



**UN Committee on the Rights of the Child (CRC):  
79<sup>th</sup> Session, 17 Sep - 5 Oct 2018, and  
81<sup>st</sup> Pre-Sessional Working Group, 8-12 Oct 2018**

**State reports reviewed:** 🇸🇻 **El Salvador**, Lao People's Democratic Republic,  
Mauritania and Niger

**Lists of Issues adopted:** Botswana, Cabo Verde, Côte d'Ivoire, 🇲🇹 **Malta**, 🇵🇱 **Poland**,  
Singapore and Tonga

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**RESUME:**

- One SOGIESC-inclusive recommendation to **El Salvador**:
  - Eliminate discrimination against LGBTI children
- Questions on LGBTI children sent to **Malta** and **Poland**, concerning:
  - Bullying and violence based on sexual orientation and gender identity (Malta)
  - Children with LGBTI parents (Malta)
  - Homophobia and hate crimes against LGBTI children (Poland)

- Next Session: 14 January to 1 February 2019
  - Countries (main review): Bahrain, Belgium, Guinea, Italy, Japan and Syrian Arab Republic
  - NGO report deadline: 15 December 2018 (to Child Rights Connect)
- Next PSWG: 4 to 8 February 2019
  - Countries (for LOI): Australia, Bosnia and Herzegovina, Mozambique, Portugal and Republic of Korea
  - Countries (for LOIPR): Luxembourg
  - NGO report deadline: 1 November 2018 (to Child Rights Connect)

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# 1. SUMMARY

The UN Committee on the Rights of the Child (CRC) adopted seven Lists of Issues and four Concluding Observations as a result of its [79<sup>th</sup> Session](#) (17 September to 5 October 2018) and [81<sup>st</sup> Pre-Sessional Working Group](#) (8 to 12 October 2018).

One SOGIESC<sup>1</sup>-inclusive recommendation was issued to [El Salvador](#), urging the State to strengthen its anti-discrimination measures for LGBTI children, among other groups. This was the Committee’s first SOGIESC recommendation to El Salvador.

Furthermore, two States received SOGIESC questions in the Lists of Issues adopted. [Malta](#) was asked for data on bullying and violence against LGBT children, and about children with LGBTI parents. The CRC questioned [Poland](#) on its efforts to combat homophobia and hate crimes against LGBTI children, among other minority groups.

No recommendations or questions specifically addressed LB women or TI persons.

## 1.1. Concluding Observations

During its 79<sup>th</sup> Session, CRC reviewed the periodic reports of four States: El Salvador, Lao People’s Democratic Republic, Mauritania and Niger.

The Committee adopted one SOGIESC-inclusive recommendation, urging [El Salvador](#) to strengthen its efforts to eliminate discrimination against LGBTI children and other groups.

CRC had first raised the subject in its [List of Issues](#) to El Salvador, where it inquired about measures addressing discrimination faced by adolescents, including LGBTI youth. Thus in the [constructive dialogues](#) for the Session, the State delegation mentioned a direct helpline for LGBT children and children with HIV/AIDS to receive support and report discrimination.

El Salvador did not receive submissions from civil society addressing SOGIESC. However, an [NHRI report](#) from the Office of the Human Rights Advocate called for specialised victim services to vulnerable groups subject to trafficking, including LGBTI persons.

The remaining three States did not receive recommendations pertaining to SOGIESC, nor was the subject mentioned in any of their Lists of Issues, constructive dialogues or civil society reports for the Session.

Country	SOGIESC in previous CO*	SOGIESC in LOI**	SOGIESC in the constructive dialogue***	SOGIESC in CSS****	SOGIESC in COs
<a href="#">El Salvador</a>	No	Yes	Yes	No	Yes
<a href="#">Laos</a>	No	No	No	No	No
<a href="#">Mauritania</a>	No	No	No	No	No
<a href="#">Niger</a>	No	No	No	No	No

\* CO – Concluding Observations

\*\* LOI – List of Issues

\*\*\* According to the press releases

\*\*\*\* CSS – Civil Society Submission

**Text in bold links to the source material.**

<sup>1</sup> SOGIESC: Sexual orientation, gender identity and expression, and sex characteristics

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

During its 81<sup>st</sup> Pre-Sessional Working Group (PSWG), CRC produced questions for seven States that are to be reviewed in the future: LOIs for Botswana, Cabo Verde, Côte d'Ivoire, Malta, Singapore and Tonga, and an LOIPR for the simplified reporting procedure of Poland.

**SOGIESC questions** were issued to Malta and Poland. The Committee asked **Malta** to provide, if available, statistical data on bullying and violence against children based on their sexual orientation or gender identity, and on children living in families with LGBTI parents.

**Poland** was asked about measures to prohibit intersectional discrimination against children, including hate crimes against LGBTI children and the increase of homophobia.

There were no civil society submissions for any of the State parties in the 81<sup>st</sup> PSWG.

The six States that received LOIs will have their periodic reports reviewed by the Committee during its **81<sup>st</sup> Session**, on 13 to 31 May 2019. The Session dates for Poland (simplified reporting procedure) have yet to be determined.

## 1.3. Individual Complaints

The Committee considered two individual complaints in relation to its 79<sup>th</sup> Session. Neither communication contained references to SOGIESC.

## 2. COMPILATION OF CONCLUDING OBSERVATIONS

**El Salvador – Concluding Observations – 79<sup>th</sup> Session, 29 November 2018, 5<sup>th</sup> to 6<sup>th</sup> review<sup>2</sup>**

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

#### **Non-discrimination**

**13. The Committee urges the State party to strengthen its efforts to eliminate discrimination: against girls, particularly regarding their access to education and to sexual and reproductive health services, and in relation to sexual violence, civil unions and teenage pregnancy; against boys concerning stereotypes related to criminality, violence and conflict with the law; and against indigenous children, children with disabilities and lesbian, gay, bisexual, transgender and intersex children.**

#### **States with no SOGIESC recommendations:**

- Lao People's Democratic Republic
- Mauritania
- Niger

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<sup>2</sup> [CRC/C/SLV/CO/5-6](#)

### 3. COMPILATION OF LISTS OF ISSUES

**Malta** – List of Issues – 81<sup>st</sup> PSWG, 5 November 2018, 3<sup>rd</sup> to 6<sup>th</sup> periodic reports<sup>3</sup>

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

[...]

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

[...]

(b) Violence against or bullying of children based on sexual orientation or gender identity;

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

[...]

**Poland** – List of Issues Prior to Reporting – 81<sup>st</sup> PSWG, 21 November 2018, 5<sup>th</sup> and 6<sup>th</sup> periodic reports<sup>4</sup>

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

##### **Non-discrimination**

10. Please provide information on the measures taken to prohibit discrimination against children on all grounds and in all aspects of life, including multiple and intersectional discrimination. Please also provide information on the measures taken to address:

(a) The discrimination and hate crimes against children belonging to ethnic, religious, linguistic and minority groups, including those of Roma, Arab, Asian and African descent, Muslims, Jews, refugee, asylum-seeking and migrant children, children with disabilities and lesbian, gay, bisexual, transgender and intersex children;

(b) The increased incidence of racial violence and abuse, including hate speech, xenophobia and homophobia.

#### **States with no SOGIESC questions:**

- Botswana
- Cabo Verde
- Côte d'Ivoire
- Singapore
- Tonga

<sup>3</sup> [CRC/C/MLT/Q/3-6](#)

<sup>4</sup> [CRC/C/POL/QPR/5-6](#)

## 4. CIVIL SOCIETY SUBMISSIONS

### El Salvador

- NHRI submission from the Office of the Human Rights Advocate for the 79<sup>th</sup> Session (*shelters for victims of trafficking lack specialised assistance to vulnerable groups, including LGBTI persons*).

There were no civil society submissions addressing SOGIESC issues.