



**UN Committee on the Rights of the Child (CRC):
78th Session, 14 May - 1 June 2018, and
80th Pre-Sessional Working Group, 4-8 June 2018**

State reports reviewed: 🇦🇷 **Angola**, 🇦🇷 **Argentina**, Lesotho, Montenegro, 🇳🇴 **Norway**
Lists of Issues adopted: Bahrain, 🇧🇪 **Belgium**, 🇦🇷 **Croatia**, Guinea, 🇭🇺 **Hungary**,
🇮🇹 **Italy**, Syrian Arab Republic

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RESUME:

- First-time SOGIESC recommendations issued to **Angola**, **Argentina** and **Norway**:
 - Increase efforts against discrimination of LGBTI children (Angola, Argentina)
 - Zero-tolerance approach to discrimination against sexual orientation and gender identity in schools, and educate staff and students (Norway)
 - Stand-alone intersex recommendation (Argentina)
- Questions on LGBTI children sent to 4 States: **Belgium**, **Croatia**, **Hungary** and **Italy**:
 - Combat discrimination against LGBTI children (Croatia, Hungary, Italy) and children of LGBTI parents (Italy)
 - Questions on intersex genital mutilation (Belgium, Italy)

- Next Session: 17 September to 5 October 2018
 - Countries (main review): El Salvador, Laos, Mauritania and Niger
 - NGO report deadline: 15 August 2018 (to Child Rights Connect)
- Next PSWG: 8 to 12 October 2018
 - Countries (for LOI): Botswana, Cabo Verde, Côte d'Ivoire, Malta, Poland, Singapore and Tonga
 - NGO report deadline: 1 July 2018 (to Child Rights Connect)

Table of Contents

1. SUMMARY	Errore. Il segnalibro non è definito.
1.1. Concluding Observations	Errore. Il segnalibro non è definito.
1.2. Lists of Issues and Lists of Issues Prior to Reporting ..	Errore. Il segnalibro non è definito.
1.3. Individual Complaints.....	4
2. COMPILATION OF CONCLUDING OBSERVATIONS	Errore. Il segnalibro non è definito.
<i>Angola</i>	Errore. Il segnalibro non è definito.
<i>Argentina</i>	Errore. Il segnalibro non è definito.
<i>Norway</i>	6
3. COMPILATION OF LISTS OF ISSUES	7
<i>Belgium</i>	7
<i>Croatia</i>	7
<i>Hungary</i>	7
<i>Italy</i>	8
4. CIVIL SOCIETY SUBMISSIONS	9
<i>Argentina</i>	9
<i>Belgium</i>	9
<i>Croatia</i>	9
<i>Italy</i>	9
<i>Montenegro</i>	9
<i>Norway</i>	9
<i>Syrian Arab Republic</i>	9

1. SUMMARY

The UN Committee on the Rights of the Child (CRC) published its Lists of Issues and Concluding Observations as a result of the [78th Session](#) (14 May to 1 June 2018) and [80th Pre-Sessional Working Group](#) (4 to 8 June 2018).

Three States (Angola, Argentina and Norway) received recommendations on LGBTI issues for the first time. These included a stand-alone recommendation on intersex children to Argentina. The Committee also adopted SOGIESC¹ questions for four States (Belgium, Croatia, Hungary and Italy), including two questions on intersex children (Belgium and Italy). For all three States questioned about intersex children and surgical procedures, CRC had received reports on the topic from civil society.

The remaining recommendations and questions addressed discrimination against LGBTI children generally, as well as violence against children (Hungary), discrimination and abuse in schools (Hungary, Norway) and children of LGBTI parents (Italy). There were no recommendations or questions specifically addressing LB women or trans persons.

1.1. Concluding Observations

During its 78th Session, CRC reviewed the periodic reports of five States: Angola, Argentina, Lesotho, Montenegro and Norway. LGBTI discrimination was addressed in the [Concluding Observations](#) to three States: Angola, Argentina and Norway. The Committee also issued a stand-alone recommendation on intersex children to Argentina. The States were not asked to follow up on any recommendations in particular.

[Angola](#) was urged by the Committee to strengthen efforts to combat the discrimination of LGBTI children and other vulnerable groups. [Argentina](#) was recommended to fortify public education campaigns combatting negative attitudes towards LGBTI children and other groups. Second, Argentina also received a stand-alone recommendation on intersex children, for a rights-based health care protocol, ending unnecessary surgeries and providing families with support. Finally, the Committee recommended [Norway](#) increase its anti-discrimination efforts in schools, including on grounds of sexual orientation and gender identity. CRC recommended school staff receive trainings on equality and gender identity, and that students be encouraged to report cases of discrimination.

In the States' Lists of Issues prior to the review, [Argentina](#) and [Norway](#) had been asked to provide information on discrimination against LGBT children and LGBTI minors, respectively. Additionally, both States had [civil society submissions](#) with LGBTI sections, and Argentina received a stand-alone report on intersex children by StopIGM.org. In contrast, Angola's List of Issues and civil society submissions made no reference to SOGIESC.

LGBTI issues were also part of the constructive dialogues between the Committee and State delegations. Angola was asked to report on measures to ensure the equality of, among others, LGBTI children and Argentina was asked about measures to combat discrimination against LGBTI children, measures to avoid non-consensual surgical procedures on intersex children, and access to justice for those who had been subject to such treatment. Finally, Norway was asked about bullying of LGBTI children in schools, and children's right to change name and gender marker.

¹ SOGIESC: Sexual orientation, gender identity and expression, and sex characteristics

Country	SOGIESC in previous CO*	SOGIESC in LOI**	SOGIESC in the constructive dialogue***	SOGIESC in CSS****	SOGIESC in COs
Angola	No	No	Yes	No	Yes
Argentina	No	Yes	Yes	Yes	Yes
Lesotho	No	No	No	No	No
Montenegro	No	No	No	Yes	No
Norway	No	Yes	Yes	Yes	Yes

* CO – Concluding Observations

** LOI – List of Issues

*** According to the press releases

**** CSS – Civil Society Submission

Text in bold links to the source material.

1.2. Lists of Issues (LOIs) and Lists of Issues Prior to Reporting (LOIPRs)

During its 80th Pre-Sessional Working Group (PSWG), CRC produced questions for seven States that will be reviewed in the future: LOIs for Bahrain, Belgium, Guinea, Italy and Syrian Arab Republic, and LOIPRs for the simplified reporting procedures of Croatia and Hungary. **SOGIESC questions** were issued to four of the States: Belgium, Croatia, Italy and Hungary. Belgium and Italy both received questions specifically addressing the status of intersex children.

Belgium was questioned about measures to remove barriers to children’s access to health services, and on the State’s progress in eliminating intersex genital mutilation and other harmful practices. **Italy** was asked how the State effectively prevents and combats the discrimination of certain groups, including LGBTI children and children with LGBTI parents. The Committee also asked for statistics on the number children living with LGBTI parents, children born intersex, and the number of non-urgent, irreversible procedures performed on intersex children the past three years.

Furthermore, the Committee issued two LOIPRs, both of which contained questions on LGBTI children. **Croatia** was asked about anti-discrimination measures for LGBTI children and other groups, particularly in health and education services. **Hungary** received three SOGIESC-inclusive questions: to report on anti-discrimination measures for girls and LGBTI children, to develop a national strategy on violence against children, including measures targeting LGBTI and other groups, and to reduce violence in schools, particularly concerning sexual orientation and gender identity.

Belgium and Italy had both received substantive submissions concerning SOGIESC from civil society. Notably, **Belgium** received a stand-alone report on LGBTI children by Cavarria, and both Belgium and **Italy** received stand-alone reports on intersex children by StopIGM.org.

Regarding **Croatia**, one civil society submission made brief reference to sexual orientation. There were no submissions for Hungary. Only one State (**Syrian Arab Republic**) had a report mentioning SOGIESC without the Committee adopting any questions on the subject.

The five States that received LOIs will have their periodic reports reviewed by the Committee during its **80th Session**, on 14 January to 15 February 2019. The Session dates for Croatia and Hungary (simplified reporting procedure) have yet to be determined.

1.3. Individual Complaints

The Committee considered four complaints in relation to its 78th Session. The communications did not make reference to SOGIESC.

2. COMPILATION OF CONCLUDING OBSERVATIONS

Angola – Concluding Observations – 78th Session, 27 June 2018, 5th to 7th review²

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

Non-discrimination

15. The Committee urges the State party to continue and strengthen its activities to combat discrimination, in particular with regard to children with disabilities, pregnant girls, children with HIV/AIDS, San children, lesbian, gay, bisexual, transgender and intersex children and children in street situations, who are still exposed to discriminatory attitudes and behaviours.

Argentina – Concluding Observations – 78th Session, 1 October 2018, 5th and 6th review³

Non-discrimination

14. The Committee recognizes the adoption of anti-discrimination legislation and the development of a national plan against discrimination. It remains deeply concerned, however, at reports of persisting de facto discrimination, social exclusion and physical, sexual and psychological abuse of children on the grounds of disability, indigenous origin and socioeconomic status. In this regard, the Committee reiterates its previous recommendations (CRC/C/ARG/CO/3-4, para. 33), and urges the State party:

- (a) To ensure full implementation of relevant existing laws prohibiting discrimination, including by strengthening public education campaigns to address negative social attitudes towards indigenous children, children with disabilities, minority children, children from migrant backgrounds, and lesbian, gay, bisexual, transgender and intersex children;
[...]

Harmful practices

26. The Committee recommends that the State party develop and implement a rights-based health-care protocol for intersex children, ensuring that no child is subjected to unnecessary surgery or treatment and that children are involved, to the greatest extent possible, in decision-making about their treatment and care. Families with intersex children should be provided with adequate counselling and support.

² [CRC/C/AGO/CO/5-7](#)

³ [CRC/C/ARG/CO/5-6](#)

G. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

29. In the light of the Committee's general comment No. 1 (2001) on the aims of education, and target 4.7 of the Sustainable Development Goals on ensuring that all learners acquire the knowledge and skills needed to promote sustainable development, the Committee recommends that the State party:

(a) Increase its efforts to implement a zero-tolerance approach to discrimination on the grounds of race, migration status, sexual orientation or gender identity in the school context and expand the scope of that approach to include private schools and by ensuring recurrent training for all school staff members on equality and gender identity and addressing all forms of discrimination, as well as civic instruction for students on the importance and methods of combating and reporting instances of discrimination. The State party should also develop a new plan of action for promoting gender equality and preventing discrimination on the ground of ethnicity;
[...]

States with no SOGIESC recommendations:

- Lesotho
- Montenegro

⁴ [CRC/C/NOR/CO/5-6](#)

3. COMPILATION OF LISTS OF ISSUES

Belgium – List of Issues – 80th PSWG, 9 July 2018, 5th and 6th review⁵

8. Please inform the Committee of the measures taken to remove the obstacles that prevent children from gaining access to health services, including mental health services, such as financial costs, waiting lists and lack of infrastructure. With respect to paragraphs 133 to 135 of the State party's report, please provide information on the progress made in eliminating harmful practices such as female and intersex genital mutilation and child marriage.

Croatia – List of Issues Prior to Reporting – 80th PSWG, 3 December 2018, 5th and 6th review⁶

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

Non-discrimination

11. Please inform the Committee about the measures taken to prohibit and eradicate all forms of de jure and de facto discrimination and hate speech against children of ethnic minorities, including Serbian and Roma children, and children of religious minorities, children with disabilities, lesbian, gay, bisexual, transgender and intersex children, and migrant, asylum-seeking and refugee children, with particular regard to their access to education and health-care services.

Hungary – List of Issues Prior to Reporting – 80th PSWG, 29 November 2018, 6th review⁷

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

Non-discrimination

10. Please provide information on the measures taken to eliminate, in practice, discrimination against children in marginalized and disadvantaged situations, particularly children with disabilities, Roma children, children in situations of migration, and refugee and asylum-seeking children. Please also provide information on the measures taken to eliminate discrimination against girls and against lesbian, gay, bisexual, transgender and intersex children, including by specifically addressing gender stereotypes and multiple or intersectional forms of discrimination. Please inform the Committee about the use of Act C of 2012 on non-discrimination by the courts and provide information on any related criminal procedures regarding discrimination against children.

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

Violence, abuse and neglect

15. Please inform the Committee about the measures taken to:

⁵ [CRC/C/BEL/Q/5-6](#)

⁶ [CRC/C/HRV/QPR/5-6](#)

⁷ [CRC/C/HUN/QPR/6](#)

(a) Develop a national strategy to prevent and address all forms of violence against children, including sexual abuse, specifying measures targeting girls, Roma children and lesbian, gay, bisexual, transgender and intersex children;
[...]

H. Education, leisure and cultural activities (arts. 28–31)

Education

25. Please inform the Committee about the measures taken to:

[...]

(e) Reduce violence in schools and promote respect for diversity, with particular regard to sexual orientation and gender identity and expression.

Italy – List of Issues – 80th PSWG, 3 July 2018, 5th and 6th review⁸

3. Please provide information on how the State party ensures that its policies, strategies, laws, practices and mechanisms to prevent and combat the discrimination of certain groups of children, e.g., children living in families with lesbian, gay, bisexual, transgender or intersex parents, or who are themselves lesbian, gay, bisexual, transgender or intersex, children born to unmarried parents, children living in single-parent families, asylum-seeking, refugee or migrant children, and Roma, Sinti and Caminanti children, are effective. Please explain how the State party guarantees the rights of Roma children when their camps are dismantled.

[...]

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

[...]

(b) Children living in families with lesbian, gay, bisexual, transgender or intersex parents;

[...]

(e) Children who are born intersex;

(f) The number of non-urgent, irreversible surgical and other procedures that have been undertaken on intersex children before an age at which they are able to provide informed consent;

States with no SOGIESC questions:

- Bahrain
- Guinea
- Syrian Arab Republic

⁸ [CRC/C/ITA/Q/5-6](#)

4. CIVIL SOCIETY SUBMISSIONS

Argentina

- Submission by [Amnesty International](#) for the 78th Session (*includes recommendation for inclusive sexual education respecting gender identity and sexual orientation*)
- Submission by [Argentina's Committee for Monitoring and Implementation of the CRC CASACIDN](#) for the 78th PSWG (*mentions the need to respect the gender identity of children*)
- Submission by [Centro de Estudios Legales y Sociales](#) for the 78th PSWG (*mentions the need to respect gender identity of children, specifically addresses mental health facilities*)
- Submission by [Colectivo de Derechos de Infancia y Adolescencia](#) for the 78th PSWG (*mentions inclusion of sexual diversity in 2006 law on sexuality education*)
- Submission by [Frente de Abogadxs Populares](#) for the 78th PSWG (*section on LGBTI childhood, including the rights of intersex children*)
- Submission by [Infancia en Deuda](#) for the 78th PSWG (*mentions discrimination on grounds of gender identity and sexual orientation*)
- Submission by [Stop IGM](#) for the 78th PSWG (*report on intersex genital mutilation in Argentina*)
- Submission by [Stop IGM](#) for the 78th Session (*report dedicated to intersex children and IGM*)

Belgium

- Submission by [Cavaria – standing up for LGBTs](#) for the 80th PSWG (*report fully dedicated to the situation of LGBTI children in Belgium*)
- Submission by [Flemish and French children's rights commissioners](#) for the 80th PSWG (*brief section on transgender youth with recommendations*)
- Submission by [Myria, Unia and the Combat Poverty, Insecurity and Social Exclusion Service](#) for the 80th PSWG (*develop inclusive approach to education in schools, including for LGBT youth*)
- Submission by [StopIGM.org / Zwischengeschlecht.org \(International Intersex Human Rights NGO\)](#) for the 80th PSWG (*fully dedicated to the situation of intersex children in Belgium*)

Croatia

- Submission by [Coordination of Associations for children](#) for the 80th PSWG (*mentions reports of discrimination on grounds of, inter alia, sexual orientation*)

Italy

- Submission by [Italian Independent Authority for Children and Adolescents](#) for the 80th PSWG (*mentions sexual orientation and gender identity in the fight against discrimination*)
- Submission by [The Italian NGO Group for the Convention of the Rights of the Child](#) for the 80th PSWG (*mentions sexual orientation and gender identity in the fight against discrimination*)
- Submission by [StopIGM.org / Zwischengeschlecht.org \(International Intersex Human Rights NGO\)](#) for the 80th PSWG (*fully dedicated to the situation of intersex children in Italy*)

Montenegro

- Submission by [Global Partnership to End Violence Against Children](#) for the 78th Session (*mentions inclusion of sexual orientation in 2017 State strategy to prevent children from violence*)

Norway

- Submission by [Kidz have rights!](#) for the 78th PSWG (*section dedicated to LGBTI+ children*)
- Submission by [Norwegian National Human Rights Institution](#) for the 78th Session (*section dedicated to LGBTI children, focus on transgender and intersex children*)

Syrian Arab Republic

- Submission by [All Survivors Project Foundation](#) for the 80th PSWG (*mentions the potential revictimization of male victims of sexual assault due to the criminalization of “unnatural sexual intercourse”, and the potential vulnerability of LGBTI youth*)