without onerous requirements.”¹² In the case of Venezuela, CEDAW urged the country to “respect the rights of transgender women to autonomy, self-determination and legal recognition of their gender identity through an expeditious, transparent and accessible procedure.”¹³ Costa Rica was called on to “respect the rights of transgender women to autonomy, self-determination and legal recognition of their gender identity through an expeditious, transparent and accessible procedure, in line with advisory opinion OC-24/17 of the Inter-American Court of Human Rights.”¹⁴

Furthermore, CEDAW required Argentina to provide information on the “assessment of the implementation of [...] Decree 476/2021, which recognizes non-binary gender identities on the national identity document; and Act No. 27.636, which provides a quota in the public sector for transvestite, transsexual and transgender persons.”¹⁵ CEDAW also requested Australia to provide details on “the steps taken towards the removal of the requirement for transgender women to obtain legal recognition of their gender.”¹⁶

These examples from CEDAW’s practice in the first half of 2023, demonstrate the Committee’s commitment to the advancement of the rights of trans and gender-diverse women.

One of the main topics covered by CEDAW concerning LGBTI women was **unemployment**. CEDAW “identified various subgroups of women who are subject to intersectional discrimination in the labour market [...] [such as LBT] women. In all these situations sex discrimination in the labour force is exacerbated on the basis of the woman’s additional group identity or identities”.¹⁷ For example, the Committee expressed concern about limited job opportunities for marginalised groups, including LGBTI women in Venezuela,¹⁸ and recommended the promotion of women’s access to formal employment.¹⁹ The Committee also observed the limited employment opportunities for LGBTI women in Costa Rica²⁰ and

¹⁰ *ibid* paras. 45(a)(b).

¹¹ para. 15, [CEDAW/C/DEU/CO/9](#).

¹² *ibid* paras. 56(a)(b)(c)(d).

¹³ para. 48, [CEDAW/C/VEN/CO/9](#).

¹⁴ para. 42, [CEDAW/C/CRI/CO/8](#).

¹⁵ para. 22, [CEDAW/C/ARG/OPR/8](#).

¹⁶ paras. 19 (a)(b), [CEDAW/C/AUS/OPR/9](#).

¹⁷ The UN Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol (2nd Edition) (2022), Chapter on Article 11, Patricia Schulz, Ruth Halperin-Kaddari, Beate Rudolf and Marsha A. Freeman, Oxford Public International Law.

¹⁸ para. 35(b), [CEDAW/C/VEN/CO/9](#).

¹⁹ *ibid* para. 36(b).

²⁰ para. 31(d), [CEDAW/C/CRI/CO/8](#).

recommended that Georgia “take targeted measures [...] to reduce unemployment among women, with an emphasis on [...] [LBTI] women”.²¹

Contributions by civil society organisations were crucial for the Committee’s review of Costa Rica and its recommendations on employment. For instance, the shadow report presented by *Mulabi* on the situation of LBTI women with regard to discrimination shed light on the “chain of marginalisation” faced by trans women, and stated that: due to their gender expression and gender identity, trans women are expelled from their homes, deprived of formal education, and subsequently lack employment.²²

Another subject discussed by CEDAW was **GBV against LBTI women**. Particularly, the high incidence of GBV faced by LBTI women captured the Committee’s attention in the review of China.²³ In response, the Committee recommended the creation of initiatives and public awareness campaigns to combat stigmatization faced by LBTI women,²⁴ “ensuring effective protection and accessible support services to women victims of such violence,”²⁵ including LBTI women, and the adoption of laws and parliamentary resolutions on GBV.²⁶ Concerning Argentina and Tajikistan, CEDAW requested that States provide information on initiatives taken to prevent and protect LBTI women from all forms of GBV,²⁷ as well as investigate reports of GBV against LBTI women.²⁸

In the context of China’s review, a civil society submission by *LGBTQ+CN, China Rainbow Observation and Human Rights in China*²⁹ presented a case study that illustrated the insufficient attention paid by national institutions and state agents to the violence faced by lesbian women, despite existing legislation addressing violence. On the other hand, the *China Queer Women Working Group* reported on violence against LBT women and girls, and stated that “violence against LBTQ women still pervades in China, especially instances perpetrated by their family of origin as well as intimate partners.”³⁰ The submission further stressed that “the lack of explicit recognition of LBTQ identities, and same-sex cohabiting relationships in the Anti-Domestic Violence Law provision has, in practice, impeded LBTQ women and girls’ entitlement to freedom from violence in their private lives”.³¹ These reports contributed to the Committee’s analysis of GBV against LBTI women and, most likely, had a positive impact on the issuance of favourable and detailed recommendations. This demonstrates that greater engagement from civil society organisations provides Committee members with more information for analysis, enabling them to deliver better recommendations to the states.

A recommendation made to Slovakia on taking steps to “criminalize sexist, misogynist and other forms of gender-related hate speech, including against Roma women, transgender

²¹ para. 36(a), [CEDAW/C/GEO/CO/6](#).

²² *Mulabi Espacio Latinoamericano de Sexualidades y Derechos*, Shadow report “[Situación de las mujeres lesbianas, bisexuales, transexuales, transgénero e intersex en Costa Rica en relación a la discriminación](#)”.

²³ para. 55, [CEDAW/C/CHN/CO/9](#).

²⁴ para. 42, [CEDAW/C/CRI/CO/8](#).

²⁵ para. 16(a), [CEDAW/C/CHN/CO/9](#).

²⁶ paras. 26(b)(c), [CEDAW/C/ISL/CO/9](#); para. 26(a), [CEDAW/C/TLS/CO/4](#).

²⁷ para. 10(c), [CEDAW/C/ARG/QPR/8](#).

²⁸ paras. 19(c)(f), [CEDAW/C/TJK/Q/7](#).

²⁹ *LGBTQ+CN, China Rainbow Observation and Human Rights in China*, [Shadow report submitted for the 85th Session of CEDAW](#).

³⁰ *China Queer Women Working Group*, [Shadow report submitted for the 85th Session of CEDAW](#).

³¹ *ibid.*

women and women politicians”³² was selected for follow-up, meaning that the State must report on the progress of implementing this recommendation within a two-year period. This was the only recommendation related to LGBTI issues selected for follow-up by CEDAW during the first six months of 2023, with a specific emphasis on transgender women. This underscores CEDAW’s dedication to advancing and safeguarding the rights of transgender women.

Lastly, following the Committee’s earlier decision against Sri Lanka, CEDAW asked the State to “provide information on [...] [the] steps taken to decriminalize same-sex intercourse, in the light of the views issued by the Committee in *Flamer-Caldera v. Sri Lanka* (CEDAW/C/81/D/134/2017).”³³

b. Committee on the Rights of the Child (CRC)

During the initial half of 2023, the CRC delivered far-reaching concluding observations to states, with a particular focus on LGBTI rights. These observations addressed various aspects, including **LGR, trans children, intersex children, mental health**, and the urgent challenges posed by **bullying**, particularly **cyberbullying**.

In the context of **trans children** and health, the CRC recommended that Sweden “strengthen its efforts to prevent suicide among children, including [...] children who do not identify with the gender assigned to them at birth.”³⁴ The Committee further suggested that Sweden “strengthen measures, including through training for health-care professionals, to ensure prompt and efficient access to high quality health services for children in disadvantaged or marginalized situations, including [...] children who do not identify with the gender assigned to them at birth.”³⁵

Efforts by Swedish civil society organisations to draw the Committee’s attention to the health and mental health issues of LGBTI children and adolescents must be recognised. This is exemplified by the *Swedish Federation for Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Rights (RFSL)*, which included a section on “Health, including mental health and health services” in their shadow report, and pointed out that “the waiting times for trans-specific healthcare have continued to increase. There is roughly a 1-3 year wait period for a first appointment at the gender clinics for both minors and adults”.³⁶ Comprehensive submissions by civil society organisations, such as the one by RFSL, are fundamental for explaining the problems that LGBTI communities are facing on the ground and helping Committees understand the issues thoroughly.

The CRC also suggested that Bolivia “develop specific health-care protocols for [LGBTI] children and adolescents and train health-care staff, in particular on protocols for transgender adolescents.”³⁷

³² paras. 21(c) and 53 [CEDAW/C/SVK/CO/7](#).

³³ para. 19(a), [CEDAW/C/LKA/Q/9](#).

³⁴ para. 32(a), [CRC/C/SWE/CO/6-7](#).

³⁵ *ibid.*

³⁶ The Swedish Federation for Lesbian, Gay, Bisexual, Transgender, Queer and Intersex (RFSL), [Submission to the UN Committee on the Rights of the Child – Review of Sweden](#).

³⁷ para. 35(f), [CRC/C/BOL/CO/5-6](#).

The CRC showcased its dedication to the health situation of trans children and adolescents, and the role played by health-care professionals.

Regarding **mental health**, the CRC noted the prevalence of depression, anxiety, and self-harm³⁸ and recommended Sweden to strengthen mental health services and programmes, ensuring that such services are tailored to the specific needs of LGBTI children.³⁹ Other State Parties were urged to adopt a preventative and early intervention approach towards mental health,⁴⁰ consider the need to fund mental health services,⁴¹ and make therapeutic mental health services available in schools, detention facilities and communities.⁴² Following target 3.2 of the Sustainable Development Goals and the CRC's general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommended New Zealand to "address inequalities of mental health outcomes for Maori, Pasifika and [LGBTI] children."⁴³

Moreover, in its concluding observations for the United Kingdom, the CRC recommended that the State "urgently address the long waiting times faced by transgender and gender-questioning children in accessing specialized health-care services, improve the quality of such services and ensure that the views of such children are taken into account in all decisions affecting their treatment."⁴⁴ Finland was urged to strengthen its efforts to prevent suicide among trans children and children who do not identify with the gender assigned to them at birth.⁴⁵ In a similar context, the CRC sought clarification from Russia regarding the actions taken "to put an end to the coercive treatment of homosexual and transgender persons, in particular children, and to attempts to pathologize gender incongruence as a psychiatric disease."⁴⁶

In terms of **LGR**, the Committee recommended that Ireland "amend the Gender Recognition Act of 2015 to allow children aged 16 and 17 to achieve legal recognition of their gender identity through a simplified procedure"⁴⁷ and encouraged consultations with children, including trans children, regarding research efforts aimed at establishing a gender recognition system for individuals under the age of 16.⁴⁸ In the case of the United Kingdom, the Committee observed the government's decision to prevent the implementation of the Gender Recognition Reform (Scotland) Bill as well as the establishment of actions to safeguard the freedom of expression, physical and psychological integrity, gender identity and emerging autonomy of adolescents.⁴⁹

Stonewall, a civil society organisation from the United Kingdom, submitted a shadow report to the CRC that included a section on the right to identity.⁵⁰ In this section, *Stonewall* explained

³⁸ para. 33(a), [CRC/C/SWE/CO/6-7](#); para. 32(b), [CRC/C/FIN/CO/5-6](#).

³⁹ para. 33(a), [CRC/C/SWE/CO/6-7](#).

⁴⁰ para. 32(b), [CRC/C/FIN/CO/5-6](#).

⁴¹ para. 43(e), [CRC/C/GBR/CO/6-7](#).

⁴² para. 32(b), [CRC/C/FIN/CO/5-6](#).

⁴³ para. 32(c), [CRC/C/NZL/CO/6](#).

⁴⁴ paras. 41(b)(d), [CRC/C/GBR/CO/6-7](#).

⁴⁵ para. 18, [CRC/C/FIN/CO/5-6](#).

⁴⁶ para. 8(c), [CRC/C/RUS/Q/6-7](#).

⁴⁷ para. 20(b), [CRC/C/IRL/CO/5-6](#).

⁴⁸ *ibid* para. 20(c).

⁴⁹ para. 25, [CRC/C/GBR/CO/6-7](#).

⁵⁰ Stonewall, [Memorandum of Evidence Submitted to the United Nations Committee on the Rights of the Child \(CRC\) 93rd Session – Consideration of the Report of the United Kingdom of Great Britain](#).

the United Kingdom government's decision to block the implementation of the above-mentioned bill in its entirety. As a consequence, this decision prevents 16- and 17-year-olds from applying for a gender recognition certificate. This submission also addressed other trans issues, such as gender-affirming healthcare and education. Similarly, it played a key role in helping the Committee issue detailed recommendations for the United Kingdom's context.

Several of the Committee's concluding observations paid special attention to **intersex children**. The CRC recommended Sweden to ensure that unnecessary medical or surgical treatment on intersex children is deferred until they can provide their informed consent.⁵¹ The Committee also urged France to provide counselling and support for intersex children and their families and to "ensure that children's consent is sought, to the greatest extent possible, in decision-making about their treatment and care, and that no child is subjected to unnecessary surgery or treatment."⁵² Remarkably, the Committee placed special emphasis on the need to educate medical and psychological professionals "on the range of sexual, and related biological and physical diversity."⁵³

The Committee paid particular attention to the issues of **bullying and cyberbullying affecting LGBTI children**.⁵⁴ The CRC recommended that Bolivia "continue to implement initiatives to prevent discrimination, violence and bullying, including cyberbullying, in schools, in particular where [...] [LGBTI] children or adolescents are the targets."⁵⁵ In the case of Ireland, the Committee advised the State to "ensure that children who experience bullying, discrimination or harassment in relation to their gender identity receive protection and support."⁵⁶

In terms of data collection related to bullying and cyberbullying, the Committee urged New Zealand "to strengthen and centralize the collection and analysis of disaggregated data on children who are victims of all forms of violence, such as domestic violence, bullying [...] with special attention paid to the situation of Maori, Pasifika, [LGBTI] children and children with disabilities".⁵⁷ The Committee also recommended that States "take targeted measures to reduce the bullying of students"⁵⁸ with a special focus on LGBTI students, and take "targeted anti-bullying measures".⁵⁹ This demonstrates that not only the CRC began to focus on different types of bullying against LGBTI children, but also took into account intersecting factors affecting children.

With regard to the Committee's general comments, the CRC issued General Comment no. 26 (2023) on children's rights and the environment, with a special focus on climate change.⁶⁰ Regrettably, it does not include any references to LGBTI children and their families. The absence of references to LGBTI children and their families is a missed opportunity to address their specific rights and needs in the context of climate change. Many children face

⁵¹ paras. 27(c)(d), [CRC/C/SWE/CO/6-7](#).

⁵² paras. 30(b)(c), [CRC/C/FRA/CO/6-7](#).

⁵³ *ibid* para. 30(c).

⁵⁴ See, for example, paras. 19, 47(f), [CRC/C/GBR/CO/6-7](#); para. 15, [CRC/C/FIN/CO/5-6](#); and para. 26(d), [CRC/C/NOR/QPR/7](#).

⁵⁵ para. 40(j), [CRC/C/BOL/CO/5-6](#).

⁵⁶ para. 20(d), [CRC/C/IRL/CO/5-6](#).

⁵⁷ para. 24(a), [CRC/C/NZL/CO/6](#).

⁵⁸ *ibid* para. 37(d).

⁵⁹ para. 20(e), [CRC/C/GBR/CO/6-7](#).

⁶⁰ Committee on the Rights of the Child, General comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change. [CRC/C/GC/26](#).

intersectional forms of discrimination due to their SOGIESC, often compounded by other factors of marginalisation, such as migrant status, race and class. During climate-related disasters, which can lead to, for example, displacement, they may encounter additional discrimination, making it more challenging to access shelter, resources, and support.

c. Human Rights Committee (HRCtee)

In the first half of 2023, the HRCtee, through its comprehensive concluding observations, addressed crucial themes in the realm of LGBTI rights. These included **education, same-sex unions, criminalisation, awareness-raising efforts, LGR, trans issues**, and the imperative need for comprehensive **anti-discrimination legislation**.

The HRCtee focused on issues related to **same-sex unions**. In the case of Peru, it recommended amending the Civil Code, which currently only allows marriage between a woman and a man, to fully recognise “the equality of same-sex couples and guaranteeing for them all of the rights recognized in the Covenant.”⁶¹ Regarding this matter, a group of Peruvian civil society organisations⁶² submitted a shadow report with a specific section on the lack of legal recognition of cohabitation and marriage, and its consequences. They mentioned that the lack of legal recognition in Peru prevents LGBTI individuals from having legal protections for their partners and families in terms of social security, pensions, housing, and healthcare decisions. *Promsex* also submitted a shadow report with examples of same-sex partnerships that have not yet been registered in Peru.⁶³ The Committee also requested Namibia to indicate “whether there is any intention to [...] include the protection of persons living in same-sex relationships in the Combating of Domestic Violence Act (No. 4 of 2003).”⁶⁴

The **criminalization of same-sex sexual acts** was also addressed by the Committee. For instance, the HRCtee expressed its concern about the criminalization of consensual same-sex relations between adult males under Turkmenistan’s Criminal Code.⁶⁵ In the case of Zambia, the Committee recommended that the State “amend the Penal Code to decriminalize consensual sexual relations between adults of the same sex”.⁶⁶

The HRCtee has also advanced the rights of **trans and gender-diverse persons**. The Committee asked Kazakhstan, “whether efforts have been made to ensure that the procedures for gender reassignment surgery and sex change are compatible with the Covenant”⁶⁷ and requested Serbia to “indicate the requirements for legal gender recognition and explain whether the procedure is quick, transparent and accessible.”⁶⁸

Another topic developed by the HRCtee in the sphere of LGBTI rights was the adoption of **anti-discrimination legislation**. The Committee requested Kazakhstan to “discuss the efforts made [...] to prevent and punish hate crimes, hate speech, including online hate speech, and

⁶¹ para. 19(c), [CCPR/C/PER/CO/6](#).

⁶² Asociación Civil Más Igualdad Perú, Asociación Fémimas Perú, Colectivo Fraternidad Trans Masculina, Colectivo Diversidades Trans* Masculinas, [Informe Alternativo sobre el Sexto Informe periódico presentado por el Estado Peruano, programado para examen en el Comité de Derechos Humanos durante su 129 Sesión](#).

⁶³ Promsex, [Alternative report on the sixth periodic report submitted by Peru](#).

⁶⁴ para. 5, [CCPR/C/NAM/Q/3](#).

⁶⁵ para. 14, [CCPR/C/TKM/CO/3](#).

⁶⁶ para. 16(a), [CCPR/C/ZMB/CO/4](#).

⁶⁷ para. 7, [CCPR/C/KAZ/QPR/3](#).

⁶⁸ para. 7, [CCPR/C/SRB/O/4](#).

other acts of discrimination against, stigmatization and social exclusion of and violence against, in particular, women, ethnic minorities, persons with disabilities and persons living with HIV/AIDS, and on the basis of sexual orientation or gender identity.”⁶⁹ It also manifested its concern about Sri Lanka’s Constitution, as it does not include “a detailed list of prohibited grounds of discrimination, including sexual orientation and gender identity.”⁷⁰

In the context of anti-discrimination legislation, the HRCtee recommended that Turkmenistan and Egypt enact comprehensive anti-discrimination legislation, including protection against prohibited grounds for discrimination, such as sexual orientation and gender identity.⁷¹ *Human Rights Watch* submitted questions to Egypt for the pre-session review of the State,⁷² and addressed the issue of discrimination, arbitrary arrest, torture and ill-treatment on the grounds of sexual orientation and gender identity.

Finally, the HRCtee adopted two decisions on individual communications related to LGBTI topics in the first half of 2023, being the only Committee that addressed these topics in its decisions. *Krikkerik v. Russian Federation*⁷³ addressed the failure of the authorities to investigate violence allegedly motivated by homophobia. The Committee concluded that Russia violated article 26 of the Covenant (equality before the law and non-discrimination) “by failing to establish a clear legislative basis for protecting LGBT people from discrimination, which resulted in the discriminatory treatment of the author by the police investigators”.⁷⁴

Regarding the case of *M.B. v. Canada*,⁷⁵ the Committee decided to discontinue the consideration of the communication, as the alleged victim had been granted a permanent visa in the State.

d. Committee on the Elimination of Racial Discrimination (CERD)

In the first half of 2023, CERD paid particular attention to LGBTI concerns regarding **racial profiling** and **intersectional discrimination**.

The Committee issued recommendations to Russia, emphasizing the need to develop legislation that expressly forbids law enforcement officials from engaging in **racial profiling** and racially motivated violence. This is especially important when targeting members of marginalised groups, such as Roma, migrants, people of African descent, and those facing intersecting forms of discrimination, including LGBTI persons.⁷⁶ These legislative efforts should involve representatives from marginalised communities, such as LGBTI communities.⁷⁷ On the acts of law enforcement officials in Russia, a group of civil society organisations submitted a shadow report that provided detailed information about the actions taken by law enforcement officials against LGBTI individuals. For instance, they shared information about the lack of trust in official justice institutions and underscored the need to “provide training

⁶⁹ para. 6, [CCPR/C/KAZ/QPR/3](#).

⁷⁰ para. 5, [CCPR/C/LKA/CO/6](#).

⁷¹ para. 13(a), [CCPR/C/TKM/CO/3](#); para. 10(a), [CCPR/C/EGY/CO/5](#).

⁷² Human Rights Watch, “[Submission by Human Rights Watch to the UN Human Rights Committee in Advance of its Adoption of the List of Issues for Egypt’s Fifth Reporting Cycle](#)”.

⁷³ [Communication No. 2992/2017](#), *Krikkerik v. Russian Federation*, Views adopted on 15 March 2023.

⁷⁴ *ibid* para 9.10.

⁷⁵ [Communication No. 2962/2017](#), *M.B. v. Canada*, Decision adopted on 31 May 2023.

⁷⁶ para. 16(a), [CERD/C/RUS/CO/25-26](#).

⁷⁷ *ibid* para. 17(a).

to the police and law enforcement officials promoting respect for human rights and tolerance for diversity.”⁷⁸

CERD also addressed **intersectional discrimination** affecting LGBTI persons. In the case of Portugal, the Committee observed a lack of statistical data concerning the impact of special measures and positive actions designed to combat intersectional discrimination considering different factors, such as sexual orientation and gender identity.⁷⁹ The Committee recommended that the State Party implement legislative, administrative, and policy measures to combat intersectional discrimination, including the mainstreaming of sexual orientation and gender identity. Furthermore, it recommended improving the socioeconomic indicators of children, women, older persons, individuals with disabilities, and minority groups, including ethnic minorities or migrants, with a particular emphasis on the grounds of sexual orientation and gender identity.⁸⁰

In 2023, CERD continued developing its general recommendation No. 37 on Racial discrimination in the enjoyment of the right to health, and published the first draft of the general recommendation.⁸¹ While the draft included one mention of “gender identity”, no references were made to “sexual orientation”, “gender expression,” and “sex characteristics”. Fortunately, the Committee opened regional consultations⁸² on the draft for civil society organisations, as well as national human rights institutions, practitioners, and experts from Francophone Africa, Latin America and Asia and the Pacific. General Comment No. 37 needs to explicitly include identities and populations whose right to health is disproportionately affected, such as LGBTI communities. Specific health problems faced by LGBTI persons, such as stigma and discrimination by medical personnel, “conversion” therapies, and “corrective” rape should also be taken into account.

e. [Committee on Economic, Social and Cultural Rights \(CESCR\)](#)

In the initial half of 2023, the CESCR addressed various aspects of LGBTI rights such as **awareness-raising, access to sports, anti-discrimination legislation, and the criminalization of same-sex sexual acts.**

In its concluding observations and lists of issues to different State Parties, CESCR emphasized the importance of **raising awareness** about various human rights issues affecting LGBTI individuals. For instance, the Committee requested Rwanda to provide comprehensive information regarding the measures taken to prevent discrimination based on sexual orientation or gender identity, along with the efforts made to promote awareness of the economic, social, and cultural rights of LGBTI individuals. In addition, CESCR urged the State to inform about the actions taken to address discrimination against LGBTI persons in the

⁷⁸ Eurasian Coalition on Health, Rights, Gender and Sexual Diversity (ECOM), Coming Out and NGO “Kyrgyz Indigo”, [Human Rights Violations Based on Sexual Orientation and Gender Identity in Russian](#).

⁷⁹ para. 13, [CERD/C/PRT/CO/18-19](#).

⁸⁰ *ibid* para. 14.

⁸¹ Committee on the Elimination of Racial Discrimination, [“First draft General recommendation No. 37 \(2023\) on Racial discrimination in the enjoyment of the right to health”](#).

⁸² Committee on the Elimination of Racial Discrimination, [“Regional Consultations on the Draft General Recommendation No. 73 on racial discrimination in the enjoyment of the right to health”](#).

judicial system, particularly concerning redress for rights violations related to housing, employment, health, and education.⁸³

In the context of awareness-raising and echoing the Committee's previous concluding observations, CESCR advised Lithuania to "provide effective protection against all forms of discrimination and violence based on sexual orientation and gender identity, which hinders the enjoyment by victims of their economic, social and cultural rights."⁸⁴ Additionally, the Committee recommended that the State intensify its commitment to implementing specific and targeted initiatives to address the stigmatization and discrimination faced by LGBTI persons.⁸⁵

About the adoption of **anti-discrimination legislation** including LGBTI persons, the Committee recommended that Hong Kong, China "adopt comprehensive anti-discrimination legislative, political and administrative measures prohibiting direct, indirect and multiple discrimination, including explicitly prohibiting discrimination and criminalizing harassment, hate speech and hate crimes against [LGBTI] persons [...] [and to] intensify its efforts to combat discrimination against [LGBTI] persons, including by conducting public awareness-raising campaigns."⁸⁶ The Committee not only incentivised the adoption of anti-discrimination legislation, but also emphasised the need for awareness-raising campaigns to follow.

Moreover, the Committee made another recommendation on the adoption of a general anti-discrimination legislation, along with political and administrative measures "[...] prohibiting direct, indirect and multiple discrimination and harassment, and that it consider criminalizing hate speech and hate crimes against lesbian, gay, bisexual, transgender and intersex persons in accordance with article 2(2) of the Covenant [...]".⁸⁷ This particular recommendation was deliberated upon by the Committee for follow-up,⁸⁸ making it the only LGBTI recommendation considered for follow-up by the Committee in the first half of 2023. Lastly, in terms of gender identity, CESCR advised Lithuania to recognise gender identity as a prohibited ground for discrimination in its legislation.⁸⁹

In the realm of **same-sex couples**, CESCR recommended the establishment of a legal framework, such as a registered partnership or civil union, that offers the same level of legal protection as marriage to same-sex partners.⁹⁰ Regarding Macao, China, the Committee recommended to undertake a review of the Law on Preventing and Combating Domestic Violence with the aim of incorporating provisions that cover same-sex couples. The Committee also recommended that the State party ensure the effective implementation of these provisions through awareness-raising and training for enforcement officials and prosecutors.⁹¹

In the case of Yemen, CESCR expressed deep concern over the **criminalization of consensual same-sex relations** between adults under the Penal Code, with the possibility of the death

⁸³ para. 13, [E/C.12/RWA/Q/5](#).

⁸⁴ para. 13(a), [E/C.12/LTU/CO/3](#).

⁸⁵ *ibid* para. 13(b).

⁸⁶ paras. 105(a)(b), [E/C.12/CHN/CO/3](#).

⁸⁷ *ibid* para. 34.

⁸⁸ *ibid* para. 158.

⁸⁹ *ibid* para. 13(c).

⁹⁰ para. 13(d), [E/C.12/LTU/CO/3](#).

⁹¹ para. 143, [E/C.12/CHN/CO/3](#).

penalty for those convicted. Additionally, the Committee noted with alarm the prevalence of intimidation, harassment, violence, and stigmatization faced by LGBTI individuals, which negatively impacts their fully enjoyment of economic, social, and cultural rights.⁹² Lastly, CESCR urged the State Party to decriminalize consensual same-sex relations between adults and to ensure protection against all forms of discrimination based on sexual orientation and gender identity.⁹³

Regarding Kenya, the Committee requested the State Party to “provide information on the measures taken to decriminalize sexual relations between consenting adults of the same sex and ensure that no one is discriminated against in accessing health care, other social services or other rights as a result of their sexual orientation or gender identity.”⁹⁴ In the same context, CESCR urged the State to explain how these measures have effectively tackled the social stigmatization, negative stereotypes, and prejudices faced by LGBTI persons.⁹⁵

On the promotion of **inclusion in sports**, CESCR requested the United Kingdom to “provide information on policies and measures adopted to ensure access to sports, sports facilities and competitions by persons with disabilities, particularly [...] transgender persons”.⁹⁶ This information will contribute to a more comprehensive understanding of the State’s commitment to fostering inclusivity in sports.

f. Committee against Torture (CAT)

In the first half of 2023, the CAT focused on several pressing concerns affecting LGBTI communities within State Parties. Its concluding observations encompassed, in particular, issues related to **sex characteristics** and the rights of **intersex individuals**, **LGR**, **conditions within detention facilities and prisons**, various forms of **violence** including **domestic violence**, and the protection of **human rights defenders**.

Concerning the subject of **sex characteristics**, CAT urged Luxembourg to end the performance of irreversible medical acts, particularly surgical operations on intersex children who are not yet able to give informed consent, except where such interventions are medically needed. Additionally, the Committee mentioned that measures should be taken to guarantee that individuals affected by such procedures have access to redress mechanisms.⁹⁷

Another main topic covered by CAT was **LGR**. In an unprecedented manner, the Committee not just addressed specific issues faced by trans people but also made a specific section ‘Legal recognition of gender’ in its concluding observations on Kazakhstan.⁹⁸ The Committee expressed its concerns about mandatory reassignment surgery, including sterilization, required for LGR by the State’s Family and Marriage Code, as well as about a requirement to be diagnosed with a psychiatric condition.⁹⁹ The Committee also noted with concern the lack of any psychosocial support in this regard.¹⁰⁰ Consequently, Kazakhstan was urged to “revoke

⁹² para. 29, [E/C.12/YEM/CO/3](#).

⁹³ *ibid* para. 30.

⁹⁴ para. 11, [E/C.12/KEN/O/6](#).

⁹⁵ *ibid*.

⁹⁶ para. 41, [E/C.12/GBR/O/7](#).

⁹⁷ paras. 35-36, [CAT/C/LUX/CO/8](#).

⁹⁸ paras. 41-42, [CAT/C/KAZ/CO/4](#).

⁹⁹ *ibid* para. 41.

¹⁰⁰ *ibid*.

the requirement of mandatory reassignment surgery [...] and the requirement of a diagnosis of a psychiatric condition”, to establish LGR procedures “based on non-discrimination and on a voluntary basis”, and to provide relevant impartial counselling and psychosocial support.¹⁰¹ Notably, these detailed recommendations became possible following the active engagement of trans and LGBTI groups in the review. Specifically, a shadow report on human rights violations based on sexual orientation and gender identity highlighted the consequences of the existing large number of “medical procedures required by the State for legal recognition of gender,”¹⁰² such as difficulties in accessing medical services, including HIV, and STI testing.

In its concluding observations on Brazil, the Committee addressed the issue of **conditions of detention and imprisonment affecting LGBTI persons**. The Committee expressed concern about “appalling conditions of detention – including for [...] [LGBT] persons – on most correctional facilities, which lack hygiene and sanitation services, ventilation and natural light, access to drinking water and sufficient amounts of suitable food”.¹⁰³ CAT recommended Brazil to ensure that violence against detainees based on sexual orientation and gender identity is investigated and prosecuted.¹⁰⁴ Civil society efforts to provide information of the prison conditions affecting LGBTI persons were valuable for the State Review. A group of civil society organisations¹⁰⁵ provided information on strip searches of trans and non-binary persons, trans women found in male prison units, the lack of data of sexual violence in prisons against LGBTI persons.

Additionally, CAT included the topics of **domestic violence** and violence more broadly in two of its concluding observations. The Committee articulated its concern about “the high levels of gender-based violence against women, in particular Afro-Brazilian, Indigenous and Quilombola women, including those who identify as lesbian, bisexual and transgender, particularly in the form of femicide, and weakness in the measures taken by the State Party, including the national plan to combat femicide.”¹⁰⁶ The Committee also encouraged Kazakhstan to adopt specific legislative measures to criminalize and prevent violence on the basis of sexual orientation and gender identity, including human rights defenders working against such discrimination.¹⁰⁷

Finally, the Committee paid particular attention to the **rights of human rights defenders**. For example, it underlined its concern about death threats, intimidation, harassment, violent attacks and killings targeting human rights defenders, specifically those who are LGBT in Brazil.¹⁰⁸

¹⁰¹ *ibid* para. 42.

¹⁰² Eurasian Coalition on Health, Rights, Gender and Sexual Diversity (ECOM), Alma-TQ, Feminita, [“Human Rights Violations Based on Sexual Orientation and Gender Identity in Kazakhstan.”](#)

¹⁰³ para. 21, [CAT/C/BRA/CO/2](#).

¹⁰⁴ para. 24(a), [CAT/C/KAZ/CO/4](#).

¹⁰⁵ The National Agenda for Decarceration, Conectas Human Rights, Justica Global, The National Pastoral and The World Organisation Against Torture (OMCT), [Alternative report to the second periodic review of Brazil before the United Nations Committee against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment](#).

¹⁰⁶ para. 41(a), [CAT/C/BRA/CO/2](#).

¹⁰⁷ paras. 38-39, [CAT/C/KAZ/CO/4](#).

¹⁰⁸ para. 45, [CAT/C/BRA/CO/2](#).

g. Committee on Enforced Disappearances (CED)

The CED turned its attention to some areas of concern pertaining to LGBTI communities. These specific issues were featured in their concluding observations and lists of issues, with a particular focus on **statistical information** and **reparations**.

In the case of Zambia, the Committee urged the State to compile accurate and current **statistical data** on disappeared persons, “disaggregated by sex, sexual orientation, gender identity, age, nationality, place of origin and racial or ethnic origin.”¹⁰⁹ This information should include details such as the date of disappearance, with specific identification of cases allegedly involving state agents, individuals or groups acting with the State’s acquiescence.

Similarly, the CED requested Malta and Benin to provide statistical information regarding disappeared persons from or within the State, disaggregated by factors such as sexual orientation and gender identity.¹¹⁰

In its concluding observations, the CED recommended Costa Rica to ensure the rights to justice, truth, and reparations and to provide compensations and **reparations** to persons who have suffered harm as a result of enforced disappearance, even if the criminal proceedings do not consider the specific needs of the victim. This should take into consideration their sex, sexual orientation, gender identity, age, ethnic origin, social situation or disability.¹¹¹ On the other hand, the Committee recommended Argentina to “establish a comprehensive system of reparation that takes into account the personal situation of the victims, including their sex, sexual orientation, gender identity, age, ethnic origin, social status, disability and any other characteristic that may be relevant in the national context.”¹¹²

In 2023, the Committee opened a call for inputs on its first draft of its General Comment No. 1 ‘Enforced disappearances in the context of migration’.¹¹³ Several States Parties, civil society organisations, and national human rights institutions submitted inputs. In the context of LGBTI rights, the Committee considered “gender identity” and “sexual orientation” as factors to be taken into account when evaluating access to compensation and reparation of victims. However, the Committee could have included, in addition, other relevant aspects related to the intersection between migration, enforced disappearances, and LGBTI individuals. For instance, the inclusion of social families and partnerships not recognised by states in the search for disappeared persons, the high vulnerability of LGBTI migrants during detention, and the existence of discriminatory assessments of visa applications or discriminatory policies and practices related to identity documents of trans persons, especially when barriers to legal gender recognition are present.¹¹⁴

¹⁰⁹ para. 10, [CED/C/ZMB/COAR/1](#).

¹¹⁰ para. 5, [CED/C/MLT/O/1](#); para. 5, [CED/C/BEN/O/1](#).

¹¹¹ para. 37(b), [CED/C/CRI/CO/1](#).

¹¹² para. 33(b), [CED/C/ZMB/COAR/1](#).

¹¹³ Committee on Enforced Disappearances, [Call for inputs of the First Draft “Enforced disappearances in the context of migration”](#).

¹¹⁴ For a more comprehensive insight on this topic, see [ILGA World’s submission to the Call for inputs of the First Draft “Enforced disappearances in the context of migration”](#).

h. Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW)

Within the realm of LGBTI rights, the CMW delved into subjects such as **same-sex partners, criminalization, stereotypes, gender roles and the labour market, data collection**, and the landscape of **national legislation**.

The Committee expressed concern about the persecution of LGBTI migrants in Nigeria under the Nigerian Criminal Code and the Same Sex Marriage (Prohibition) Act of 2014, which carries a penalty of up to 15 years of imprisonment. It recommended that the State Party repeal criminal provisions targeting sexual orientation or gender identity, cease the persecution of LGBTI migrants, implement campaigns to combat homophobia, promote diversity and inclusion, and incorporate anti-discrimination legislation that include the grounds of sexual orientation and gender identity.¹¹⁵

Moreover, during the review of the Philippines, the Committee highlighted its concerns regarding **gender role stereotypes** contributing to gender disparities in labour market participation, a substantial gender pay gap, and women's migration for work. The CMW also underlined the barriers faced by LBT women in accessing justice and obtaining effective remedies.¹¹⁶ Furthermore, the Committee recommended initiating a study in partnership with women's organisations to investigate the intersection of migration patterns among female workers, including factors such as personal characteristics, which encompass LBT women.¹¹⁷ This recommendation on women migrant workers was selected for follow-up,¹¹⁸ being the only recommendation on LBT women and LGBTI topics considered by this Committee for follow-up.

Lastly, in the list of issues prior to reporting for Seychelles, the Committee asked the State for clarification regarding the extent to which **national legislation** covers all prohibited grounds of discrimination, including sexual orientation and gender identity.¹¹⁹

i. Committee on the Rights of Persons with Disabilities (CRPD)

From January to June of 2023, within the realm of LGBTI rights, CRPD has undertaken efforts through its concluding observations, addressing areas including **anti-discrimination legislation, intersectional discrimination** and **GBV**.

The Committee, drawing upon its general recommendation on equality and non-discrimination from 2018 and the Sustainable Development Goals (specifically targets 10.2 and 10.3), issued recommendations for Togo and Georgia. For example, to combat discrimination, the CRPD urged the States to review and amend **anti-discrimination laws**, acknowledging the complexity of intersectional discrimination where multiple patterns of discrimination intersect.¹²⁰ Moreover, in the case of Georgia, the Committee expressed concern over intersectional discrimination affecting LGBTI persons with disabilities¹²¹ and

¹¹⁵ paras. 34(b), 35(d), [CMW/C/NGA/CO/1-2](#).

¹¹⁶ para. 27, [CMW/C/PHL/CO/3](#).

¹¹⁷ *ibid* para. 28(a).

¹¹⁸ *ibid* para. 64.

¹¹⁹ para. 12, [CMW/C/SYC/QPR/2](#).

¹²⁰ para 10(b), [CRPD/C/TGO/CO/1](#).

¹²¹ para. 12(c), [CRPD/C/GEO/CO/1](#).

highlighted the absence of a regulatory framework recognising and addressing such multifaceted discrimination.¹²²

Addressing **GBV** in the context of Argentina, the Committee noted that the ‘Equiparar’ Programme, designed to facilitate access to rights and a life free from GBV for women and LGBTI persons with disabilities, lacks transparency and oversight.¹²³

4. LGBTI / SOGIESC Developments by Treaty Bodies in the first half of 2023: General overview

The following section provides a general overview of LGBTI / SOGIESC developments undertaken by nine treaty bodies during the first half of 2023. This section will be divided into three parts, focusing on the main topics addressed by the Committees, LGBTI populations, and the proportion of LGBTI / SOGIESC documents relative to the overall number of documents issued by these Committees.

a. LGBTI/SOGIESC references by Treaty Bodies

(i) By topics

In the first half of 2023, CEDAW and the CRC had the highest number of SOGIESC-related concluding observations, lists of issues, lists of issues prior to reporting or lists of themes that addressed various LGBTI or SOGIESC topics (see Table 1).

The most prominent LGBTI/SOGIESC topic dealt with by treaty bodies in general in the first half of 2023 was awareness-raising, followed by discussions on same-sex unions, intersectionality, and mental health. Conversely, topics such as criminalization, racial profiling, access to sports, and the rights of human rights defenders received less attention. It is worth noting that current issues, including the impact of anti-gender and anti-rights movements, the proliferation of disinformation campaigns, and their effects on LGBTI individuals, were not explicitly included in the Committees’ analyses.

Table 1. LGBTI / SOGIESC topics addressed by Treaty Bodies from January to June 2023¹²⁴

| Topics | Treaty Bodies | | | | | | | | | TOTAL |
|-------------------|---------------|-----|-------|------|-------|-----|-----|------|--------|-------|
| | CAT | CED | CEDAW | CERD | CESCR | CMW | CRC | CRPD | HRCtee | |
| Stereotypes | 6 | | 7 | | 1 | 1 | | | 2 | 17 |
| GBV | | | 19 | | | | | 3 | | 22 |
| Intersectionality | | | 19 | 4 | | 1 | | 3 | | 27 |
| LGR | 2 | | 10 | | 2 | | 2 | | 1 | 17 |
| Mental health | 4 | | 6 | | | | 13 | | | 23 |
| Bullying | | | | | | | 9 | | | 9 |
| Education | | | 6 | | 1 | | 11 | 1 | 2 | 21 |
| Same-sex unions | | | 12 | | 8 | 1 | | | 6 | 27 |
| Criminalization | | | | | | | | | 2 | 2 |

¹²² *ibid* para. 11(c).

¹²³ para. 13(b), [CRPD/C/ARG/CO/2-3](#).

¹²⁴ The table shows the number of concluding observations, lists of issues, lists of issues prior to reporting or lists of themes addressing the topic.

| | | | | | | | | | | |
|---------------------------------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|-----------|------------|
| Awareness-raising | | | 11 | | 4 | 1 | 7 | | 6 | 29 |
| Anti-discrimination legislation | | | | | 3 | 2 | 1 | 1 | 3 | 10 |
| Racial profiling | 1 | | | 2 | | | | | | 3 |
| Access to sports | | | | | 1 | | | | | 1 |
| Detention facilities / prisons | 6 | | | | | 1 | 1 | | | 8 |
| Human rights defenders | 2 | | 1 | | | | | | | 3 |
| Statistics / data collection | 3 | 3 | 1 | 1 | 1 | | 2 | 1 | 2 | 14 |
| Reparations | 3 | 2 | 3 | | 2 | 1 | 4 | | 5 | 20 |
| Total | 27 | 5 | 95 | 7 | 23 | 8 | 50 | 9 | 29 | 253 |

In the case of CEDAW, the most common topics were GBV and intersectionality in the context of LGBTI women, followed by same-sex unions. The CRC, on the other hand, primarily addressed mental health, education, and bullying in the context of LGBTI children and adolescents. The HRCtee expanded on various topics, such as awareness-raising campaigns, same-sex unions, and reparations. The CAT placed its attention on stereotypes and detention facilities in the context of LGTBI persons. Furthermore, CESCR mostly focused on same-sex unions, and awareness-raising in the realm of LGBTI rights. Lastly, the Committees with the fewest concluding observations addressing LGBTI-related topics were CRPD, CMW, CERD, and CED.

(ii) By population

In the first half of 2023, in terms of LGBTI populations covered by treaty bodies, the highest number of population-specific references were made on trans populations, followed by intersex (see Table 2).

Table 2. LGBTI populations covered by Treaty Bodies from January to June 2023 (specific references)¹²⁵

| Treaty Body | Lesbian | Bisexual | Gay | Intersex | Trans | Total |
|--------------|----------|----------|----------|-----------|-----------|-----------|
| CAT | 0 | 0 | 0 | 2 | 2 | 4 |
| CED | 1 | 1 | 0 | 0 | 0 | 2 |
| CEDAW | 0 | 0 | 0 | 3 | 7 | 10 |
| CERD | 0 | 0 | 0 | 0 | 0 | 0 |
| CESCR | 0 | 0 | 0 | 0 | 1 | 1 |
| CMW | 0 | 0 | 0 | 0 | 0 | 0 |
| CRC | 0 | 0 | 0 | 11 | 7 | 18 |
| CRPD | 0 | 0 | 0 | 1 | 0 | 1 |
| HRCtee | 0 | 0 | 0 | 0 | 1 | 1 |
| Total | 1 | 1 | 0 | 17 | 18 | 37 |

CRC had the highest number of LGBTI-specific references in its concluding observations, lists of issues and lists of issues prior to reporting (18 documents), with the intersex population being the most addressed group. In second place, the CEDAW Committee issued a high number of LGBTI-specific references (10 documents), with trans women being the most

¹²⁵ The table shows the number of concluding observations, lists of issues, lists of issues prior to reporting or lists of themes addressing the population in stand-alone references (references to only specific groups, for example, only trans people).

addressed population. On the other hand, the CAT included a low number of LGBTI-inclusive documents (4 documents), followed by CRPD, CESCR, and the HRCtee (1 document each). The CERD and the CMW did not have any LGBTI-specific documents.

The CAT paid equal attention to intersex and trans persons, with two specific documents each. However, they did not consider LGB persons specifically in their analysis. On the other hand, the CED covered the population of lesbian and bisexual persons with one specific reference each but failed to include gay, intersex, and trans people in their reviews. This is despite the higher risks faced by intersex and trans individuals when placed in detention facilities or in circumstances where the person's identity is not compatible with their legal identity as recognised in their identity documents. Such discrepancies might pose issues both in the search for a disappeared person, and in the systematized data collection by states.

In the context of the CEDAW, despite its dedicated attention to intersex and trans women, there were no specific documents on LB women in the first six months of 2023. This is the case despite the existence of particular issues for these populations, especially regarding same-sex partnerships, reproductive rights, pension rights, and related rights.

The CESCR issued only one specific document on trans persons, while the CRPD published one specific document on intersex persons. Civil society organisations can direct their efforts toward providing information through alternative reports to the CESCR, focusing, for example, on the housing rights situation of LGBTI individuals. Furthermore, information concerning the human rights challenges encountered by LGBTI persons with disabilities can be submitted to the CRPD. This may encompass issues such as stereotypes, the denial of agency in their decisions, and forced sterilisation and medical interventions.

Moreover, the CRC dedicated attention to both intersex (11 specific documents) and trans children and adolescents (7 specific documents). However, the reviews did not specifically address the needs and concerns of LGB children and adolescents. The HRCtee published only one specific document on trans persons and did not address the particular needs and concerns of LGBTI individuals.

With regard to the CMW and CERD, the absence of specific documents on the LGBTI communities presents an opportunity for civil society organisations to provide information to these Committees through shadow reports. In the case of the CERD, grassroots organisations are encouraged to submit information on how race, ethnicity, migration, refugee, and indigenous identity affect LGBTI persons and how SOGIESC intersects with these topics. On the other hand, for the CMW, there is an opportunity to submit information on LGBTI workers in situation of mobility, and/or how SOGIESC impacts workers' rights.

In terms of general or umbrella references to LGBTI, most of them covered together lesbian and trans populations, as well as bisexual and intersex (see Table 3). The inclusion of gay persons in the umbrella was not that common which is explained by the high number of references made by CEDAW (focussing on discrimination against women, this committee normally do not look into the situation of gay men).

Table 3. LGBTI populations covered by Treaty Bodies from January to June 2023 (umbrella references)

| Treaty Body | Lesbian-inclusive | Bisexual-inclusive | Gay-inclusive | Intersex-inclusive | Trans-inclusive | Total |
|--------------|-------------------|--------------------|---------------|--------------------|-----------------|------------|
| CAT | 6 | 6 | 5 | 3 | 6 | 26 |
| CED | 0 | 0 | 0 | 0 | 0 | 0 |
| CEDAW | 64 | 63 | 1 | 62 | 64 | 254 |
| CERD | 2 | 2 | 2 | 2 | 2 | 10 |
| CESCR | 7 | 7 | 7 | 7 | 7 | 35 |
| CMW | 4 | 4 | 2 | 2 | 4 | 16 |
| CRC | 29 | 29 | 29 | 27 | 29 | 143 |
| CRPD | 6 | 6 | 6 | 6 | 6 | 30 |
| HRCtee | 10 | 10 | 10 | 7 | 10 | 47 |
| Total | 128 | 127 | 62 | 116 | 128 | 561 |

The CEDAW Committee issued the highest number in the first half of 2023 (254 general documents), followed by the CRC (143 general documents). Additionally, the HRCtee issued fewer LGBTI general references (47 documents), followed by the CESCR and CRPD (35 and 30 general documents). Moreover, the CMW Committee followed with a lower number of LGBTI references (16 general documents), followed by the CERD Committee (10 general documents) and the CED Committee, with no LGBTI general references.

The CAT, in its general LGBTI references, paid fairly equal attention to LGBT persons but gave less consideration to intersex persons (3 general documents). This is concerning, as intersex persons are often subjected to forms of torture, such as forced sterilisation or genital mutilation, in addition to potential psychological forms of torture. Furthermore, the Committee only analysed LGBTI issues in 55% of its documents (see Table 4). This rate is quite high for this committee – for example, it only had a higher percentage, 57% of SOGIESC-inclusive concluding observations, once – in 2021, and in 2022 this rate dropped down to 38%.¹²⁶ At the same time, comparing at other committees, CAT can still do better.

¹²⁶ See, Facundo Sesin, [United Nations Treaty Bodies: References to sexual orientation, gender identity, gender expression and sex characteristics: Annual Report 2022](#) (ILGA World 2023), p. 166.

Table 4. Documents adopted by Treaty Bodies from January to June 2023

| Treaty Body | All LOIs, LOIPRs, LOTs and COs | LGBTI and/or SOGIESC inclusive LOIs, LOIPRs, LOTs and COs | |
|--------------|--------------------------------|---|----------------------|
| | | NN | % from all documents |
| CAT | 9 | 5 | 55% |
| CED | 5 | 4 | 80% |
| CEDAW | 33 | 23 | 69% |
| CERD | 6 | 3 | 50% |
| CESCR | 13 | 9 | 69% |
| CMW | 6 | 3 | 50% |
| CRC | 32 | 15 | 46% |
| CRPD | 12 | 5 | 41% |
| HRCtee | 10 | 9 | 90% |
| Total | 126 | 76 | 60% |

Overall, the division of documents between treaty bodies was similar when looked in general compared to SOGIESC-inclusive documents (see figure 1).

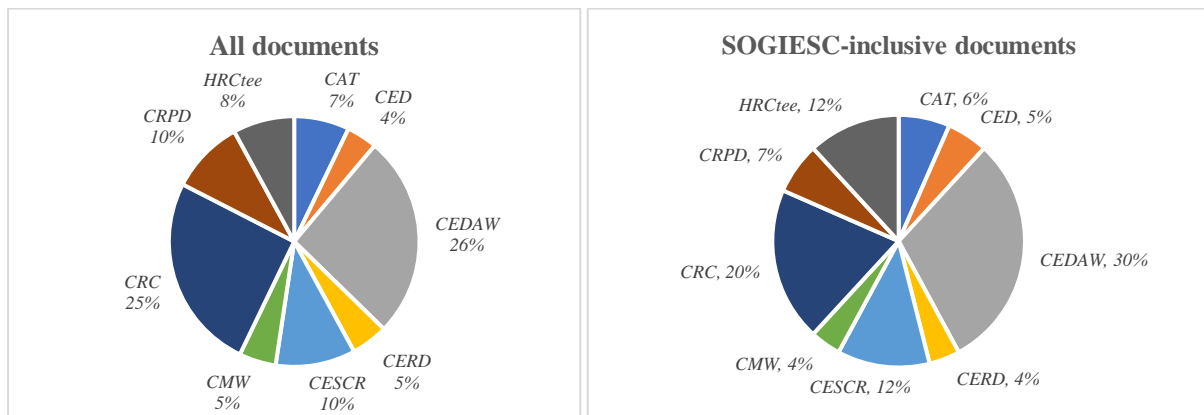


Figure 1. Division of documents adopted between January and June 2023 by Treaty Bodies

The CED made no LGBTI references during the first half of 2023. Civil society organisations are encouraged to present information on how, for instance, SOGIESC factors into cases of enforced disappearances and the extent to which these disappearances impact the rights of LGBTI persons in a specific and intersectional manner.

The CEDAW Committee gave similar attention to lesbian, bisexual, trans, and intersex women through its umbrella or LGBTI general references. In total, the Committee made 254 LGBTI general documents, encompassing 60% of the documents issued by the Committee in the first half of 2023.

The CERD paid equal attention to LGBTI as an umbrella term (10 general documents); however, it is noteworthy that the topic was addressed in merely 50% of its documents, despite the reality that the rights of LGBTI individuals, whose identities are intricately intertwined with factors such as race, ethnicity, migration, refugee status, and indigenous identity, are subject to intersecting forms of discrimination.

The CESCR paid equal attention to LGBTI as an umbrella term (35 general documents). Notably, the Committee addressed LGBTI issues in 69% of its documents, making it the second most engaging Committee with LGBTI topics, after the HRCtee (90% of its documents). The CRPD paid equal attention to LGBTI as an umbrella term (30 general documents), but LGBTI topics were only addressed in 41% of its documents. On the other hand, the CMW placed most of its attention on LBT persons (4 general documents), and LGBTI topics were only addressed in 50% of its documents.

Furthermore, despite the fact that the CRC had the second highest number of LGBTI documents (143 general documents), it only addressed LGBTI topics in 46% of its documents. This demonstrates that there is potential for civil society organisations to engage with the Committee through alternative reports and by attending the sessions either online or in person.

While the HRCtee ranked third among Committee in terms of the highest number of umbrella references (47 documents), it stands out for its exceptional dedication to LGBTI issues. Notably, this Committee incorporated LGBTI topics into 90% of its documents, making it the most dedicated Committee to addressing LGBTI concerns during the first half of 2023, thus demonstrating its profound commitment to advancing LGBTI and SOGIESC matters.

Lastly, although the CEDAW and CRC had more general documents on LGBTI / SOGIESC, it was the HRCtee (90%) and CED (80%) that demonstrated the highest level of engagement relative to the number of documents issued by these Committees. In the first half of 2023, the CRPD Committee engaged the least with LGBTI issues, underscoring the need for civil society organisations to provide information through shadow reports on the intersection between persons with disabilities and LGBTI / SOGIESC issues.

b. Regional analysis

To conduct the regional analysis of recommendations, we took the division of countries between regions adopted by ILGA World.¹²⁷ From this perspective, Europe stood out as the region with the highest number of countries featuring LGBTI-inclusive or LGBTI-specific documents, totaling 35 documents. In second place, both the African region and Asia had 14 UN LGBTI-related documents. Latin America and the Caribbean region followed with 11 documents. In contrast, Oceania had considerably fewer LGBTI documents, and North America and the Caribbean had none, which highlights a disparity regarding the attention paid by the Committees to different regions in the realm of LGBTI rights (see Table 5).

¹²⁷ This section is based on ILGA World's regions: Pan Africa ILGA, ILGA Asia, ILGA Europe, ILGA Latin America and the Caribbean, ILGA North America and the Caribbean and ILGA Oceania. The countries per region can be found [here](#).

Table 5. Number of Treaty Bodies' Concluding Observations, Lists of Issues, Lists of Issues Prior to Reporting, and Lists of Themes issued from January to June 2023 (by states divided by ILGA World regions)

| Region | All COs, LOIs, LOIPR | | COs, LOIs, LOIPR inclusive of LGBTI / SOGIESC | | |
|--------------------------------------|----------------------|-------------------------------|---|---|---|
| | NN | % of regions in all documents | NN | % of regions in all SOGIESC-inclusive documents | % of SOGIESC-inclusive documents from all documents in the region |
| ILGA LAC | 20 | 17% | 11 | 14% | 55% |
| ILGA Europe | 42 | 35% | 35 | 46% | 83% |
| Pan Africa ILGA | 28 | 23% | 14 | 18% | 50% |
| ILGA Asia | 24 | 20% | 14 | 18% | 58% |
| ILGA Oceania | 6 | 5% | 2 | 3% | 33% |
| ILGA North America and the Caribbean | 1 | 1% | 0 | 0% | 0% |

However, when considering the total number of documents reviewed per region, regardless of the topics covered in these documents, the region with the highest percentage of LGBTI / SOGIESC documents was Europe (83%), followed by Asia (58%), and Latin America and the Caribbean (55%). This demonstrates that treaty bodies placed a particular focus on Europe, Asia, and Latin America and the Caribbean in the realm of LGBTI and SOGIESC issues during the first half of 2023.

The regions where Committees developed LGBTI and SOGIESC topics the least, in comparison to the total number of documents reviewed per region (regardless of the topics covered in these documents), were Africa (50%), Oceania (33%), and North America and the Caribbean (0), placing them in the bottom three. This presents a valuable opportunity for activists to submit shadow reports and participate in treaty bodies' sessions either in person or online, and to share information about LGBTI and SOGIESC topics within the scope of each Committee's work.

5. Conclusions

As illustrated, the first half of 2023 witnessed a continued attention to LGBTI rights and SOGIESC topics within the framework of UN treaty bodies. Across various UN Committees, there was a notable emphasis on addressing key issues related to LGBTI rights, with a focus on awareness-raising, combating discrimination, and ensuring LGR for trans and gender-diverse persons.

The active involvement of civil society organisations in contributing valuable data and insights to the Committees was remarkable. This engagement facilitated a more comprehensive understanding of GBV against LGBTI women, issues faced by trans persons, among other challenges. Consequently, these contributions led to the formulation of detailed and constructive recommendations for State Parties, demonstrating the pivotal role played by civil society in advancing LGBTI rights.

During the first half of 2023, the two Committees that demonstrated the highest level of engagement with LGBTI topics were the CRC and the CEDAW Committees. The CEDAW Committee diligently addressed key issues affecting LGBTI women, such as GBV, LGR, and unemployment. CEDAW's recommendations reflect their commitment to advancing LGBTI rights. The Committee's comprehensive approach, addressing stereotypes, intersectional discrimination, GBV, LGR, and other topics, underscores its dedication to promoting human rights for all women, regardless of their SOGIESC.

Furthermore, the CRC delivered thorough concluding observations to states, with a particular focus on LGBTI children and adolescents. These recommendations addressed various aspects, including LGR, trans children, intersex children, mental health, and the urgent challenges posed by cyberbullying and bullying. These recommendations will serve as a catalyst for positive change by urging states to take action in favour of LGBTI youth.

While the level of attention and engagement varied across Committees, it is evident that UN treaty bodies continued to play a crucial role in promoting LGBTI human rights during the first half of 2023. By addressing a wide array of issues, from discrimination and violence to LGR, intersex rights, and awareness-raising, these Committees continue to foster respect for the human rights of LGBTI persons across the world. This is especially imperative in light of the complex and interwoven challenges facing LGBTI communities across the world.