



UN Committee on the Rights of Persons with Disabilities (CRPD): 21st Session, 11 Mar - 5 Apr 2019, and 11th Pre-Sessional Working Group, 8-11 Apr 2019

State reports reviewed: Cuba, Niger,  Norway , Rwanda, Saudi Arabia, Senegal,  Spain , Turkey and Vanuatu

Lists of Issues adopted: Albania, Bangladesh,  Belgium , Cook Islands, Czech Republic, Denmark, Estonia, Greece,  India , Jamaica, Kuwait and Myanmar

30 April 2019

Prepared by Maria Ihler, edited by Kseniya Kirichenko
ILGA's UN Programme (Treaty Bodies and Special Procedures)

kseniya@ilga.org

RESUME:

- Three SOGIESC-inclusive recommendations to [Norway](#) and [Spain](#):
 - Develop awareness-raising programs to combat stereotypes against persons with disabilities, and include sexual orientation and gender identity (Norway).
 - Involve and consult with organisations for persons with disabilities, including LGBTI+ (Spain).
 - Prohibit multiple and intersectional discrimination on grounds of, inter alia, SOGI (Spain).
- Two SOGIESC-inclusive questions to [Belgium](#) and [India](#):
 - Measures to prevent intersex conversion surgery (Belgium).
 - Combat multiple and intersectional discrimination against LGBT+ persons with disabilities, among others (India)

- Next Session: [26 August to 20 September 2019](#)
 - Countries (main review): Albania, Australia, Ecuador, El Salvador, Greece, India, Iraq, Kuwait, Myanmar
 - Countries (for LOIPR): Canada, Ukraine
 - [NGO report deadline](#): 26 Jul 2019 (to crpd@ohchr.org)
- Next PSWG: [23 to 27 September 2019](#)
 - Countries (for LOI): Djibouti, France, Japan, Lao People's Democratic Republic, Mexico, Singapore, Switzerland, Venezuela
 - Countries (for LOIPR): Mauritius, Slovakia
 - [NGO report deadline](#): 26 Jul 2019 (to crpd@ohchr.org)

Table of Contents

1. SUMMARY	3
1.1. Concluding Observations.....	3
1.2. Lists of Issues and Lists of Issues Prior to Reporting	4
1.3. Individual Complaints.....	4
2. COMPILATION OF CONCLUDING OBSERVATIONS	5
<i>Norway</i>	5
<i>Spain</i>	5
3. COMPILATION OF LISTS OF ISSUES	7
<i>Belgium</i>	7
<i>India</i>	7
4. CIVIL SOCIETY SUBMISSIONS	8
<i>Albania</i>	8
<i>Cuba</i>	8
<i>Denmark</i>	8
<i>Estonia</i>	8
<i>India</i>	8
<i>Norway</i>	8
<i>Spain</i>	8
<i>Turkey</i>	8

1. SUMMARY

The UN Committee on the Rights of Persons with Disabilities published its Lists of Issues and Concluding Observations as a result of the [21st Session](#) (11 March to 5 April 2019) and [11th Pre-Sessional Working Group](#) (8 to 11 April 2019).

[Questions](#) pertaining to SOGIESC¹ were sent to two (Belgium, India) out of twelve States, and LGBTI-inclusive [recommendations](#) were issued to two (Norway, Spain) out of nine States reviewed.

The Committee focused on intersex conversion surgery ([Belgium](#)), as well as preventing intersectional discrimination ([India](#), [Spain](#)), developing awareness-raising programmes ([Norway](#)) and holding consultations ([Spain](#)) for LGBT(I) persons with disabilities. Spain also received a stand-alone civil society submission on LGBTQI+ persons with disabilities.

There were no stand-alone or follow-up SOGIESC recommendations.

1.1. Concluding Observations (COs)

During its [21st Session](#), CRPD reviewed and issued recommendations to nine States: Cuba, Niger, Norway, Rwanda, Saudi Arabia, Senegal, Spain, Turkey and Vanuatu. Two States, Norway and Spain, were given [SOGIESC recommendations](#) by the Committee.

[Norway](#) received a recommendation to develop awareness-raising programmes combatting negative stereotypes of persons with disabilities, including on grounds of sexual orientation and gender identity. These were to be directed at both the general public and professional groups such as the media and the police. The Committee also commended Norway for its LGBTIQ action plan, which it noted includes a programme on disability and sexuality.

[Spain](#) received two recommendations from the Committee on SOGIESC and disability. However, unlike Norway's COs, the recommendations listed other grounds of discrimination alongside SOGI. First, CRPD recommended Spain to engage with organisations for persons with disabilities in manners concerning them, including LGBTI+ persons with disabilities. Second, it called for legislation to explicitly prohibit multiple and intersectional discrimination based on sexual orientation, gender identity and other grounds.

In the [List of Issues](#) to Norway, CRPD had asked four LGBTI-inclusive questions, one of which concerned stereotypes against persons with disabilities based on SOGIESC. However, the questions about sterilisation of intersex persons, intersectional discrimination and consulting with sexual minorities with disabilities did not become part of the COs.

[Cuba](#) had also received SOGIESC questions which did not translate into recommendations, as its LOI asked about adopting a law against multiple discrimination that included sexual orientation.

Meanwhile, Spain had not received any SOGIESC questions in its List of Issues Prior to Reporting. However, a Spanish [civil society report](#) solely dedicated to LGTBQI+ persons with disabilities was submitted for the Session. Cuba, Norway and Turkey also had [submissions](#) briefly mentioning LGBTI persons.

Finally, CRPD did not raise SOGIESC issues in its dialogues with the States, although the Norwegian delegation [mentioned](#) a hate speech strategy encompassing sexual orientation.

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

Country	SOGIESC in previous CO*	SOGIESC in LOI/LOIPR**	SOGIESC in the constructive dialogues***	SOGIESC in CSS****	SOGIESC in current CO*
Cuba	N/A	Yes	No	Yes	No
Niger	N/A	No	No	No	No
Norway	N/A	Yes	Yes	Yes	Yes
Rwanda	N/A	No	No	No	No
Saudi Arabia	N/A	No	No	No	No
Senegal	N/A	No	No	No	No
Spain	No	No	No	Yes	Yes
Turkey	N/A	No	No	Yes	No
Vanuatu	N/A	No	No	No	No

*Concluding Observations

**List of Issues / List of Issues Prior to Reporting

***According to the press releases

****Civil Society Submissions

Text in bold links to the source material.

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

21st Session

During its [21st Session](#), CRPD adopted LOIPRs for the simplified reporting procedures of four States: Belgium, Cook Islands, Czech Republic and Denmark. One SOGIESC-inclusive question was sent to [Belgium](#), asking about measures to prevent unnecessary conversion surgery on intersex persons.

Among the four, [Denmark](#) was the only State with a SOGIESC-inclusive civil society submission, recommending including sexual orientation in anti-discrimination measures.

The Session dates for the four States have yet to be determined.

11th PSWG

In addition, the Committee adopted eight Lists of Issues at its [11th Pre-Sessional Working Group](#), on 8 to 11 April 2019, to guide its initial reviews of Albania, Bangladesh, Estonia, Greece, India, Jamaica, Kuwait and Myanmar. SOGIESC questions were issued only to [India](#). CRPD asked about the State's progress in combatting multiple and intersectional discrimination against various groups, including LGBT+ persons with disabilities.

[India](#) also received a civil society submission mentioning trans persons with disabilities. Reports for Albania and Estonia briefly referred to SOGI as grounds of discrimination.

Albania, Greece, India, Kuwait and Myanmar will have their initial reports reviewed by the Committee at its [22nd Session](#), on 26 August to 20 September 2019. The Session dates for the remaining States have yet to be determined.

1.3. Individual Complaints

The Committee considered three individual complaints in relation to its 21st Session. None of the communications made reference to SOGIESC.

2. COMPILATION OF CONCLUDING OBSERVATIONS

[Norway](#) – Concluding Observations – 21st Session, 5 April 2019, initial review²

II. Positive aspects

4. The Committee welcomes the progress achieved by the State party in implementing the Convention. In particular, it appreciates the adoption of the following legislative, policy and administrative measures:

[...]

(b) The LGBTIQ Action Plan: Safety, Diversity, Openness (2017 – 2020), which features a programme aimed at incorporating disability, sexuality and LGBTIQ under the online service;

[...]

III. Principal areas of concern and recommendations

B. Specific rights (arts. 5-30)

Awareness-raising (art. 8)

13. The Committee is concerned about the persistence of negative stereotypes, prejudices and language against persons with disabilities. The Committee is also concerned at the lack of comprehensive and innovative awareness-raising programs on the rights of persons with disabilities.

14. The Committee recommends that the State party, in collaboration with organizations of persons with disabilities, develop and implement innovative public awareness-raising and education programs for the media, public officials, judges and lawyers, the police, social workers and the general public with the aim of raising awareness and promoting the human rights-based concept of disability, addressing negative stereotypes, prejudices and language against persons with disabilities in society including on the grounds of sexual orientation and gender identity.

[Spain](#) – Concluding Observations – 21st Session, 9 April 2019, 2nd and 3rd review³

A. General principles and obligations (arts. 1-4)

6. [...] The Committee is also concerned about:

[...]

(c) The limited progress to ensure equal and full-range involvement and participation of persons with disabilities through their representative organizations in all matters that concern them, including the elaboration of public policies and laws;

[...]

7. **The Committee recommends that the State party:**

[...]

² [CRPD/C/NOR/CO/1](#)

³ [CRPD/C/ESP/CO/2-3](#)

(d) Ensure the continuing involvement and meaningful consultations with various organizations of persons with disabilities, including but not limited to women, children, refugees and asylum-seekers, LGBTI+, persons with psychosocial disabilities or with intellectual, hearing or visual impairments, persons living in rural areas and persons in need of high levels of support, in the designing and amending of new and existing laws, policies and programs to ensure their compliance with the Convention, as defined by The Committee's General Comment No. 7 of 2018;

[...]

B. Specific rights (arts. 5-30)

Equality and non-discrimination

8. The Committee is concerned about the lack of explicit recognition and prohibition of multiple and intersectional discrimination on the grounds of disability, sex, age, ethnicity, gender identity and sexual orientation and any other status in all areas of life. The Committee regrets that a number of mental health conditions are not considered as disabilities under Spanish Law. It is further concerned about the lack of recognition of the denial of reasonable accommodation as a form of discrimination in all areas of life.

9. **The Committee recommends that the State party refer to its general comment No. 6 (2018) on the right to equality and non-discrimination and targets 10.2 and 10.3 of the Sustainable Development Goals, to revise legislation to adhere to the Convention and to explicitly recognize and prohibit multiple and intersectional discrimination on the grounds of disability, sex, age, ethnicity, gender identity and sexual orientation and any other status in all areas of life within its anti-discrimination legislation, policies and strategies, including the Equality Act. Furthermore, the Committee reminds the State party that all persons with mental health conditions are considered as persons with psychosocial disabilities and fall under the scope of the Convention. Finally, it recommends that the State party recognise the denial of reasonable accommodation as a form of discrimination and ensure effective mechanisms of legal redress and reparation.**

States with no SOGIESC recommendations:

- [Cuba](#)
- [Niger](#)
- [Rwanda](#)
- [Saudi Arabia](#)
- [Senegal](#)
- [Turkey](#)
- [Vanuatu](#)

3. COMPILATION OF LISTS OF ISSUES

Belgium – List of Issues Prior to Reporting – 21st Session, 30 April 2019, 2nd and 3rd review⁴

Protecting the integrity of the person (art. 17)

17. Please indicate measures taken to prohibit and prevent non-consensual treatment, including forced sterilization, for persons with disabilities, and to protect intersex persons from undergoing unnecessary conversion surgery.

India – List of Issues – 11th PSWG, 23 April 2019, initial review⁵

Equality and non-discrimination (art. 5)

5. Please provide information about:

- (a) Existing frameworks for promoting equality and non-discrimination of persons with disabilities, including the provision of reasonable accommodation, and progress achieved in combating multiple and intersectional forms of discrimination against persons affected by leprosy, in Scheduled Castes (Dalits) and Scheduled Tribes (Adivasi), internally displaced persons, older persons with disabilities, persons with disabilities living with HIV/AIDS, indigenous persons with disabilities or who belong to ethnic and religious minorities, and LGBT+ persons with disabilities;

States with no SOGIESC questions:

- Cook Islands
- Czech Republic
- Denmark
- Albania
- Bangladesh
- Estonia
- Greece
- Jamaica
- Kuwait
- Myanmar

⁴ CRPD/C/BEL/QPR/2-3

⁵ CRPD/C/IND/Q/1

4. CIVIL SOCIETY SUBMISSIONS

Albania

- Submission by [Albanian Disability Rights Foundation](#) for the 11th PSWG (*refers to report on LGBT women concerning violence against disadvantaged groups*).

Cuba

- Submission by [Red Cultura Inclusiva - Cubalex](#) for the 9th PSWG (*recommends considering the situation of trans people with disabilities*).

Denmark

- Submission by [DPOD and Civil Society](#) for the 21st Session (*recommends anti-discrimination measures which include sexual orientation*).

Estonia

- Submission by the [Estonian Chamber of Disabled People](#) for the 11th PSWG (*mentions sexual orientation as ground of discrimination*).

India

- Submission by [National CRPD Coalition India](#) for the 11th PSWG (*mentions decriminalisation of homosexuality, and trans persons with disabilities*).

Norway

- Submission by the [Civil Society Coalition Norway](#) for the 21st Session (*mentions sexual orientation as ground for multiple discrimination*).

Spain

- Submission by [Instituto de Paz, Derechos Humanos y Vida Independiente \(IPADEVI\)](#) for the 17th and 21st Sessions (*stand-alone report on LGTBQI+ persons with disabilities*).
- Submission by [Autistic Minority International](#) for the 17th Session (*mentions “Jews and homosexuals” as groups previously considered unworthy of life*).

Turkey

- Submission by [Association for Monitoring Equal Rights](#) for the 10th PSWG (*mentions sexual orientation and LGBTI in the context of intersectional discrimination*).
- Submission by [Association for Monitoring Equal Rights](#) for the 21st Session (*mentions need for data on LGBTI+ persons with disabilities*).