



UN Treaty Bodies Quarterly Report

No. 4/2020 — October–December 2020
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ILGA World's **UN Treaty Bodies Quarterly Report** provides main information on SOGIESC references made by UN Committees in their Lists of Issues and Concluding Observations under country periodic review process, as well as adopted General Comments and Individual Complaints.

If you have any questions or comments regarding this Quarterly Report or engagement with Treaty Bodies, please contact us on untreaties@ilga.org.

!!! Due to the COVID-19 outbreak, several sessions of Treaty Bodies were postponed and some of them will be held online.

**SOGIESC-inclusive
Concluding Observations**

- ⇒ Check LGBTI recommendations to your country
- ⇒ Organize follow-up activities to inform your community about recommendations and to encourage your government to implement the recommendations

No Concluding Observations were adopted during this period due to the COVID-19 pandemic

**SOGIESC-inclusive
Lists of Issues**

- ⇒ See what information was requested from your country before the formulation of recommendations
- ⇒ Collect information and provide your comments to inform Treaty Bodies' future recommendations

- | | |
|------------------------|----------------------------------|
| Bosnia and Herzegovina | Ireland |
| Botswana | Italy |
| Brazil | Kyrgyzstan |
| Bulgaria | Libya |
| Cameroon | Luxembourg |
| Egypt | Maldives |
| El Salvador | Nicaragua |
| Ethiopia | Saint Vincent and the Grenadines |
| Georgia | Tajikistan |
| Greece | Yemen |
| Guatemala | Zambia |
| Iraq | Zimbabwe |

What you will find in this report:

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COUNTRY-SPECIFIC QUESTIONS AND RECOMMENDATIONS

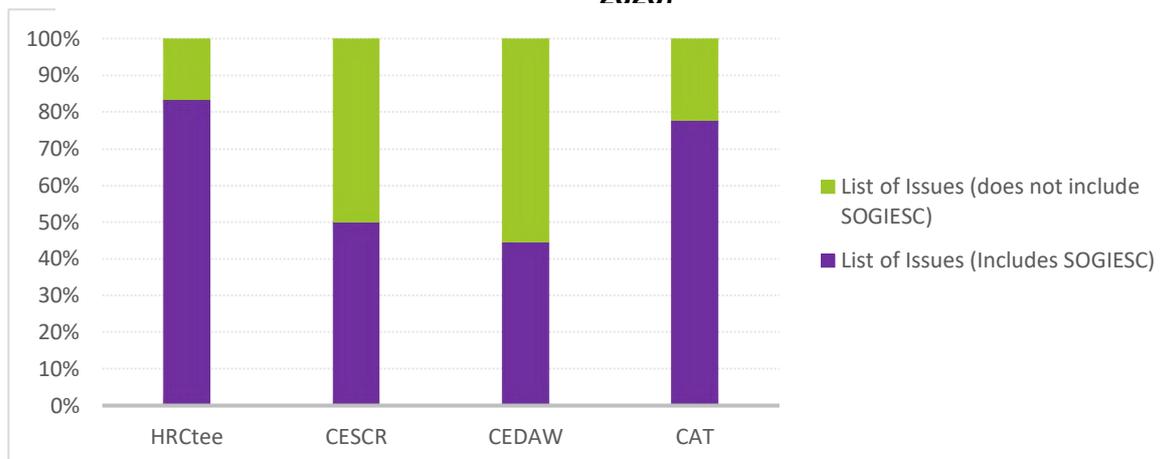
This section contains information about recommendations in Concluding Observations, as well as questions in Lists of Issues to specific countries under country periodic review process.

[Bold] = SOGIESC-inclusive questions or recommendations

Committee Session / PSWG	Countries
HRCtee 130 Session : 12 Oct–06 Nov 2020	Lists of Issues: Ethiopia, Georgia, Guinea-Bissau, Ireland, Kyrgyzstan, Luxembourg, Libya, Maldives, Malta, Yemen, Zambia, Zimbabwe
CESCR 67 PSWG : 19 - Oct 2020	List of Issues: El Salvador, Guatemala, Luxembourg, Sweden, Tajikistan, Yemen
CEDAW 79 Virtual PSWG : 09 – 13 Nov 2020	Lists of Issues: Brazil, Egypt, Greece, Jamaica, Lebanon, Morocco, Portugal, Saint Kitts and Nevis, Saint Vincent and the Grenadines
CAT Cancelled due to Covid-19 Session : 09 Nov – 4 Dec 2020	Lists of Issues: Bosnia and Herzegovina, Botswana, Bulgaria, Cameroon, Iraq, Italy, Mauritius, Nicaragua, Republic of Moldova

PSWG – Pre-Sessional Working Group | **HRCtee** – Human Rights Committee | **CESCR** – Committee on Economic, Social and Cultural Rights | **CEDAW** – Committee on the Elimination of Discrimination against Women | **CAT** – Committee against Torture

Percentage of SOGIESC-inclusive List of Issues by Treaty Bodies (October-December 2020)



GENERAL COMMENTS

This section contains information about General Comments (General Recommendations) adopted by Treaty Bodies. These documents provide the Committees' interpretation of the content of human rights provisions regarding thematic issues or methods of work.

Committee	General Recommendation
CERD General Comment No. 36 on preventing and combating racial profiling	Four references to SOGI: <ul style="list-style-type: none">• Racial profiling is: [...] (c) is based on grounds of race, colour, descent, national or ethnic origin or their intersection with other relevant grounds, such as religion, sex or gender, sexual orientation and gender identity, disability and age, migration status, or work or other status [...] (<i>para. 13</i>).• For the purposes of the present general recommendation, racial profiling is understood as it is described in paragraph 72 of the Durban Programme of Action, that is, the practice of police and other law enforcement relying, to any degree, on race, colour, descent or national or ethnic origin as the basis for subjecting persons to investigatory activities or for determining whether an individual is engaged in criminal activity. In this context, racial discrimination often intersects with other grounds, such as sexual orientation and gender identity [...] (<i>para. 18</i>).• States should ensure that law enforcement agencies regularly evaluate recruitment and promotion policies and, if necessary, undertake temporary special measures to effectively address the underrepresentation of various national or ethnic minority groups and of groups experiencing intersecting forms of discrimination based on, [...] sexual orientation, disability and age. (<i>para. 47</i>).• States should ensure that algorithmic profiling systems deployed for law enforcement purposes are designed for transparency, and should allow researchers and civil society to access the code and subject it to scrutiny. [...] States should take appropriate mitigation measures if risks or harms to human rights are identified. Those processes should examine potential and actual discriminatory effects of algorithmic profiling based on grounds of race, colour, descent, or national or ethnic origin and their intersection with other grounds, including [...] sexual orientation and gender identity. (<i>para. 60</i>).

INDIVIDUAL COMPLAINTS

This section contains information about decisions made by the Committees on individual complaints. Individual complaint is a formal complaint, from an individual who claims that their rights under one of the treaties have been violated by a State party, which most of the treaty bodies are competent to consider.

Committee | Decision

Treaty's articles | Issue | Result

No decision on SOGIESC were made in October -December 2020

SUMMARY OF SESSIONS: COUNTRY PERIODIC REVIEWS

This section contains more detailed information on SOGIESC questions, recommendations and follow-up reviews adopted by specific Committees under the country periodic review process.

[Bold] = SOGIESC-inclusive recommendations in the Concluding Observations

[Light] = SOGIESC-inclusive concerns and questions in the Concluding Observations and List of Issues respectively

Human Rights Committee

130th Session: 12 Oct–06 Nov 2020

Nineteen LGBTI-inclusive **questions** in the Committee's Lists of Issues:

[Ethiopia](#) (paras. 5, 6)

[Georgia](#) (para. 5)

[Ireland](#) (para. 7)

[Kyrgyzstan](#) (para. 8)

[Libya](#) (para. 5)

[Luxembourg](#) (para. 7)

[Maldives](#) (paras. 6, 7)

[Yemen](#) (para. 7)

[Zambia](#) (para. 8)

[Zimbabwe](#) (para. 6)

- Decriminalization of consensual same-sex sexual acts between adults (Ethiopia, Libya, Maldives, Yemen, Zambia, Zimbabwe)
- Measures taken to address discrimination and violence against LGBTI persons (Georgia, Ireland, Kyrgyzstan, Libya, Zambia, Zimbabwe)
- Anti-discrimination legislation that protects from discrimination based on SOGI (Ethiopia, Maldives, Zimbabwe)
- Information on restrictions of the right to donate blood on the basis of sexual orientation (Luxembourg)
- Ensure the right to peaceful assembly and freedom of expression of LGBTI persons (Georgia)
- Legislation and procedures concerning the change of civil status with respect to gender identity (Georgia)
- Mechanisms to stop non-consensual interventions on intersex persons (Luxembourg)

Committee on Economic, Social and Cultural Rights

[67 PSWG](#): 19 - 23 Oct 2020

Five LGBTI-inclusive **questions** in the Committee's List of Issues:

[El Salvador](#) (paras. 9)

[Guatemala](#) (para. 9)

[Tajikistan](#) (paras. 4, 9)

- Measures taken to eliminate discrimination on the basis of SOGI (El Salvador, Guatemala, Tajikistan)
- Steps taken to ensure that the registration of organizations working for the rights of LGBTI persons are not impeded (Tajikistan)
- Legislation and procedures for legal gender recognition (Tajikistan)

Committee on the Elimination of Discrimination against Women

[79 Virtual PSWG](#): 09 – 13 Nov 2020

Five LGBTI-inclusive **questions** in the Committee's List of Issues:

[Egypt](#) (para. 19)

[Brazil](#) (paras. 5, 10)

[Greece](#) (para. 7)

[Saint Vincent and the Grenadines](#) (para. 22)

- Measures taken to ensure that lesbian, bisexual and transgender women have effective access to justice, protection from gender-based violence, sexual and reproductive health services and income-generating opportunities (Saint Vincent and the Grenadines)
- Data on cases of gender-based violence against women, including femicide and domestic violence disaggregated by age, disability, ethnicity, nationality, sexual orientation (Brazil)
- Ill-treatment of transgender women in detention centers (Egypt)
- Measures adopted to address multiple and intersecting forms of discrimination against lesbian, bisexual and transgender women (Greece)
- Data on the number of cases of gender-based discrimination disaggregated by sex, age, disability, ethnicity, nationality, and sexual orientation (Brazil)

Committee against Torture

Cancelled due to Covid-19 Session: 09 Nov – 4 Dec 2020

Nine LGBTI-inclusive **questions** in the Committee's List of Issues:

[Bosnia and Herzegovina](#) (para. 24)

[Botswana](#) (para. 13)

[Bulgaria](#) (para. 16)

[Cameroon](#) (para. 27)

[Iraq](#) (para. 25)

[Italy](#) (paras. 15, 26)

[Nicaragua](#) (para. 16)

- Decriminalization of consensual same-sex sexual acts between adults (Cameroon)
- Steps taken to investigate and prosecute acts of violence and killings of LGBTI persons (Cameroon, Iraq)
- Measures taken to combat violence against individuals based on their actual or perceived sexual orientation or gender identity and expression (Bosnia and Herzegovina, Italy)
- Steps taken to ensure that excessive use of force against sexual minorities is promptly investigated, that perpetrators are prosecuted and punished with appropriate sanctions; and that victims are provided with remedies and redress (Bulgaria)
- Steps taken to ensure respect and non-discrimination of detained LGBTI persons (Nicaragua)
- Information on training programs to ensure that public officials treat persons in a vulnerable situation appropriately, with due regard for their SOGI (Botswana)
- Information on protocols in place to meet the needs of LGBTI prisoners (Italy)