



**UN Committee on the Rights of the Child (CRC):  
81<sup>st</sup> Session, 13-31 May 2019, and  
83<sup>rd</sup> Pre-Sessional Working Group, 3-7 June 2019**

State reports reviewed: Botswana, Cabo Verde, Côte d'Ivoire,  **Malta** ,  **Singapore** , Tonga  
Lists of Issues adopted: Austria,  **Belarus** , Cook Islands,  **Costa Rica** , Federated States of Micronesia, Rwanda, State of Palestine,  **Tuvalu** 

*10 July 2019*

Prepared by Maria Ihler, edited by Kseniya Kirichenko  
ILGA's UN Programme (Treaty Bodies and Special Procedures)  
[kseniya@ilga.org](mailto:kseniya@ilga.org)

**RESUME:**

- First LGBTI recommendations to **Malta** and **Singapore**:
  - Prevent and provide redress for unnecessary medical treatment on intersex children (Malta)
  - End discrimination of LGBTI children (Singapore)
  - Decriminalise same-sex acts (Singapore)
  - Make sex education LGBTI-inclusive (Singapore)
  - Two of three SOGIESC recommendations marked “urgent”.
- Four LGBTI questions to **Belarus**, **Costa Rica**, and **Tuvalu**:
  - Decriminalise consensual same-sex relations (Tuvalu)
  - Protect G / LGBTI children from bullying and violence (Belarus, Costa Rica)
  - One trans-specific question on including GI in health surveys (Costa Rica)

- Next Session: 9 to 27 September 2019
  - Countries (main review): Australia, Bosnia and Herzegovina, Mozambique, Portugal, Republic of Korea
  - NGO report deadline: 15 August 2019 (to Child Rights Connect)
- Next PSWG: 30 September to 4 October 2019
  - Countries (for LOI): Afghanistan, Cambodia, Cyprus, Czech Republic, Eswatini, Tunisia
  - Countries (for LOIPR): Netherlands, Switzerland
  - NGO report deadline: 1 July 2019 (to Child Rights Connect)

## Table of Contents

1. SUMMARY .....	3
1.1. Concluding Observations .....	3
1.2. Lists of Issues .....	4
1.3. Individual Complaints .....	4
2. COMPILATION OF CONCLUDING OBSERVATIONS .....	5
<i>Malta</i> .....	5
<i>Singapore</i> .....	6
3. COMPILATION OF LISTS OF ISSUES .....	7
<i>Belarus</i> .....	7
<i>Costa Rica</i> .....	7
<i>Tuvalu</i> .....	7
4. CIVIL SOCIETY SUBMISSIONS.....	8
<i>Malta</i> .....	8

# 1. SUMMARY

The UN Committee on the Rights of the Child (CRC) published eight Lists of Issues and six Concluding Observations as a result of its **81<sup>st</sup> Session** (13 to 31 May 2019) and **83<sup>rd</sup> Pre-Sessional Working Group** (3 to 7 June 2019).

Three SOGIESC<sup>1</sup>-inclusive **recommendations** were issued to **Malta** and **Singapore**, to end unnecessary treatment of intersex children and respect their bodily integrity (Malta), eliminate discrimination against LGBTI children and children of same-sex families, including by decriminalising same-sex acts, encouraging reporting and educating professionals and the public (Singapore), and making sex education LGBTI-inclusive (Singapore). The first two recommendations were also marked by CRC as needing “urgent” action.

Additionally, four LGBTI-inclusive **questions** were adopted for **Belarus**, **Costa Rica** and **Tuvalu**, to protect gay boys against bullying and violence (Belarus), prevent violence against LGBTI children and incorporate gender identity in health surveys (Costa Rica), and decriminalising same-sex relations (Tuvalu).

Malta was the only State to receive LGBTI-inclusive **civil society submissions**, including a stand-alone report on intersex genital mutilation. Overall, the number of States issued LGBTI questions and recommendations was halved compared to the previous Session and PSWG.

## 1.1. Concluding Observations

During its **81<sup>st</sup> Session**, CRC reviewed the periodic reports of six States: Botswana, Cabo Verde, Côte d’Ivoire, Malta, Singapore and Tonga. Two State parties, Malta and Singapore, were issued their first, urgent SOGIESC recommendations.

**Malta** received an intersex-specific recommendation to guarantee intersex children’s bodily integrity and autonomy, ensure they are not subject to unnecessary surgeries, provide families with support, and investigate and provide redress for medical procedures performed without informed consent. CRC also marked this as one of its “urgent” recommendations to Malta. Finally, it welcomed the prohibition of discrimination against SOGI and the Gender Identity, Gender Expression and Sex Characteristics Act.

**Singapore** had two SOGIESC-inclusive recommendations, despite no LGBTI references in the LOI, dialogues or civil society reports. The first recommendation, which was also marked as “urgent”, called for a comprehensive strategy against discrimination of, inter alia, LGBTI children and children of same-sex couples. It recommended decriminalising same-sex acts, affirmative action, and educating children, families, teachers and others about reporting and addressing violence and discrimination. A second recommendation asked Singapore to ensure sexual health education does not discriminate against LGBTI students.

Malta was the only State among the six with SOGIESC references in its List of Issues, constructive dialogue and civil society submissions. The **LOI** had asked for data on SOGI-based violence and bullying and on the number of children living with LGBTI parents, while the **constructive dialogue** welcomed the prohibition of discrimination based on SOGI. Three **civil society reports** also addressed SOGIESC, including a stand-alone submission by StopIGM.org that may have contributed to CRC adopting an intersex recommendation.

<sup>1</sup> 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
Botswana	No	No	No	No	No
Cabo Verde	No	No	No	No	No
Côte d'Ivoire	No	No	No	No	No
Malta	No	Yes	Yes	Yes	Yes
Singapore	No	No	N/A	No	Yes
Tonga	N/A	No	No	No	No

\* CO – Concluding Observations

\*\* LOI – List of Issues

\*\*\* According to the press releases

\*\*\*\* CSS – Civil Society Submissions

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

## 1.2. Lists of Issues (LOIs)

During its **83rd Pre-Sessional Working Group**, CRC adopted Lists of Issues for eight State parties that are to be reviewed in the future: Austria, Belarus, Cook Islands, Costa Rica, Federated States of Micronesia, Rwanda, State of Palestine and Tuvalu.

**SOGIESC questions** were issued to Belarus, Costa Rica and Tuvalu. The total of four questions concerned violence against LGBTI children, education about SOGI, and criminalisation of same-sex relations. Costa Rica also received a trans-specific question to include gender identity in health surveys.

**Belarus** was asked about steps to protect children, particularly homosexual boys, from bullying and violence at school, home, online and in institutions, and about integrating SOGI into the school curriculum.

**Costa Rica** was asked to include gender identity in health surveys and to combat violence against LGBTI children and youth.

**Tuvalu** was asked to review discriminatory laws, including the Penal Code which criminalises consensual same-sex relations between boys.

There were no civil society submissions published for the 83rd PSWG at the time of writing.

The eight State parties will have their periodic reports reviewed by CRC at the **83rd Session**, on 13 to 31 January 2020.

## 1.3. Individual Complaints

In relation to its **81st Session**, CRC assessed eight individual communications from three State parties.<sup>2</sup> None of the complaints addressed SOGIESC.

<sup>2</sup> Communications nos. 13/2017, 16/2017, 19/2019, 22/2017, 47/2018, 6/2016, 61/2018 and 47/2018.

## 2. COMPILATION OF CONCLUDING OBSERVATIONS

Malta – Concluding Observations – 81<sup>st</sup> Session, 26 June 2019, 3<sup>rd</sup> to 6<sup>th</sup> review<sup>3</sup>

### III. Main areas of concern and recommendations

6. [...] The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: children's rights and the business sector (para. 17), birth registration and nationality (para. 23), harmful practices (para. 29), education, including vocational training and guidance (para. 39), asylum-seeking, refugee and migrant children (para. 42) and administration of juvenile justice (para. 45).

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

##### Non-discrimination

19. The Committee welcomes the amendments made to the Equality for Men and Women Act and to the Criminal Code to include sexual orientation, gender identity and religion as prohibited grounds of discrimination. [...]

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

##### Harmful practices

28. While welcoming [...] the adoption of the Gender Identity, Gender Expression and Sex Characteristics Act which provides for the recognition of gender identity on the basis of a person's self-identification rather than harmful medical and surgical requirements, the Committee remains concerned:

[...]

(b) That there are cases of intersex children who have allegedly been subjected to surgical and other procedures, which were medically unnecessary, without their consent to such procedures, which often entail irreversible consequences and can cause severe physical and psychological suffering; and at the lack of redress and compensation in such cases.

29. With reference to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, and taking note of target 5.3 of the Sustainable Development Goals, the Committee urges the State party to:

[...]

(d) Ensure that intersex children are not subjected to unnecessary medical or surgical procedures during infancy or childhood, and guarantee the bodily integrity, autonomy and self-determination of the children concerned, and provide families with intersex children with adequate counselling and support;

(e) Investigate effectively incidents of surgical and other medical treatment of intersex children without informed consent and provide redress to victims of such treatment, including adequate compensation and rehabilitation.

### **III. Main areas of concern and recommendations**

5. [...] The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: definition of the child (para. 18), non-discrimination (para. 20), corporal punishment (para. 27), children deprived of a family environment (para. 32), education, including vocational training and guidance (para. 39) and administration of juvenile justice (para. 46).

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

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

19. The Committee is concerned about the persisting discrimination, either in law or in practice or in both, against inter alia children without Singaporean citizenship, girls, children with disabilities, children of ethnic minorities, children of unmarried couples and children of same sex couples as well as about the lack of attention to the discrimination against lesbian, gay, bisexual, transgender and intersex children.

**20. Taking note of target 10.3 of the Sustainable Development Goals, the Committee recommends that the State party:**

[...]

**(b) Adopt a proactive and comprehensive strategy containing specific and well-targeted action, including affirmative social actions to eliminate discrimination against children in marginalized or vulnerable situations, including children without Singaporean citizenship, girls, children with disabilities, children of ethnic minorities, children of unmarried couples, children of same sex couples and lesbian, gay, bisexual, transgender and intersex children;**

**(c) Combat discrimination against lesbian, gay, bisexual, transgender and intersex children, including by decriminalizing consensual same-sex sexual acts, implementing awareness-raising and educational activities for children, families and the public and providing sensitivity training for the relevant professionals including teachers, social workers, personnel of child care institutions and law enforcement officers so that children are encouraged to report cases of discrimination and violence and that reported cases are promptly and appropriately addressed;**

[...]

#### **G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)**

##### **Adolescent health**

**36. The Committee [...] recommends that the State party adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that the education is gender sensitive, not discriminatory against lesbian, gay, bi, transgender and intersex children and that it includes the use of contraception, including emergency contraception and care and treatment of sexually transmitted infections.**

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

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

### 3. COMPILATION OF LISTS OF ISSUES

#### **Belarus** – List of Issues – 83<sup>rd</sup> PSWG, 7 June 2019, 5<sup>th</sup> and 6<sup>th</sup> periodic reports<sup>5</sup>

6. Please specify the steps, including legislation and policy, taken to:
- explicitly prohibit corporal punishment in all settings;
  - protect children from bullying at school, violence online, at home and in institutions, specifically in relation to homosexual boys and drug-addicted children;
  - eradicate child marriage and child labour.

11. Please specify plans to address the incidence of child thyroid cancer and mental disorders. Please clarify if the root causes of child suicide were researched and addressed. Please explain the limitation on children living with HIV to access education and health recovery. Please explain how the questions concerning contraception, sexual orientation and gender identity are integrated into school education.

#### **Costa Rica** – List of Issues – 83<sup>rd</sup> PSWG, 3 July 2019 2018, 5<sup>th</sup> and 6<sup>th</sup> periodic reports<sup>6</sup>

2. [...]. Sírvanse informar sobre la inclusión en las encuestas de salud de preguntas sobre identidad de género y sobre medidas para combatir las formas de discriminación contra niñas, niños y adolescentes lesbianas, gais, bisexuales, transgénero e intersexuales.<sup>7</sup>

#### **Tuvalu** – List of Issues – 83<sup>rd</sup> PSWG, 5 July 2019, 2<sup>nd</sup> to 5<sup>th</sup> periodic reports<sup>8</sup>

4. Please provide information on the status of the marriage (amendment) bill, which increases the age of marriage to 18 years. Please indicate the progress made in reviewing discriminatory laws, including the Penal Code, under which consensual same-sex sexual activity between boys is penalized. Please provide information on the legal, policy and awareness-raising measures taken to address all forms of discrimination against children, particularly girls, children born to unmarried parents and children with disabilities.

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

- Austria
- Cook Islands
- Federated States of Micronesia
- Rwanda
- State of Palestine

<sup>5</sup> [CRC/C/BLR/Q/5-6](#)

<sup>6</sup> [CRC/C/CRI/Q/5-6](#)

<sup>7</sup> Unofficial translation into English (the official one will be available on a later point):

2. [...] Please provide information on the inclusion in health surveys of questions on gender identity and on measures to combat forms of discrimination against lesbian, gay, bisexual, transgender and intersex children and adolescents.

<sup>8</sup> [CRC/C/TUV/Q/2-5](#)

## 4. CIVIL SOCIETY SUBMISSIONS

### Malta

- Submission by [European Union Agency on Fundamental Rights \(FRA\)](#) for the 81<sup>st</sup> Session (*presents results from EU-LGBT Survey (2012) on Malta*).
- Submission by the [Platform of Human Rights Organisations in Malta](#) for the 81<sup>st</sup> Session (*lists positive SOGIESC developments and recommends better LGBTIQ education and trans support*).
- Submission by [StopIGM.org / Zwischengeschlecht.org](#) for the 81<sup>st</sup> Session (*stand-alone report on intersex genital mutilation in Malta*).