

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

Annual Report 2017

This fourth edition of *United Nations Treaty Bodies: References to sexual orientation, gender identity, gender expression and sex characteristics* was written and researched by Kseniya Kirichenko, edited by Lara Goodwin, and published by ILGA World. It is copyright-free provided you cite both the author and ILGA World - The International Lesbian, Gay, Bisexual, Trans and Intersex Association.

This report provides the analysis of references to sexual orientation, gender identity, gender expression and sex characteristics made by nine Treaty Bodies in 2017. An additional compilation of references with keywords is provided. The compilation were prepared by Kseniya Kirichenko and ILGAWorld's interns, Lara Goodwin, Maria Ihler and Bernardo de Souza Dantas Fico.

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List of Acronyms

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

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

Executive Summary

This report is a comprehensive annual compilation and analysis of all the SOGIESC references made by nine UN Treaty Bodies (CESCR, HRCtee, CEDAW, CRC, CAT, CRPD, CERD, CMW and CED) in 2017. It investigates the Treaty Bodies' General Comments (interpretations of the international human rights treaties), Individual Communications (complaints brought by individuals or organisations), Lists of Issues (issues and questions sent to the State parties before the main review) and Concluding Observations (country-specific concerns and recommendations).

Following an explanation of the methodology adopted in preparing the report, the Introduction to this document provides an overview of the trends, developments and opportunities in relation to the treatment of SOGIESC issues by the Treaty Bodies.

The main part of the report consists of nine Committee-specific chapters (including chapters on CMW and CED, introduced to the report for the first time). Each chapter includes quantitative and qualitative data on SOGIESC references made by the Committee in 2017 with an analysis of the changing dynamics between 2014 and 2017; specific data on references to trans, intersex and LGBTI women by the Committee; information on General Comments and decisions on Individual Communications adopted by the Committee, as well as information on follow-up procedure; and information on sex work and HIV/AIDS references in Concluding Observations that were not SOGIESC-specific. Based on this information, advice for LGBTI defenders' future engagement is provided.

The annexes to the report include a list of SOGIESC-related civil society submissions sent to the Committees for countries reviewed in 2017, a list of the countries reviewed in 2017, and quantitative data on SOGIESC references in Treaty Bodies' Concluding Observations made in 2014–2017.

This report is accompanied by a separate document with the compilation of all SOGIESC references made by nine Treaty Bodies in their General Comments and decisions on Individual Communications adopted during 2017 and the Lists of Issues and Concluding Observations on countries reviewed in 2017. In the beginning of the compilation report, a list of keywords is provided to facilitate searches within the document.

The analysis conducted revealed several important SOGIESC developments in Treaty Bodies' practice in 2017. Among them were the first Treaty Bodies' decisions on individual trans cases, the first intersex-specific recommendations from CESCR and HRCtee and the first year when SOGIESC were addressed in every single review by HRCtee.

At the same time, the quantitative analysis shows that the significant growth in the number and proportion of SOGIESC references and recommendations in the Treaty Bodies' practice observed between 2014–2016, has faltered in 2017. Potentially this has happened because of the Committee's arrival at some sort of "equilibrium point," after which no significant quantitative developments could be expected, and the efforts may be mainly aimed at qualitative changes. It would therefore be extremely interesting to understand the results of the next year's analysis.

Introduction

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

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

- The Committee on Economic, Social and Cultural Rights (CESCR);¹
- The Human Rights Committee (HRCtee);²
- The Committee on the Elimination of Discrimination Against Women (CEDAW);³
- The Committee on the Rights of the Child (CRC);⁴
- The Committee Against Torture (CAT);⁵
- The Committee on the Rights of Persons with Disabilities (CRPD);⁶
- The Committee on the Elimination of Racial Discrimination (CERD);⁷
- The Committee on Migrant Workers (CMW);⁸ and
- The Committee on Enforced Disappearances (CED).⁹

This report is a comprehensive annual compilation and analysis of all the SOGIESC references made by these nine bodies in 2017.¹⁰ It investigates the Treaty Bodies' General Comments (interpretations of the international human rights treaties), Individual Communications (complaints brought by individuals or organisations), as well as Lists of Issues (issues and questions sent to the State parties before the main review) and Concluding Observations (country-specific concerns and recommendations).

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

The main part of the report consists of **nine Committee-specific chapters**. Each chapter includes quantitative and qualitative data on SOGIESC references made by the Committee in 2017, and analysis of changing dynamics between 2014 and 2017; specific data on references to trans, intersex and LGBTI women by the Committee; information on General Comments and decisions on Individual Communications adopted by the Committee, as well as information on follow-up procedure; and, information on sex work and HIV/AIDS references in Concluding Observations that were not SOGIESC-specific. Based on this information, advice for LGBTI defenders' future engagement is provided.

The **annexes** to the report include a list of SOGIESC-related civil society submissions (shadow reports)¹¹ sent to the Committees for countries reviewed in 2017, a list of the countries reviewed in 2017, and quantitative data on SOGIESC references in Treaty Bodies' Concluding Observations made in 2014–2017.

This report is accompanied by a separate document with the **compilation of all SOGIESC references** made by nine Treaty Bodies in their General Comments and decisions on Individual Communications adopted during

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- 1 Responsible for monitoring State compliance with the International Covenant on Economic, Social and Cultural Rights.
 - 2 Responsible for monitoring State compliance with the International Covenant on Civil and Political Rights.
 - 3 Responsible for monitoring State compliance with the Convention on the Elimination of All Forms of Discrimination against Women.
 - 4 Responsible for monitoring State compliance with the Convention on the Rights of the Child.
 - 5 Responsible for monitoring State compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
 - 6 Responsible for monitoring State compliance with the Convention on the Rights of Persons with Disabilities.
 - 7 Responsible for monitoring State compliance with the International Convention on the Elimination of All Forms of Racial Discrimination.
 - 8 Responsible for monitoring State compliance with the International Convention for the Protection of All Persons from Enforced Disappearance.
 - 9 Responsible for monitoring State compliance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
 - 10 The annual compilations from other years are available at https://www.ilga.org/treaty_bodies_annual_reports.
 - 11 Hyperlinks to the reports and brief description of SOGIESC-related content are also provided.

2017, and Lists of Issues and Concluding Observations on countries reviewed in 2017. At the beginning of the compilation report, a list of keywords is provided to facilitate searches within the document.

Methodology¹²

In preparing this report, ILGA World examined all the Lists of Issues,¹³ Concluding Observations, General Comments¹⁴ (draft and finalised) and decisions on Individual Communications published by CESC, HRCtee, CEDAW, CRC, CAT, CRPD and CERD, CMW and CED in 2017, as well as the civil society submissions made for the country reviews performed in 2017.

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

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

Due to practical limitations, the research was unable to examine comprehensively (while individual examples were included in the analysis) whether human rights defenders attended a review to share information in person. It was also difficult to determine whether questions asked by the Committee relating to SOGIESC issues did or did not translate to recommendations in the Concluding Observations. For the same reason, a comprehensive list of public commitments made by a State during a review cannot be provided.

Similarly, the investigation does not identify whether particular Committee Members (or OHCHR staff members) may have influenced the decision on whether to include SOGIESC issues in a particular document.

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

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

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

A paragraph made within the positive development section (e.g. when a Committee commends a State party’s new anti-discrimination law that includes SOGIESC);

A paragraph expressing the Committee’s concerns, plus a following paragraph suggesting particular recommendations to mitigate the mentioned problem;

Just a paragraph with recommendations where there is no concern paragraph preceding (particularly relevant for the CRC’s structure of Concluding Observations); or

A paragraph on follow-up recommendations where SOGIESC issues are picked up for the follow-up process.

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

This report presents the separate analysis of nine Treaty Bodies’ work in 2017. The general overview for each of the Committees include quantitative information about country reviews, Concluding Observations and SOGIESC references; information about SOGIESC inclusion into Lists of Issues and following Concluding

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

13 List of Issues, List of Themes or List of Issues Prior to Reporting. The research analysed the documents issued both in 2017 and earlier if the main review was held in 2017.

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

Observations; and data on CSO submissions. For this report, in order to present information more visually, we introduced tables summarising the country periodic reviews and SOGIESC perspective within them.

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

- a. Criminalisation (including a comparison of the list of countries criminalising same-sex relations with the list of countries that received SOGIESC recommendations, as well as their content);
- b. Gender identity and gender expression (including quantitative information about trans-inclusive and stand-alone trans references, as well as analysis of topics covered by these references);
- c. Sex characteristics (including quantitative information about intersex-inclusive and stand-alone intersex references); and
- d. Women (a new section introduced by this report with the analysis of how the Committees' SOGIESC references reflect the realities of LGBTI women).

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

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

Overview of 2017

Compiling SOGIESC references from 2014–2017 has allowed ILGA World to identify trends and language in Lists of Issues, Concluding Observations, General Comments and decisions on Individual Communications; to consider strategies to ensure that SOGIESC issues are increasingly on the Treaty Bodies' agenda; to offer some observations on thematic opportunities; and finally, to highlight a few achievements.

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

1. General overview

(a) Periodic Country Reviews

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

At that, different Treaty Bodies demonstrated different patterns. (see *Fig. 1*).

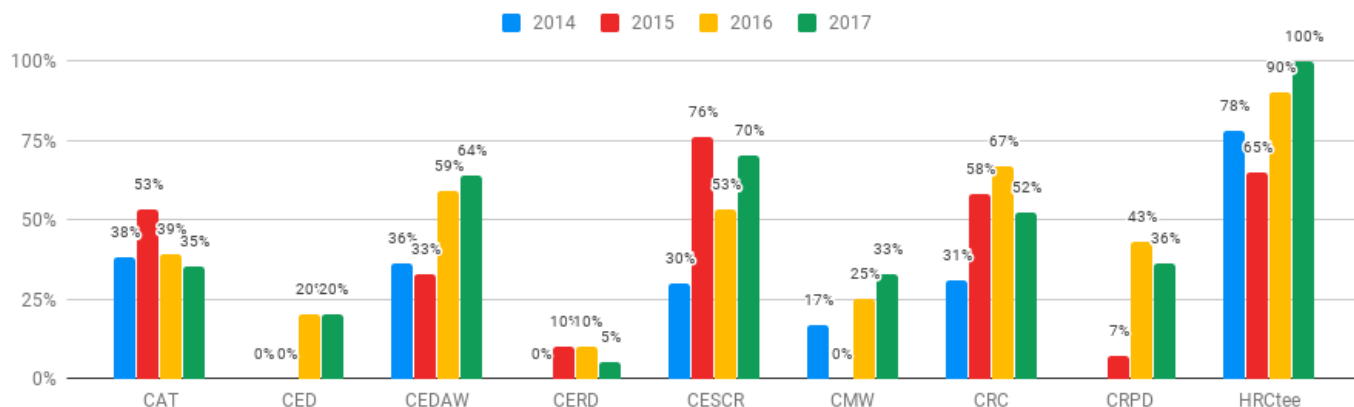


Figure 1: SOGIESC-inclusive Concluding Observations by Treaty Bodies (2014-2017)

Four Committees showed progress in 2017, compared to the previous year. The **percentage** of SOGIESC-inclusive Concluding Observations rose from 59% in 2016 to 64% for CEDAW; from 53% to 70% for CESC; from 25% to 33% for CMW, and from 90% to 100% for HRCtee. The results achieved by the HRCtee are truly unprecedented, as none of the Committees, including the HRCtee itself, have raised SOGIESC issues in each and every country review ever before.

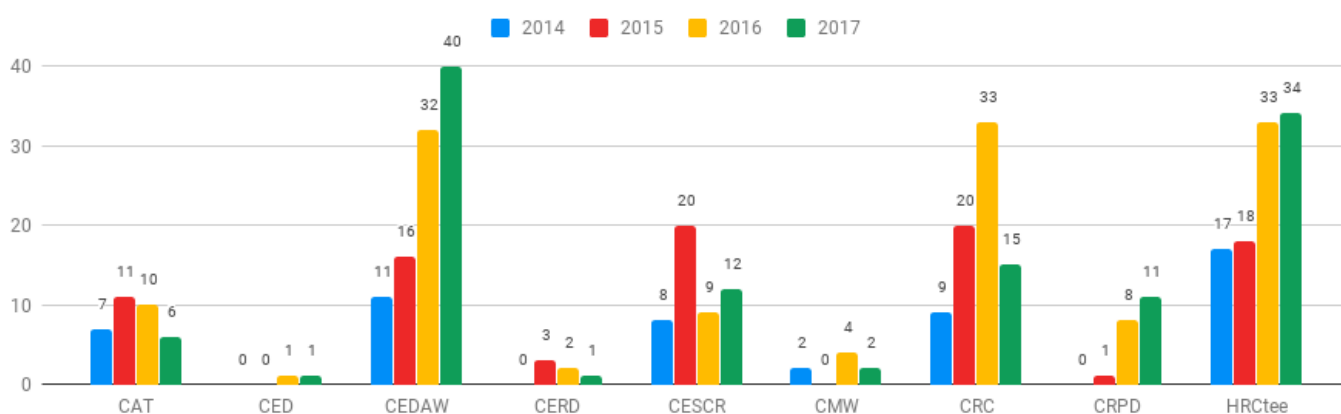
Four other Committees demonstrated a decrease in the proportion of Concluding Observations mentioning SOGIESC, compared to the previous period. The percentage of SOGIESC-inclusive Concluding Observations dropped from 39% to 35% for CAT, from 10% to 5% for CERD (analysed by actual numbers there were two and one countries, respectively), from 67% to 52% for CRC, and from 43% to 36% for CRPD. Taking into account these trends, LGBTI defenders are encouraged to engage with CAT and CRC particularly, as both Committees may address quite a broad range of topics relevant for LGBTI communities, and have both showed much better results in the past.

CED was the only Committee keeping the same percentage (and the absolute measure) of SOGIESC-inclusive Concluding Observations in 2017 as in 2016 (20% or 1 out of 5 countries).

At the same time, the picture will be slightly different if we look at the **actual number** of SOGIESC references made by Treaty Bodies in their Concluding Observations (see Fig. 2).

For example, CEDAW showed constant progress in the number of references, which became higher every year since 2014. In 2017, the Committee made 40 SOGIESC references, compared to 32 in 2016. This amounted to a 25% increase, while in terms of SOGIESC-inclusive Concluding Observations, the increase amounted to 8.5% only. This could be evidence of the Committee addressing SOGIESC in a more detailed and comprehensive way within one country review.

Figure 2: SOGIESC references in Treaty Bodies' Concluding Observations (2014-2017)



(b) General Comments

Out of eight General Comments made by the nine Treaty Bodies, seven included SOGIESC references. That is the highest number of references compared to any of the previous years; however, the overall number of General Comments adopted by the Committees were also lower, amounting to 5 in 2014, 1 in 2015 and 7 in 2016.

At that, the two General Comments adopted by CMW (jointly with CRC) became the first SOGIESC-inclusive General Comments for this Committee.

(c) Decisions on Individual Communications

In 2017, three new decisions were adopted by HRCtee, and two decisions by CAT. Among these five decisions there were still no on sex characteristics / intersex. None of the other Treaty Bodies made any decisions on Individual Communication in 2017.

Notably, two of the three views adopted by HRCtee were the first decisions on trans persons' cases in the whole Treaty Bodies' jurisprudence. One of the cases was about legal gender recognition procedure (violation decided), and another one was on the non-refoulement principle (no-violation case).

2. Specific populations

As the research methodology involves particular consideration of trans and intersex persons, as well as, from this year, LGBTI women, the present section will focus on the three groups. However, developments related to some other groups within LGBTI communities, such as those facing discrimination and violence based on the intersections of SOGIESC with other factors, including race, disability and youth, will be described in chapters on relevant Committees (particularly, CERD, CRPD and CRC).¹⁵

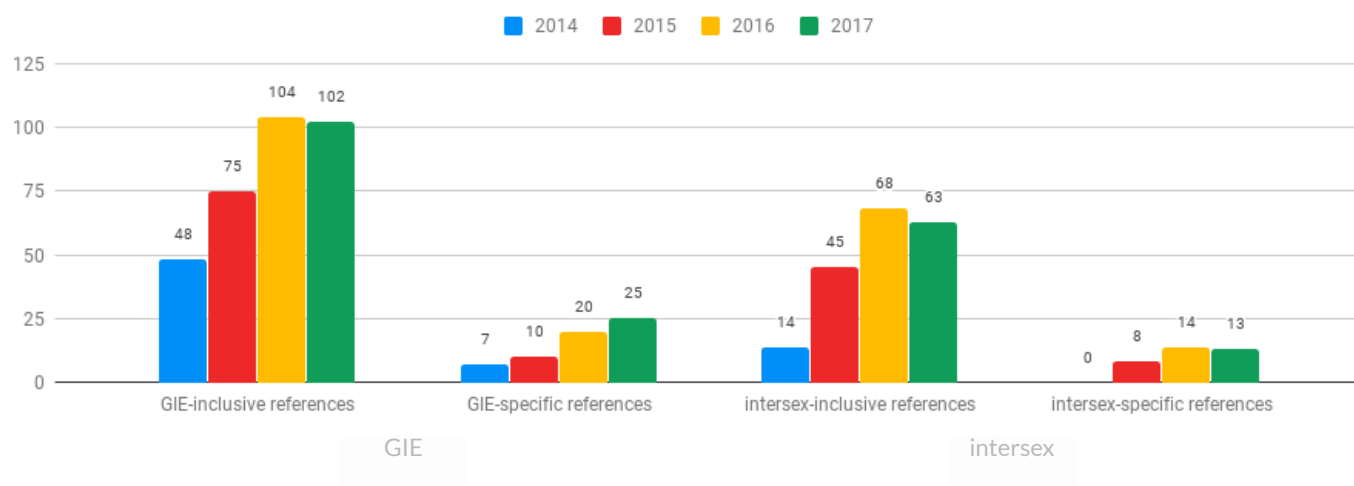
In terms of **sex characteristics**, a slight decrease in actual numbers, compared to 2016, was shown in both intersex-inclusive and stand-alone intersex references (see *Fig. 3*).

The number of intersex-inclusive references lowered from 68 in 2016 to 63 in 2017, and the number of intersex-specific references decreased from 14 to 13. However, the percentage of these references in the overall amount of SOGIESC-inclusive Treaty Bodies' references remained exactly the same (52% for intersex-inclusive and 11% for intersex-specific references). Moreover, all the 2017 indicators were higher than those of 2014 and 2015 apiece.

A great success for intersex advocates was that both CESC and HRCtee made their first intersex-specific references in country review processes in 2017. This huge progress may pave the way for many more countries that have ratified the ICESCR and ICCPR, the two major universal human rights treaties.

¹⁵ Particularly important were the recommendations made by CRPD on LGBT persons falsely treated as having disability because of their sexual orientation or gender identity. See more about this development in the relevant chapter of the report.

Figure 3: Number of GIE- and intersex- inclusive and specific references
(Concluding Observations, 2014-2017)



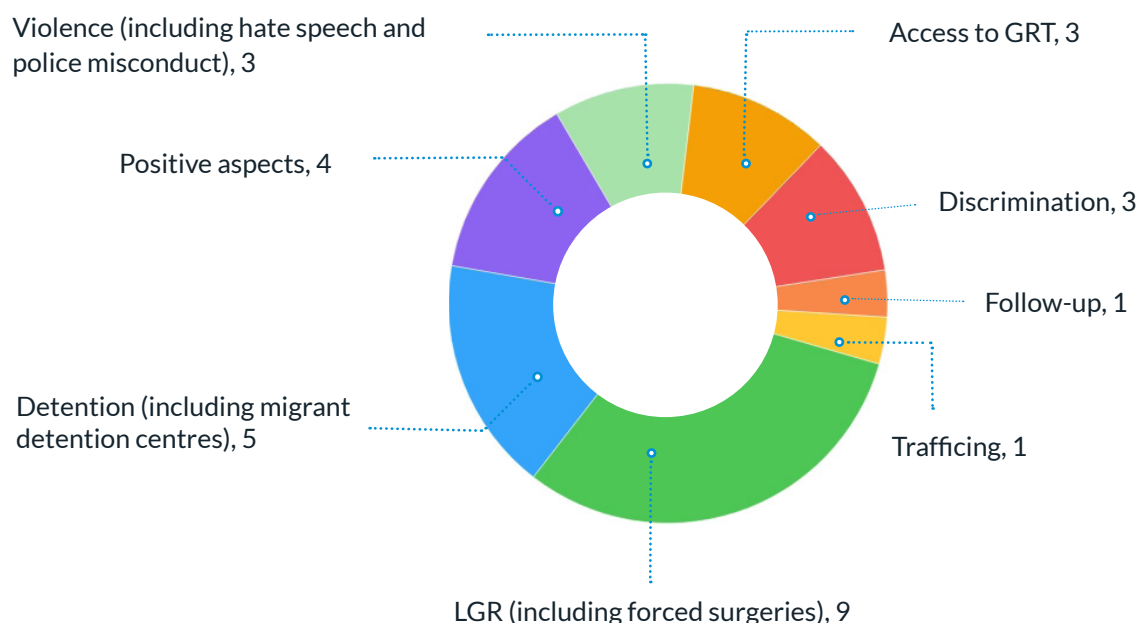
Other trends could be observed for **gender identity and gender expression** issues. Here, even though the actual number of trans-inclusive references decreased from 104 in 2016 to 102 in 2017, all other patterns showed progress. The percentage of trans-inclusive references in the overall number of SOGIESC-inclusive references rose from 79% in 2016 to 84% in 2017, and the percentage of trans-specific references moved up from 15% in 2016 to 20% in 2017. The number of stand-alone trans references also rose from 20 in 2016 to 25 in 2017, exceeding more than 3.5 times the 2014 amount (7 references).

CRPD made its first stand-alone reference to trans persons, and especially valuable appears to be its recommendations for Canada, on access to gender-reassignment treatment for trans and gender non-conforming persons.

Another historic recommendation was made by HRCtee in the Concluding Observations on Pakistan where the Committee, for the first time in all Treaty Bodies' practice, specifically referred to the situation of "hijras", a specific cultural and gender identity present in several countries.

Just like in 2016, legal gender recognition (LGR) was the most frequently addressed trans-specific reference topic. However, detention, including the situation of trans people in migrant detention centres, became one of the top priorities in 2017, while in 2016 only one reference was made on this theme. At the same time, the number of trans-specific references on violence decreased from 5 in 2016 to 3 in 2017, and no references were made to gender impersonation laws. Both discrimination and access to gender reassignment treatment respectively received 2 references from Treaty Bodies in 2016, and 3 in 2017 (see Fig. 4).

Figure 4: GIE-specific references in Concluding Observations (2017)



In 2017, the first two decisions were also made by Treaty Bodies (particularly HRCtee) on trans persons' Individual Complaints, and this definitely could open a new page in the development of the Committee's jurisprudence.

When it comes to **LBTI women** or their particular groups, however, stand-alone references remain an exception.

In 2016, there was only a single reference to lesbian women, when HRCtee addressed the so-called "corrective rapes" in Namibia; even then, no specific recommendation followed.

In 2017, CEDAW made specific recommendations on lesbian women in detention twice (reviews of Guatemala and Paraguay), and on lesbian couples' access to marriage or partnership and adoption (review of Monaco). Some specific references to trans women, especially in the context of violence, were also made. Additionally, CAT referred to "corrective rape" in its recommendations for Cameroon.

3. Conclusion

The conducted analysis revealed several important SOGIESC developments in Treaty Bodies' practice in 2017. Among them, the first Treaty Bodies' decisions on individual trans cases,¹⁶ the first intersex-specific recommendations from CESCR and HRCtee, the first year when SOGIESC issues were addressed in every single review by HRCtee, etc. There is still a huge gap in terms of specific recommendations on LB/TI women, and the lack of stand-alone references to bisexual persons.

At the same time, the quantitative analysis shows that the significant growth in the number and proportion of SOGIESC references and recommendations in the Treaty Bodies' practice observed in 2014–2016, has stumbled in 2017. Potentially, this happened because of the Committee's arrival to some sort of "equilibrium point", after which no significant quantitative developments could be expected, and the efforts may be mainly aimed at qualitative changes. It will therefore be extremely interesting to understand the results of next year's analysis.

In any case, our annual research shows that LGBTI persons' voices can be heard by Treaty Bodies, and transformed into recommendations for countries in different parts of the world. Despite much being achieved so far, engagement with Treaty Bodies is still needed to develop their practice further.

16 See pp. 31–32.

General Information

SOGIESC references were made in 70% of the Concluding Observations of CESCR's country reviews in 2017 (7 out of 10 countries). This represents a visible increase compared to both 2016 and 2014 (53% and 30% of the Concluding Observations, respectively), even though it has not reached the highest proportion of 76%, showed by the Committee in 2015.

In 2017, CESCR received CSO information on the situation of LGBTI persons for all but one of the countries reviewed. However, stand-alone SOGIESC reports were submitted for only five countries including **Colombia**, which did not receive any LGBTI recommendations. At the same time, LGBTI references were made in the Concluding Observations on **Australia**, **Pakistan** and **Republic of Moldova** where the Committee was provided with quite limited information only.

In four cases, CESCR made SOGIESC recommendations after issuing relevant Lists of Issues. In three cases, LGBTI-inclusive recommendations were made in the absence of SOGIESC references in the List of Issues. On a single occasion, in the review of **Uruguay**, the Committee did mention LGBTI in its List of Issues, but not in the Concluding Observations.

Table 1: CESCR's Country reviews, 2017

COUNTRY	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	COS	
Australia	No	Yes	No	Yes	I
Colombia	No	Yes	Yes	No	n/a
Liechtenstein	No	No	No	No	n/a
Netherlands	No	Yes	Yes	Yes	LGBTI; SC + I
Pakistan	No	Yes	No	Yes	SOGI; SOGI + same-sex
Republic of Korea	Yes	Yes	Yes	Yes	SOGI + LGBTI; LGBTI
Republic of Moldova	Yes	Yes	No	Yes	SOGI
Russian Federation	Yes	Yes	Yes	Yes	SOGI + LGBT + T; LGBT
Sri Lanka	Yes	Yes	Yes	Yes	SOGI; SOGI + LGBTI + same-sex
Uruguay	Yes	Yes	No	No	n/a

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

Themes

Just like in previous years, the main topic related to LGBTI raised by CESCR in its Concluding Observations, was **discrimination**. The Committee addressed measures to combat discrimination¹⁷ and SOGI-inclusive anti-discrimination legislation.¹⁸ It also made recommendations on revising discriminatory legal and regulatory provisions,¹⁹ including on social security, reproductive health and housing.²⁰

While most of the Committee's references remained quite general, an anti-discrimination recommendation on the **Netherlands** appeared to be much more detailed, even though LGBTI people were mentioned among other groups. CESCR recommended the Netherlands to continue assessing the root causes of systemic and structural discrimination against minority groups; to benefit from available findings in studies on discrimination in order to develop policies and programmes with specific goals and targets aimed at combating prejudice; and to take all necessary measures, including temporary special measures as appropriate, to ensure the equal enjoyment of the ICESCR rights by all.

Another topic raised by CESCR was **violence** against LGBTI persons. The Committee referred to measures to tackle violence²¹ and, specifically, hate crime legislation that would explicitly include homophobia.²² It also asked about statistical data covering investigations launched into reported attacks, including rulings of relevant court cases²³ and expressed its concerns on threats and attacks on social media.²⁴

The Committee also made some recommendations on **trainings** for law enforcement officials and other professional groups,²⁵ and on **awareness-raising** measures.²⁶

On one occasion, CESCR referred to **harassment and bullying in schools** and recommended the State party implement a zero-tolerance policy against harassment and ensure effective protection of victims of bullying and their families.²⁷

In another case, the Committee also paid attention to **suicides** and recommended prevention efforts, notably by addressing its societal root causes, including discrimination and hate speech experienced by certain groups, such as LGBTI persons.²⁸

In some of its Lists of Issues, CESCR addressed **reproductive rights**,²⁹ and in one case it made a recommendation on **same-sex partnerships**.³⁰

Last but not least, in the List of Issues for **Germany**, the Committee specifically referred to **religion**, asking the State party to provide clarification on whether the legislation prohibits Churches from dismissing non-eclesiastical employees who contract same- sex marriages.

The analysis of the Committee's work on SOGIESC issues demonstrates its openness to addressing LGBTI issues and therefore advocates are encouraged to include activities related to CESCR in their advocacy plans. The Committee may be a particularly good platform for addressing different challenges faced by LGBTI persons in such spheres as education, employment, housing or health care.

17 See Lists of Issues for **Argentina, Germany, Republic of Korea and Sri Lanka**; Concluding Observations on **Pakistan, Republic of Korea and Sri Lanka**.

18 See Lists of Issues for **Republic of Moldova, Turkmenistan**; Concluding Observations on **Pakistan, Republic of Korea, Republic of Moldova, Russian Federation and Sri Lanka**.

19 See Concluding Observations on **Russian Federation**.

20 See Concluding Observations on **Republic of Korea**.

21 See Lists of Issues for **Argentina and Germany**, and Concluding Observations on **Sri Lanka**.

22 See List of Issues for **Germany**.

23 See List of Issues for the **Russian Federation**.

24 See Concluding Observations on **Sri Lanka**.

25 Ibid.

26 See Concluding Observations on **Pakistan** and the **Republic of Korea**.

27 See Concluding Observations on **Russian Federation**.

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

29 See Lists of Issues for **Argentina and Uruguay**.

30 See Concluding Observations on **Russian Federation**.

Criminalisation

While criminalisation of same-sex relations between consenting adults as such has not been addressed by CESCR in its Lists of Issues, all three criminalising countries under review received relevant recommendations. The Committee recommended **Pakistan** and **Sri Lanka** to decriminalise same-sex relations between consenting adults, and also urged the **Republic of Korea** to abrogate the military criminal act's provisions criminalising same-sex acts.

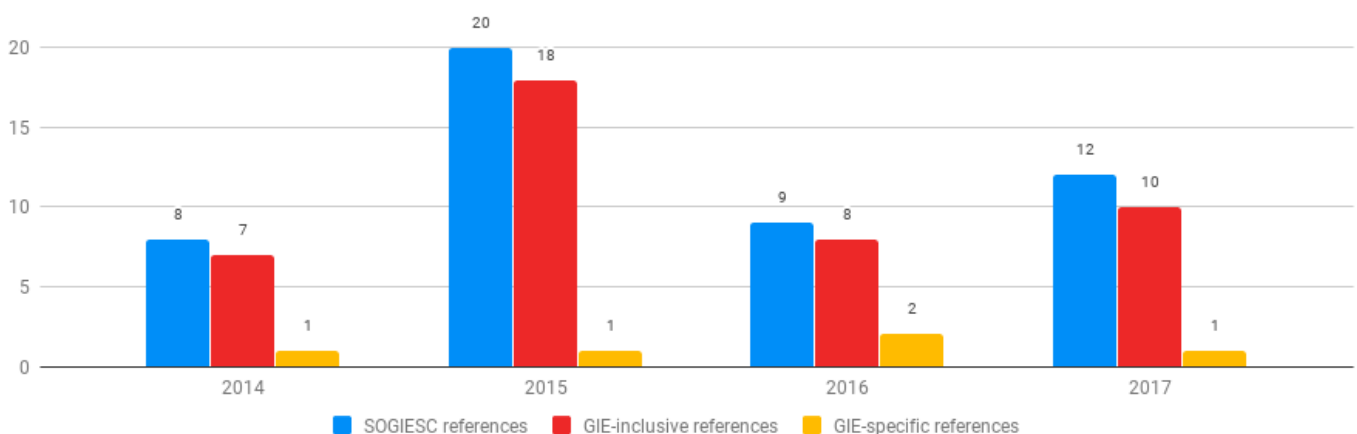
CSO submissions on all three countries also mentioned criminalisation as one of the problems.³¹

This suggests that CESCR is very open to addressing criminalisation of same-sex relations in general, and in its specific forms. Advocates should rely on this to encourage the Committee to discuss the impact of criminalisation on the enjoyment of specific rights, such as access to health or employment.

Gender identity and expression

The Committee addressed gender identity (or trans) issues in all but one of its SOGIESC-inclusive Concluding Observations published in 2017. The only exception was **Australia**, where the recommendation concerned intersex-specific issues. In almost all other references gender identity or trans issues were covered only by a more general SOGI/LGBT(I) umbrella reference. Solely in the Concluding Observations on **Russia** made CESCR a specific recommendation on quick, transparent and accessible legal gender recognition procedures. Additionally, the Committee asked **Argentina** about non-discrimination measures contained in the Gender Identity Law and the Provincial Bill on a Transgender Labour Quota in its List of Issues.

Figure 5: GIE-references, CESCR



At the same time, specific problems faced by trans people have been addressed in CSO reports on almost every country reviewed.³² These reports addressed such issues as access to trans-related health care, including for youth and under public health insurance, legal gender recognition, unemployment and poverty, patholo-

³¹ See submission by [Amnesty International](#) for the Session (*Pakistan*); submission by [Kaleidoscope and Rainbow Action](#) and submission by [Rainbow Action](#) for PSWG (*Republic of Korea*); submission by [civil society coalition](#) for PSWG, submission by [civil society coalition](#) for the Session, and submission by [EQUAL GROUND and Center for International Human Rights \(CIHR\) of Northwestern Pritzker School of Law](#) for the Session (*Sri Lanka*).

³² With the exception of Liechtenstein where no shadow reports were provided, and the Republic of Moldova where only brief references to SOGI have been made.

gisation of trans identities, treatment of trans persons in the military and police misconduct.³³ Two reports on **Pakistan** mentioned the situation of *hijras* in the country.³⁴ On **Colombia, Russia** and **South Africa**, the Committee received stand-alone reports on trans persons' situations.³⁵ As eluded to above except for Russia none of these specific issues made in into the LOI or recommendations of CESCR.

Importantly, in the case of **Russia**, a trans defender arrived to Geneva and participated in the session presenting a stand-alone shadow report submitted to the Committee. As a result, Russia received its first Treaty Body specific recommendation on legal gender recognition. Moreover, at the beginning of 2018 a new regulation has been adopted by the Russian Ministry of Health to allow transgender persons to change their documentation in a simple administrative procedure without surgery or even hormone treatment requirements.³⁶

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

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

Sex characteristics

In general, CESCR continued to address intersex issues under the LGBTI umbrella; such references have been made in the Concluding Observations on the **Netherlands, Republic of Korea** and **Sri Lanka**.

At the same time, in 2017 CESCR made its first country-specific recommendations on particular challenges faced by intersex people.

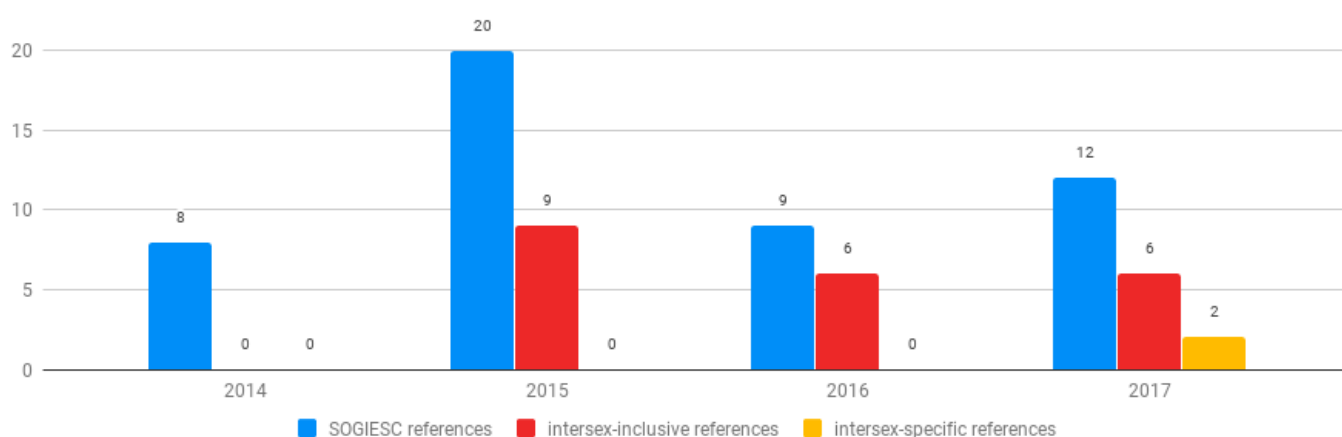
33 See *Australia*: submission by the [UNICEF Australia and the Australian Child Rights Taskforce](#) for the List of Issues (a separate section on medical treatment for trans children) and submission by the [Australian NGO Coalition](#) for the Session (a section on legal gender recognition; data on employment and income; access of young trans persons to hormones); *Colombia*: submission by [Plataforma Col Resumen ejecutivo para Comité DESC](#) for the List of Issues (pathologisation, access to health care, informed consent; brief reference to trans women and HIV risks; vulnerability of trans persons for police abuses); *Mexico*: submission by [civil society coalition](#) for the List of Issues (legal gender recognition and violence towards trans persons; trans women murders); *Netherlands*: submission by [Transgender Netwerk Nederland – TNN, Nederlands Netwerk voor Intersekse/DSD – NNID and Federatie van Nederlandse verenigingen tot integratie van Homoseksualiteit – COC Nederland](#) for the Session (insufficient protection of trans persons from labour discrimination; legal gender recognition; problems in access to trans related health care; pathologisation); *Republic of Korea*: submission by [Kaleidoscope and Rainbow Action](#) for the List of Issues (legal gender recognition and national health insurance for trans persons), as well as submission by [Rainbow Action](#) to the List of Issues (legal gender recognition, mention of financial non-accessibility and national health insurance, trans persons in the military); *Russian Federation*: submission by [civil society coalition](#) for the Session (a section on discrimination against trans persons in education, health care and in employment); *Sri Lanka*: submission by civil society coalition for the List of Issues (legal gender recognition), submission by civil society coalition for the Session (legal gender recognition), and submission by [EQUAL GROUND and Center for International Human Rights \(CIHR\) of Northwestern Pritzker School of Law](#) for the Session (legal gender recognition); and *Uruguay*: submission by [Coalición de Organizaciones para el seguimiento del cumplimiento de las obligaciones del Estado Uruguayo al PIDESC](#) for the Session (information on the First Trans Persons Census conducted by the Ministry of Social Development).

34 See submission by [Centre for Social Justice](#) for the List of Issues and submission by [Amnesty International](#) for the Session.

35 *Colombia*: submission by [GAAT Foundation](#) for the List of Issues (a stand-alone report on transgender people, including in education and employment); *Russian Federation*: submission by [Transgender Legal Defense Project](#) for the Session (access to LGR, transition-related health care services and discrimination faced by transgender people due to the lack of LGR); *South Africa*: submission by [Joint Civil Society Submissions- Transgender, gender diverse and intersex persons](#) for the List of Issues (legal gender recognition, as well as violence and discrimination towards transgender and gender diverse persons).

36 See an interview with Diana Iashenkova in ILGA World: Chiam, Z., Duffy, S. and González Gil, M., [Trans Legal Mapping Report 2017: Recognition before the law](#) (Geneva: ILGA World, November 2017).

Figure 6: intersex-references, CESCR



In the Concluding Observations on **Australia**, the Committee expressed its concerns on early surgeries and medical interventions performed on intersex children before they are able to provide full and informed consent. Consequently, Australia was urged to study and implement the recommendations put forward in the 2013 report of the Senate Community Affairs References Committee entitled “*Involuntary or coerced sterilisation of intersex people in Australia*.”

The Committee has also been concerned by the practice of early surgery and medical interventions on intersex children in the **Netherlands**. It recommended that the State party review this practice in order to make sure that the children in question are mature enough to be consulted on their preferred treatments on the basis of their informed choices and consent.

Additionally, intersex references have been made by CESCR in its Lists of Issues for countries that will be reviewed by CESCR in 2018. **Germany** was asked about data on intersex surgeries, measures to address challenges faced by intersex children and the impact of the “third gender” option on intersex children. In the review of **South Africa** the Committee inquired about the implementation of the Alteration of Sex Description and Sex Status Act, the numbers of surgeries performed on intersex children and measures taken to address the severe physical and mental risks facing intersex children undergoing such surgery without free and informed consent.

This progress was accompanied by much more active involvement by civil society. Shadow reports addressing particular intersex challenges have been submitted for the reviews of **Australia**, **Mexico**, the **Netherlands**, **Republic of Korea** and **South Africa**.³⁷ In some cases, relevant issues have been also raised during NGO briefings in Geneva.

2017 showed what we have been expecting in the past few years – CESCR is ready to address specific intersex issues when they are supported by CSO submissions. Defenders can use this opportunity and further engage with the Committee on intersex advocacy.

37 *Australia*: submission by the [Australian NGO Coalition](#) for the Session (anti-discrimination legislation and its application; data on employment and income; a section on IGM); *Mexico*: submission by [Coalition Report – Colectivo Hombres, Global Initiatives for Human Rights & others \(English & Spanish\)](#) for the List of Issues (a section on intersex persons); *Netherlands*: Submission by [Transgender Netwerk Nederland – TNN, Nederlands Netwerk voor Intersekse/ DSD – NNID and Federatie van Nederlandse verenigingen tot integratie van Homoseksualiteit – COC Nederland](#) for the Session (insufficient protection of intersex persons from labour discrimination; intersex issues’ absence in curricula; legal gender recognition for intersex persons; pathologisation; intersex surgeries); *Republic of Korea*: submission by Rainbow Action to the List of Issues (a section on intersex persons); *South Africa*: submission by Joint Civil Society Submissions- Transgender, gender diverse and intersex persons for the List of Issues (intersex persons’ situation).

Women

Among all the SOGIESC references made by CDESCR in 2017, none specifically addressed LB/TI women.

At the same time, several CSO reports did mention particular challenges faced by trans women (in the context of HIV risks,³⁸ sex work,³⁹ murders of trans women⁴⁰ or the situation of trans women in the military⁴¹) and lesbian women (restrictions on assisted reproduction,⁴² targeted harassment of school teachers,⁴³ criminalisation of same-sex relations between women and forced marriages⁴⁴).

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

Individual Communications

The Individual Communications mechanism of CDESCR is still relatively new, and the Committee has not yet dealt with SOGIESC issues in this context.⁴⁵ There were no references to SOGIESC in the three decisions made by CDESCR in Individual Communications in 2016. It also seems that so far none of the [pending cases](#) concern LGBTI issues (at least directly).

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

38 Submission by PlataformaCol Resumen ejecutivo para. ComitéDESCR for the [List of Issues \(Colombia\)](#).

39 Submission by [Joint Civil Society Submissions: Transgender, gender diverse and intersex persons](#) for the List of Issues (South Africa).

40 Submission by [Coalition Report – Colectivo Hombres, Global Initiatives for Human Rights & others \(English & Spanish\)](#) for the List of Issues (Mexico).

41 Submission by Rainbow Action to the List of Issues (South Korea).

42 Ibid.

43 Submission by Anti-Discrimination Centre Memorial for the [List of Issues](#) and for the [Session](#) (Russian Federation).

44 Submission by [civil society coalition](#) for the List of Issues (Sri Lanka).

45 A list of countries that have agreed, by ratifying the Optional Protocol, that Individual Communications can be brought against them is available by clicking 'underlying data' under the map available on this page: <http://indicators.ohchr.org/>.

General Comments

In 2017, only [General Comment No. 24](#) on State Obligations under the ICESCR in the Context of Business Activities has been adopted by CESCR and contains no SOGIESC references. Even though CSOs suggested some amendments to the draft General Comment,⁴⁶ neither of them have been included into the final text.

Follow-up procedure

In 2017, CESCR finally adopted a formal procedure for follow-up to its Concluding Observations.⁴⁷

According to the procedure, a Rapporteur on follow-up to Concluding Observations is appointed for a one-year term.

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

CSO can submit information on the follow-up, as they do for the reporting procedure. The information should be presented in a concise manner, with a maximum length of 3'500 words, and sent in electronic version in Word to cescr@ohchr.org. This information should be sent within the 18 months after the adoption of the Concluding Observations or, at the latest, one month after the State party's follow-up report is made public. These submissions will be made public.

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

Even though no LGBTI recommendations have been picked up by CESCR for the follow-up procedure, taking into account general openness of the Committee to SOGIESC issues, defenders might include advocating for follow-up LGBTI recommendations into their strategies.

Sex work and HIV/AIDs

References to **sex work** were made in CESCR's Concluding Observations on [Liechtenstein](#) (para. 3), [Pakistan](#) (para. 3) and the [Russian Federation](#) (paras. 3, 36, 52 & 56).

References to **HIV/AIDs**, that were not SOGIESC-related, were made in Lists of Issues on the [Republic of Moldova](#) (para. 30), [Russian Federation](#) (para. 30), [South Africa](#) (para. 28) and [Turkmenistan](#) (para. 25), as well as in Concluding Observations on the [Republic of Korea](#) (paras. 61-62), [Republic of Moldova](#) (paras. 56, 57, 62, 64-66), the [Russian Federation](#) (paras. 36, 50-53) and [Sri Lanka](#) (para. 37).

⁴⁶ See a [submission](#) by Kaleidoscope Human Rights Foundation.

⁴⁷ See *Note on the procedure for follow-up to concluding observations* in [English](#), [French](#) and [Spanish](#).

General Information

In 2017, SOGIESC references were made by the Committee in all of its Concluding Observations made. This is probably the first time that a UN Treaty Body has consistently raised LGBTI issues in *all* of its reviews during the year. Even in 2016, there were 90% of SOGIESC-inclusive Concluding Observations by HRCtee; and in 2015 and 2014, it was proportion amounted to 65% and 78%, respectively.

Remarkably, the Committee made relevant recommendations even in the rare cases when there were no references to LGBTI issues in the Lists of Issues (two countries, **Australia** and the **DR Congo**) or in CSO reports (three countries, **Dominican Republic**, **Jordan** and **Liechtenstein**).

Table 2: HRCtee's Country reviews, 2017

COUNTRY	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	COS	
Australia	No	Yes	Yes	Yes	SOGI + [GI]; I; T; LGBTI + same-sex
Bangladesh	Yes	Yes	Yes	Yes	SOGI + LGBT + T + same-sex
Bosnia & Herzegovina	Yes	Yes	Yes	Yes	SOGI + LGBT
Cameroon	Yes	Yes	Yes	Yes	SOGI + LGBTI + same-sex
DR Congo	No	Yes	Yes	Yes	SOGI + SO
Dominican Republic	Yes	No	No	Yes	SOGI + LGBTI + T + same-sex; SOGI + LGBTI + T + same-sex
Honduras	Yes	Yes	No	Yes	SOGI + LGBTI + T + same-sex; LGBTI; LGBTI
Italy	Yes	Yes	Yes	Yes	same-sex; SOGI; LGBTI + same-sex
Jordan	Yes	No	No	Yes	SOGI
Liechtenstein	Yes	No	No	Yes	same-sex
Madagascar	Yes	Yes	No	Yes	SOGI + LGBTI
Mauritius	Yes	Yes	Yes	Yes	SOGI + LGBT
Mongolia	Yes	Yes	Yes	Yes	SOGI; SOGI + LGBTI + same-sex; SOGI + LGBTI + same-sex
Pakistan	Yes	Yes	No	Yes	SOGI + LGBTI + I + same-sex
Romania	Yes	Yes	No	Yes	GI + LGBTI
Serbia	Yes	Yes	No	Yes	SOGI; SOGI + LGBTI + [T/GI]
Swaziland	Yes	Yes	No	Yes	SOGI + SO + LGBTI + G; LGBTI
Switzerland	Yes	Yes	Yes	Yes	SOGI; I
Thailand	Yes	Yes	Yes	Yes	LGBTI
Turkmenistan	Yes	Yes	No	Yes	SOGI; SOGI + LGBT + same-sex + homosexuality

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

Themes

The Committee addressed a broad range of different SOGIESC issues in its country reviews in 2017.

One of the most frequently addressed themes was **violence and hate crimes** against LGBTI persons. The usual country recommendations on this theme included ensuring prompt registration, investigation, prosecution and punishment, as well as compensation for survivors.⁴⁸ Other recommendations included trainings to police officers, law enforcement, prosecutors and/or judges⁴⁹ and adoption of the inclusive hate crime legislation.⁵⁰

On many occasions, the Committee expressed concerns on **discrimination** against LGBTI persons, and consequently recommended that States adopt comprehensive and inclusive anti-discrimination legislation.⁵¹

Several countries were called on to combat **stereotypes and prejudices** against LGBTI people⁵² or to organise awareness-raising campaigns promoting tolerance and respect for diversity.⁵³

Some attention was paid by HRCtee towards the topic of **human rights defenders and the rights to freedom of expression, freedom of association and freedom of peaceful assembly**. Particularly, **Mongolia** was asked to abstain from any unjustified interference with the exercise of these rights, and **Honduras** was called on to provide protection to LGBTI defenders and to collect disaggregated data on the topic.

A few references were made by the Committee on the topic of health. In its List of Issues Prior to Reporting sent to Japan, HRCtee asked about measures to address high suicide rates. Swaziland received recommendations related to HIV and key populations, in particular LGBTI communities.

In 2017, the Committee also paid quite a lot of attention to the topic of **family and parenthood**. In the Concluding Observations on **Australia**, for example, HRCtee expressed its concerns on the explicit ban of same-sex marriage and consequently asked the State party to revise its laws. Notably, the Committee also commented on Australia's public survey on the issue, saying that to "*resort to public opinion polls to facilitate upholding rights under the Covenant in general, and equality and non-discrimination of minority groups in particular, is not an acceptable decision-making method and that such an approach risks further marginalizing and stigmatizing members of minority groups.*"⁵⁴ Several countries also received recommendations to consider recognition of same-sex couples or to ensure their non-discrimination and equality,⁵⁵ particularly in access to adoption, including second-parent adoption, and IVF.⁵⁶ Additionally, HRCtee commended positive legislative developments ensuring recognition of same-sex couples in **Italy** and **Liechtenstein**.

48 See Concluding Observations on **Bangladesh, Bosnia and Herzegovina, Cameroon, Mauritius, Mongolia, Romania, Swaziland** and **Turkmenistan**.

49 See Concluding Observations on **Bosnia and Herzegovina, Dominican Republic, Mauritius** and **Swaziland**.

50 See Concluding Observations on **Swaziland**.

51 See Concluding Observations on **Cameroon, DR Congo, Jordan, Madagascar, Pakistan, Switzerland** and **Turkmenistan**.

52 See Concluding Observations on **Bosnia and Herzegovina, Mongolia, Romania, Swaziland** and **Turkmenistan**.

53 See Concluding Observations on **Dominican Republic** and **Mauritius**.

54 See Concluding Observations on **Australia**.

55 See Concluding Observations on **Honduras, Mongolia** and **Mauritius**.

56 See Concluding Observations on **Italy**, and LOIPR for **Czech Republic**.

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

Criminalisation

HRCtee discussed criminalisation in its Concluding Observations on seven countries (**Bangladesh, Cameroon, DR Congo, Mauritius, Pakistan, Swaziland and Turkmenistan**) – all the countries reviewed in 2017 that criminalised same-sex relations in one way or another – and addressed the topic in its Lists of Issues for six countries (**Algeria, Bahrain, Gambia, Lebanon, Liberia and Saint Vincent and the Grenadines**).

Some particularly interesting examples include:

- Concluding Observations on **Cameroon**: HRCtee referred to both criminalisation of same-sex relations by sec. 347 bis of the Penal Code, and criminalisation of the sexual propositioning of an adult of the same sex by means of electronic communication by sec. 83 of the Act No. 2010/012;
- Concluding Observations on the **DR Congo**: The Committee paid attention to art. 176 of the Criminal Code which concerned “activities contrary to public decency”;
- List of Issues for **Lebanon** contained very detailed questions formulated by the Committee, about and involving criminalisation, including regarding the instances of anal examinations;
- Concluding Observations on **Cameroon** and on **Turkmenistan** where HRCtee stated explicitly that considerations related to morals cannot justify violations of human rights guaranteed by the ICCPR.⁵⁷

The Committee continues to maintain its consistent approach towards criminalisation of consensual same-sex relations among adults; an approach which was introduced more than twenty years ago in the first UN Treaty Bodies’ Individual Communication on sexual orientation, the Toonen case. These days, HRCtee considers criminalisation to be a grave violation of the ICCPR, and therefore defenders from countries criminalising same-sex relations can rely on engagement with HRCtee. At the same time, taking into account the already established Committee’s standards, criminalisation of specific forms of gender identity or expression also could be referred to HRCtee.

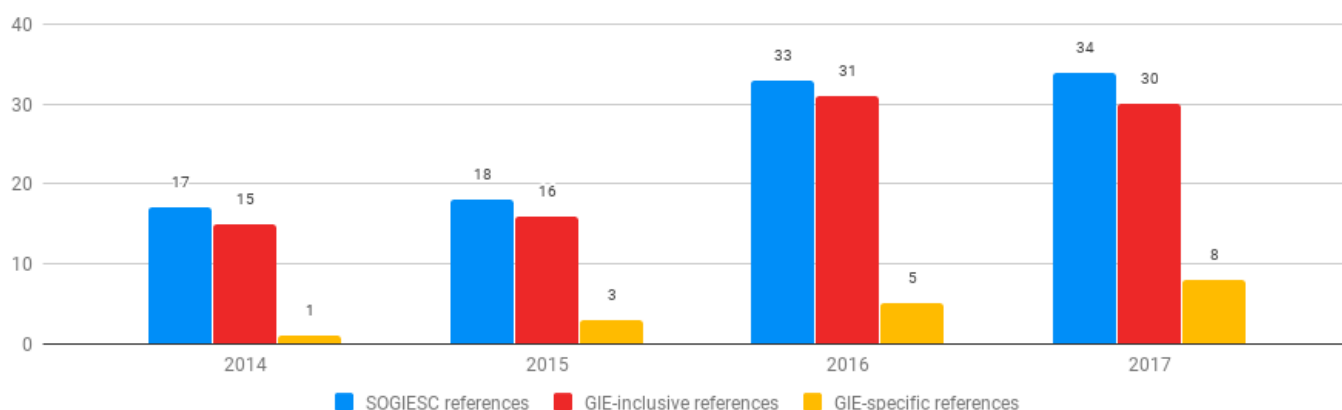
⁵⁷ “While taking note of the comments made orally by the delegation, the Committee recalls that, although it respects the diversity of cultures and moral values in the world, they must always be subordinate to the Covenant principles of universality and non-discrimination in the enjoyment of human rights.” (Concluding Observations on **DR Congo**, para. 13).

“The Committee remains concerned [...] about the State party’s argument that homosexuality contradicts its culture. [...] While acknowledging the diversity of morality and cultures internationally, the Committee recalls that State laws and practices must always be subject to the principles of universality of human rights and of non-discrimination and that a failure to comply with the obligations contained in the Covenant cannot be justified by reference to political, social, cultural or economic considerations within the State.” (Concluding Observations on **Turkmenistan**, paras. 8-9).

Gender identity and expression

The Committee continued to mention trans / gender identity issues in its SOGIESC-inclusive references in the Concluding Observations. In 2017, such references were contained in 30 out of 34 (88%) SOGIESC-inclusive paragraphs.⁵⁸

Figure 7: GIE-references, HRCtee



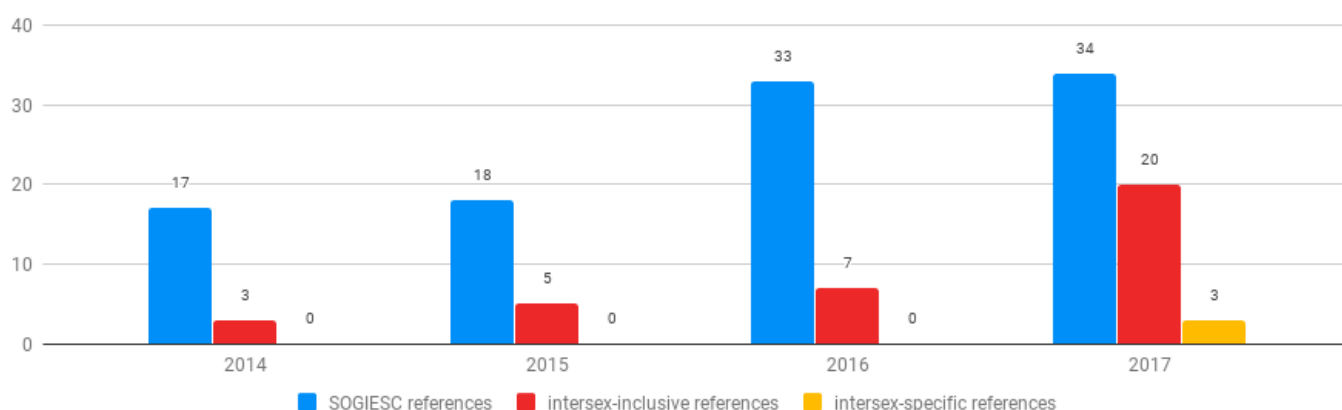
As can be seen from the conducted analysis, the Committee is very open to including trans / gender identity issues into the general LGBT(I) umbrella. Some trans-specific issues, particularly legal gender recognition procedures, have already taken hold in HRCtee practice. Therefore, trans defenders are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

Sex characteristics

In 2017, significant progress has been made by HRCtee on intersex issues. While there were no stand-alone intersex references made in the Committee's Concluding Observations (particularly, in 2014, 2015 and 2016), in 2017 two countries (**Australia** and **Switzerland**) received recommendations related to this population, and another country (**Pakistan**) was commended for positive developments in this field.

⁵⁸ In 2015, there were 31 T/GI-inclusive references out of 33 SOGIESC-references (94%), in 2015, there were 16 out of 18 (89%), and in 2014, there were 15 out of 17 (88%).

Figure 8: intersex-references, HRCtee



In particular, the Committee recommended **Australia** end irreversible medical treatment of intersex children without their due consent, unless for a reason of absolute medical necessity.

Switzerland was asked to ensure that: no child undergoes unnecessary surgery intended to assign sex; medical records are accessible and inquiries are launched in cases where intersex persons are subjected to medical procedures without their effective consent; and, psychological assistance and reparations are provided for “victims of needless surgical procedures.”

The Committee also continued to include intersex in the LGBTI umbrella. The proportion of such intersex-inclusive references amounted to 59% in 2017 (21% in 2016, 28% in 2015, and 18% in 2014), representing a significant increase.

This progress unlikely be achieved without advocacy organised by intersex activists themselves. For example, separate reports on the situation of intersex people were submitted on **Australia** by [OII Australia](#) and on **Switzerland** by a group of initiatives for both the [List of Issues](#) and the [main review](#). Notably, the same two countries received the only stand-alone intersex recommendations from the Committee.

The examples of Australia and Switzerland show that including advocacy work with the HRCtee in regard to intersex issues can yield good results. The progress made by the Committee in 2017 may be relied on and developed further in future sessions.

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

Women

While the Committee referred to “sexual orientation”, “sexual orientation and gender identity” and LGBT(I) on many occasions, there were no explicit stand-alone references to LB women, and only one particular reference to trans women.

In its List of Issues for the **Dominican Republic**, the Committee asked the State party about measures to combat “social stigmatization, harassment, discrimination and violence suffered by [LGBTI] persons, **especially transgender women**” [Bold added. – K.K.]. However, in its Concluding Observations on the country HRCtee did not develop this approach, but instead mentioned “violence against transgender persons” more generally – dropping the specific aspect of trans women.

Arguably, some of the recommendations made by the Committee on recognition of same-sex families, especially those related to access to IVF, could be particularly relevant for LB women. Even though access-

ing assisted reproductive technologies may also be problematic for trans and intersex persons, most of the Committee members hardly considered this.

The lack of explicit stand-alone references to LB/TI women reflects the lack of specific CSO submission on these populations. One of the rare examples of reports that included some specific data, and showed how sexual orientation and gender identity intersect with gender, was a [submission on LBT women in Thailand](#) by a coalition of organisations. The vast majority of CSO submissions did not expand on the specific aspects around LB/TI women.

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

Individual Communications

Out of approximately 120 decisions made by the HRCtee on Individual Communications in 2017, there were three related to the human rights of LGBT persons, including the first two trans cases reviewed by Treaty Bodies.

- **M.Z.B.M. v. Denmark**, communication no. 2593/2015, views of 20 March 2017, [CCPR/C/119/D/2593/2015](#) (deportation of a trans woman to Malaysia, no violation).

In this case, a transgender woman from Malaysia, who was a registered Muslim but considered herself Hindu, was subjected to violence in her country of origin, and was not able to get legal gender recognition. She also reported that after her initial application for asylum had been rejected, she became aware of the fact that a case was opened against her in a Sharia court in Malaysia. However, her application for reopening the asylum case was rejected by the authorities of Denmark. The Committee noted that the author did not provide sufficient information about her persecution as a result of her conversion to Hinduism (and in this part her claims were declared inadmissible). The Committee further noted that the author's explanations were not sufficiently substantiated and consistent, that the charges against her had not been pursued for some years, and that she travelled abroad without any problems before leaving Malaysia.

- **C. v. Australia**, communication no. 2216/2012, views of 28 March 2017, [CCPR/C/119/D/2216/2012](#) (denial of access to divorce proceedings for a lesbian couple married abroad, violation).

The case was concerned with the denial of access to divorce proceedings for a lesbian couple married abroad. The author's marriage was not recognised in Australia as a marriage, and consequently she was not able to get a divorce. The Committee compared the author's situation, as a person wishing to obtain a divorce after concluding her same-sex marriage abroad, with one of different-sex couples, whose foreign (polygamous and underage) marriages, normally not recognised in Australia, could nevertheless be dissolved. The Committee concluded that the State failed to provide a reasonable justification for why the reasons provided for recognising the exceptions for the two situations (foreign polygamous and underage different-sex marriages), were not also applied to the author's foreign same-sex marriage. The Committee found that the differentiation of treatment based on sexual orientation, to which Ms. C. had been subjected, was not based on reasonable and objective criteria and therefore constituted discrimination.

- **G. v. Australia**, communication no. 2172/2012, views of 17 March 2017, [CCPR/C/119/D/2172/2012](#) (divorce requirement for legal gender recognition, violation).

The author was a trans woman who underwent hormonal treatment and gender reassignment surgery, and

obtained a new passport, but was not able to get her gender marker changed on her birth certificate. She was rejected because legal gender recognition was only permitted by law if the person concerned was not married.

The HRCtee concluded that the State violated the author's rights guaranteed by articles 17 and 26 of the ICCPR.

The Committee reasoned that, regarding article 17 of the ICCPR, a person's identity, and gender identity particularly, were covered by this article. Refusal by the authorities to provide the author with a new birth certificate constituted an interference with her privacy and family. The Committee noted a number of inconsistencies, such as the fact that the author's name and legal gender had been amended in several documents, including her passport, but the authorities still refused provide her with a new birth certificate. Taking into account that gender reassignment was lawful in Australia, that the author had been lawfully issued with a variety of documents, and that she had lived on a day-to-day basis in a loving, married relationship with a female spouse – which the State party had recognised in all respects as valid – the Committee found no apparent reason for refusing to change the author's birth certificate to “*this lawful reality*.” Based on these considerations, the Committee decided that the interference with the author's privacy and family was not necessary and proportionate to a legitimate interest, and was therefore arbitrary within the meaning of article 17 of the ICCPR.

On article 26 of the ICCPR, the Committee observed that marital status and gender identity, including transgender status, were protected from discrimination. By denying married trans persons a birth certificate that correctly identifies their gender, in contrast to unmarried trans and cisgender persons, the State party was failing to afford the author, and similarly situated individuals, equal protection under the law as a married trans person. This treatment was not based on reasonable and objective criteria, and therefore constituted discrimination on the basis of marital and transgender status, under article 26 of the ICCPR.

Another important event concerning LGBT persons and the Committee's jurisprudence which occurred in 2017 was the submission, by the International Service for Human Rights, of a [third party intervention](#) in the case **Krikkerik v. Russian Federation** (concerning anti-LGBT hate crimes and the lack of effective investigation). The case is now pending for review. However, taking into account that no cases on hate crimes against LGBTI persons have been reviewed by any Treaty Bodies so far, this particular case may lead to a groundbreaking decision influencing future jurisprudence on this important topic.

HRCtee has already issued a number of views on Individual Communications on sexual orientation and gender identity,⁵⁹ and more cases have been submitted to the Committee by local activists. Therefore, LGBTI defenders could rely on this mechanism in their advocacy strategies.

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

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

General Comments

No General Comments were published by HRCtee in 2017.

However, the Committee was in the ongoing process of discussing [draft General Comment No. 36](#) on Article 6, the right to life.⁶⁰ The draft mentions discrimination against LGBTI persons and refers to the criminalisation of same-sex relations.

⁵⁹ More detailed analysis and case summaries see in ILGA's Treaty Bodies Strategic Litigation Toolkit (to be published in 2019).

⁶⁰ See more on this: <http://www.ohchr.org/EN/HRBodies/CCPR/Pages/GC36-Article6Righttolife.aspx>.

In October 2017, ILGA World, together with some other groups and activists, submitted their [comments](#) to the draft to highlight possible gaps related to the situation of LGBTI persons and different forms of violation of their right to life.

Follow-up procedure

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

CSOs are provided with the opportunity to participate in the follow-up process. Specifically, they could submit their comments to the Committee on implementation of prioritised recommendations. They could do it either by providing comments without taking into account the follow-up report of the State party (at any time before the expiration of the one-year deadline), or by providing specific comments to the reply submitted by the State party within one month from the posting of the State party's reply on the website.⁶¹

In 2017, HRCtee decided to **update the methodology** for the follow-up to Concluding Observations. Firstly, the periodicity of follow-up reports was extended to two years; it used to be one year. Secondly, the follow-up rounds have been reduced from three to one. From now on, the second follow-up report may be requested by the Committee only in appropriate cases.

SOGIESC recommendations were included in the list for follow-up activities three times (the same number as in 2016). Namely, **Dominican Republic** (on non-discrimination – State report to be submitted by 10 November 2019), **Honduras** (with regards to freedom of expression and human rights defenders – State report to be presented by 24 July 2018) and **Mongolia** (on discrimination on the grounds of sexual orientation and gender identity – State report to be presented by 24 July 2018).

In 2017, at least three follow-up State reports were received by the Committee with regard to the implementation of LGBT recommendations made within the deadline:

- The **Republic of Korea** submitted its follow-up report following the 2015 HRCtee recommendations on discrimination on the grounds of sexual orientation or gender identity (*pending evaluation*).
- The second follow-up report was submitted by **Latvia**, which received recommendations related to hate crimes against LGBT persons in 2014 (*follow-up procedure discontinued⁶²; the follow-up report to be taken into account in the context of the next reporting cycle*).
- And another follow-up report was submitted to the Committee by **Ukraine** with regards to the detailed 2013 LGBT recommendations (*follow-up procedure discontinued; additional information requested and to be included in the next periodic report*).

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

62 According to the new rules adopted by the Committee (see explanations above). As it was stated in the Committee's [letter](#) to the Government, "[t]he Committee has been reviewing its follow-up procedures with a view to making them more efficient. While this is an ongoing process, the Committee decided already at its 121st session (16 October-10 November 2017) to request States parties to provide one follow-up report. A second follow-up report will only be requested in appropriate cases. In view of the above, the Committee decided to discontinue the follow-up procedure in respect of Latvia. The second follow-up report of the State party [...] will be taken into account in the context of the next reporting cycle."

Taking into account that HRCtee has already included SOGIESC recommendations in its lists for follow-up on several occasions, defenders are encouraged to consider this opportunity in their advocacy plans. Usually, NGO representatives participating in the session have a chance to suggest specific issues to be covered by the Committee's follow-up procedure. Therefore, co-operation with other NGOs both before the session and in Geneva could be crucial to ensuring inclusion of a SOGIESC dimension into the agreed CSO proposal. If relevant topics are included in the list of priorities, it is important to update the Committee on any developments in the year or two following the adoption of Concluding Observations for its follow-up review.⁶³

Sex work and HIV/AIDs

The HRCtee made references to **sex work** that were not SOGIESC-specific in the Lists of Issues for [Lebanon](#) (para. 12) and in the Concluding Observations on [Honduras](#) (para. 14).

The Committee addressed **HIV/AIDs** in its Lists of Issues (prior to reporting) for [Bahrain](#) (para. 18), [Lebanon](#) (para. 4), [Liberia](#) (para. 6), [Mauritius](#) (paras. 7 and 22), [Peru](#) (para. 19), [Saint Vincent and the Grenadines](#) (para. 7) and [Swaziland](#) (para. 6); and in the Concluding Observations for [Madagascar](#) (paras. 15-16), [Romania](#) (paras. 17-18), [Serbia](#) (paras. 12-13), [Swaziland](#) (paras. 20-21) and [Turkmenistan](#) (paras. 32-33).

⁶³ The CCPR Centre has designed a template of follow-up reports to the Committee. Get in touch with them at info@ccprcentre.org for further info. An example of follow-up CSO report on LGBTI rights see [here](#) (Republic of Korea).

General Information

SOGIESC recommendations were made in the Concluding Observations on 18 out of 28 countries (64%) reviewed by the Committee in 2017, showing continued progress on previous years (there were 59% in 2016, 33% in 2015 and 36% in 2014). At that, CEDAW made the highest number of LGBTI references (40) among all the Treaty Bodies.

In most cases, SOGIESC recommendations were made for those countries where CSOs submitted their shadow reports to the Committee (except for **Monaco**). Only in two cases (**Romania** and **Rwanda**) did CEDAW not make any LGBTI recommendations, despite references in CSO submissions, and in both cases SOGIESC issues were only mentioned in passing. At the same time, the Committee made SOGIESC-inclusive recommendations for every country where stand-alone LGBTI reports were provided.

Only ten out of 18 SOGIESC-inclusive Concluding Observations followed SOGIESC-inclusive Lists of Issues, while on eight countries, relevant recommendations were made without prior questions to the State parties. In only one case (**Niger**) did the Committee not make any LGBTI recommendations, notwithstanding the fact that such issues had been included in the List of Issues.

Table 3: CEDAW's Country reviews, 2017

COUNTRY	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	COS	
Barbados	No	Yes	Yes	Yes	LBT + LGBTI; LBT
Burkina Faso	No	No	No	No	n/a
Costa Rica	No	Yes	No	Yes	LBTI; T; T; LBTI
DPR Korea	No	No	No	No	n/a
El Salvador	Yes	Yes	No	Yes	SOGI + LGBTI
Germany	Yes	Yes	Yes	Yes	T; TI + I; T + TI
Guatemala	No	Yes	No	Yes	LBTI; LBTI; LBTI; LT
Ireland	Yes	Yes	Yes	Yes	GI; I
Israel	No	Yes	No	Yes	SOGI
Italy	No	Yes	Yes	Yes	LBT + same-sex; LBTI; I
Jordan	No	No	No	No	n/a
Kenya	No	Yes	Yes	Yes	LBTI
Kuwait	No	No	No	No	n/a
Micronesia	No	No	No	No	n/a
Monaco	Yes	No	No	Yes	SO + LBTI + TI + T
Montenegro	Yes	Yes	No	Yes	T; SOGI + LBT + T
Nauru	No	No	No	No	n/a
Niger	Yes	No	No	No	n/a
Nigeria	No	Yes	Yes	Yes	SO

Norway	No	Yes	No	Yes	LBTI; LBTI
Oman	No	No	No	No	n/a
Paraguay	Yes	Yes	No	Yes	LBTI; LBTI; T + LBTI; LBTI; L + T + LT
Romania	No	Yes	No	No	n/a
Rwanda	No	Yes	No	No	n/a
Singapore	Yes	Yes	No	Yes	LBTI
Sri Lanka	Yes	Yes	Yes	Yes	SO + SOGI; SM; SM
Thailand	Yes	Yes	Yes	Yes	LBT
Ukraine	Yes	Yes	Yes	Yes	LBT; LBT; LBT

In 2017, CEDAW continued to consistently raise LBTI issues in its country periodic reviews. LBTI recommendations have been made to every country for which CSOs provided substantial information on SOGIESC issues, and even SOGIESC-inclusive Lists of Issues have not been seen as necessary for LBTI recommendations. Therefore, defenders working for LB women and TI persons are strongly encouraged to engage with this Committee.

Themes

One of the themes that was frequently addressed by CEDAW in 2017 was **violence**. At that, the Committee usually made recommendations on awareness-raising measures and prevention; investigation, prosecution, punishment and reparation, including compensation.⁶⁴ Other recommendations included collecting disaggregated statistics,⁶⁵ adopting SOGI-inclusive hate crime legislation,⁶⁶ providing access to shelters and conducting trainings for law enforcement officers and police.⁶⁷

The only country that received recommendations on **hate speech** was **Norway**; the Committee recommended that it should (1) step up the implementation of the action plan against hate speech, which should provide for a monitoring mechanism to assess the impact of the measures taken, and (2), design remedial action with a special focus on women facing intersecting forms of discrimination, including LBT women and intersex persons.

Negative **stereotypes** towards LBTI persons were addressed in the Committee's Lists of Issues for **Mauritius** and **Singapore**, and in the Concluding Observations on **Paraguay**.

Discrimination was a theme analysed by the Committee most frequently. It welcomed the adoption of SOGI-inclusive anti-discrimination legislation⁶⁸ or called on the State parties to adopt such legislation.⁶⁹ In many cases, discrimination against LBT(I) was addressed in the context of multiple discrimination – in general terms,⁷⁰ or in more detail.⁷¹ To solve the problem, the Committee recommended State parties take legislative

⁶⁴ See e.g. Concluding Observations on **Costa Rica**, **El Salvador**, **Guatemala** and **Montenegro**.

⁶⁵ See Concluding Observations on **Paraguay**.

⁶⁶ See Concluding Observations on **Italy** and **Monaco**.

⁶⁷ See Concluding Observations on **Ukraine**.

⁶⁸ See Concluding Observations on **Israel** and **Montenegro**.

⁶⁹ See Concluding Observations on **Guatemala**, **Italy**, **Kenya**, **Monaco**, **Paraguay**, **Sri Lanka** and **Ukraine**. See also Lists of Issues for the **Republic of Korea** and **Suriname**.

⁷⁰ See Concluding Observations on **Barbados** and **Nigeria**.

⁷¹ See Concluding Observations on **Costa Rica**.

and other measures, including data collection⁷² and temporary special measures;⁷³ to sensitize the general public and to continue capacity building for law enforcement officials and health service providers;⁷⁴ and, to organise educational and awareness-raising campaigns to combat discriminatory stereotypes, including in the media.⁷⁵

In its Lists of Issues for **Fiji** and the **Republic of Korea** the Committee specifically addressed discrimination in **education**. It asked Fiji to provide particular details on discrimination against LGBTI people in schools, and in the case of the Republic of Korea requested information regarding inclusive school curricula.

In many cases, CEDAW looked into the situation of LGBTI people in **health care** and recommended that State parties ensure access to health care services for LGBTI persons⁷⁶ and information on sexual and reproductive health and rights;⁷⁷ provide trainings for medical professionals on the specific needs of this population;⁷⁸ and, take measures to punish discriminatory treatment against them and address stigmatization and social exclusion.⁷⁹ Similar issues were also addressed in Lists of issues for **Malaysia** and **Suriname**.

In the Concluding Observations on **Norway** and **Ukraine**, as well as the List of Issues for **Mexico** the Committee referred to the situation of LGBTI **refugees, asylum-seekers or internally displaced persons**.

In 2017, CEDAW also considered the topic of **family** on several occasions. It welcomed new legislation recognising same-sex unions in **Italy**, recommended **Guatemala** and **Paraguay** ensure the visitation rights of lesbian and trans women in detention, made recommendations on lesbian couples' access to marriage or registered union and adoption for **Monaco**, and also asked **Cyprus** about information on the economic consequences of divorce for same-sex couples.

Finally, in the Concluding Observations on **Guatemala** and **Thailand** the Committee looked into the situation of **LGBTI women human rights defenders**.

Although CEDAW usually raises problems of hate crimes and discrimination against LGBTI women, defenders may seek a more complex approach to the themes addressed. This could lead to a deeper understanding of root causes of problems faced by different LGBTI communities. The Committee may still be reluctant to articulate the specific needs of LB women by showing an understanding of their identities as both women and persons with non-heterosexual orientation. This is also seen in a lack of in-depth dialogue regarding legal gender recognition, specific experiences of trans people, or gender non-conforming people and local identities.

One way to fix this would be to prepare more extensive reports analysing specific needs and experiences of different communities and describing factors contributing to discrimination and violence against them.

Referring to thematic reports of Special Procedures, particularly the Special Rapporteur on violence against women, its causes and consequences, and the Working Group on the issue of discrimination against women in law and in practice,⁸⁰ could also be a good strategy. Even if the Committee members are not able to describe challenges faced by LGBTI persons extensively in the Concluding Observations, they will be provided with important authoritative data that could be used in their communications with Governments.

72 Ibid.

73 See Concluding Observations on **Costa Rica** and **Sri Lanka**.

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

75 See Concluding Observations on **Singapore**.

76 See Concluding Observations on **Paraguay**.

77 See Concluding Observations on **Barbados**.

78 See Concluding Observations on **Barbados** and **Ukraine**.

79 See Concluding Observations on **Paraguay**.

80 See e. g. a thematic report on gender-related killings of women by the Special Rapporteur on violence against women, its causes and consequences, [A/HRC/20/16](#), paras. 71-76. ILGA's and ISHR's factsheets on the [Special Rapporteur](#) on violence against women, its causes and consequences, and the [Working Group](#) on the issue of discrimination against women in law and in practice are also available for disposal.

Criminalisation

Regarding criminalisation, out of 28 countries reviewed by CEDAW in 2017, same-sex relations between consenting adults was criminalised in seven,⁸¹ including four criminalising female relations (**Barbados, Nigeria, Oman and Sri Lanka**).

With the exception of **Kuwait** and **Oman**, CSO submissions were presented for all criminalising countries. The only LBT [report](#) on **Barbados** described legislative criminalising provisions and their effects on LBT women's lives, and suggested decriminalisation as one of the key recommendations. For **Kenya**, one [report](#) referred to criminalisation of same-sex relations "further catalysing an already complacent system which creates an enabling environment for [...] violations [against LBQ women]," as well as to penalising same-sex marriage. Similar references were made in another CSO [report](#) on Kenya. A [report](#) by WHER on **Nigeria** referred to the Same-Sex Marriage Prohibition Act and penal code criminalising same-sex relations and stated that it aided the infringement the various human rights of persons perceived to be LBT women. Consequently, recommendations to amend or repeal laws were proposed. Additionally, a report by Human Rights Watch described how criminalising provisions affected the lives and activities of LBT women and LGBT organisations, and then suggested relevant legislative recommendations. A coalition [report](#) on **Singapore** referred to the Penal Code that "criminalises sex between men, [but enables] stigmatising [of] all LGBT persons." The coalition then recommended that the Committee call on the Government to repeal legislation prohibiting same-sex relations and marriage. On **Sri Lanka**, numerous references and analysis of the situation was presented by CSO Equal Ground.⁸²

However, SOGIESC-inclusive recommendations were made by CEDAW for only five out of these seven countries,⁸³ with criminalisation being addressed on just two of them, namely **Kenya** (concerns but not recommendations) and **Sri Lanka**.

Additionally, a reference to criminalisation was made in the Committee's List of Issues for **Malaysia**.

Even though the Committee referred to criminalisation in its new [General Comment No. 35](#) on gender-based violence against women,⁸⁴ the general trend of not paying enough attention to the problem remains.⁸⁵

The lack of attention paid by the Committee to criminalisation of same-sex activities is very disappointing. However, defenders wishing to engage with CEDAW are advised to highlight this problem again and again presenting it, first and foremost, as a problem affecting lesbian and bisexual women and trans and intersex persons. For example, if the law explicitly prohibits lesbian relations, this should be reflected in the report. If the law criminalises only male-identified individuals, CSO submissions should clearly explain that this could affect trans and intersex people, and could impact the enjoyment of specific rights, such as access to employment or access to justice, by lesbian or bisexual women.

81 Barbados, Kenya, Kuwait, Nigeria, Oman, Singapore and Sri Lanka.

82 See e.g. a section on "Criminalisation of consensual same-sex intimacy between women in Sri Lanka" in a [report](#) prepared by Equal Grounds.

83 **Barbados, Kenya, Nigeria, Singapore and Sri Lanka**.

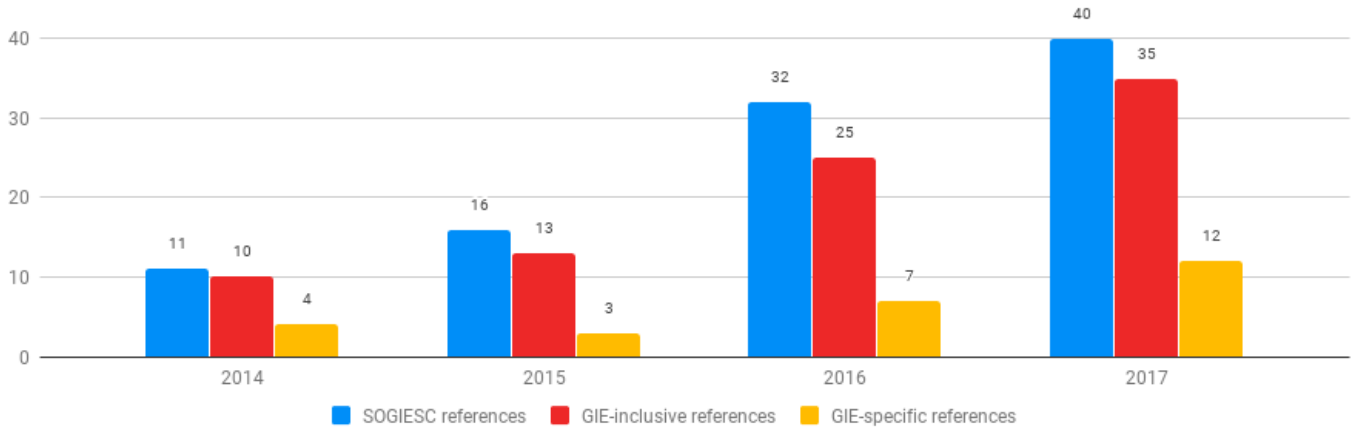
84 "The Committee recommends that States parties implement the following legislative measures: [...] repeal, including in customary, religious and indigenous laws, all legal provisions that are discriminatory against women and thereby enshrine, encourage, facilitate, justify or tolerate any form of gender-based violence. In particular, repeal the following: [...] provisions that criminalize [...] being lesbian, bisexual or transgender [...] that affect women disproportionately, including those resulting in the discriminatory application of the death penalty to women" (para. 29 of the General Comment).

85 In 2014, the Committee mentioned criminalisation in reviews of 2 out of 12 countries that criminalised same-sex relations, and in 2015 in 2 out of 10. In 2016, no recommendations on decriminalisation were made by CEDAW which reviewed 6 countries criminalising same-sex relations.

Gender identity and expression

In 2017, 88% of SOGIESC-inclusive CEDAW references either covered trans under L(G)BT(I) umbrella, or addressed specific challenges faced by trans persons only.

Figure 9: GIE-references, CEDAW



Specific challenges faced by trans persons were addressed by CEDAW in twelve references – the highest number ever for CEDAW, but also for all other Treaty Bodies.

In its Concluding Observations, CEDAW addressed certain trans-specific issues such as: legal gender recognition;⁸⁶ conditions for gender reassignment treatment and cost of such treatment;⁸⁷ unemployment rates among trans women;⁸⁸ discrimination against trans persons and measures to eliminate it, including trainings and awareness-raising activities;⁸⁹ trans women in refugee determination procedure⁹⁰ and in prison;⁹¹ heightened risk of sex trafficking;⁹² and, violence against transsexual women and lack of effective investigation.⁹³

In its Concluding Observations, the Committee also welcomed positive developments, namely pilot projects relating to the portrayal of transgender persons in the media and the establishment of an inter-ministerial working group on intersexuality/transsexuality (**Germany**), and the Gender Recognition Act (**Ireland**).

Additionally, CEDAW requested information from the State parties on the prohibition of “men posing as women” and vice versa (**Malaysia**).

Notably, separate reports on the situation of trans persons were submitted to CEDAW only for the review of **Germany**,⁹⁴ and other countries (such as **Costa Rica**, **Montenegro**, **Paraguay** and **Ukraine**)⁹⁵ included trans specific sections in wider reports. Therefore, in most cases, the Committee did pick up concerns raised by civil society, and in other cases (e.g. **Monaco**) it made stand-alone trans recommendations despite no significant input from CSOs.

Regarding terminology, in most cases CEDAW continued to refer to “transgender women,” but not persons (including references to “LBT women and intersex persons”). Such terminology was exploited by the Committee even in cases where it did not make sense to do so (e.g. legal gender recognition procedure, which is normally the same for trans men and trans women, in the Concluding Observations on **Monaco**).

86 See Concluding Observations on **Monaco** and **Montenegro**.

87 See Concluding Observations on **Germany**.

88 See Concluding Observations on **Montenegro**.

89 See Concluding Observations on **Germany**.

90 See Concluding Observations on **Costa Rica**.

91 See Concluding Observations on **Guatemala** and **Paraguay**.

92 See Concluding Observations on **Costa Rica**.

93 See Concluding Observations on **Paraguay**.

94 See submissions by [Aktion Transsexualität und Menschenrecht](#) and by [TransInterQueer e.V.](#) for the PSWG.

95 See submission by [Coalición feminista para el avance de los derechos de las mujeres](#) for the Session (**Costa Rica**); submission by [Juventas](#) for the Session (**Montenegro**); submissions by [Joint NGOs](#) and by [TEDIC](#) for the Session (**Paraguay**); and submission by [LGBTQI Organization “Insight”](#) for the Session (**Ukraine**).

Some exceptions from the general rule include Concluding Observations on **Costa Rica** (“transgender persons” in the context of trafficking), **Germany** (“transgender persons” and stereotypes in media), **Montenegro** (“transgender persons” and legal gender recognition) and **Paraguay** (references to “transsexuals” and “transsexual detainees”).

While in most cases the Committee used the term “transgender,” in its Concluding Observations, on **Paraguay** CEDAW referred to “transsexual women/detainees.”⁹⁶

“Gender identity” was mentioned on several occasions, mainly with regard to protected grounds and anti-discrimination legislation, but the Committee has never referred to “gender expression”, “gender non-conforming” nor “non-binary” people. Nor has it referred to gender and cultural identities, such as *hijra* or *fa’afafine*.

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

Sex characteristics

In 2017, Concluding Observations produced by CEDAW contained 20 intersex-inclusive references (out of 40 SOGIESC-inclusive references, that is 50%). While only three of them⁹⁷ addressed the situation of intersex persons specifically,⁹⁸ this shows some progress compared to previous years (3 intersex-specific references out of 14 intersex-inclusive in 2016, 1 out of 7 in 2015 and none out of 2 in 2014).

In contrast with GIE, almost all references referred to intersex persons/children and not intersex women.⁹⁹

The Committee recommended that **Ireland** and **Italy** develop and implement a rights-based health-care protocol for intersex children, which ensures that children and their parents are properly informed of all options and that children are, to the greatest extent possible, involved in decision-making about medical interventions and that their choices are fully respected.

For **Germany**, CEDAW formulated more detailed recommendations, and also noted some positive developments in the country. Among the Committee’s recommendations were: legislative prohibition of medical treatment, including surgeries, on intersex children until they have reached an age to where they are able to provide appropriate consent; counselling and support for families; informing/trainings for medical professionals; access to justice for intersex persons who have undergone treatment without proper consent; and, consideration of a state compensation fund.

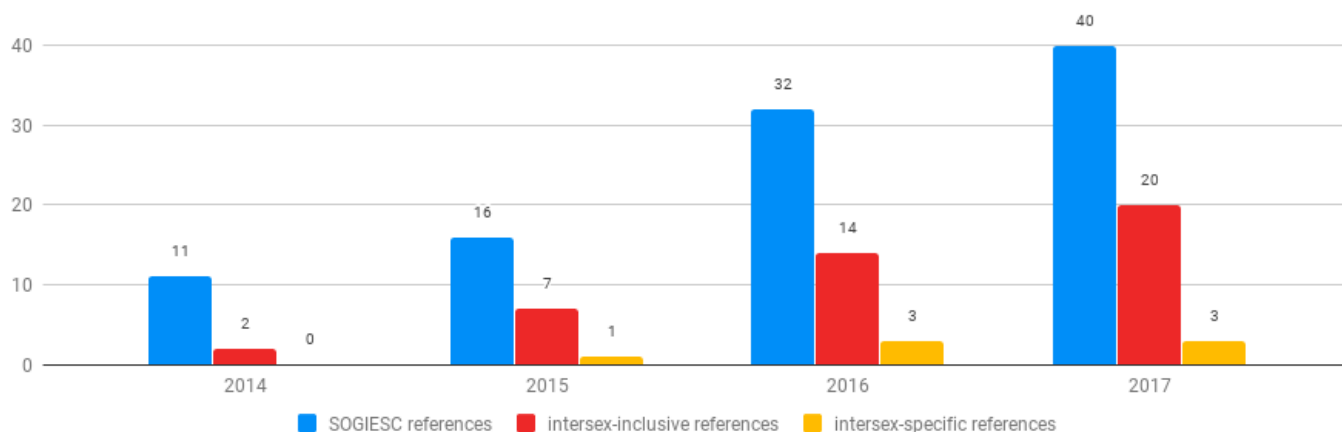
⁹⁶ See, however, some references in CSO reports: “*personas transexuales*” (submission by [RENADDHH](#) for the Session); “*travestis, transexuales o transgénero*” (Submission by [TEDIC](#) for the Session).

⁹⁷ See Concluding Observations on **Germany**, **Ireland** and **Italy**.

⁹⁸ See Concluding Observations on **France**, **Netherlands** and **Switzerland**.

⁹⁹ Except for some references to LGBTI women, see e.g. Concluding Observations on **Barbados**, **El Salvador** and **Monaco**.

Figure 10: intersex-references, CEDAW



While CEDAW’s intersex references on Germany and Ireland were made under the “*Harmful practices*” frameworks, a recommendation for Italy was made under the “*Health*” section.

For the three countries where the Committee made intersex-specific references, preceding CSO submissions had discussed intersex issues in-depth.¹⁰⁰

CEDAW continued to be quite open to discussing intersex issues, therefore activists working on the issue may consider engagement with CEDAW in their advocacy. However, in order to obtain detailed recommendations from the Committee, defenders are strongly encouraged to provide in-depth information on the problem and, if possible, to participate in the Committee’s session in Geneva.

Women

Because of its nature and mandate, CEDAW always addresses intersections between SOGIESC and gender, but does not normally address the situation of LGBTI people as a whole.¹⁰¹

Most of the SOGIESC-inclusive references made by CEDAW included the term “women,” and some of them also “women and girls.”¹⁰²

At the same time, the term “women” always referred to “lesbian” or “lesbian and bisexual”; for “intersex” the pairing was, in most cases, “persons”; but for trans the Committee chose “women” more frequently than “persons”, even though problems in question were similarly relevant for all trans persons (or at least for both trans women and trans men).

Stand-alone trans and intersex references were analysed in detail earlier, therefore further analysis will focus more on how CEDAW reflected LB women’s experiences in 2017.

Explicit stand-alone references to lesbian women (not LB/T or LB/TI) were made in the Committee’s List of Issues for **Fiji** (mentioning a case of discrimination in school suffered by a lesbian girl), as well as in its Con-

100 See, particularly: submission by [OII Germany](#) for the Session, and submission by [Zwischengeschlecht.org](#) for the [List of Issues](#) and for the [Session \(Germany\)](#); Submission by [Zwischengeschlecht](#) for the Session (Ireland); and submission by [Zwischengeschlecht](#) for the Session (*Italy*).

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

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

cluding Observations on **Guatemala** and **Paraguay** (visitation rights in detention) and **Monaco** (access to marriage or registered union and adoption for lesbian couples). Additionally, CEDAW's List of Issues for **Cyprus**, as well as its Concluding Observations on **Italy**, referred to same-sex couples and, therefore, presumably only lesbian and/or bisexual women, and not to trans and intersex women (unless they are lesbian or bisexual, of course).¹⁰³

But even this very small number of stand-alone references shows visible progress. For example, no explicit stand-alone mentions of LB women were made by CEDAW in 2016.

When it comes to the terminology, apart from the usual LB/LBT/LBTI acronyms, on several occasions the Committee also referred to “sexual minorities” (or “women from sexual minorities”/“sexual minority women”).¹⁰⁴ Taking into account the content of relevant references, as well as information provided by CSOs on these countries, it is likely that CEDAW was referring to LB women and T/TI persons in these paragraphs. Similar terminology could also be found in some CSO reports.¹⁰⁵

While, of course, CSO submissions to CEDAW included a more specific gender perspective than LGBTI submissions to other Treaty Bodies, data on specific challenges faced by distinct groups (lesbian women or trans women) were still not always comprehensive. Nevertheless, some of the CSO submissions reported about specific challenges for **lesbian/LB women**.

A report from **Kenya** by *National Gay and Lesbian Human Rights Commission*¹⁰⁶ presented extensive data on the situation of LBQ women. The submission mentioned 116 reports of violations against LBQ women in Kenya in 2016 alone. These incidents included so-called “corrective rape”, physical and verbal assault, denial of entry to recreational spaces, unlawful dismissals from employment, unlawful evictions, expulsion from schools, as well as neglect and ostracization by family members and supportive structures. The report also specifically addressed the situation of LBQ women in health care settings stating that LBQ women were discriminated against by health care providers or were refused services in government hospitals, especially in rural settings. According to the report, female condoms, dental dams, lubricants and other items necessary for safe sex between women were not offered in these centres.

A feminist coalition report from **Cosa Rica**¹⁰⁷ included a specific section on lesbian women. This section addressed problems such as the lack of disaggregated data on violence against lesbian women; domestic violence in same-sex female couples; problems in accessing health-related services and information, including information on the specific risks faced by lesbians; and, the lack of social and economic support for lesbian women and protection for their families, including those with children.

Two reports on **Germany**¹⁰⁸ briefly addressed topics such as discrimination against same-sex couples trying to access assisted reproductive technologies and how the gender pay gap and gender pension gap doubly affect lesbian couples. The reports also suggested some recommendations aimed at the collection of data on violence against lesbian women, as well as the adoption of target-oriented measures based thereon. Another report on the same country¹⁰⁹ briefly mentioned the exclusion of lesbian (and trans) women from HIV/AIDS and gender-based violence prevention programs.

A report from **Sri Lanka** by *Equal Ground*¹¹⁰ provided comprehensive information on the criminalisation of female same-sex activity in the country, including its history, current status and consequences (such as arbitrary arrests and detention, violence against LB women, forced marriage and employment discrimination). Notably, this report also represented a very rare case of reflecting bisexual women's experiences (spousal violence).

103 In this sense, a reference of the Committee to LBT women in its paragraph on same-sex couple in the Concluding Observations on **Italy** looks not completely conscious.

104 See Lists of Issues for the **Republic Korea** and **Suriname**; Concluding Observations on **Sri Lanka**.

105 See e.g.: [report](#) on Nigeria by WHER (LBTSMW: “Lesbian, Bisexual, Transgender and other Sexual Minority Women”); references to “sexual minorities” in a [report](#) by Rainbow Action from the Republic of Korea and by [Equal Ground](#) from Sri Lanka; references to “sexual and gender minorities” in a Submission by [National Gay and Lesbian Human Rights Commission](#) for PSWG on Kenya. Submission by [National Gay and Lesbian Human Rights Commission](#) for PSWG on Kenya also added the term “queer women.”

106 Submission by [National Gay and Lesbian Human Rights Commission](#) for PSWG.

107 Submission by [Coalición feminista para el avance de los derechos de las mujeres](#) for the Session.

108 Submission by [the CEDAW Alliance of Civil Society Organizations in Germany](#) for the Session; Submission by [LSVD](#) for the Session.

109 Submission by [VENRO](#) for the PSWG.

110 Submission by [Equal Ground](#) for the PSWG.

A report from **Ukraine** by *Insight*¹¹¹ mentioned that LB internally displaced women were subjected to gender-based violence, such as rape, sexual abuse, psychological abuse, sexism, lesbophobia and sexual harassment.

A coalition report from **Paraguay**¹¹² mentioned that lesbian women were denied visitation rights in prison.

Some of the CSO reports also mentioned particular challenges faced by **trans women**. For example, a report on **Barbados** by *Equals*¹¹³ addressed the situation of trans women in custody. A report on **Costa Rica**¹¹⁴ included a specific section on trans women. A submission from **El Salvador**¹¹⁵ referred to the killings of transgender persons and particularly vulnerable situation for transgender women.

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

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

Individual Communications

None of ten Individual Communications¹¹⁶ examined by CEDAW in 2017 concerned SOGIESC.

However, since 2017 the Committee has started to publish information about **pending cases**. Two pending cases, both against the Russian Federation, concern lesbian women's rights:

- No. 119/2017 – articles 1, 2 and 5 – failure to investigate a criminal offence; sexual orientation; gender-based discrimination; and
- No. 98/2016 – articles 2 (b), (d) (e), 5 (a) and 7 (c) – LGBT rights; hate speech.

111 Submission by [LGBTQI Organization "Insight"](#) for the Session.

112 Submission by [Joint NGOs](#) for the Session.

113 Submission by [Equals](#) for the Session.

114 Submission by [Coalición feminista para el avance de los derechos de las mujeres](#) for the Session.

115 Submission by [the Advocates for Human Rights](#) for the PSWG.

116 A list of countries that have agreed, by ratifying the Optional Protocol, that Individual Communications can be brought against them is available by clicking 'underlying data' under the map available on this page: <http://indicators.ohchr.org/>.

Even though CEDAW has not yet reviewed any cases on SOGIESC, it seems to be an extremely promising space for L(G)BTI Individual Complaints, taking into account the Committee's practice on country periodic reviews and its General Recommendations, but also the intersectionality enshrined in the very spirit of CEDAW. Specifically, defenders working on SOGIESC may consider bringing to the Committee cases on gender-based violence, including hate crimes, domestic violence and femicide, labour discrimination and harassment, conditions in detention, access to health care, including sexual and reproductive ones, parental rights and family status, change of name, legal gender recognition, intersex genital mutilation and the criminalisation of female same-sex relations. The only topic not to have received many positive views from CEDAW is asylum-seeking processes, and it might be better to bring cases on this problem to other Treaty Bodies. In the future complaints, it will also be important to address intersectionalities between gender and SOGIESC, properly demonstrating different dimensions of discrimination.¹¹⁷

General Recommendations

In 2017, CEDAW adopted two General Recommendations, both include LGBTI references:

- [General Comment No. 35](#) on gender-based violence against women, updating general recommendation No. 19 (references to intersectional forms of discrimination, as well as discriminatory and criminalising laws that should be repealed by State parties); and
- [General Comment No. 36](#) on girls' and women's right to education (references to intersectional forms of discrimination, as well as a section on LGBTI students).

On 14 November 2017, a [High-Level Panel](#) was organised by CEDAW to present the new General Comment No. 35, and ILGA World had a chance to make a statement highlighting the importance of the new document for LGBTI women.

When the Committee updates or drafts new General Comments, defenders are strongly encouraged to submit their reflections on SOGIESC issues by presenting examples of specific violations and barriers faced by LB women and TI persons in different regions and proposing specific provisions to be included in the texts of General Comments. Taking into account that CEDAW adopts new General Recommendations once or even twice each year, this space could provide very interesting opportunities for LGBTI defenders.

Follow-up procedure

In 2008, CEDAW decided to introduce a [follow-up procedure](#) whereby it could request that the State party provide information, within two years or, exceptionally, one year, on steps taken to implement specific recommendations. CEDAW selects a maximum of four issues or recommendations for follow-up and requests the State party submits concise information on these recommendations. The recommendations for follow-up are selected because it is considered that the lack of implementation would constitute a major obstacle to

¹¹⁷ Multiple and intersecting forms of discrimination addressed by CEDAW previously include: women/foreign nationality (*M.W. v Denmark*, [CEDAW/C/63/D/46/2012](#), views of 22 February 2016, parental rights); women/Roma (*A.S. v Hungary*, [CEDAW/C/36/D/4/2004](#), views of 14 August 2006, coerced sterilisation); women/migrant status (*Isatou Jallow v Bulgaria*, [CEDAW/C/52/D/32/2011](#), views of 23 July 2012, domestic violence); women/disability (*R.P.B. v Philippines*, [CEDAW/C/57/D/34/2011](#), views of 21 February 2014, sexual violence); women/indigenous status (*Cecilia Kell v Canada*, [CEDAW/C/51/D/19/2008](#), views of 28 February 2012, domestic violence); women/African origin (*Maria de Lourdes da Silva Pimentel v Brazil*, [CEDAW/C/49/D/17/2008](#), views of 25 June 2011, access to health care).

the enjoyment of women's human rights and, therefore, to the implementation of the CEDAW Convention as a whole. The Committee has a Rapporteur committed to follow-up and an alternate Rapporteur who reviews and assesses the follow-up information with the help of the CEDAW member who acted as the country Rapporteur when the State party presented its periodic report. Other Committee members can also assist in the follow-up.¹¹⁸

In 2017, the Committee adopted some new procedural rules related to follow-up processes. Firstly, it decided that the second introductory paragraph in the Concluding Observations would include a reference to the State party's submission of written information on follow-up recommendations implementation, if there was one. Secondly, two new assessment categories have been added to the follow-up methodology.¹¹⁹

No SOGIESC recommendations were included into the follow-up lists by the Committee in 2017.

Taking into account that CEDAW has designated SOGIESC recommendations for follow-up review on several occasions,¹²⁰ LBTI defenders are encouraged to advocate for such decisions when working on their country periodic reviews, to put more pressure on their governments to achieve effective implementation of relevant recommendations and change situations on the ground. Groups from countries that have already received follow-up SOGIESC recommendations, are invited to provide their input on implementation process.

Sex work and HIV/AIDs

CEDAW uses, in most cases, the terms “prostitution” and “exploitation in prostitution” rather than **sex work**. References that were not SOGIESC-related were made in all the documents adopted by CEDAW in 2017, except for the Lists of Issues on [Luxembourg](#), [Mexico](#) and [Paraguay](#), and the Concluding Observations on [Kuwait](#) and [Singapore](#).

Of particular interest are the references in Concluding Observations on [El Salvador](#) (paras. 26-27 and 34-35), [Costa Rica](#) (paras. 22-23) and [Kenya](#) (paras. 38-39) on discrimination and violence against sex workers, as well as their access to health care services; on [Kenya](#) (paras. 28-29), [Montenegro](#) (paras. 26-27), [Romania](#) (paras. 22-23), [Rwanda](#) (paras. 28-29) and [Thailand](#) (paras. 26-27) on decriminalisation of sex work; on [Sri Lanka](#) (paras. 26-27) on police harassment; on [Barbados](#) (para. 25), [Nigeria](#) (paras. 27-28) and [Ukraine](#) (para. 30) on discrimination and violence; on [Burkina Faso](#) (paras. 38-39) on access to HIV services; and on [Norway](#) (paras. 28-29) on the effects of the Nordic model.

References to **HIV/AIDs** that were not SOGIESC-related were made in the Lists of Issues for [Kenya](#) (para. 18), [Mauritius](#) (para. 20), [Monaco](#) (para. 17), [Oman](#) (para. 18), [Saudi Arabia](#) (para. 19), [Suriname](#) (para. 17) and [Turkmenistan](#) (para. 18), and in the Concluding Observations on [Barbados](#) (paras. 4 and 35), [Burkina Faso](#) (paras. 38-39), [DPR Korea](#) (paras. 39-40), [El Salvador](#) (paras. 32-35), [Italy](#) (para. 41), [Guatemala](#) (paras. 34, 36-37), [Jordan](#) (paras. 47-48), [Kenya](#) (paras. 29, 38-39), [Monaco](#) (paras. 34, 42), [Montenegro](#) (para. 34), [Nigeria](#) (para. 37), [Oman](#) (paras. 36, 41), [Paraguay](#) (paras. 34-37), [Romania](#) (paras. 32 and 36), [Singapore](#) (paras. 34-35), [Sri Lanka](#) (paras. 34-35), [Thailand](#) (para. 38) and [Ukraine](#) (paras. 15 and 38-39).

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

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

120 [South Korea](#) in 2011; [Canada](#) in 2016; [South Korea](#), [Chile](#) and [Luxembourg](#) in 2018.

General Information

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

Table 4: CRC's Country reviews, 2017

COUNTRY	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	COS	
Antigua and Barbuda	No	No	No	No	n/a
Barbados	No	No	No	No	n/a
Bhutan	No	No	No	Yes	LGBTI
Cameroon	Yes	Yes	No	Yes	LGBTI
Central African Republic	No	No	No	No	n/a
DPR Korea	No	No	No	No	n/a
DR Congo	No	No	No	Yes	LGBT
Denmark	No	Yes	Yes	Yes	SO + LGBTI; I
Ecuador	Yes	Yes	Yes	Yes	LGBTI; LGBTI + same-sex
Estonia	No	Yes	No	No	n/a
Georgia	No	Yes	No	No	n/a
Lebanon	No	No	No	Yes	LGBTI
Malawi	No	Yes	Yes	No	n/a
Mongolia	Yes	Yes	No	Yes	LGBT; LGBT
Qatar	No	No	No	No	n/a
Republic of Moldova	Yes	No	No	Yes	LGBTI
Romania	Yes	Yes	No	Yes	LGBTI
Saint Vincent and the Grenadines	Yes	No	No	Yes	LGB + same-sex + SO
Serbia	Yes	Yes	No	Yes	LGBT; LGBT
Tajikistan	No	No	No	No	n/a
Vanuatu	No	No	No	No	n/a

LGBTI references were made in CSO submissions on six out of 11 countries with SOGIESC recommendations; only on two of them (**Denmark** and **Ecuador**) had stand-alone reports on LGBTI children. At the same time, three countries (**Estonia**, **Georgia** and **Malawi**), which did not receive any LGBTI recommendations from the Committee, had shadow reports mentioning relevant issues; on one of these countries, namely **Malawi**, a specific report on intersex persons was prepared. From these findings, it can be seen that CRC is open to making recommendations on LGBTI issues even without data provided by CSOs, but at the same time, submitting alternative reports to the Committee does not guarantee ultimately receiving recommendations.

When it comes to the Lists of Issues, seven of them included references to SOGIESC, and all seven countries received recommendations on LGBTI as a result of the review. For another 4 countries it was only recommended in the Committee's Concluding Observations that they address SOGIESC problems, without relevant prior questions posed in the Lists of Issues. Finally, there were no cases in 2017 when the Committee referred to LGBTI in its List of Issues, but did not make SOGIESC recommendations later. It could then be

concluded that even though it is recommended to first obtain references to LGBTI in the Lists of Issues, this does not preclude receiving recommendations from CRC later. When Lists of Issues are SOGIESC-inclusive, most probably there will be relevant recommendations in the Committee's Concluding Observations.

Themes

Among the themes addressed by CRC in 2017 were:

- **Stigmatisation and discrimination** in general,¹²¹ and in specific fields, such as housing, education, health care, employment or decent standards of living;¹²² and recommendations on anti-discrimination legislation,¹²³ awareness-raising campaigns,¹²⁴ trainings on police sensitivity,¹²⁵ encouraging reporting and ensuring prompt and appropriate actions;¹²⁶
- **Bullying, harassment and violence** against LGBTI children in schools¹²⁷ and recommendations to adopt specific measures, such as trainings for teachers and students;¹²⁸
- **Participation** of LGBTI children in decision-making processes;¹²⁹ and,
- Combatting the wrong perception that LGB children have a **psychological disorder**.¹³⁰

In most cases, the Committee referred to LGB/LGBT/LGBTI children, however on one occasion, in the Concluding Observations on **Ecuador**, it addressed children in same-sex families.

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

Criminalisation

In 2017, CRC made recommendations on the decriminalisation of consensual same-sex relations for only one State, **Saint Vincent and the Grenadines**. In its Concluding Observations, the Committee put particular emphasis on the criminalisation of boys above 16 years of age for same-sex sexual activity, under the country's Criminal Code.

However, seven other countries reviewed by CRC during 2017, where same-sex relations were criminalised, did either not receive *any* recommendations from the Committee (**Antigua and Barbuda, Barbados, Malawi and Qatar**), or did not receive any recommendations related to decriminalisation (**Bhutan, Cameroon and Lebanon**). At the same time, the issue of criminalisation was not addressed by CSO reports on these countries, except for one brief mention in a report submitted on **Cameroon**.¹³¹

121 List of Issues on **Argentina, Cameroon, Ecuador, Guatemala, Republic of Moldova, Mongolia, Norway, Palau, Romania and Serbia**; Concluding Observations on **Cameroon** and **DR Congo**.

122 Concluding Observations on **Romania** and **Serbia**.

123 List of Issues on **Palau**; Concluding Observations on **Cameroon, DR Congo, Denmark** and **Moldova**.

124 Concluding Observations on **Denmark, Moldova, Mongolia, Romania** and **Serbia**.

125 Concluding Observations on **Moldova**.

126 Concluding Observations on **Moldova**.

127 List of Issues on **Ecuador**; Concluding Observations on **Bhutan** and **Serbia**.

128 Concluding Observations on **Bhutan**.

129 Concluding Observations on **Ecuador, Lebanon** and **Mongolia**.

130 Concluding Observations on **Saint Vincent and the Grenadines**.

131 Submission by [ASSEJA \(Association, Enfants, Jeunes et Avenir\)](#) and [ECPAT](#) for the PSWG.

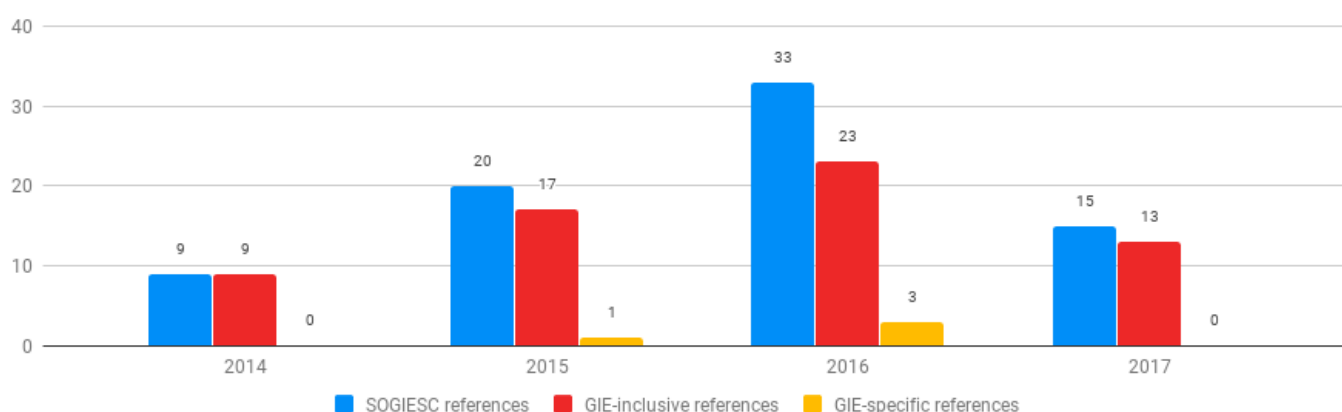
It appears that CRC does not have a consistent approach to the criminalisation of same-sex relations. However, if defenders discuss the problem with the Committee, their efforts may lead to relevant recommendations. In this case, the Committee may need more information on how criminalisation affects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

Gender identity and expression

In 2017, CRC referred to trans or gender identity in 87% of its SOGIESC-inclusive references (13 out of 15).¹³² However, all these references were framed under the LGBT(I) umbrella, and not a single stand-alone recommendation on trans issues has been made (in 2016 there were three such references, and in 2015 one).

The lack of attention paid by the Committee to particular challenges experienced by trans populations was matched by a low level of CSO involvement. Only submissions from CSOs in **Denmark**¹³³ addressed specific conditions for trans children, and no stand-alone reports on trans populations appeared.

Figure 11: GIE-references, CRC



Three newly adopted by CRC General Comments also did not pay enough attention to trans-specific issues. The only stand-alone reference was made in [General Comment no. 22](#), urging states to take “[i]nitiatives [...] to prepare girls and transgender children to participate actively, effectively and equally with boys at all levels of [...] leadership.”

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

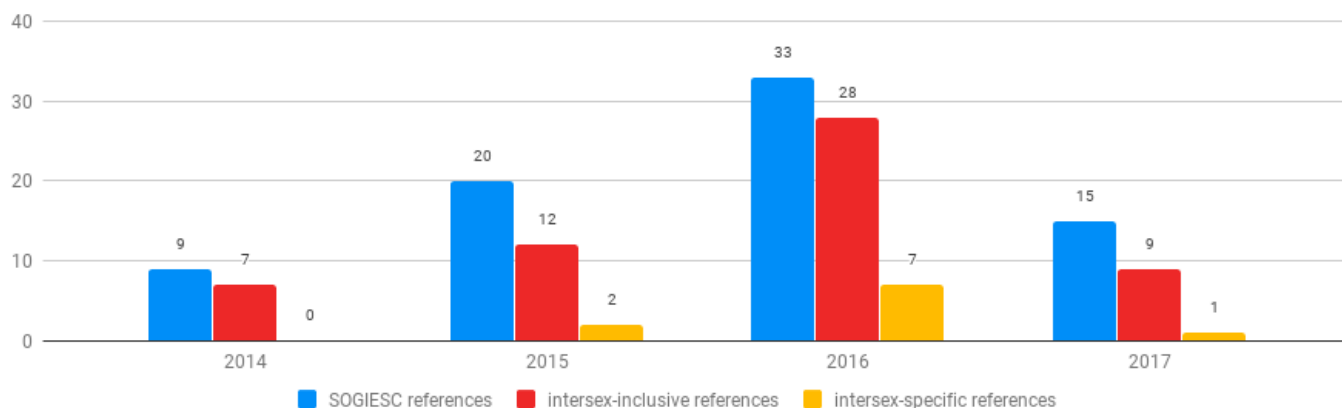
132 There were 23 such references out of 33 (70%) in 2016, 17 out of 20 (85%) in 2015, and 9 out of 9 (100%) in 2014.

133 Submission by [LGBT Denmark](#) for the Session.

Sex characteristics

In 2017, CRC referred to intersex in 60% of its SOGIESC-inclusive references (9 out of 15).¹³⁴

Figure 12: intersex-references, CRC



However, most of these references were framed under the LGBTI umbrella, and the number of stand-alone intersex references remains low. In 2017, only one intersex-specific reference has been made. Following the review of **Denmark**, CRC expressed its concerns on ongoing surgical interventions on intersex children, and recommended that the State party ensure that: no one is subject to such unnecessarily treatment; children's bodily integrity, autonomy and self-determination are guaranteed; families with intersex kids are provided with counselling and support; a child rights-based health care protocol is in place; investigation and reparation are ensured; and, training and education is provided to professional groups.

Notably, Denmark was one of the only two countries on which stand-alone reports on intersex were submitted by CSOs to CRC.¹³⁵ The other was **Malawi**¹³⁶ which did not receive any intersex (or more generally SOGIESC) recommendations from the Committee.

No specific references to intersex were made in the three General Comments adopted by the Committee in 2017.

Intersex advocates are strongly recommended to engage with CRC to raise issues regarding forced surgeries and treatments towards intersex children and adolescents. When doing this, defenders could rely on solutions and activities previously recommended by CRC in its country periodic reviews.

¹³⁴ There were 28 such references out of 33 (85%) in 2016, 12 out of 20 (60%) in 2015, and 7 out of 9 (78%) in 2014.

¹³⁵ See submissions by Stop.IGM/Zwischengeschlecht for the [PSWG](#) and for the [session \(Denmark\)](#); and submission by [Centre for Human Rights and Rehabilitation \(CHRR\)](#) and the [Centre for the Development of People \(CEDEP\)](#) for the Session (*Malawi*).

¹³⁶ See submission by [Centre for Human Rights and Rehabilitation \(CHRR\)](#) and the [Centre for the Development of People \(CEDEP\)](#) for the Session.

Women

In 2017, CRC made no stand-alone references to lesbian or LGBTI women and/or girls, while there were general references to LGBT(I), as well as some mentions of same-sex families.

Taking into account that CRC used to implement gender analysis and pay particular attention to girls' situation, LGBTI defenders could advocate for specific needs of LGBTI women and girls or particular groups of them. For example, access for LGBTI girls and young women to sexual and reproductive health information and services; specific forms of violence, such as forced marriages or so-called "corrective rapes"; or harassment against LGBTI teachers in schools could be addressed to CRC.

Individual Communications

The **Individual Communications** mechanism of CRC¹³⁷ came into force in 2014.

In 2017, the Committee reviewed only two individual cases, and neither of them concerned, at least directly, SOGIESC.

However, the case **J.A.B.S. v. Costa Rica**¹³⁸ might be of some importance for LGBTI defenders as it concerned children born of assisted reproduction. In this case, the national authorities refused to register the author's twin sons, born by a surrogate mother in the United States, under the author's surname and the egg donor's maiden name. The Committee declared the claims inadmissible, as manifestly ill-founded. One of the main reasons for the conclusion was that CRC had not been provided with convincing arguments demonstrating that in the situation in question, the children's rights were impeded.

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

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

General Comments

In 2017, CRC adopted three General Comments, two of them jointly with the CMW. All three documents referred to SOGIESC issues.

The [General Comment No. 21](#), on children in street situations, refers to SOGIE in the context of intersectional identities of children in street situations and intersecting forms of discrimination they are subjected to; it also mentions casting LGBTI and asexual children out from their families.

The [General Comment No. 22](#) (No. 3 for CMW), on the general principles regarding the human rights of

¹³⁷ A list of countries that have agreed, by ratifying the Optional Protocol, that Individual Communications can be brought against them is available by clicking 'underlying data' under the map available on this page: <http://indicators.ohchr.org/>.

¹³⁸ Communication No. 5/2016 of 19 September 2015, views of 17 January 2017, [CRC/C/74/D/5/2016](#).

children in the context of international migration, contains three paragraphs referring to SOGI (introduction; general non-discrimination principle; right to life, survival and development), and one mentioning transgender children specifically (in the context of the right to participation). Notably, the final document includes more details on SOGI compared with earlier drafts.¹³⁹

The [General Comment No. 23](#) (No. 4 for CMW), on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, refers to LGBTI persons once, when addressing children's vulnerability to trafficking for the purposes of sexual exploitation and abuse.

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

Follow-up procedure

CRC does not currently have a written follow-up procedure, nor does it identify priority issues for follow-up in its Concluding Observations. The Committee has emphasized that it is open to discussion on follow-up procedures, but that the establishment of such a procedure is linked to the general problem of lack of human and financial resources.¹⁴⁰

Sex work and HIV/AIDs

References to [HIV/AIDS](#)¹⁴¹ that were not SOGIESC-related were made in the CRC's Lists of Issues for [Angola](#) (paras. 11 and 15), [Argentina](#) (para. 17), [Ecuador](#) (para. 20), [Guatemala](#) (para. 19), [Lesotho](#) (paras. 5, 9 and 16), [Marshall Islands](#) (para. 15), [Panama](#) (paras. 9 and 16), [Seychelles](#) (para. 15), [Solomon Islands](#) (para. 8) and [Tajikistan](#) (paras. 2, 7 and 16); and in the Concluding Observations for [Antigua and Barbuda](#) (paras. 47 and 48), [Barbados](#) (paras. 47 and 48), [Cameroon](#) (paras. 14, 15, 26 and 36), [Central African Republic](#) (paras. 24, 56 and 57), [DPR Korea](#) (para. 40), [DR Congo](#) (paras. 15, 17 and 37), [Ecuador](#) (paras. 34 and 35), [Georgia](#) (para. 34), [Malawi](#) (paras. 14 and 33), [Republic of Moldova](#) (para. 34), [Romania](#) (paras. 34 and 36), [Saint Vincent and the Grenadines](#) (paras. 20, 21, 29, 45 and 46), [Serbia](#) (paras. 22 and 23) and [Tajikistan](#) (paras. 14 and 36).

¹³⁹ See the background documentation [here](#).

¹⁴⁰ See *Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views*, 29th session of the meeting of Chairs of the human rights treaty bodies, 8 May 2017, [HRI/MC/2017/4](#).

¹⁴¹ The CRC does not use the term "sex work" in the context of children, referring instead to "child prostitution." Mentions of **child prostitution** that were not SOGIESC-related were consistently made in the CRC's Concluding Observations in 2017.

General Information

The Committee made references to SOGIESC issues in its Concluding Observations on 6 out of 17 countries (35%) reviewed in 2017. This is a lower percentage than previous years (7 out of 18 or 39% in 2016, 10 out of 19 or 53% in 2015, and 6 out of 16 or 38% in 2014).

Table 5: CAT's Country reviews, 2017

COUNTRY	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	COS	
Afghanistan	No	Yes	No	No	n/a
Argentina	Yes	Yes	Yes	Yes	SOGI + T
Bahrein	No	Yes	No	No	n/a
Bosnia & Herzegovina	Yes	Yes	Yes	Yes	SOGI + LGBTI
Bulgaria	No	Yes	No	No	n/a
Cameroon	Yes	Yes	Yes	Yes	SOGI + LGBT + same-sex
Ireland	No	Yes	Yes	No	n/a
Italy	Yes	Yes	Yes	No	n/a
Lebanon	No	Yes	Yes	Yes	SOGI + "homosexual" men
Mauritius	No	No	No	No	n/a
Pakistan	No	Yes	No	No	n/a
Panama	No	Yes	No	Yes	SOGI + T
Paraguay	No	Yes	No	No	n/a
Republic of Korea	No	Yes	Yes	Yes	LGBTI + G + same-sex
Republic of Moldova	Yes	Yes	No	No	n/a
Rwanda	No	No	No	No	n/a
Timor-Leste	No	Yes	No	No	n/a

As can be seen from the table, out of the six countries with SOGIESC-inclusive Concluding Observations, similar questions were advanced in the Lists of Issues for only half of them.

CSO submissions referred to LGBTI issues, in one way or another, in almost all country reviews (with only two exceptions, **Mauritius** and **Rwanda**). CSO information was provided on all the countries that received SOGIESC-inclusive Concluding Observations (with five out of six countries having stand-alone reports on LGBTI or particular populations). However, there were also cases, such as **Ireland** and **Italy**, where no relevant references were made by CAT, notwithstanding the fact that defenders had provided detailed information on the topic.

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

Themes

In 2017, as in the previous year, the Committee widely addressed issues related to **hate crimes and violence** against LGBTI people. This included crimes committed by State officials. Recommendations almost always insisted State parties ensure prompt, thorough and impartial investigation and to bring perpetrators to justice.¹⁴² In one case, CAT also recommended ensuring the suspension of the officials involved.¹⁴³ In another case, CAT recommended providing redress.¹⁴⁴ Some countries were also asked to provide trainings to police officers and other officials and to collect statistics on violence against LGBTI persons.¹⁴⁵ In its List of Issues for **Tajikistan**, the Committee requested information on measures to ensure that LGBTI persons can safely report abuses committed against them

The Committee referred to the vulnerable situation of **LGBTI people in detention** in several instances.¹⁴⁶ Occasionally, CAT referred not only to LGBTI people, but also to human rights defenders working on their rights.¹⁴⁷

Thus, it seems that CAT could be a very good space for defenders working on issues such as hate crimes, impunity or the situation of LGBTI persons in detention. Other topics that could also be brought to the Committee's attention include, so-called "conversion therapy," hate speech, persecution of LGBTI asylum seekers in their home countries in light of the non-refoulement principle, or more specific topics relevant to LGBTI detainees, such as access to transition-related health care for trans individuals.

Criminalisation

Consenting adult same-sex sexual acts were criminalised in five countries reviewed by CAT in 2017 (**Afghanistan, Cameroon, Lebanon, Mauritius and Pakistan**), plus **South Korea** which penalises same-sex relations in the army.

However, only **Cameroon** and the **Republic of Korea** received decriminalisation recommendations. The former also was called on to declare a moratorium on the enforcement of relevant provisions in the Criminal Code until its effective repeal. In the Concluding Observations on **Lebanon**, the Committee did address arbitrary detention, anal examinations and forced HIV testing of "*men suspected of being homosexual*," but not criminalisation *per se*. Three other criminalising States did not receive any recommendations on SOGIESC (no CSO reports addressing criminalisation were submitted to CAT on these three countries).

142 See Concluding Observations on **Argentina, Bosnia and Herzegovina, Cameroon and Lebanon**.

143 See Concluding Observations on **Argentina**.

144 See Concluding Observations on **Lebanon**; see also LOIPR for **Serbia**.

145 See Concluding Observations on **Bosnia and Herzegovina**.

146 See Concluding Observations on **Argentina and Cameroon**.

147 See Concluding Observations on **Bosnia and Herzegovina and Cameroon**.

Defenders from countries where same-sex relations are criminalised could use CAT as one of the important fora to address the problem. The Committee could look into criminalisation, but also at related practices, for example, detention of LGBTI persons suspected of being involved in same-sex relations, or coercive medical examinations ordered to prove the offence. However, submitting a report and, ideally, participating in the Committee's session in Geneva seem to be needed in order to obtain recommendations from CAT.

Gender identity and expression

In 2017, all SOGIESC references made by CAT in its Concluding Observations included trans persons. However, in only two sets of its Concluding Observations did the Committee look into the particular situation of trans persons and not just the LGBT(I) umbrella in general.¹⁴⁸

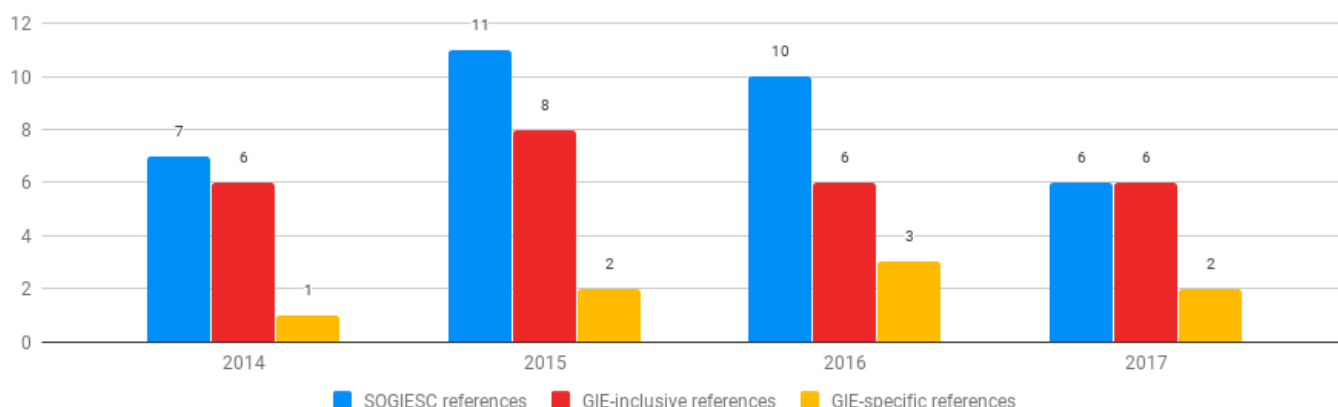
Following the review of **Argentina**, CAT expressed its concerns about degrading searches of “*transgender and transvestite persons*” on public streets or in police stations and their detention in humiliating conditions. However, recommendations following from these concerns referred to both gender identity and sexual orientation.

In the case of **Panama**, the Committee was concerned by reports that transgender persons were subjected to ill-treatment, extortion and arbitrary detention by members of the National Police. Consequently, it was recommended that the State “*ensure[d] the personal safety of transgender persons in all spheres, including in places of detention.*”

Lastly, in its List of Issues Prior to Reporting on **Colombia**, CAT asked specifically about sexual assaults and murders of gay persons and transgender women.

While in most cases the Committee referred to “*gender identity*” only, in the List of Issues Prior to Reporting on **Malawi** it referred to violence based on “*sexual orientation or gender expression or identity.*”

Figure 13: GIE-references, CAT



Several CSO reports submitted to CAT in 2017 addressed particularly issues faced by trans populations, and a few submissions examined the problem in-depth.¹⁴⁹

¹⁴⁸ There were three stand-alone references to trans / gender identity by CAT in 2016, two in 2015 and one in 2014.

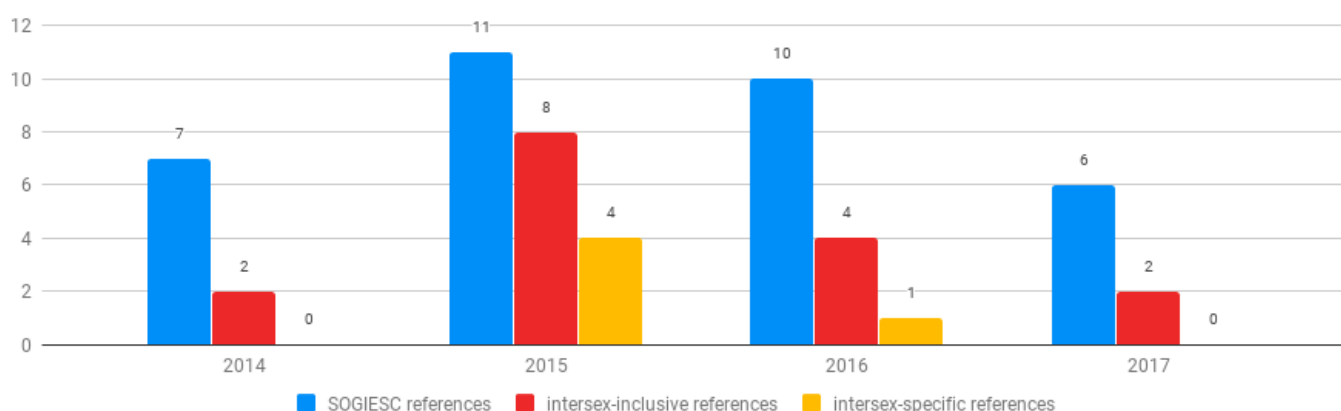
¹⁴⁹ See: Submission by [Otrans Argentina](#) for the Session (*a report on the situation of transvestites and trans women deprived of their liberty in the Province of Buenos Aires, Argentina*); Submission by [Info from Civil Society Organizations \(for LOIPR\) Fundación Grupo de Acción y Apoyo a Personas Trans](#) to the List of Issues Prior to Reporting for Colombia (*dedicated to the rights of trans persons*).

It seems that CAT is open to addressing specific experiences of violence faced by trans, and possibly gender non-conforming people, their treatment in detention, and the State's response to these problems. However, it is still not clear whether the Committee welcomes other demands such as those related to abusive requirements for legal gender recognition or access to gender reassignment services. Trans advocates could be encouraged to provide CAT with more in-depth information on this, taking into account the limitations mentioned.

Sex characteristics

While CAT has developed its approach towards intersex issues in the past few years, no Concluding Observations adopted by the Committee in 2017 included stand-alone references to either intersex or sex characteristics.

Figure 14: intersex-references, CAT



Only two sets of Concluding Observations (on **Bosnia and Herzegovina** and on the **Republic of Korea**) covered intersex under the broader LGBTI abbreviation. However, even these two cases did not show any in-depth understanding of intersex people's problems.

In the case of **Bosnia and Herzegovina**, CAT addressed hate crimes against LGBTI persons, but mentioned sexual orientation and gender identity only. In the review of the **Republic of Korea**, the Committee mentioned criminalisation of same-sex relations in the military and "repeated crackdowns on gay soldiers," but went on to recommend the State party punish violent actions against all **LGBTI persons** in the military.

At the same time, stand-alone intersex references were made by CAT in 2017 in its Lists of Issues Prior to Reporting for **Austria**, **New Zealand** and **Switzerland**. Notably, for **Austria** and **Switzerland** the Committee referred to its own previous Concluding Observations, and for **New Zealand**, it mentioned intersex reports submitted by CSOs.

Austria was asked about measures taken to ensure that no child is subjected to non-urgent medical procedures; that such procedures are postponed until the child is mature; and, that all intersex persons subjected to non-consensual procedures are adequately compensated. CAT also asked the State about the procedures for informed consent for surgical interventions and consultations with intersex persons and organisations representing them.

New Zealand was required to comment on reports of premature surgery, reports provided by CSOs, and to provide statistics on intersex children who have undergone sex assignment surgery during the reporting period.

Finally, **Switzerland** was asked about measures taken to guarantee respect for the physical integrity and

autonomy of intersex individuals, so that no one is subjected during childhood to non-urgent procedures intended to determine the sex of the child.

Stand-alone intersex reports were submitted to CAT on **Argentina**,¹⁵⁰ **Austria**,¹⁵¹ **Ireland**,¹⁵² **Luxembourg**,¹⁵³ **New Zealand**,¹⁵⁴ and **Switzerland**.¹⁵⁵

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

Women

In 2017, CAT made no explicit stand-alone references to LB women, but mentioned trans women specifically in its Concluding Observations on **Argentina**. The Committee welcomed the measures mentioned by the Argentinian delegation to improve the integration of transgender women in detention. At the same time, CAT continued to be concerned about the lack of implementation of such programmes in provincial prisons and police stations. In its List of Issues Prior to Reporting on **Colombia**, the Committee also requested information about measures to combat sexual assaults and murders of transgender women.

Equally, in the Concluding Observations on **Cameroon**, CAT addressed so-called “corrective rape”, among other forms of abuse, on the grounds of sexual orientation and gender identity. Even though there were no explicit references to LBT women here, in reality, this form of violence is particularly relevant to this population. In fact, the problem of “corrective rape” itself was raised by a [coalition CSO report](#) where it was presented as a problem of intersectionality and concrete examples of such violence against women perceived as lesbians for rejecting having sex with the perpetrators were given.

Even though there have not been many stand-alone references to LB/TI women made by the Committee so far, issues such as “corrective rapes”, violence against trans women, the situation of LBT women in detention, forced marriages, crimes committed in the name of so-called “honour” etc. are topics that could be addressed by CAT. It seems that there is a lot of potential for LB/TI women defenders to engage with CAT that still needs to be developed in defenders’ advocacy strategies.

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

150 Submission by [Justicia Intersex and StopIGM.org / Zwischenengeschlecht.org](#) for the Session.

151 Submission by [Verein Intersexueller Menschen Österreich & Zwischenengeschlecht](#) for LOIPR.

152 Submission by [Thematic Intersex NGO](#) for the Session.

153 Submission by [StopIGM.org](#) for LOIPR.

154 See submissions by [Intersex Trust Aotearoa New Zealand](#) and by [StopIGM & Zwischenengeschlecht](#) for LOIPR.

155 Submission by [StopIGM.org](#) for LOIPR.

Individual Communications

Out of 59 decisions published by the Committee in 2017, two related to sexual orientation issues.

In *E.A. v. Sweden*,¹⁵⁶ the author was a gay man from Lebanon whose application for asylum had been rejected by the Swedish authorities. The author, being a minor, arrived in Sweden with his mother and two sisters. He met his male partner seven years later in Sweden. His sexual orientation had reportedly been revealed by Lebanese authorities and the author's relatives in Lebanon. He claimed that he might be charged with "homosexuality" in Lebanon, and might be subjected to honour-relative violence or even killing if returned to Lebanon. CAT decided that the Swedish authorities had not violated the author's rights as, "*not every homosexual man in Lebanon*" was a target of persecution by authorities, and the author provided no evidence of any real threat from his relatives.

Another case, *D.C. and D.E. v. Georgia*,¹⁵⁷ addressed the vulnerability of a detained person subjected to torture, including attempted rape, by police. In their complaints to CAT, the two authors noted "*the risks that arise for prisoners who raise allegations of sexual assault, as they are likely to be labelled as homosexuals and exposed to a high risk of abuse by other prisoners*" (para. 5.3). The Committee found violations of the CAT Convention. However, sexual orientation was only mentioned briefly in the decision.

*By the end of 2017, all the cases reviewed by CAT where LGBT persons' situations have been substantially analysed, concerned the non-refoulement principle only. In three cases the Committee did not find a violation of the CAT Convention, and in two other cases, a violation was revealed.*¹⁵⁸

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

General Comments

The Committee very rarely prepares General Comments, and currently only has four such documents. Notably, the latest one was adopted in December 2017.

ILGA World participated in the process of the discussion of the draft General Comment, submitting its [comments](#) to the draft and delivering an [oral statement](#) at the Committee's General Discussion Day.

The resulting [General Comment No. 4](#) is devoted to the implementation of art. 3 of the CAT Convention in the context of art. 22. Art. 3 provides that no State party shall expel, return or extradite a person to another State where there are substantial grounds for believing that they would be in danger of being subjected to torture. Art. 22 establishes the mechanism of Individual Complaints to the Committee. In other words, the new General Comment describes principles of dealing with Individual Complaints to CAT related to (risks of) extradition of people to their countries of origin. Such cases usually concern people denied asylum, and several of these cases have been brought by LGBT persons.¹⁵⁹

The new General Comment explicitly mentions sexual orientation and gender identity once (in para. 45 (e)). These two grounds are considered among the indicators of personal risk that should be assessed in cases submitted under arts. 3 and 22 of the CAT Convention.

156 Communication No. 690/2015 of 20 July 2015, views of 11 August 2017, [CAT/C/61/D/690/2015](#).

157 Communication No. 573/2013 of 1 July 2013, views of 12 May 2017, [CAT/C/60/D/573/2013](#).

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

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

Defenders dealing with LGBTI asylum seekers and refugees who are considering applying to CAT with Individual Complaints under arts. 3 and 22 of the CAT Convention, are strongly encouraged to rely on the new General Comment No. 4 to support their claims.

While no other General Comments are being discussed by the Committee right now, LGBTI defenders may have several opportunities to present information once CAT decides to adopt new General Comments.

Follow-up procedure

According to rule 71, para. 2 of the [Rules of Procedure](#), CAT identifies a limited number of recommendations that warrant: (1) a request for additional information following the review; (2) discussion with the State party concerning its periodic report; and (3), requests for follow-up reports within the specified period. “Follow-up” recommendations are identified on the basis that they are serious, protective, and viable within a limited time frame. A rapporteur is appointed by the Committee to monitor the State party’s compliance with these requests and presents progress reports to the Committee on the results of the procedure.¹⁶⁰ The Committee also has its own [Guidelines to follow-up on Concluding Observations](#).

In 2017, no SOGIESC-related recommendations have been chosen by the Committee for the follow-up procedure.

Taking into account that CAT has chosen SOGIESC-related recommendations for its follow-up procedure previously,¹⁶¹ defenders could consider proposing SOGIESC issues for this process.

Sex work and HIV/AIDs

In 2017, CAT made references to **sex work** / prostitution in its Lists of Issues (Prior to Reporting) for [Rwanda](#) (para. 20) and [Luxembourg](#) (para. 3(b)), as well as in the Concluding Observations on [Rwanda](#) (para. 30).

References to **HIV/AIDs** not related to SOGIESC were made by the Committee in its Lists of Issues Prior to Reporting for [Malawi](#) (para. 16) and [Romania](#) (para. 13(c)), as well as Concluding Observations on the [Re-public of Moldova](#) (para. 20 (d)).

¹⁶⁰ See *Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views*, 29th session of the meeting of Chairs of the human rights treaty bodies, 8 May 2017, [HRI/MC/2017/4](#).

¹⁶¹ In 2015, CAT requested that Serbia provide follow-up information on publicly condemning and investigating threats to and attacks on human rights defenders, journalists, LGBTI persons and members of the Roma community. See: Concluding Observations on [Serbia](#) ([CAT/C/SRB/CO/2](#), para. 23).

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Committee on the Rights of Persons with Disabilities

General Information

In 2017, CRPD published SOGIESC-inclusive Concluding Observations on 5 out of 14 (36%) countries reviewed during the year. This percentage is slightly less than it was in 2016 (43%), but significantly higher than in 2015 (7%) and 2014 (none). SOGIESC issues were also included in the Committee's List of Issues for one country (**Australia**).

On two out of five countries with SOGIESC recommendations, there were stand-alone CSO submissions¹⁶² and LGBTI-inclusive general reports¹⁶³ presented. In the cases of **Cyprus**, **Jordan** and **Luxembourg**, CSO submissions mentioned sexual orientation aspects in passing;¹⁶⁴ this did not lead to any recommendations from the Committee.

While **Iran** and the **United Kingdom** had both SOGIESC-inclusive Lists of Issues and following Concluding Observations, for **Cyprus**, CRPD did not include any in the Concluding Observations, despite discussing sexual orientation aspects.

Table 6: CRPD's Country reviews, 2017

COUNTRY	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	COS	
Armenia	No	No	No	Yes	LGBT
Bosnia & Herzegovina	No	No	No	No	n/a
Canada	No	Yes	Yes	Yes	LGBTI; GI + LGBTI; T
Cyprus	Yes	Yes	No	No	n/a
Honduras	No	No	No	No	n/a
Iran	Yes	No	No	Yes	SOGI; SO
Jordan	No	Yes	No	No	n/a
Latvia	No	No	No	No	n/a
Luxembourg	No	Yes	No	No	n/a
Montenegro	No	No	No	No	n/a
Morocco	No	No	No	Yes	SO; I
Panama	No	No	No	No	n/a
Republic of Moldova	No	No	No	No	n/a
United Kingdom	Yes	Yes	Yes	Yes	I; I; I

¹⁶² See submission by [Egale Canada Human Rights Trust](#) for the Session (Canada); and submission by [Zwischengeschlecht](#) for the Session (United Kingdom).

¹⁶³ See submissions by the [Canadian Human Rights Commission](#), by the [DAWN-RAFH Canada](#) and by the [Mad Canada Shadow Report Group](#) for LOI, as well as submission by the [Mad Canada Shadow Report Group](#) for the Session (Canada); and submissions by [UK's Disabled People's Organization](#) and by [World of Inclusion](#) for the Session, as well as submissions by [Reclaiming Our Future Alliance](#), by [Inclusion Scotland](#) and by [Sisters of Frida](#) for LOI (United Kingdom).

¹⁶⁴ See submission by the [Pancyprian Alliance for Disability](#) for the Session (Cyprus); submission by [Equal Rights Trust](#) for the Session (Jordan); and submission by [Nemme Mat Eis and Luxembourg DPOs](#) for the LOI and Session (Luxembourg).

It seems that when the Committee receives CSO information on LGBTI topics, it raises relevant issues in the Concluding Observations. This is the case even where they were not addressed in the List of Issues. Therefore, LGBTI defenders should collect relevant and specific information, to submit shadow reports to CRPD, and then to participate in the Committee's sessions. Special attention should be paid to demonstrating intersectionalities between SOGIESC and disability issues.

Themes

In 2017, the Committee continued to unpack the broader issue of **intersectional discrimination** faced by LGBTI persons with disabilities.

Throughout the year, CRPD addressed such issues as **participation** of LGBT persons with disabilities in consultation and decision-making processes (**Armenia**), **policies** to protect LGBTI persons with disabilities and **awareness campaigns** to combat attitudinal barriers and prejudices against them (**Canada**).

However, a truly significant development has been achieved by the Committee with regard to the concept of **persons perceived to have a disability due to their SOGIESC**. Two country reviews, the one on **Iran**, and another on **Morocco**, have led to relevant developments and recommendations.

The first time the Committee addressed the presumed disability concept in relation to LGBT persons, was the review of **Iran**. In its Concluding Observations, CRPD noted with concern “**discrimination against persons who are wrongly considered as disabled, in particular because of their gender identity and their sexual orientation, which requires medical treatment**” [Bold added. – K.K.]. Consequently, the State party was recommended to “**combat discrimination against persons who are considered to be disabled by reason of their gender identity or sexual orientation, by prohibiting forced medical treatment and providing for appropriate remedies**”, and to “**engage in dialogue in society and to prevent the emergence of confusion between having a different sexual orientation and being handicapped.**”

Similar references were made in the Committee's Concluding Observations on **Morocco**. Here, CRPD expressed its concerns on “**attitudes that stigmatize on the basis of gender and sex identity and its association with disability, and the confusion that can arise from having a different sexual orientation and being a person with disabilities.**” The State party was called on to “**develop awareness-raising campaigns and conduct a revision of educational materials to prevent the confusion that can arise from having a different sexual orientation and being a person with disability.**”

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

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

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

Criminalisation

Two countries reviewed by CRPD in 2017 criminalised same-sex relations (**Iran** and **Morocco**). While the Committee made SOGIESC recommendations to both countries, neither of them referred to criminalisation.

However, during the constructive dialogue with the **Iranian** delegation, the CRPD Chair posed questions about the criminalisation of homosexuality in the State party. Ms. Theresia Degener, the CRPD Chair, asked whether the Iranian state recognised that the criminalisation of homosexuality, and inaction in the face of widespread prejudice and discrimination on the basis of sexual orientation, exposed the lesbian and gay community to a serious risk of poor mental health and of developing a psychosocial disability. She also asked the State party if it planned to decriminalise homosexuality and to amend the Islamic Penal Code accordingly in the near future.¹⁶⁵

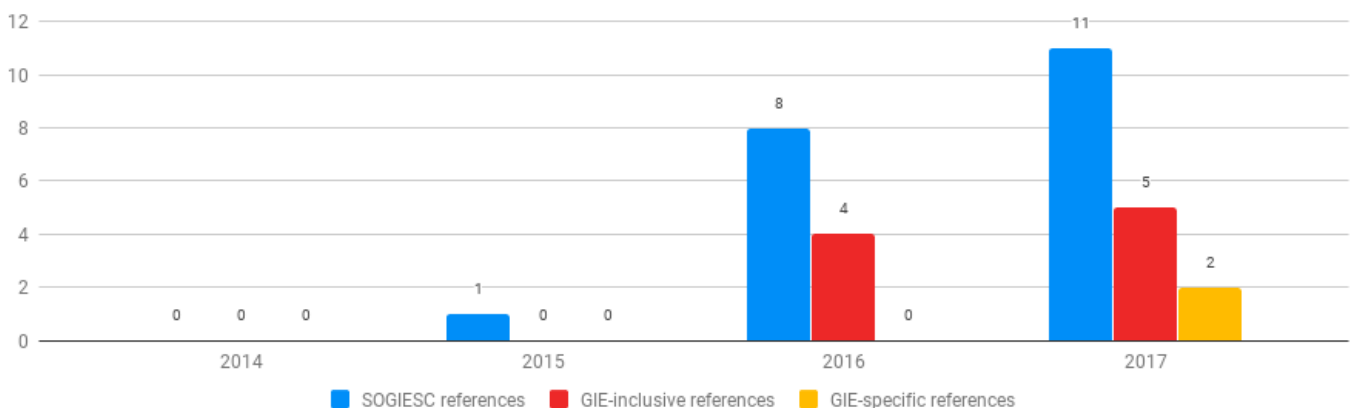
While the Committee has not addressed the problem of criminalisation of same-sex relations, as well as particular forms of gender identity and expression, so far, LGBTI advocates may consider being more creative when presenting these topics under the CRPD Convention's framework. For example, defenders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

Gender identity and expression

Seven references were made by the Committee that were not stand-alone intersex paragraphs. Four of them, made on **Armenia**, **Canada** and **Iran**, referred to trans / gender identity under the broader SOGI / LGBT(I) umbrella.

Stand-alone references to gender identity were made by the Committee only twice, both in the Concluding Observations on **Canada**. Following the review of **Canada**, CRPD recommended the authorities undertake “research aimed at enhancing understanding of diverse gender identities and monitoring attitudinal barriers faced by [LGBTI] persons with disabilities.” However, the combination of LGBTI and gender identity in the same recommendation makes it unclear whether the Committee referred to “gender identities” intentionally and insightfully. The other recommendation for the same country was more trans-specific and included “measures to ensure that [...] transgender and gender-diverse persons with disabilities, have equal access to health services, including [...] gender-affirming comprehensive health care.”

Figure 15: GIE-references, CRPD



165 CRPD: Summary record of the 302nd meeting, Initial report of the Islamic Republic of Iran, 4 April 2017, [CRPD/C/SR.302](#).

These two references demonstrate the important progress achieved by CRPD in 2017; none of its Concluding Observations since 2014 have included any stand-alone mention of trans / gender identity issues.

While no stand-alone trans reports were submitted to the Committee in 2017, several documents of a more general nature included specific sections or chapters on the issue.¹⁶⁶

Trans advocates are encouraged to engage with CRPD on specific human rights problems raised on the intersections between gender identity and expression and disabilities. Particularly important to such advocacy is the context of depathologization processes, as well as previous recommendations the Committee has made on the elimination of the confusion between having a different sexual orientation or gender identity, and having a disability.

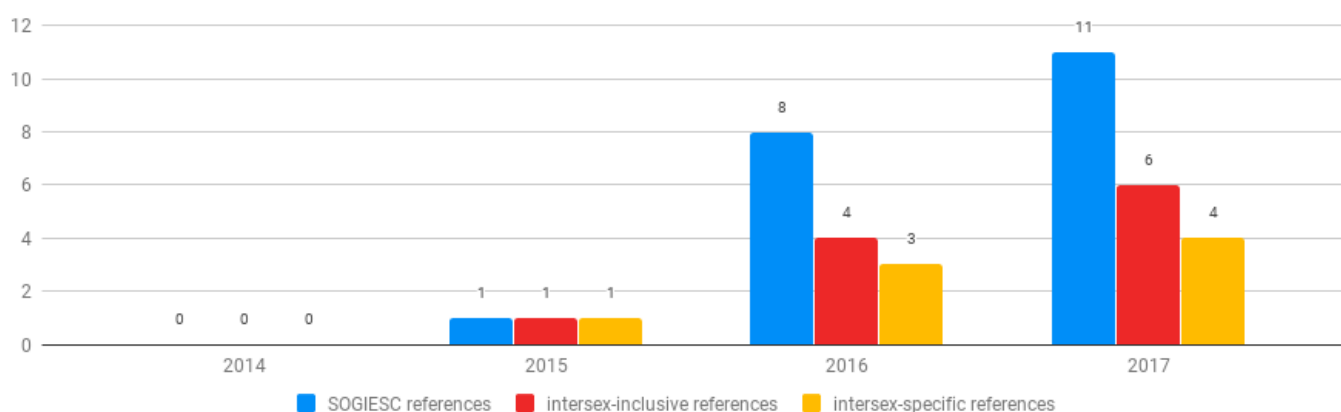
Sex characteristics

The first SOGIESC-related reference made by CRPD in 2015 was a stand-alone recommendation on intersex issues. In 2017, 4 out of 11 SOGIESC-inclusive references in CRPD Concluding Observations addressed intersex specifically and exclusively (**Morocco** and the **United Kingdom**).

The List of Issues for **Australia** also included a question on surgeries performed on “people born with variations of sex characteristics,” and two more references to LGBTI (i.e. intersex-inclusive) were made in the Concluding Observations on **Canada**.

CRPD made several recommendations mentioning intersex persons in its Concluding Observations on the **United Kingdom**. Notably, it was recommended that the State should provide finance and other means to ensure involvement of organisations representing intersex persons with disabilities in decision-making processes; to ensure access to justice and to safeguard intersex persons with disabilities from abuse; and, to review legislation in order to eliminate non-consensual surgeries towards intersex persons, as well as to develop relevant mechanisms ensuring such consent.

Figure 16: intersex-references, CRPD



¹⁶⁶ See e.g. Canada: Submission by the [Canadian Human Rights Commission](#) for the List of Issues (a separate chapter titled “Trans and Gender Diverse Individuals”); Submission by the [Mad Canada Shadow Report Group](#) for the List of Issues (references to transgender persons in mental health treatment facilities and different sexualities); Submission by the [Mad Canada Shadow Report Group](#) for the Session (references to transgender persons in mental health treatment facilities and different sexualities; a recommendation on training for professionals); United Kingdom: Submission by [UK’s Disabled People’s Organization](#) for the Session (mention of obstacles faced by trans women with disabilities).

Morocco was recommended to “prohibit and criminalize the practice of corrective surgeries on intersex persons with disabilities, in the absence of prior and informed consent, and [...] raise awareness of such practices as harmful and strengthen mechanisms aimed at ensuring that the informed consent of persons with disabilities is given for any medical and surgical treatment.”

In most of the cases where the Committee addressed a particular intersex situation, it referred to article 17 of the CRPD Convention (protecting the integrity of the person).

When it came to CSO submissions, stand-alone intersex reports were presented for **Australia**¹⁶⁷ and the **United Kingdom**.¹⁶⁸ As seen, both countries received specific intersex questions or recommendations from the Committee.

As can be seen from the Committee’s recent practice, it is open to raising intersex specific violations, such as forced sterilization and other medical treatments. Therefore, defenders working on these problems, are strongly encouraged to approach the Committee. More detailed recommendations made by other Treaty Bodies in this regard could serve as a reference to strengthen intersex activists’ demands. Again, it is crucially important that any advocacy on behalf of intersex people is based on intersex people’s participation.

Women

In 2017, CRPD did not make any specific references to LB and/or TI women, even though some information was provided to the Committee.¹⁶⁹

In 2016 the Committee referred to LBT women when addressing multidimensional discrimination and diversity in its new [General Comment No. 3](#) on women and girls with disabilities.

The gender approach enshrined in the very text of the CRPD Convention (art. 6 – Women with disabilities), as well as previous Committee’s references to LBT women, may be used by defenders looking into intersectionalities between gender and SOGIESC and planning to engage with the Committee. In order to develop the practice in this field, more in-depth data and analysis, as well on-site advocacy, may be needed from parts of civil society; a more gender-sensitive composition of the Committee itself would also be helpful.

Individual Communications

There were no references to SOGIESC in eight decisions made by CRPD on Individual Communications in 2017.

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

167 Submission by [OII Australia](#) for the LOI/PR.

168 Submission by [Zwischengeschlecht](#) for the Session.

169 See e.g. Submission by [Sisters of Frida](#) for LOI (a paragraph on rates of violence against LBT women with disabilities).

General Comments

CRPD adopted one General Comment in 2017, namely [General Comment No. 5](#) on article 19, Right to independent living.

The General Comment proclaims that “the right to live independently and be included in the community refers to all persons with disabilities, irrespective of [inter alia] gender identity [and] sexual orientation” (para. 8).

It further states that “lesbian, gay, bisexual, transgender, queer and intersex persons with disabilities must enjoy equal protection under article 19 and therefore respect for their personal relationships” (para. 23).

The General Comment also refers to “sexual and/or gender identity”, stating that disability support services should be sensitive to different living conditions (para. 60).

Notably, the first draft of this General Comment¹⁷⁰ included only one reference (that became para. 23 of the GC); the resulting document is much more SOGIESC-inclusive.

Taking into consideration the emerging practice of CRPD on SOGIESC issues, defenders are encouraged to gear their inputs towards issues currently been developed in the Committee's General Comments. This could strengthen positions already expressed by CRPD in its Concluding Observations and earlier General Comments, and also give the Committee members SOGIESC-specific data on the situation of persons with disabilities.

Follow-up procedure

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

- whether the recommendation can be implemented in the short, medium or long term;
- whether the issues identified in the recommendation constitute major obstacles to the enjoyment of human rights by persons with disabilities;
- whether the issues identified in the recommendation constitute a major obstacle to the implementation of the CRPD Convention as a whole;
- whether the implementation of the recommendation is feasible and measurable;
- the seriousness of the issues and the feasibility of adopting implementation measures within a calendar year; and
- the feasibility of adopting short-term policies to overcome the selected concerns.

The Committee appoints one of its members to serve as Rapporteur on follow-up. The Rapporteur submits a report to the Committee within two months of receiving the information from the State party.¹⁷¹

In 2016, CRPD included SOGIESC recommendations in its list for follow-up observation only once, in the review of [Uganda](#). The Committee requested the State party provide information on the measures taken to implement the Committee's recommendations contained, in particular, in para. 8 (equality and non-discrimination).

¹⁷⁰ See more information [here](#).

¹⁷¹ See *Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views*, 29th session of the meeting of Chairs of the human rights treaty bodies, 8 May 2017, [HRI/MC/2017/4](#).

Defenders planning to engage with CRPD could also consider asking the Committee to include recommendations related to SOGIESC-issues in the list for follow-up review. If that happens, it is also very important to provide the Committee with the information regarding implementation of the recommendations.

Sex work and HIV/AIDs

References to **HIV/AIDs** were made by the Committee in its Lists of Issues for [Haiti](#) (para. 19) and [Seychelles](#) (para. 23), and the Concluding Observations on [Armenia](#) (paras. 6, 43 and 44).

The Committee did not address any problems faced by **sex workers**.

General Information

CERD reviewed 20 countries during the three sessions conducted in 2017. However, references to SOGIESC were only made by the Committee in its Concluding Observations on **Australia** (that amounted to only 5% of the country reviews). None of the Lists of Themes adopted by the Committee in 2017 addressed LGBTI.

To compare, in 2016 and 2015, the Committee made two SOGIESC-inclusive Concluding Observations for each year (there were 20 countries reviewed per year); and in 2014, none of the 18 countries reviewed received recommendations on LGBTI.

Table 7: CERD's Country reviews, 2017

COUNTRY	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	COS	
Algeria	No	No	No	No	n/a
Armenia	No	Yes	No	No	n/a
Australia	No	Yes	No	Yes	LGBTQI + SOGI
Belarus	No	No	No	No	n/a
Bulgaria	No	No	No	No	n/a
Canada	No	Yes	No	No	n/a
Cyprus	No	Yes	Yes	No	n/a
Djibouti	No	No	No	No	n/a
Ecuador	No	Yes	No	No	n/a
Finland	No	Yes	Yes	No	n/a
Jordan	No	No	No	No	n/a
Kenya	No	No	No	No	n/a
Kuwait	No	No	No	No	n/a
New Zealand	No	No	No	No	n/a
Republic of Moldova	No	Yes	No	No	n/a
Russian Federation	No	Yes	No	No	n/a
Serbia	No	Yes	No	No	n/a
Slovakia	No	No	No	No	n/a
Tajikistan	No	No	No	No	n/a
United Arab Emirates	No	No	No	No	n/a

This outcome is disappointing, as SOGIESC-inclusive CSO submissions were prepared for almost a half of the countries reviewed in 2017 (including **Australia** which received references to LGBTI). Moreover, two countries for which stand-alone reports on the situation of LGBTI persons had been prepared, namely **Cyprus** and **Finland**, did not receive any relevant recommendations from the Committee; in the case of **Finland** the defenders even submitted their reports for both the List of Themes and the main review.

The only set of references made by the Committee in 2017 concerned a very specific problem, namely the high rate of suicide among indigenous peoples, and in particular LGBTQI individuals, in **Australia**. Consequently, CERD recommended that the State party collect data disaggregated by, *inter alia*, sexual orientation and gender identity, on the extent of suicide and to report on the measures adopted to address this problem.

Figure 17: GIE-references, CERD

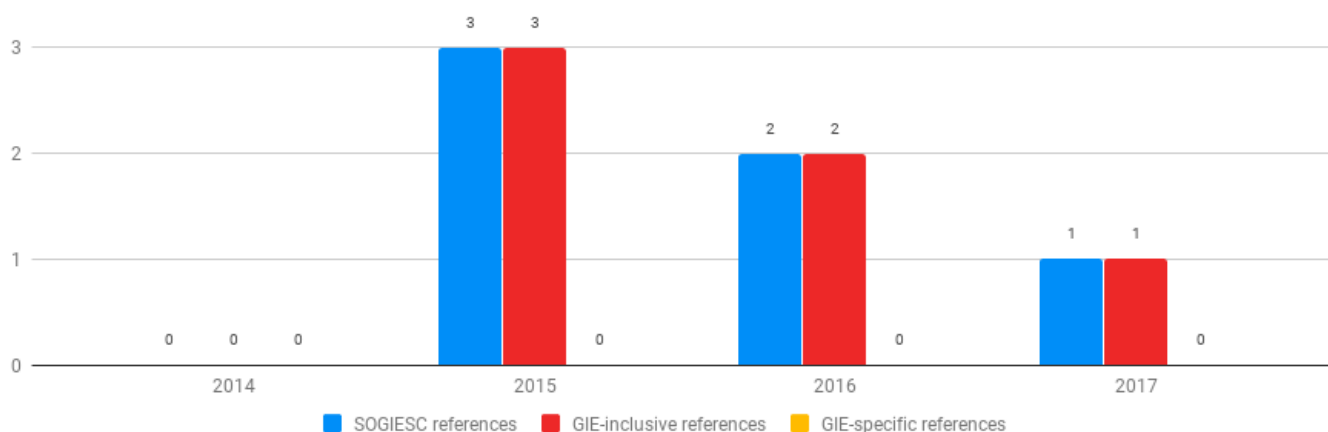
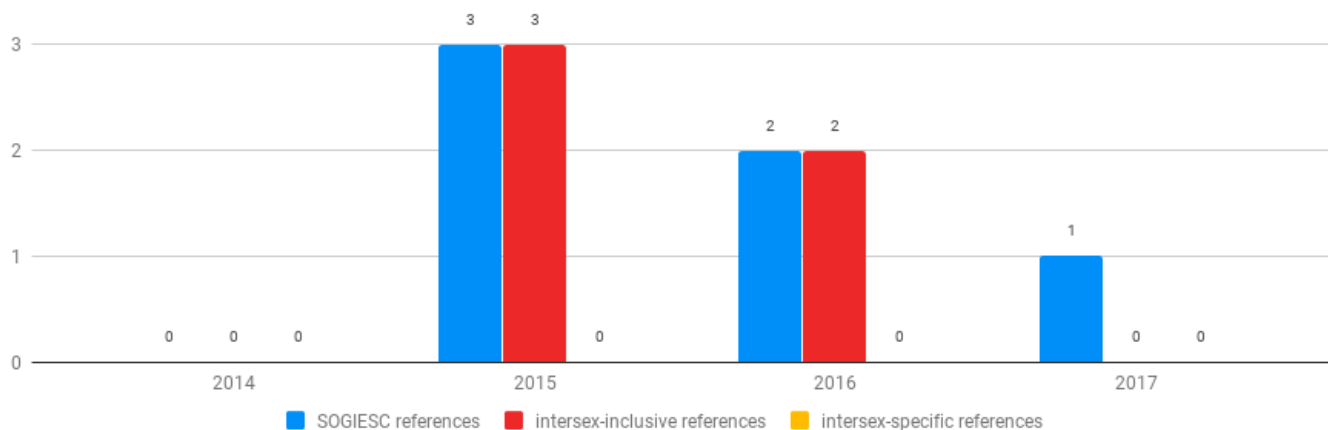


Figure 18: intersex-references, CERD



No other topics, including **criminalisation**, were raised by CERD in relation to LGBTI. And neither the specific situation of **LBTI women**, nor particular challenges faced by **trans** and **intersex** individuals were addressed by the Committee.

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

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

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

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

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

Defenders wishing to engage with the Committee could take advantage of the broad nature of the definition of “racial discrimination” embodied in the CERD Convention. It explicitly covers five grounds of discrimination: race, colour, descent (that includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status), nationality and ethnic origin. The interpretation of the Convention by CERD includes in this definition groups such as indigenous people, stateless people and non-citizens. While religion is not included in the grounds of discrimination set out in the Convention, advocates can apply to CERD if they could draw a clear line between ethnic/national origin and religion.¹⁷²

To make their claims and advocacy stronger, defenders may rely on recommendations and statements made by other international bodies and mechanisms, such as UN Special Procedures. For example, the Working Group of Experts on People of African Descent have made several references to LGBTI persons of African descent, especially in their reports following country visits.¹⁷³

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

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

Individual Communications and General Comments

In 2017, CERD did not adopt any Individual Communications or General Comments.

As LGBTI issues are still finding grounding within CERD's work, defenders are strongly encouraged to deepen Committee members understanding of interactions between race and SOGIESC. Defenders could do this by not only using opportunities given under the periodic review process, but also by participation in the development of General Comments and statements at general discussion days.¹⁷⁴

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

Follow-up procedure

CERD has a long-standing follow-up procedure, set out in rule 65 of its [Rules of Procedure](#). The Committee may request further information or an additional report concerning, *inter alia*, action taken by State parties to implement the Committee's recommendations. This is supplemented with the appointment of a coordinator on follow-up. The coordinator is appointed for a period of two years and works in cooperation with the country rapporteurs.¹⁷⁵

CSOs could participate in this process providing the Committee with information about implementation of follow-up recommendations by the State. A template for such reports can be found [here](#).¹⁷⁶

The only SOGIESC-related recommendation made by the Committee in 2017, has not been selected for the follow-up process.

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

Sex work and HIV/AIDs

No references to **HIV/AIDs** were made by the Committee in 2017 either in its Lists of Themes or in the Concluding Observations.

The Committee did not address problems faced by **sex workers**, and only once did it refer to prostitution in the context of trafficking (Concluding Observations on [Algeria](#), para. 23).

¹⁷⁴ See one such example in International Lesbian, Gay, Bisexual, Trans and Intersex Association: Kirichenko K, [United Nations Treaty Bodies: References to sexual orientation, gender identity, gender expression and sex characteristics 2016](#) (Geneva: ILGA World, November 2017), p. 64.

¹⁷⁵ See *Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views*, 29th session of the meeting of Chairs of the human rights treaty bodies, 8 May 2017, [HRI/MC/2017/4](#).

¹⁷⁶ By the International Movement Against All Forms of Discrimination and Racism (IMADR) and the US Human Rights Network (USHRN). Available also in [Spanish](#) and [Italian](#).

General Information

The Committee reviewed six countries in 2017 and made SOGIESC references in its Concluding Observations on two countries (**Jamaica** and **Mexico**), amounting to 33%. To compare, in 2016 the same Committee made SOGIESC-inclusive references on two out of eight countries reviewed (25%),¹⁷⁷ in 2015, in none of the Concluding Observations, and in 2014 – in one out of 6 (17%).¹⁷⁸

Additionally, CMW asked **Guatemala** about issues relating to LGBTI persons in its List of Issues Prior to Reporting adopted in 2017.¹⁷⁹ From the countries reviewed in 2017, only **Mexico** received LGBTI-inclusive List of Issues.

CSO submissions for 2017 reviews included references to LGBTI persons for three countries. Both **Guatemala** and **Indonesia** received one report mentioning LGBTI/SOGI in passing;¹⁸⁰ shadow reports on **Mexico** were more elaborate,¹⁸¹ yet none were stand-alone submissions on LGBTI populations.

Table 8: CMW's Country reviews, 2017

COUNTRY	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	COS	
Bangladesh	No	No	No	No	n/a
Ecuador	No	No	No	No	n/a
Indonesia	No	Yes	No	No	n/a
Jamaica	No	No	No	Yes	LGBT
Mexico	Yes	Yes	No	Yes	SO
Nigeria	No	No	No	No	n/a

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

178 See Concluding Observations on **Belize** (CMW/C/BLZ/CO/1, paras. 18 and 19(d)).

179 Review of Guatemala is scheduled for April 2019.

180 See submission by [Grupo Articulador de Sociedad Civil en Materia Migratoria para Guatemala \(2017\)](#) to the Session (*Guatemala*); and submission by [Coalition of Indonesian Migrant Workers Unions](#) to the Session (*Indonesia*).

181 See e.g. submissions by [Amnesty International](#), by [Human Rights Commission of the Federal District](#), by [Comisión Mexicana de Defensa y Promoción de los Derechos Humanos](#) (August 2017), by [Comisión Mexicana de Defensa y Promoción de los Derechos Humanos \(ANEXO\)](#), by [CSO coalition](#), by [Centro de Derechos Humanos Fray Matías](#), by [Comisión Mexicana de Defensa y Promoción de los Derechos Humanos \(Insumos\)](#), by [Misión Internacional de Verificación](#) for the Session.

Anti-LGBTI violence and discrimination in different countries across the globe forces many LGBTI people to leave their countries of origin, including through work migration. However, LGBTI migrant workers face new and additional challenges caused by their both migrant status and SOGIESC.

At least in theory, CMW could become a space for LGBTI migrant workers to claim their rights and to raise their voice. Problems such as discrimination against LGBTI migrant workers in employment or housing, barriers in accessing justice when their rights have been violated, the lack of disaggregated statistics or programmes to support LGBTI migrant populations and discriminatory practices in relocation, to name a few, could be addressed by this Committee.

At the same time, limitations related to the wording of the CMW Convention itself should be taken into account. Principally, it provides only a narrow definition of the family,¹⁸² and tight requirements when it comes to the access to health care.¹⁸³ These limitations may impede development of relevant solutions for problems such as non-recognition of relations between LGBTI migrant workers and their partners or children, or barriers in accessing appropriate health care, particularly by trans or intersex persons.

An example of specific problems that gay migrant workers may face in the field of health care, and particularly HIV-related services, was described by the Kyrgyz Indigo group: “Male migrant workers are less willing to care about their health due to several factors: lack of knowledge about where and when to apply for health services; a gap in priorities, i.e. getting settled economically and financially comes first, sometimes for many years; high cost of services; confidentiality and friendliness of services are not guaranteed; or reduced level of safe sexual behaviour. In some countries, for example, Russia or the United Arab Emirates, foreigners with the positive HIV-status must be deported, and that reduces a person’s willingness to be tested for HIV or to become a part of HIV-prevention programmes. In a number of countries, the ARV therapy is not free for foreigners, or the system of accessing it is difficult and unclear.”¹⁸⁴

Themes

In the Concluding Observations on **Jamaica**, CMW expressed its concerns about the fact that **anti-LGBT violence** was one of the main factors driving emigration which could “put Jamaican migrant workers and members of their family in precarious and/or insecure situations.” It further recommended that the State party ensure poverty and other social factors or discrimination do not force people into situations of precarious labour migration.

The Committee also recommended that **Mexico** **compile data** on migrants and members of their families disaggregated, *inter alia*, by sexual orientation.

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

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

184 Email conversation with the organisation, 4 December 2018.

Criminalisation

Even though some of the countries reviewed by the Committee in 2017 criminalised same-sex relations – including **Jamaica** which received LGBT-inclusive recommendations – the problem of criminalisation has never been addressed by CMW.

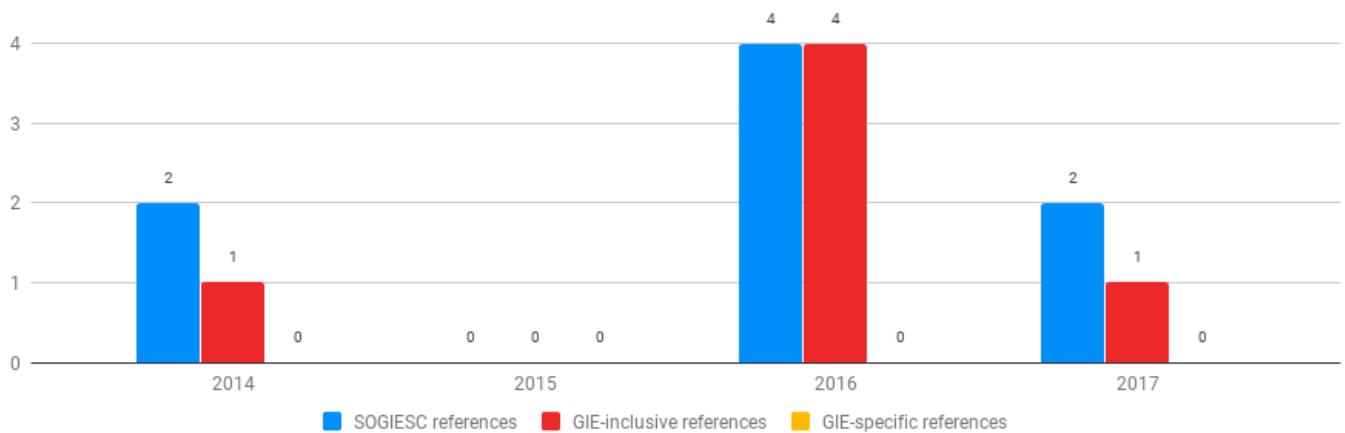
Despite the Committee not yet addressing the problem of criminalisation of same-sex relations or certain forms of gender identity and/or gender expression, it seems that connections between criminalising laws and practices and emigration could be a good entry point for SOGIESC advocates. Another aspect that could be addressed in shadow reports to CMW is criminalisation of LGBTI migrant workers – for example, when they are subjected to abusive practices disproportionately.

Gender identity and expression

In 2017, CMW made no stand-alone references to gender identity, gender expression or trans persons.

The Committee's recommendations on **Jamaica** referred to transgender persons under the LGBT umbrella. However, in the Concluding Observations on **Mexico**, CMW mentioned sexual orientation only, even though the previously adopted List of Issues pointed out either LGBTI persons or the LGBTI community four times.

Figure 19: GIE-references, CMW



In the Committee's List of Issues for **Guatemala** adopted in 2017, one paragraph related to violence and discrimination mentioned sexual orientation only. However, in another paragraph it did refer to LGBTI.

The conducted analysis shows that even though the Committee started to include gender identity or trans persons under the general LGBT(I) or SOGI umbrella, so far, no particular attention has been paid to the specific needs of trans populations. However, this goes hand in hand with the lack of trans-specific CSO information; providing the Committee with relevant data may increase the visibility of gender identity and gender expression within the CMW's practice.

Topics which may be brought to the Committee, could include: violence disproportionately experienced by trans domestic workers; problems with obtaining a visa or crossing borders, including due to documentation issues; labour discrimination; or, access to trans-related health care.¹⁸⁵

For instance, the Kyrgyz Indigo group reported that “trans men who are migrant workers from Kyrgyzstan to other countries, such as Russia, almost always work in low-skilled positions (such as construction sites, porters in warehouses etc.); and, of course, they are not employed officially and accordingly, remain unprotected.”¹⁸⁶

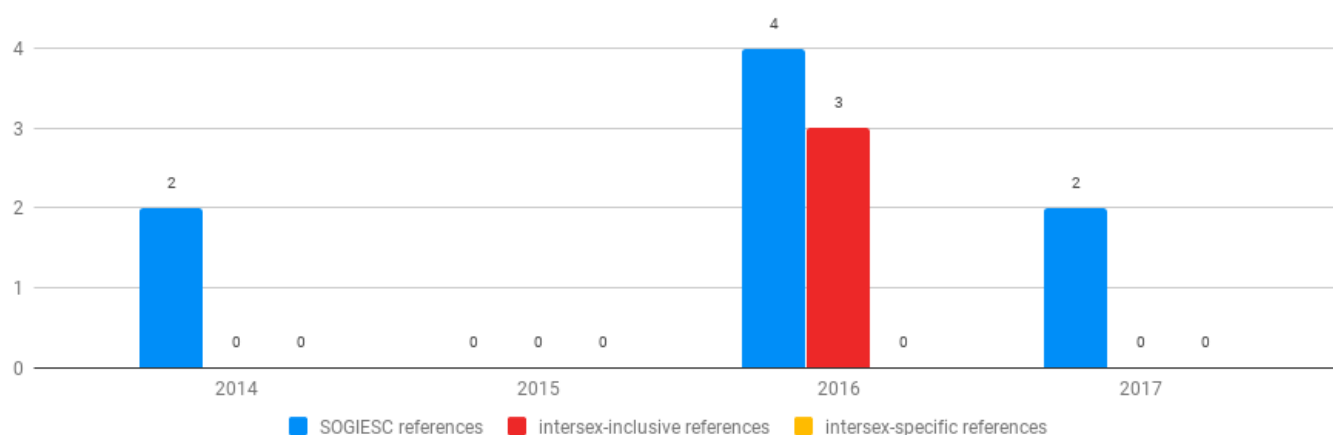
In principle, the situation of trans migrant sex workers could also be covered by CMW. For example, according to the Kyrgyz Indigo group, “migration of young trans women and cross-dressers from Kyrgyzstan to other countries, especially to Russia, for sex work, has increased during the past 5-7 years. For these people, it is much more comfortable to work in new countries because they may get much more money there, and also because homo-and transphobia is less pronounced there than in Kyrgyzstan. This, however, does not mean that the sex workers from Kyrgyzstan do not face violence in new countries. For example, there were cases where trans women from Kyrgyzstan were beaten by pimps of trans sex workers from the Caucasus due to competition in the sex work market. The injured girls did not contact the police or the doctors, but were simply staying at home for fear of deportation and mistreatment.”¹⁸⁷

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

Sex characteristics

None of the recommendations made by the Committee in 2017 included any mention of either sex characteristics or intersex persons. As was mentioned above, the List of Issues on **Mexico** adopted by CMW in 2017 referred to LGBTI. However, this did not lead to intersex-inclusive Concluding Observations.

Figure 20: intersex-references, CEDAW



¹⁸⁵ However, specific limitations set up by the wording of the CMW Convention should be taken into account. See fn. 183 for more information on this.

¹⁸⁶ Email conversation with the organisation, 4 December 2018.

¹⁸⁷ Email conversation with the organisation, 4 December 2018.

At the same time, in 2017 the Committee requested that **Guatemala** provide information about several groups of people, including LGBTI people, deported from the country. Nonetheless, when asking about efforts to counter violence, poverty and discrimination in the same document, the Committee only named sexual orientation explicitly.

*As may be seen from our study, intersex issues received even less attention from the Committee than trans ones. In 2016, CMW addressed intersex in its review of a single country, namely **Honduras**. Even in this case, intersex was included under the LGBTI umbrella, and no stand-alone references to sex characteristics or intersex persons have ever been made by the Committee. Again, this situation could at least be partially explained by the lack of information from civil society, and therefore providing relevant data to the Committee may change the situation.*

Women

No stand-alone references to LGBTI women were made by the Committee in 2017. Nor were any such references made by CMW in previous years or in its General Comments.

Even though the Committee has not yet addressed the specific situations of LGBTI women, developments in this field appear to be feasible.

Firstly, the CMW Convention itself, as well as the Committee's practice, consistently refers to a gender perspective on migrant workers' situations. There are some references to sex in the Convention, and the Committee's General Comments and Concluding Observations continually take into account gender aspects, particularly in the context of gender-based violence, gender-sensitive health care and gender-based discrimination, as well as the need for gender-sensitive programmes and gender analysis.

Secondly, in practice, LGBTI women, including lesbian women who are migrant workers, face particular challenges related to both their gender and their SOGIESC. Such challenges may include a lack of awareness about LGBTI women's rights; discrimination in the workplace; the need for inclusive spaces, for instance Pride marches that take into account LGBTI women's time limitations because of their work schedules and language needs; stereotypes in media; or psychological pressure and related health problems.¹⁸⁸

For these reasons, bringing LGBTI women's needs to the Committee could be quite effective.

Individual Communications

Article 77 of the CMW Convention gives the Committee competence to receive and consider Individual Communications alleging violations of the Convention by State parties who have made the necessary declaration under this article. However, the Individual Complaint mechanism has not come in force yet; it will become operative after ten State parties have made the necessary declaration. So far, only a few States – including **Ecuador**, **El Salvador**, **Mexico** and **Uruguay** – have made the declaration.

¹⁸⁸ See e.g. [HONG KONG: Lesbian Migrant Workers Face Layers of Discrimination](#) (5 July 2017); Lai, F.Y. (2018), Migrant and lesbian activism in Hong Kong: a critical review of grassroots politics, *Asian Anthropology* 17 (2), pp. 135—150.

General Comments

In 2017, CMW adopted two General Comments, both jointly with the Committee on the Rights of the Child. Both documents referred to SOGIESC.

The [General Comment No. 3](#) (No. 22 for CRC), on the general principles regarding the human rights of children in the context of international migration, contains three paragraphs referring to SOGI (introduction; general non-discrimination principle; right to life, survival and development), and one mentioning transgender children specifically (in the context of the right to participation). Notably, the final document includes much more details on SOGI compared to the earlier drafts.¹⁸⁹

The [General Comment No. 4](#) (No. 23 for CRC), on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, refers to LGB-TI once when addressing children's vulnerabilities to trafficking for the purposes of sexual exploitation and abuse.

Taking into account quite extensive references to SOGI made by CMW in its General Comments, defenders are encouraged to engage more widely with this Committee and to refer to the new General Comments in their shadow reports.

Follow-up procedure

CMW has the practice of identifying some of its recommendations for the follow-up review. However, none of the LGBT recommendations made by the Committee in 2017 were selected for the procedure.

Sex work and HIV/AIDs

CMW frequently addresses [sex work/prostitution](#) and sex tourism in the context of sexual exploitation, trafficking and abuse. Such references, not related to SOGIESC, were made in the Committee's Lists of Issues for [Albania](#) (para. 8), [Egypt](#) (para. 12), [Guatemala](#) (para. 13), [Madagascar](#) (para. 12), [Mozambique](#) (para. 11) and [Tajikistan](#) (para. 20), as well as Concluding Observations on [Indonesia](#) (paras. 6 and 32) and [Jamaica](#) (paras. 9, 32, 64 and 65). However, no other frameworks, such as those focused on the rights and the need to protect sex workers themselves, were referenced.

References to [HIV/AIDs](#) that were not SOGIESC-related were included in the Committee's Lists of Issues (Prior to Reporting) for [Mozambique](#) (para. 24) and [Tajikistan](#) (para. 17), and in the Concluding Observations on [Bangladesh](#) (paras. 41 and 42).

189 See the background documentation [here](#).

General Information

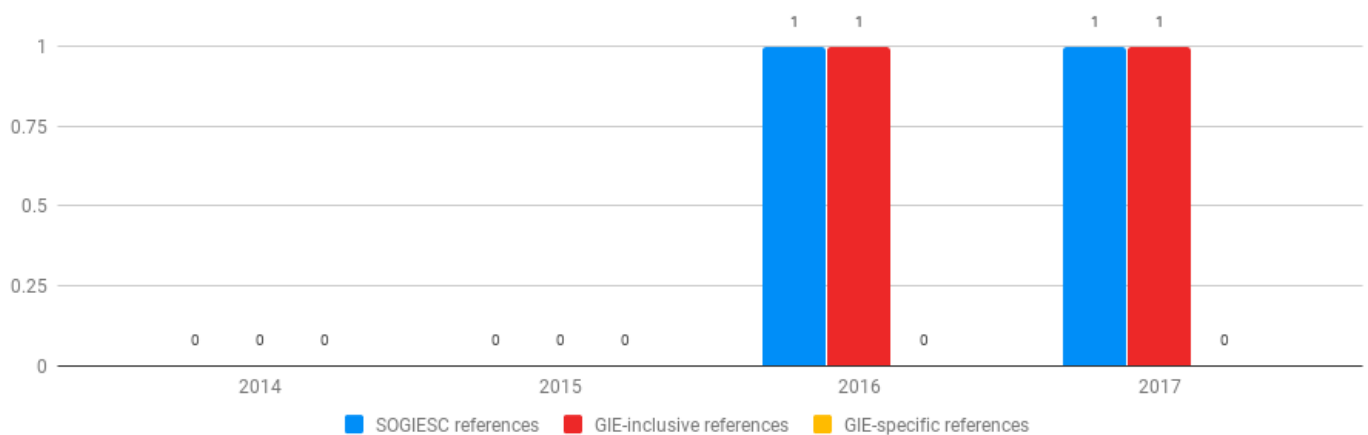
In 2017, the Committee reviewed five countries and made only one recommendation on SOGI in its Concluding Observations on **Cuba**. In this recommendation, CED urged the State party to ensure the comprehensive system of reparation in domestic legislation that, *inter alia*, would be sensitive to victims' individual characteristics, including sex, sexual orientation, gender identity and other grounds. In 2016, Committee made an identical recommendation to **Colombia**.¹⁹⁰

Table 9: CED's Country reviews, 2017

COUNTRY	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	COS	
Cuba	No	No	No	Yes	SOGI
Ecuador	No	No	No	No	n/a
Gabon	No	No	No	No	n/a
Lithuania	No	No	No	No	n/a
Senegal	No	No	No	No	n/a

Stand-alone references were made to neither **LBTI women** and **trans people**, nor **intersex persons** by the Committee in 2017 (as well as in 2014-2016). Even though, in theory, the problem of the enforced disappearances of LGBT people could be addressed in connection with the **criminalisation** of same-sex relations or certain forms of gender identity or gender expression, so far there have been no such references made by CED.

Figure 21: GIE-references, CED



CSO submissions, as well as the Committee's Lists of Issues, did not provide any references to SOGIESC in 2017.

¹⁹⁰ See Concluding Observations on **Colombia** (CED/C/COL/CO/1, para. 36(a)). None SOGIESC reference at all were made by CED in 2014 and 2015.

Individual Communications and General Comments

No Individual Communications or General Comments were adopted by CED in 2017.

It can be suggested from our analysis that CED mechanisms have been overlooked by LGBTI defenders. At the same time, a few recommendations made by the Committee in its Concluding Observations, as well as explicit references to LGBTI in the Committee's forms for submitting requests for [urgent action](#) and [communications](#) may be used as a basis for more intense engagement with CED on SOGIESC issues. For example, enforced disappearances were listed among the grave violations against gay people in Chechnya in 2017 in the [discussion of this situation in PACE](#).

Follow-up procedure

According to rule 54 of the [Rules of Procedure](#), CED may indicate whether, on the basis of its consideration of the report and additional information supplied by the State party, it appears that some of its obligations under the CED Convention have not been discharged or that sufficient information has not been provided. Therefore, it may request that the State party provides the Committee with follow-up information to Concluding Observations by a specified date.

In order to further the implementation of the Committee's Concluding Observations, CED may designate one or more Rapporteurs to follow-up with the State party. The follow-up Rapporteur(s) shall assess the information provided by the State party in consultation with the country Rapporteurs, if any, and report their activities at every Committee session.

The sole SOGIESC-related recommendation made by the Committee in 2017 was not selected for the follow-up process.

Alongside asking for LGBTI-inclusive recommendations, defenders may also suggest the Committee designates recommendations for the follow-up procedure.

Sex work and HIV/AIDs

In 2017, CED made no references to [HIV/AIDs](#) and/or [sex work](#).

Annexes

1. List of countries reviewed by Treaty Bodies in 2017

Committee SOCIESC-inclusive Concluding Observations

Committee SOGIESC-inclusive List of Issues (prior to reporting)

Committee No SOGIESC references in the Concluding Observations

Committee No SOGIESC references in the List of Issues (prior to reporting)

Afghanistan	CAT
Albania	CMW CED
Algeria	HRCtee CERD CERD CMW
Angola	CRC
Antigua and Barbuda	CRC
Argentina	CESCR CRC CAT CRPD
Armenia	CRPD CERD CERD
Australia	CESCR HRCtee CEDAW CRPD CERD CERD
Austria	CAT CED
Bahamas	CERD
Bahrain	HRCtee CAT CERD
Bangladesh	HRCtee CMW
Barbados	CEDAW CRC
Belarus	CERD CERD
Bhutan	CRC
Bosnia and Herzegovina	HRCtee CAT CRPD
Bulgaria	CEDAW CAT CRPD CERD CERD
Burkina Faso	CEDAW CEDAW
Cameroon	HRCtee CRC CAT
Canada	CRPD CERD CERD

Central African Republic	CRC
Chad	<i>HRCtee</i>
Chile	CEDAW
Colombia	CESCR CESCR <i>CAT</i>
Cook Islands	CEDAW
Costa Rica	CEDAW
Cuba	CED
Cyprus	<i>CEDAW</i> CRPD <i>CERD</i> CERD
Czech Republic	<i>HRCtee</i>
Democratic People's Republic of Korea	CEDAW CEDAW CRC CRC
Democratic Republic of the Congo	<i>HRCtee</i> <i>HRCtee</i> CRC
Denmark	CRC CRC
Djibouti	<i>CERD</i> CERD
Dominican Republic	<i>HRCtee</i> <i>HRCtee</i>
Ecuador	CRC CRC <i>CRPD</i> <i>CERD</i> CERD CMW CED
Egypt	CMW
El Salvador	CEDAW <i>CRPD</i>
Estonia	CRC
Fiji	<i>CEDAW</i>
Finland	<i>CERD</i> CERD
Gabon	<i>CED</i> CED
Gambia	<i>HRCtee</i>
Georgia	CRC
Germany	<i>CESCR</i> CEDAW
Guatemala	CEDAW CEDAW CRC CMW
Haiti	<i>CRPD</i>
Honduras	<i>HRCtee</i> CRPD <i>CED</i>
Hungary	<i>CRPD</i> <i>CERD</i>
Indonesia	CMW
Iran	CRPD
Ireland	CEDAW <i>CAT</i>

Israel	CEDAW
Italy	HRCtee CEDAW CAT
Jamaica	CMW
Japan	HRCtee
Jordan	HRCtee HRCtee CEDAW CRPD CERD CERD
Kazakhstan	
Kenya	CERD
Kuwait	CEDAW CEDAW CERD CERD
Laos	HRCtee
Latvia	CRPD CRPD
Lebanon	HRCtee CRC CAT CAT
Lesotho	CRC
Liberia	HRCtee
Libya	CMW
Liechtenstein	CESCR HRCtee
Lithuania	CED CED
Luxembourg	CAT CRPD CRPD
Madagascar	HRCtee CMW
Malawi	CRC CAT
Malaysia	CEDAW
Mali	CERD
Marshall Islands	CEDAW CRC
Mauritania	CAT
Mauritius	HRCtee HRCtee CEDAW CAT
Mexico	CESCR CEDAW CMW
Micronesia	CEDAW
Monaco	CEDAW CEDAW
Mongolia	HRCtee CRC
Montenegro	CEDAW CRC CRPD CRPD
Morocco	CRPD CRPD
Mozambique	CMW

Nauru	CEDAW CEDAW
Nepal	CRPD
Netherlands	CESCR HRCtee
New Zealand	CEDAW CAT CERD CERD
Niger	CEDAW
Nigeria	CEDAW CMW
Norway	CEDAW CEDAW CRC
Oman	CEDAW CEDAW CRPD
Pakistan	CESCR HRCtee CAT
Palau	CRC
Panama	CRC CAT CRPD CRPD
Paraguay	CEDAW CEDAW CAT
Peru	HRCtee CRPD
Qatar	CRC
Republic of Korea	CESCR CESCR CEDAW CAT
Republic of Moldova	CESCR CESCR CRC CRC CAT CRPD CERD CERD
Romania	HRCtee CEDAW CRC CAT
Russian Federation	CESCR CESCR CRPD CERD CERD
Rwanda	CEDAW CAT CAT
Saint Vincent and the Grenadines	HRCtee CRC
Saudi Arabia	CEDAW
Senegal	CED
Serbia	HRCtee CRC CAT CERD CERD
Seychelles	CRC CRPD
Singapore	CEDAW CEDAW
Slovakia	CAT CERD CERD
Slovenia	CRPD
Solomon Islands	CRC
Somalia	CAT
South Africa	CESCR
Spain	CRC CAT CRPD

Sri Lanka	CRC CESCR CEDAW
State of Palestine	CEDAW
Sudan	CRPD
Suriname	CEDAW
Swaziland	HRCtee HRCtee
Switzerland	HRCtee CAT
Tajikistan	CRC CRC CAT CERD CERD CMW
Thailand	HRCtee CEDAW
The FYR Macedonia	CAT
Timor-Leste	CAT
Tunisia	CRPD
Turkmenistan	CESCR HRCtee CEDAW
Ukraine	CEDAW
United Arab Emirates	CERD CERD
United Kingdom	CRPD CRPD
Uruguay	CESCR
Vanuatu	CRC CRC

2. Civil Society Submissions

Committee on Economic, Social and Cultural Rights

Argentina

- No SOGIESC-inclusive CSO reports published.

Australia

- Submission by the [National Association of Community Legal Centres and Kingsford Legal Centre](#) for the List of Issues (*a couple of brief references to LGBTI*)
- Submission by the [UNICEF Australia and the Australian Child Rights Taskforce](#) for the List of Issues (*a separate section on medical treatment for trans children*)
- Submission by the [Australian NGO Coalition](#) for the Session (*a separate sections on SOGI, forced sterilisation towards intersex persons and LGBTI people and health, including access to cross sex hormones*)
- Submission by the [Human Rights Watch](#) for the Session (*mentioning gay asylum seekers*)

Colombia

- Submission by [GAAT Foundation](#) to the 60th PSWG (*report on transgender people*)
- Submission by [PlataformaCol Resumen ejecutivo para ComiteDESC](#) to the 60th PSWG (*report extensively including LGBTI people*)

Germany

- Submission by [Forum Menschenrechte - TERRITORIAL OBLIGATIONS](#) to the 61st PSWG (*brief mentions to LGBTI discrimination*)
- Submission by [Joint Submission Loyola Law School and Luca Coscioni Association](#) to the 61st PSWG (*mentions exclusion of same-sex couples from Assisted Reproduction Technologies*)

Liechtenstein

- No SOGIESC-inclusive CSO reports published.

Mexico

- Submission by [Coalition Report – Colectivo Hombres, Global Initiatives for Human Rights & others \(English & Spanish\)](#) to the 60th PSWG (*report on transgender men, transgender women and intersex persons*)

Netherlands

- Submission by the [Dutch section of the International Commission of Jurists \(NJCM\)](#) for the List of Issues (*a brief reference to sexual orientation in the context of school policies*)
- Submission by [Transgender Netwerk Nederland – TNN, Nederlands Netwerk voor Intersekse/DSD – NNID and Federatie van Nederlandse verenigingen tot integratie van Homoseksualiteit – COC Nederland](#) for the Session (*specific LGBTI report*)

Pakistan

- Submission by [Centre for Social Justice](#) for the List of Issues (*a separate section on transgender persons' rights*)
- Submission by [Amnesty International](#) for the Session (*a number of references to LGBTQI, including to criminalisation and hijras*)

Republic of Korea

- Submission by [Kaleidoscope and Rainbow Action](#) to the 60th PSWG (*specific LGBTI report*)
- Submission by [South Korean Human Rights Organizations Network](#) to the 60th PSWG (*partially dedicated specifically to LGBTI persons*)
- Submission by [South Korean Human Rights Organizations Network](#) for the Session (*a section on SOGI*)
- Submission by [Rainbow Action](#) to the 60th PSWG (*specific LGBTI report*)

Republic of Moldova

- Submission by [Equal Rights Trust](#) to the to the 60th PSWG (*mentions sexual orientation and gender identity as protected categories under the right to non-discrimination*)
- Submission by [Human Rights Information Center \(HRIC\)](#) to the to the 60th PSWG (*mentions sexual orientation as protected category under the right to non-discrimination*)
- Submission by the [Reproductive Health Training Centre of Moldova](#) for the Session (brief mentioning the lack of access of same-sex couples to legal recognition)

Russian Federation

- Submission by [Anti-Discrimination Centre Memorial](#) to the to the 60th PSWG (*mentions the firing of teachers on SOGI grounds*)
- Submission by [Coalition of Civil Society Organizations](#) to the to the 60th PSWG (*specific report on LGBTI people*)
- Submission by [Equal Rights Trust](#) to the to the 60th PSWG (*specific report on LGBTI people*)
- Submission by [Russian Public Mechanism for Monitoring of Drug Policy Reform by the Andrey Rylkov Foundation for Social Justice and Health with technical assistance of the Canadian HIV/AIDS Legal Network](#) to the to the 60th PSWG (*mention to HIV transmission rate in unprotected homosexual sex*)
- Submission by [Anti-Discrimination Centre Memorial](#) for the Session (*mentions the firing of teachers on SOGI grounds*)
- Submission by [civil society coalition](#) for the Session (stand-alone LGBT report)
- Submission by [Transgender Legal Defense Project](#) for the Session (stand-alone report on trans persons)

South Africa

- Submission by [Joint Civil Society Submissions- Transgender, gender diverse and intersex persons](#) to the 61st PSWG (*specific on transgender, gender diverse and intersex persons*)
- Submission by [Joint Civil Society Submission- ESCR of Women](#) to the 61st PSWG (*addresses LGBTI issues throughout the document*)
- Submission by [Solidarity Center and the Labour Research Services \(LRS\)](#) to the 61st PSWG (*brief mentions to LGBTI issues*)

Sri Lanka

- Submission by [civil society coalition](#) for the List of Issues (*specific LGBT report*)
- Submission by [civil society coalition](#) for the Session (*a separate section on the situation of LGBTIQ persons, including criminalisation*)
- Submission by [EQUAL GROUND and Center for International Human Rights \(CIHR\) of Northwestern Pritzker School of Law](#) for the Session (*specific LGBTIQ report*)

Turkmenistan

- No SOGIESC-inclusive CSO reports published.

Uruguay

- Submission by [Colectiva Mujeres and CLADEM](#) for the List of Issues (several references to LGBTI)
- Submission by [Coalición de Organizaciones para el seguimiento del cumplimiento de las obligaciones del Estado Uruguayo al PIDESC](#) for the Session (*separate sections on LGBTI*)

Human Rights Committee

Algeria

- No SOGIESC-inclusive CSO reports published.

Australia

- Submission by [Australia's Compliance with the ICCPR](#) for the Session (*chapter on SOGIESC; violence; discrimination; medical interventions on intersex persons; LGBTI parenting; marriage equality*)
- Submission by [Intersex International Australia](#) for the Session (*specific report on the human rights violations of intersex persons*)

- Submission by [Amnesty International](#) for the Session (section on civil marriage laws/plebiscite; mentions gender identity and intersex status in the context of imprisonment of indigenous women)
- Submission by [Autistic Self Advocacy Network Australia](#) for the Session (section on the impact of being LGBTI on autistic experience; intersections in discrimination).
- Submission by [Global Human Rights Clinic](#) for the Session (mentions gay men, who are asylum seekers and refugees, been forcibly moved to Papua New Guinea and Nauru where same sex relations are criminalised.)

Bahrain

- No SOGIESC-inclusive CSO reports published.

Bangladesh

- Submission by [Front Line Defenders](#) for the Session (describing a case of murder of two LGBTI activists and its consequences for the LGBTI activism, mentioning threats and shrinking space for LGBTI HRDs)
- Submission by [civil society coalition](#) for the Session (describing the situation of Hijras; mentioning the case of killing of 2 LGBTI HRDs and criminalization)
- Submission by [civil society coalition](#) for the Session (mentioning in passing extrajudicial killings upon "sexual minorities")
- Submission by [Boys of Bangladesh](#) for the Session (a specific report on the situation of LGBTI people in the country)

Bosnia and Herzegovina

- Submission by [Sarajevo Open Centre](#) for the Session (a specific report on the situation of LGBTI people in the country)

Cameroon

- Submission by [International Gay and Lesbian Human Rights Commission](#) for the LOI/PR (criminalisation of same-sex relations; inhuman treatment of LGBTI detainees)
- Submission by [Amnesty International](#) for the LOI/PR (paragraph on imprisonment of gay men)
- Submission by [Homophobia and Violence Against Defenders of the Rights of LGBTI Persons](#) for the Session (specific report of the human rights of LGBTI HRDs)
- Submission by [Access Now](#) for the Session (mentions criminalising proposing same sex sexual relationships online)
- Submission by [Human Rights Violations Against LGBT in Cameroon](#) for the Session (a specific report on the situation of LGBT people in the country)
- Submission by [Redhac](#) for the Session (section on discrimination on the basis of sexual orientation)

Chad

- No SOGIESC-inclusive CSO reports published.

Czech Republic

- No SOGIESC-inclusive CSO reports published.

Democratic Republic of the Congo

- Submission by [CCPR Centre and Center Carter](#) for the Session (section about rights of women, children and LGBT persons)
- Submission by [MOPREDs and others](#) for the Session (specific report on situation of LGBT people in DRC)

Dominican Republic

- No SOGIESC-inclusive CSO reports published.

Gambia

- No SOGIESC-inclusive CSO reports published.

Honduras

- Submission by [La Plataforma EPU](#) for LOI (paragraphs about discrimination against and murders of LGBTI

community; mention of murders of activists Alejandra Padilla and Paola Barraza)

- Submission by [The Advocates for Human Rights](#) (murders of members of LGBTI community)
- Submission by [Amnesty International](#) for the Session (mentioning violence attacks and murders of LGBTI persons; LGBTI HRDs targeted by attacks)
- Submission by [CCPR-Centro, PI and OMCT](#) for the Session (killings of LGBTI community; mention of discrimination against LGBTI persons in education, housing; paragraphs of the murder of Yaneth Urquia and Rene Martinez)

Italy

- Submission by [A Buon Diritto & RIDH](#) for the Session (mentioning lack of LGBT focus in education)
- Submission by [Antigone & CILD](#) for the Session (a paragraph on LGBT persons in detention)
- Submission by [CILD](#) for the Session (a paragraph on same-sex families, as well as a paragraph on LGBT prisoners)
- Submission by [Antigone, OMCT & CILD](#) for the Session (a paragraph on LGBT persons in detention)
- Submission by [civil society coalition](#) for the Session (a specific report on the situation of LGBTI people in the country)
- Submission by [Center for Family and Human Rights \(C-Fam\) & Centro Studi Rosario Livatino](#) for the Session (a report claiming that the lack of same-sex marriages and adoption does not constitute violation of any international laws)
- Submission by [European Union Agency for Fundamental Rights](#) for the Session (several references to LGBT data)

Japan

- Submission by [Amnesty International](#) for LOI (dedicated to LGBT discrimination in Japan)
- Submission by [Amnesty International](#) for LOI (mentions LGBT discrimination in Japan)
- Submission by [Japan Federation of Bar Associations](#) for LOI (brief mention to SOGI discrimination)
- Submission by [Human Rights Now](#) for LOI (brief mention to SOGI discrimination)

Jordan

- No SOGIESC-inclusive CSO reports published.

Laos

- No SOGIESC-inclusive CSO reports published.

Lebanon

- Submission by [Proud Lebanon](#) for LOI (specific report on torture and abuse of LGBTI community)
- Submission by [Lebanese Centre for Human Rights](#) for LOI (mention of detention of LGBTI persons)
- Submission by [Helem](#) for LOI (specific report on protection for LGBTI persons)
- Submission by [HRW](#) for LOI (paragraph about ill-treatment and torture of LGBTI persons by security forces)

Liberia

- Submission by [Lesbian and Gay Association of Liberia](#) for LOI (specific report)
- Submission by [Joint Submission on Human Rights Violations against LGBTI Persons](#) for LOI (specific report)

Liechtenstein

- No SOGIESC-inclusive CSO reports published.

Madagascar

- Submission by [ACAT-Madagascar](#) for the Session (a paragraph on discrimination against MSM and paragraph about HIV/AIDs in the MSM community)

Mauritius

- Submission by [Young Queer Alliance](#) for the Session (sections on discrimination, violence; criminalisation of sodomy; blood donations; marriage equality)

Mongolia

- Submission by [LGBT Centre](#) for LOI (*specific LGBT report*)
- Submission by [Human Rights NGO Forum Mongolia](#) for LOI (*paragraph on discrimination against LGBTI persons*)
- Submission by [Human Rights NGO Forum Mongolia](#) for the Session (*paragraph on marriage equality*)

Netherlands

- Submission by [Dutch NGOs contribution](#) for the LOI (*mentions transgender persons*)

Pakistan

- Submission by [Bytes for All](#) for LOI (*mention of religious intolerance of LGBTI online content*)
- Submission by [HRCB](#) for the Session (*mentioning decriminalisation of same-sex relations*)
- Submission by [IFEX, PPF and RIDH](#) (*mention censorship of LGBTI website*)
- Submission by [Bytes for All](#) for the Session (*paragraph about peaceful campaigning mentions LGBTI person*)

Peru

- Submission by [Informe alternativo de la sociedad civil peruana](#) (NGO coalition) to LOIPR (*dedicates section to sexual orientation and gender identity*)
- Submission by [PROMSEX](#) to LOIPR (*recurrent mentions to SOGI issues throughout the submission*)
- Submission by [NGO Coalition](#) to LOIPR (*mentions SOGI issues throughout the submission*)

Romania

- Submission by [Center for Reproductive Rights and Euroregional Center for Public Initiatives](#) to Session (*dedicated to SOGI issues and reproductive rights*)

Saint Vincent and the Grenadines

- No SOGIESC-inclusive CSO reports published.

Serbia

- Submission by [Lawyers' Committee for Human Rights \(YUCOM\) & Belgrade Centre for Human Rights](#) for the Session (*mentioning very briefly hate crimes against LGBT*)

Swaziland

- Submission by [COSPE, SALC and CCPR-Centre](#) for the Session (*paragraph on discrimination and violence against LGBTI persons; paragraph on murders of Themba Zwane and Kayla Glover; paragraph on criminalisation of same-sex relations between men*)

Switzerland

- Submission by [Zwischengeschlecht.org, Intersex.ch & Verein SI Selbsthilfe Intersexualität](#) for LOI (*specific report of human rights violations against persons with variations of sex anatomy*)
- Submission by [Humanrights.ch and MERS](#) for LOI (*brief mention of discrimination against LGBTI persons*)
- Submission by [Joint NGO submission on Intersex Genital Mutilation](#) for the Session (*specific report of human rights violations against persons with variations of sex anatomy*)
- Submission by [FIACAT and L'ACAT-Suisse](#) for the session (*mention of discrimination based on sexual orientation*)
- Submission by [NGO Platform Human Rights](#) for the session (*paragraph about discrimination against LGBTI persons*)

Thailand

- Submission by [civil society coalition](#) for the Session (*a specific report on the situation of women and LGBTI persons in the country*)

Turkmenistan

- Submission by [Human Rights Watch](#) for the LOI (*a paragraph on criminalization of homosexuality*)
- Submission by [Human Rights Watch](#) for the Session (*a paragraph on criminalization of homosexuality*)

Australia

- No SOGIESC-inclusive CSO reports published.

Barbados

- Submission by [Equals](#) for the Session (*a specific report on LBT women*)

Bulgaria

- No SOGIESC-inclusive CSO reports published.

Burkina Faso

- No SOGIESC-inclusive CSO reports published.

Chile

- Submission by [Agrupación Lésbica Rompiendo el Silencio](#) for the 69th Session (7th periodic report) (*specific report on the situation of Chilean LBTT women*)
- Submission by [Amnesty International](#) for the 69th Session (*specific report on intersectional factors including sexual orientation, gender identity, childhood, and health*)
- Submission by [Asociación OTD Chile “Organizando Trans Diversidades”](#) (*specific report on the situation of Chilean transgender women and girls*)
- Submission by [NGO Coalition](#) for the 69th Session (“LGBTI” section, page 6-7)
- Submission by [NGO Coalition](#) to the List of Issues (*report extensively dedicated to gender identity and sexual orientation*)
- Submission by [Movilh, Miles and SITST Amanda Jofré](#) (*report on LGBTI women regarding legislation and politics*)
- Submission by [Office for the Defense of Rights Intersectionality](#) to the 71st Pre-Sessional Working Group (*report on transgender discrimination in Chile*)

Cook Islands

- No SOGIESC-inclusive CSO reports published.

Costa Rica

- Submission by [Coalición feminista para el avance de los derechos de las mujeres](#) for the Session (*chapters on LBT, including a specific part on trans women and older women*)

Cyprus

- Submission by [Joint NGO Submission](#) for the 70th PSWG (*extensive mentions to gender identity, sexual orientation, LBT women*)

Democratic People’s Republic of Korea

- No SOGIESC-inclusive CSO reports published.

El Salvador

- Submission by [the Advocates for Human Rights](#) for the PSWG (three paragraphs on harassment, discrimination and violence against LGBT persons, including killings of transgender persons and particularly vulnerable situation of transgender women, and relevant recommendations)

Fiji

- Submission by [Fiji Women's Rights Movement](#) for the 69th Session (section dedicated to LGBTIQ community and on relevant legislation and policies)
- Submission by [Fiji NGO Coalition on CEDAW Parallel Report \(2017\)](#) to the PSWG (report including data on transgender sex workers, same sex relationships, and non-discrimination recommendations)

Germany

- Submission by [Aktion Transsexualität und Menschenrecht](#) for the PSWG (specific report on the situation of "people with transsexuality")
- Submission by [the CEDAW Alliance of Civil Society Organizations in Germany](#) for the PSWG (specific section on trans and intersex rights and relevant questions related to compensation for forced sterilization for trans persons and medical interventions towards intersex kids; issue of educational measures against LGBTIQ discrimination and need for LGBTIQ-sensitive work environment)
- Submission by [the CEDAW Alliance of Civil Society Organizations in Germany](#) for the Session (homo- and transphobia in sport, barriers to participation for trans and intersex women and gender-queer persons, sterilization towards intersex persons, discrimination of same-sex couples in access to ART, discrimination of LGBTIQ and gender non-conforming adolescents in education; recommendations on combating discrimination of trans persons, on introducing intersex category into vital records, coverage for transition-related health services and intersex statistics, on compensation for sterilization for trans and intersex persons, on the appropriate health care services for intersex persons, on ensuring access to ART without discrimination on ground of sexual identity, need for addressing LGBTIQ (of colour) in trainings for teachers, need for addressing LGBTIQ in the reception camps for refugees, on public information campaigns on diverse gender identities, including LGBTIQ of colour, etc)
- Submission by [LSVD](#) for the Session (specific report on the situation of LBTI persons)
- Submission by [OII Germany](#) for the Session (specific report on the situation of intersex people)
- Submission by [Zwischengeschlecht.org / StopIGM.org](#) for the PSWG (specific report on the situation of intersex people)
- Submission by [Zwischengeschlecht.org / StopIGM.org](#) for the Session (specific report on the situation of intersex people)
- Submission by [TransInterQueer e.V.](#) for the PSWG (specific report on the situation of transgender women/ individuals)
- Submission by [TransInterQueer e.V.](#) for the Session (specific report on the situation of transgender women/ individuals, including trans female refugees and sex workers)
- Submission by [VENRO](#) for the PSWG (mentioning exclusion of lesbian and trans women from HIV/AIDS programs and gender-based violence prevention programs and proposing relevant recommendations)

Guatemala

- Submission by [Redlac](#) for the session (LGBTI mentioned in regard to discriminatory legislation and cultural stereotypes and practices in family life)

- Submission by [REDNOVI](#) for the session (*religious teaches promoting discrimination against LGBTI; discrimination against LGBTI communities in health care and reproductive services; sexual orientation mentioned in regard to the National Program to prevent STIs, HIV and AIDS; legislation protecting the rights of LGBTI persons*)
- Submission by [Red de Jóvenes para la Incidencia Política \(INCIDEJOVEN\) y Red Latinoamericana de Jóvenes por los Derechos Sexuales \(RedLAC\) y Humanistas, Guatemala joint submission](#) to the 68th Session (*report mentioning LGBTI issues paras. 14 to 19*)
- Submission by [Alianza Estratégica Mujeres CEDAW Guatemala](#) to the 68th Session (*report mentioning LGBTI issues*)

Ireland

- Submission by [the Irish Penal Reform Trust](#) for the Session (*a paragraph on LBT women in prisons and relevant recommendation*)
- Submission by [Amnesty International](#) for the Session (*references to transgender sex workers*)
- Submission by [Ruhama](#) for the Session (*mentioning lack of criminal liability for homosexuality and same-sex marriages, as well as vulnerability of trans women in relation to 'prostitution'*)
- Submission by [Sex Workers Alliance Ireland](#) for the PSWG (*mentioning trans sex workers in passing*)
- Submission by [Sex Workers Alliance Ireland](#) for the Session (*mentioning gender identity as one of the factors influencing the situation of sex workers*)
- Submission by [Zwischengeschlecht.org / StopIGM.org](#) for the Session (*specific report on the situation of intersex people*)

Israel

- Submission by [Isha L'Isha](#) for LOI/PR (*mentions included single-sex couples in surrogacy*)
- Submission by [Working Group on the Status of Palestinian Women Citizens of Israel](#) for LOI/PR (*mentions Ministry of Education keeping LGBTI issues out of curriculum in Palestinian schools but encouraging it in Jewish Israeli schools*)

Italy

- Submission by [Zwischengeschlecht](#) for the Session (*a separate intersex report*)
- Submission by [Italian Platform](#) for the Session (*mention discrimination, education and employment*)
- Submission by [Italian Network for Women's Rights](#) for the Session (*mention of discrimination; patriarchal attitudes in education*)

Jordan

- No SOGIESC-inclusive CSO reports published.

Kenya

- Submission by [National Gay and Lesbian Human Rights Commission](#) for PSWG (*specific report about LGBTIQ women situation in Kenya*)
- Submission by [Network for Adolescents and others](#) for the Session (*section on discrimination against lesbian, bisexual and transgender women; health care for LGBTI persons*)

Kuwait

- No SOGIESC-inclusive CSO reports published.

Malaysia

- Submission by [Human Rights Watch](#) to the 69th PSWG (report including criminalization of transgender identities, legal gender recognition, criminalization of same-sex conducts)
- Submission by [Women's Aid Organisation \(WAO\) & Joint Action Group for Gender Equality \(JAG\)](#) to the PSWG (report including topics on gender identity and sexual orientation)
- Submission by [Women's Aid Organisation \(WAO\) & Joint Action Group for Gender Equality \(JAG\)](#) to the 69th Session (report including topics on gender identity and sexual orientation)

Mauritius

- Submission by [Young Queer Alliance](#) to the PSWG (report on LBT women, including healthcare, social security and protection, violence, discrimination, harassment, sexual offences and anti-sodomy legislation, marriage and spousal benefits, and suggested questions to the State party)

Mexico

- Submission by [EQUIS Justicia para las Mujeres](#) to the 70th PSWG (brief mention to lesbian women)

Micronesia

- No SOGIESC-inclusive CSO reports published.

Monaco

- No SOGIESC-inclusive CSO reports published.

Montenegro

- Submission by [European Roma Rights Centre](#) for PSWG (mentioning homosexuals as a group suffering discrimination)
- Submission by [Joint NGO Submission](#) for the Session (mentioning discrimination; paragraph about lesbian women in public life and in the LGBT movement)
- Submission by [Juventas](#) for the Session (paragraphs about LBT women's "quality of life"; LBT women in prison)

Nauru

- No SOGIESC-inclusive CSO reports published.

New Zealand

- Submission by [Te Whāriki Takapou, the Abortion Law Reform Association of New Zealand \(ALRANZ\), and Family Planning New Zealand](#) for 70th PSWG (report including mention to trans-men and gender non-conforming people pregnancy)
- Submission by [NCWNZ joint submission](#) to the 70th PSWG (report with extensive mentions to lesbian and trans women, and some mentions to bisexual women and intersex persons)

- Submission by [Pacific Women's Watch - New Zealand \(PWW\(NZ\)\)](#) to 70th PSWG (report with mentions to LGBTI persons)

Niger

- No SOGIESC-inclusive CSO reports published.

Nigeria

- Submission by [HRW](#) for the PSWG (research conducted into the rights of LGBT people; interviews with LGBT community; criminalisation of same-sex relations)
- Submission by [Nigeria Sex Workers Association](#) for the Session (mention LBT sex workers)
- Submission by [Women's Health and Equal Rights Initiative](#) (Human Rights Violations, Discriminatory Laws and Practices Against Lesbian, Bisexual and other Sexual Minority Women; criminalisation of same-sex relations; right to life, liberty and security)

Norway

- Submission by [Joint NGOs](#) for PSGW (sexual orientation mentioned in regard to non-discrimination legislation; LBT women mentioned as vulnerable group)
- Submission by [PION](#) for the Session (mentions safety of transgender sex workers)

Oman

- No SOGIESC-inclusive CSO reports published.

Paraguay

- Submission by [RENADDHH](#) for the Session (section of violence against LGBTI community)
- Submission by [Joint NGOs](#) for the Session (mentions discrimination in education on the grounds of sexual orientation and gender identity; institutional violence against transgender sex workers; mentions LT women unrepresented in public and political life; mentions discrimination against lesbians in prison)
- Submission by [TEDIC](#) for the Session (mentions denouncement of trans persons gender identity on social media)

Romania

- Submission by [E-Romnja](#) for LOI/PR (sexual identity mentioned in passing)
- Submission by [Joint NGO submission](#) for the Session (paragraph about attitudes of the church towards LBT women and discrimination in education; intersecting with Roma ethnic group)

Rwanda

- Submission by [CCPR-Centre](#) for the PSWG (citing the delegation's reply about general non-discrimination to a question on LGBTI persons by the HRCtee)

Singapore

- Submission by [Project X](#) for the Session (section on issues specific to transgender sex workers)
- Submission by [Joint NGO](#) for the Session (notes VAW from marginalised groups (LGBT); section about situation for LBT women with focus on media portrayal; LGBT mentioned in education section)

Sri Lanka

- Submission by [civil society coalition](#) for the Session (*several references to trans sex workers in a report on the status of women sex workers in the country*)
- Submission by [Equal Ground](#) for the PSWG (*specific report on the situation of LB women*)
- Submission by [Equal Ground](#) for the Session (*specific report on the situation of LB women*)
- Submission by [the Women and Media Collective](#) for the Session (*several references to LBT persons and relevant recommendations, including those on decriminalization*)
- Submission by [the Kaleidoscope Human Rights Foundation](#) for the Session (*specific report on the situation of LGBTI persons*)
- Submission by [National Fisheries Solidarity Movement \(Negombo\)](#) for the Session (*several references and recommendations related to the situation of transgender women/people*)
- Submission by [the Women and Media Collective](#) for the Session (*specific report on discrimination of LB women and transgender people*)
- Submission by [civil society coalition](#) for the PSWG (*specific chapter on LBT rights*)

State of Palestine

- No SOGIESC-inclusive CSO reports published.

Thailand

- Submission by [Cross Cultural Foundation](#) for the Session (*information about the violent backlash after the broadcast of a documentary about a LGBT football club*)
- Submission by [Empower Foundation Thailand](#) for the Session (*information about transgender sex workers*)
- Submission by [PATANI](#) for the Session (*brief recommendation to State to introduce definitions of gender, gender orientation to law*)
- Submission by [Thai Women's CSOs](#) for PSGW (*LBT women mentioned in paragraph about women's health; LBT women mentioned in paragraph about media*)
- Submission by [TEA](#) for the Session (*Discrimination and Violence Against Women and LGBTI Persons; homophobic rape*)

Turkmenistan

- No SOGIESC-inclusive CSO reports published.

Ukraine

- Submission by [ADC "Memorial"](#) for the Session (*specific chapter on SOGI in Crimea and Donbass, a couple of other references to LGBTI rights and relevant recommendations*)
- Submission by [civil society coalition](#) for the Session (*two recommendations to combat violence and other violations related to SOGI*)
- Submission by [LGBTQI Organization "Insight"](#) for the Session (*specific report on the situation of LB women and TI people*)

- Submission by [civil society coalition](#) for the PSWG (mentioning “sexual minorities” among the women affected by multiple discrimination in a proposed question)
- Submission by [civil society coalition](#) for the PSWG (mentioning “sexual minorities” among other groups in a recommendation to take into account needs and risks of different groups of internally displaced people)
- Submission by [civil society coalition](#) for the Session (a report on the situation of women who use drugs, women living with HIV, sex workers and LB women and trans people)

Committee on the Rights of the Child

Angola

- No SOGIESC-inclusive CSO reports published.

Antigua and Barbuda

- No SOGIESC-inclusive CSO reports published.

Argentina

- Submission by [Stop IGM](#) for the PSWG (report on intersexuality and genital mutilation)
- Submission by [Derecho de Infancia y Adolescencia](#) for the PSWG (mentions SOGI issues in relation to health)
- Submission by [Argentina’s Committee for Monitoring and Implementation of the Convention on the Rights of the Child](#) for the PSWG (mentions gender identity issues)

Barbados

- No SOGIESC-inclusive CSO reports published.

Bhutan

- No SOGIESC-inclusive CSO reports published.

Cameroon

- Submission by [ASSEJA \(Association Enfants, Jeunes et Avenir\) and ECPAT](#) for the PSWG (brief reference to criminalisation)
- Submission by [Center for Family and Human Rights \(C-Fam\)](#) for the Session (basically a conservative report justifying limitation of LGBTI rights)
- Submission by [the Institute on Statelessness and Inclusion and Citizens Governance Initiatives \(CGI\)](#) for the Session (referring to the SOGIESC reference in the List of Issues)

Central African Republic

- No SOGIESC-inclusive CSO reports published.

Democratic People’s Republic of Korea

- No SOGIESC-inclusive CSO reports published.

Democratic Republic of the Congo

- No SOGIESC-inclusive CSO reports published.

Denmark

- Submission by [Greenland Children and Youth Panel](#) for PSWG (*anecdotal evidence of bullying of LGBTI children*)
- Submission by [StopIGM, Zwischengeschlecht](#) for PSWG (*specific report on rights of intersex persons*)
- Submission by [LGBT Denmark](#) for the Session (*whole report dedicated to LGBTI children*)
- Submission by [Stop IGM](#) for the Session (*whole report dedicated to intersex children*)

Ecuador

- Submission by [Bullying Ninxs](#) for PSWG (*specific report on bullying of LGBTI children and adolescents*)
- Submission by [Movimiento de Ninas, Ninos y Adolescentes](#) for the Session (*paragraph on discrimination statistics*)
- Submission by [NGO Coalition Consultation Children and Adolescents](#) for the Session (*paragraph on education rights and research on discrimination experienced by LGBT children*)
- Submission by [NGO People and Social Organizations of Ecuador](#) for the Session (*paragraphs on sexual education for LGBTI persons*)
- Submission by [Coalición Nacional de Mujeres del Ecuador](#) for the Session (*briefly mentions teenager women with diverse sexual identities*)

Estonia

- Submission by [Estonian Union for Child Welfare](#) for the PSWG (*brief references to legislation: no SOGI in Equal Treatment Act and hate crime legislation; SO in the Registered Partnership Act*)

Georgia

- Submission by [Georgian Coalition for Children and Youth Welfare](#) for the PSWG (*a paragraph on the right to education for LGBT children; noting need for promote tolerance to SOGI in school books*)

Guatemala

- Submission by [Nuestra Voz](#) for the PSWG (*addresses LGBTI children*)
- Submission by [Red Niño-Niña](#) for the PSWG (*mentions sexual orientation*)

Lebanon

- No SOGIESC-inclusive CSO reports published.

Lesotho

- No SOGIESC-inclusive CSO reports published.

Malawi

- Submission by [Centre for Human Rights and Rehabilitation \(CHRR\) and the Centre for the Development of People \(CEDEP\)](#) for the Session (*specific report on the situation of intersex children*)

Marshall Islands

- No SOGIESC-inclusive CSO reports published.

Mongolia

- Submission by [Cultural Survival](#) for the PSWG (*mentioning SOGI UPR recommendation*)
- Submission by [NGO Cultural Survival](#) for the Session (*mentions SOGI for the second review*)

Montenegro

- No SOGIESC-inclusive CSO reports published.

Norway

- No SOGIESC-inclusive CSO reports published.

Palau

- Submission by **Kaleidoscope** for the PSWG (*report dedicated to LGBTI persons*)

Panama

- No SOGIESC-inclusive CSO reports published.

Qatar

- No SOGIESC-inclusive CSO reports published.

Republic of Moldova

- No SOGIESC-inclusive CSO reports published.

Romania

- Submission by [Save the Children](#) for the Session (*dedicates non-discrimination section to address LGBT children*)

Saint Vincent and the Grenadines

- No SOGIESC-inclusive CSO reports published.

Serbia

- Submission by [civil society coalition](#) for the PSWG (*briefly mentioning “sexual minorities” among other groups in statistics on awareness of discrimination*)

Seychelles

- No SOGIESC-inclusive CSO reports published.

Solomon Islands

- No SOGIESC-inclusive CSO reports published.

Spain

- Submission by [Carta CoPPA](#) for the Session (*dedicated to genital mutilation of intersex children*)
- Submission by [Stop IGM](#) for the Session (*dedicated to genital mutilation of intersex children*)
- Submission by [Ararteko, Ombudsman of the Basque Country](#) for the PSWG (*briefly mentions SOGI issues*)
- Submission by [Plataforma de Infancia](#) for the PSWG (*dedicates a part of the report to LGBT persons*)
- Submission by [Sindic de Greuges-Catalan Ombudsman](#) for the PSWG (*mentions SOGI issues*)

Sri Lanka

- Submission by [Sexual Violence against men and boys in Sri Lanka](#) (*mentions SOGI as a possible cause of sexual assault in the country*)
- Submission by [Equal Ground](#) for the PSWG (*dedicated to SOGIESC issues*)

Tajikistan

- No SOGIESC-inclusive CSO reports published.

Vanuatu

- No SOGIESC-inclusive CSO reports published.

Committee against Torture

Afghanistan

- Submission by [Civil Society and Human Rights Network](#) for the Session (*a paragraph on Bachabazi, "dancing boys" or "boys play"*)

Antigua and Barbuda

- No SOGIESC-inclusive CSO reports published.

Argentina

- Submission by [civil society coalition](#) for the Session (*mentioning trans persons in passing*)
- Submission by [civil society coalition](#) for the Session (*a paragraph on trans migrant persons*)
- Submission by [Asociación Pensamiento Penal \(APP\)](#) for the Session (*mentioning homosexuality in the context of vulnerable groups*)
- Submission by [la Comisión Provincial por la Memoria de la provincia de Buenos Aires](#) for the Session (*a paragraph on and more references to gender identity*)
- Submission by [Centro de Estudios Legales y Sociales \(CELS\)](#) for the Session (*mentioning LGBT*)
- Submission by [Justicia Intersex and StopIGM.org / Zwischenengeschlecht.org](#) for the Session (*a report on IGM*)

- Submission by [Otrans Argentina](#) for the Session (*a report on the situation of transvestites and trans women deprived of their liberty in the Province of Buenos Aires, Argentina*)
- Submission by [Red Nacional de Derechos Humanos](#) for the Session (*brief references to the situation of trans people in detention*)

Austria

- Submission by [Verein Intersexueller Menschen Österreich & Zwischengeschlecht](#) for the List of Issues Prior to Reporting (*on the rights of intersex persons*)

Bahrain

- Submission by [REDRESS](#) for the Session (*a brief reference to criminalization in relation to a specific case*)

Bosnia and Herzegovina

- Submission by [Sarajevo Open Centre](#) for the session (*a specific report on hate crimes against LGBTI persons*)

Bulgaria

- Submission by [Bulgarian Helsinki Committee](#) for the Session (*mention of discrimination, violence and hate crime on the basis of sexual orientation and gender identity*)

Cameroon

- Submission by [Coalition of NGOs Working on LGBTI](#) for the Session (*specific report on the rights of LGBTI persons*)
- Submission by [Coalition of NGOs](#) for the Session (*section on rights of LGBTI persons; addresses criminalisation*)

Colombia

- Submission by [International Rehabilitation Council for Victims of Torture](#) to the List of Issues Prior to Reporting (*addresses LGBTI people*)
- Submission by [Coalición Colombiana contra la Tortura](#) to the List of Issues Prior to Reporting (*largely addresses LGBTI issues*)
- Submission by [Info from Civil Society Organizations \(for LOIPR\) Fundación Grupo de Acción y Apoyo a Personas Trans](#) to the List of Issues Prior to Reporting (*dedicated to the rights of trans persons*)

Ireland

- Submission by [ICCL](#) for the LOI (*mentions training of law enforcement personnel in LGBT education*)
- Submission by [Irish Human Rights and Equality Commission](#) for the Session (*mention of data and policy deficit in relation to transgender persons*)
- Submission by [Spirasi](#) for the Session (*mentions living conditions for LGBTI persons living in rehabilitation centres*)
- Submission by [Thematic Intersex NGO](#) for the Session (*specific report on the rights of intersex persons*)

- Submission by [EU Agency for Fundamental Rights](#) for the Session (*paragraph on transgender persons detained in centres based on their sex characteristics rather than gender identity*)

Italy

- Submission by [Associazione Antigone Onlus & World Organization Against Torture](#) for the Session (*section on same-sex marriage equality*)
- Submission by [Associazione Radicale Certi Diritti, OII Italy, Associazione Luca Coscioni & Radicali Italiani](#) for the Session (*specific report on torture and ill-treatment of LGBTI persons*)

Lebanon

- Submission by [ALEF – Act for Human Rights](#) for the Session (*mentioning LGBT persons among groups at greatest risk of torture, describing a case of criminal proceedings and forced anal examination*)
- Submission by [civil society coalition](#) for the Session (*a chapter on abuses against LGBTI persons*)
- Submission by [Alkarama Foundation](#) for the Session (*mentioning vulnerability of LGBT persons in detention*)
- Submission by [Human Rights Watch](#) for the Session (*several references to LGBT people in detention*)
- Submission by [Lebanese Center for Human Rights](#) for the Session (*references to criminalization and anal examinations*)
- Submission by [Proud Lebanon](#) for the Session (*specific LGBTI report*)

Luxembourg

- Submission by [StopIGM.org](#) to the List of Issues Prior to Reporting (*on Genital Mutilation, Lack of Protection for Intersex Persons, Lack of Data Collection and Monitoring*)

Malawi

- No SOGIESC-inclusive CSO reports published.

Mauritania

- No SOGIESC-inclusive CSO reports published.

Mauritius

- No SOGIESC-inclusive CSO reports published.

New Zealand

- Submission by [Intersex Trust Aotearoa New Zealand](#) to the List of Issues Prior to Reporting (*on genital mutilation, education, work and health of intersex persons*)
- Submission by [StopIGM & Zwischengeschlecht](#) to the List of Issues Prior to Reporting (*Intersex Genital Mutilations Human Rights Violations Of Persons With Variations Of Sex Anatomy*)

Pakistan

- Submission by [ICJ and the Human Rights Commission of Pakistan](#) for the Session (*brief reference to police brutality towards trans persons*)

Panama

- Submission by [Alianza Pro Igualdad](#) for Session (*paragraph on violence and discrimination against LGBTI persons; ill-treatment of trans women in penitentiaries*)

Paraguay

- Submission by [CODEHUPY](#) for the Session (*paragraph on absence of LGBTI protection in policy; paragraph on abuses against trans persons in detention centres*)
- Submission by [Human Rights Network](#) for the Session (*paragraph on institutional violence, harassment and rape by national police forces against trans sex workers*)

Republic of Korea

- Submission by the [Rainbow Action against Sexual Minority Discrimination](#) for the Session (*a specific report on SOGI and HIV*)
- Submission by the [civil society coalition](#) for the Session (*a chapter on LGBT persons*)

Republic of Moldova

- Submission by [Equal Rights Trust](#) for the Session (*mentions the Special Rapporteurs comments on LGBT persons*)

Romania

- No SOGIESC-inclusive CSO reports published.

Rwanda

- No SOGIESC-inclusive CSO reports published.

Serbia

- Submission by [Gayten-LGBT - Shadow report](#) to the List of Issues Prior to Reporting (*human rights of LGBTIQ people in Serbia*)

Slovakia

- No SOGIESC-inclusive CSO reports published.

Somalia

- No SOGIESC-inclusive CSO reports published.

Spain

- No SOGIESC-inclusive CSO reports published.

Switzerland

- Submission by [StopIGM.org](#) to the List of Issues Prior to Reporting (*Intersex Genital Mutilations Human Rights Violations Of Persons With Variations Of Sex Anatomy*)
- Submission by [Core Group of the NGO Platform Humanrights.ch](#) to the List of Issues Prior to Reporting (*addresses LGBT people in general and Intersex persons in specific*)

Tajikistan

- Joint submission by the [International Partnership for Human Rights \(IPHR\)](#) and the [Helsinki Foundation for Human Rights](#) for the List of Issues (*whole section dedicated to torture and ill-treatment of LGBT people*)

The FYR Macedonia

- Submission by [Helsinki Committee for Human Rights](#) for the List of Issues Prior to Reporting (*addresses violence against LGBTI persons*)

Timor-Leste

- Submission by [Timor-Leste NGO Coalition](#) for the Session (*brief section on ill-treatment of LGBTI persons*)

Committee on the Rights of Persons with Disabilities

Argentina

- No SOGIESC-inclusive CSO reports published.

Armenia

- No SOGIESC-inclusive CSO reports published.

Australia

- Submission by [OII Australia](#) for the LOI/PR (*specific report on situation for intersex persons*)
- Submission by [AHRC](#) for the LOI/PR (*paragraph about medically unnecessary surgery on intersex persons*)
- Submission by [Disabled People's Organisations Australia](#) for the LOI/PR (*paragraph about access to health care for intersex persons and same-sex couples*)

Bosnia and Herzegovina

- No SOGIESC-inclusive CSO reports published.

Bulgaria

- Submission by [Bulgaria Helsinki Committee](#) for PSWG (*SOGI mentioned in passing in regard to non-discrimination and children with disabilities*)

Canada

- Submission by the [Canadian Human Rights Commission](#) for the List of Issues (*a separate chapter titled "Trans and Gender Diverse Individuals")**
- Submission by the [DAWN-RAFH Canada](#) for the List of Issues (*a paragraph on LGBTTIQQ2SAA persons with disabilities*)
- Submission by the [Mad Canada Shadow Report Group](#) for the List of Issues (*references to transgender persons in mental health treatment facilities and different sexualities*)

- Submission by [Egale Canada Human Rights Trust](#) for the Session (*the situation of LGBTQI2S persons with disabilities*)
- Submission by the [Mad Canada Shadow Report Group](#) for the Session (*references to transgender persons in mental health treatment facilities and different sexualities; a recommendation on training for professionals*)

Cyprus

- Submission by the [Pancyprrian Alliance for Disability](#) for the Session (*noting no information or measures related to SO that was mentioned in the List of Issues*)

Ecuador

- No SOGIESC-inclusive CSO reports published.

El Salvador

- No SOGIESC-inclusive CSO reports published.

Haiti

- Submission by [Organisations Non Gouvernemental-Rapport alternatif-République d'Haiti](#) for the PSWG (*mentions SOGI issues and sexual abuses*)

Hungary

- No SOGIESC-inclusive CSO reports published.

Honduras

- No SOGIESC-inclusive CSO reports published.

Iran (Islamic Republic of)

- Submission by 6Rang for the Session (*a specific LGBT report*)

Jordan

- Submission by [Equal Rights Trust](#) for the Session (*describing a case of a gay person in the chapter on involuntary institutionalization*)

Latvia

- No SOGIESC-inclusive CSO reports published.

Luxembourg

- Submission by [Nemme Mat Eis and Luxembourg DPOs](#) for the LOI and Session (*mentions Equal Treatment Centre*)

Montenegro

- No SOGIESC-inclusive CSO reports published.

Morocco

- No SOGIESC-inclusive CSO reports published.

Nepal

- Submission by [Indigenous Peoples from Nepal](#) for the PSWG (*LG mentioned in passing as intersectional issue*)

Oman

- No SOGIESC-inclusive CSO reports published.

Panama

- No SOGIESC-inclusive CSO reports published.

Peru

- No SOGIESC-inclusive CSO reports published.

Republic of Moldova

- No SOGIESC-inclusive CSO reports published.

Russian Federation

- No SOGIESC-inclusive CSO reports published.

Seychelles

- No SOGIESC-inclusive CSO reports published.

Slovenia

- No SOGIESC-inclusive CSO reports published.

Spain

- Submission by [Instituto de paz, derechos humanos y vida independiente \(IPADEVI\)](#) for the PSWG (*report on LGBTI issues*)

Sudan

- No SOGIESC-inclusive CSO reports published.

Tunisia

- No SOGIESC-inclusive CSO reports published.

United Kingdom

- Submission by [Zwischengeschlecht](#) for the Session (*specific report on rights of intersex persons*)
- Submission by [UK's Disabled People's Organization](#) for the Session (*mention of obstacles faced by trans women with disabilities*)
- Submission by [World of Inclusion](#) for the Session (*paragraph about sexual education in schools*)

- Submission by [Reclaiming Our Future Alliance](#) for LOI (*mentions women with disabilities who are disproportionately impacted*)
- Submission by [Inclusion Scotland](#) for LOI (*mentions absence of data on LGBTIQ hate crime*)
- Submission by [Sisters of Frida](#) for LOI (*paragraph on rates of violence against LBT women with disabilities*)

Committee on the Elimination of Racial Discrimination

Algeria

- No SOGIESC-inclusive CSO reports published.

Armenia

- Submission by the [Anti-Discrimination Centre “Memorial”](#) for the Session (*briefly mentioning homophobic cases*)
- Submission by [civil society coalition](#) for the Session (*a number of references to SOGIESC*)

Australia

- Submission by [Amnesty International](#) for the Session (*briefly mentions prohibition to SOGI discrimination*)
- Submission by [Australian NGO Coalition](#) for the Session (*briefly mentions sexual orientation discrimination prohibition*)

Bahamas

- No SOGIESC-inclusive CSO reports published.

Bahrein

- No SOGIESC-inclusive CSO reports published.

Belarus

- No SOGIESC-inclusive CSO reports published.

Bulgaria

- No SOGIESC-inclusive CSO reports published.

Canada

- Submission by Canadian Alliance for Sex Work Law Reform (*mentions LBT women who are sex workers*)
- Submission by [Colour of Poverty](#) for the Session (*mentions SOGIESC data collection; paragraph on LGBTIQ2S refugee claims*)
- Submission by [Centre for Research Action on Race-Relations](#) (*mentioned in relation to hate-speech and hate-crime*)

Cyprus

- Submission by [Accept LGBT – Cyprus and Envision Diversity Association](#) for the List of Themes (*specific LGBTI report*)
- Submission by [KISA – Action for Equality, Support, Antiracism](#) for the Session (*mentioning a case of homophobic hate speech*)

Djibouti

- No SOGIESC-inclusive CSO reports published.

Ecuador

- Submission by [Collaborator Committee for the defense of territory](#) for the Session (brief mention to sexual violence against LGBTI people)
- Submission by [Fundación de Desarrollo Social Afro ecuatoriana Azúcar](#) for the Session (brief mention to sexual orientation as grounds for discrimination)
- Submission by [Lourdes Tibán - RIDH](#) for the Session (mentions prohibition of SOGI discrimination)

Finland

- Submission by [SETA](#) for the List of Themes (*specific LGBTI report*)
- Submission by [SETA](#) for the Session (*specific LGBTI report*)
- Submission by [Amnesty International](#) for the Session (*mentioning SO in passing*)
- Submission by [Finnish League for Human Rights](#) for the Session (*mentioning SO in passing*)

Hungary

- No SOGIESC-inclusive CSO reports published.

Jordan

- No SOGIESC-inclusive CSO reports published.

Kenya

- No SOGIESC-inclusive CSO reports published.

Kuwait

- No SOGIESC-inclusive CSO reports published.

Mali

- No SOGIESC-inclusive CSO reports published.

New Zeland

- No SOGIESC-inclusive CSO reports published.

Republic of Moldova

- Submission by [Human Rights Information Center \(HRIC/CIDO\)](#) for the Session (*mentioning SO in passing*)

- Submission by the [Promo-LEX Association and Anti-Discrimination Centre “Memorial”](#) for the Session (*briefly mentioning cases of homophobic hate speech*)

Russia

- Submission by [Anti-Discrimination Centre Memorial, FIDH, Crimea SOS and SOVA Center](#) for the Session (*data on anti-LGBT attacks*)
- Submission by [Crimean Human Rights Group](#) for the Session (*mentions sexual minorities discrimination in Crimea*)

Serbia

- Submission by [Praxis, League of Roma - SKRUG, Institute on Statelessness and Inclusion, European Network on Statelessness and European](#) for the Session (*mentions SOGI and hate crimes*)
- Submission by [Equality and CHRIS](#) for the Session (*mentions SOGI and hate crimes*)
- Submission by [Global Initiative for Economic, Social and Cultural Rights \(GI-ESCR\) and the Lawyer’s Committee for Human Rights \(YUCOM\)](#) for the Session (*briefly mentions LGBT persons*)

Slovakia

- No SOGIESC-inclusive CSO reports published.

Tajikistan

- No SOGIESC-inclusive CSO reports published.

United Arab Emirates

- No SOGIESC-inclusive CSO reports published.

Committee on Migrant Workers

Albania

- No SOGIESC-inclusive CSO reports published.

Algeria

- No SOGIESC-inclusive CSO reports published.

Bangladesh

- No SOGIESC-inclusive CSO reports published.

Ecuador

- No SOGIESC-inclusive CSO reports published.

Egypt

- No SOGIESC-inclusive CSO reports published.

Guatemala

- Submission by [Grupo Articulador de Sociedad Civil en Materia Migratoria para Guatemala \(2017\)](#) to the Session (*mentions LGBTI population*)

Indonesia

- Submission by [Coalition of Indonesian Migrant Workers Unions](#) to the Session (*mentions discrimination based on sexual and/or gender identity*)

Jamaica

- No SOGIESC-inclusive CSO reports published.

Libya

- No SOGIESC-inclusive CSO reports published.

Madagascar

- No SOGIESC-inclusive CSO reports published.

Mexico

- Submission by [Amnesty International](#) to the Session (*mentions LGBTI issues, risk of migration and effect of policies*)
- Submission by [Human Rights Commission of the Federal District](#) to the Session (*dedicates a section to LGBTI vulnerability*)
- Submission by [Comisión Mexicana de Defensa y Promoción de los Derechos Humanos \(August 2017\)](#) to the Session (*dedicates a section to LGBTI people*)
- Submission by [Comisión Mexicana de Defensa y Promoción de los Derechos Humanos \(ANEXO\)](#) to the Session (*dedicates a section to LGBTI people*)
- Submission by [Joint submission_ CSOs from Mexico, North and Central America \(2017\)_Executive Summary \(EN/SP\)](#) to the Session (*mentions LGBTI population*)
- Submission by [Centro de Derechos Humanos Fray Matías](#) to the 27th Session (*mentions LGBTI population*)
- Submission by [Comisión Mexicana de Defensa y Promoción de los Derechos Humanos \(Insumos\)](#) to the Session (*dedicates a section to LGBTI people*)
- Submission by [Joint submission_ CSOs from Mexico, North and Central America \(2017\)_Informe alternativo](#) to the Session (*mentions LGBTI population*)
- Submission by [Misión Internacional de Verificación](#) to the Session (*mentions LGBTI population*)
- Submission by [Joint submission by CSO - Mexico \(in English\) \(2016\)/Joint submission by CSO - Mexico \(in Spanish\) \(2016\)](#) to the Session (*mentions LGBTI population*)

Mozambique

- No SOGIESC-inclusive CSO reports published.

Nigeria

- No SOGIESC-inclusive CSO reports published.

Tajikistan

- No SOGIESC-inclusive CSO reports published.

Committee on Enforced Disappearances

Albania

- No SOGIESC-inclusive CSO reports published.

Austria

- No SOGIESC-inclusive CSO reports published.

Cuba

- No SOGIESC-inclusive CSO reports published.

Ecuador

- No SOGIESC-inclusive CSO reports published.

Gabon

- No SOGIESC-inclusive CSO reports published.

Honduras

- No SOGIESC-inclusive CSO reports published.

Lithuania

- No SOGIESC-inclusive CSO reports published.

Senegal

- No SOGIESC-inclusive CSO reports published.

3. Number of SOGIESC references in TB Concluding Observations (2014–2017)

	All Concluding Observations			SOGIESC inclusive references*	T-inclusive references		T-specific references		I-inclusive references		I-specific references	
	NN	%		NN	NN	%	NN	%	NN	%	NN	%
2014												
CAT	16	6	38%	7	6	86%	1	14%	2	29%	0	0%
CED	4	0	0%	0	0	0%	0	0%	0	0%	0	0%
CEDAW	25	9	36%	11	10	91%	4	36%	2	18%	0	0%
CERD	15	0	0%	0	0	0%	0	0%	0	0%	0	0%
CESCR	23	7	30%	8	7	88%	1	13%	0	0%	0	0%
CMW	6	1	17%	2	1	50%	0	0%	0	0%	0	0%
CRC	16	5	31%	9	9	100%	0	0%	7	78%	0	0%
CRPD	9	0	0%	0	0	0%	0	0%	0	0%	0	0%
HRCtee	18	14	78%	17	15	88%	1	6%	3	18%	0	0%
All	132	42	32%	54	48	89%	7	13%	14	26%	0	0%
2015												
CAT	19	10	53%	11	8	73%	2	18%	8	73%	4	36%
CED	5	0	0%	0	0	0%	0	0%	0	0%	0	0%
CEDAW	27	9	33%	16	13	81%	3	19%	7	44%	1	6%
CERD	20	2	10%	3	3	100%	0	0%	3	100%	0	0%
CESCR	17	13	76%	20	18	90%	1	5%	9	45%	0	0%
CMW	8	0	0%	0	0	0%	0	0%	0	0%	0	0%
CRC	24	14	58%	20	17	85%	1	5%	12	60%	2	10%
CRPD	14	1	7%	1	0	0%	0	0%	1	100%	1	100%
HRCtee	20	13	65%	18	16	89%	3	17%	5	28%	0	0%
All	154	62	40%	89	75	84%	10	11%	45	51%	8	9%
2016												
CAT	18	7	39%	10	6	60%	3	33%	4	40%	1	10%
CED	5	1	20%	1	1	100%	0	0%	0	0%	0	0%
CEDAW	27	16	59%	32	25	78%	7	22%	14	44%	3	9%
CERD	20	2	10%	2	2	100%	0	0%	2	100%	0	0%
CESCR	17	9	53%	9	8	89%	2	22%	6	67%	0	0%
CMW	8	2	25%	4	4	100%	0	0%	3	75%	0	0%
CRC	27	18	67%	33	23	70%	3	9%	28	85%	7	21%
CRPD	14	6	43%	8	4	50%	0	0%	4	50%	3	38%
HRCtee	21	19	90%	33	31	94%	5	17%	7	21%	0	0%
All	157	80	51%	132	104	79%	20	15%	68	52%	14	11%

2017

CAT	17	6	35%	6	6	100%	2	33%	2	33%	0	0%
CED	5	1	20%	1	1	100%	0	0%	0	0%	0	0%
CEDAW	28	18	64%	40	35	88%	12	33%	20	50%	3	8%
CERD	20	1	5%	1	1	100%	0	0%	0	0%	0	0%
CESCR	10	7	70%	12	10	83%	1	8%	6	50%	2	17%
CMW	6	2	33%	2	1	50%	0	0%	0	0%	0	0%
CRC	21	11	52%	15	13	87%	0	0%	9	60%	1	7%
CRPD	14	5	36%	11	5	45%	2	18%	6	55%	4	36%
HRCtee	20	20	100%	34	30	88%	8	24%	20	59%	3	9%
All	141	71	50%	122	102	84%	25	20%	63	52%	13	11%

* one reference = positive aspect; concern; concern + recommendation; recommendation; or follow-up paragraph