



UN Human Rights Committee: 122nd Session

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RESUME:

- Recommendations on LGBTI issues for [El Salvador](#), [Guatemala](#), [Hungary](#) & [Lebanon](#), including:
 - On decriminalisation of same-sex relations (Lebanon);
 - On SOGI-inclusive anti-discrimination legislation (Guatemala, Hungary & Lebanon);
 - On hate crimes, including on SOGI-inclusive legislation and protocols, as well as data collection (Guatemala), and identification, recording, investigation, prosecution and punishment (Hungary & Lebanon);
 - On trainings for law enforcement officials (El Salvador & Hungary) and awareness-raising campaigns (El Salvador);
 - On freedom of expression and peaceful assembly (Lebanon);
 - On LGBTI internally displaced persons (El Salvador);
 - On recognition of LGBTI families (Hungary);
 - On legal gender recognition (Guatemala); and
 - No stand-alone references to LB women and intersex persons.
- Questions on LGBTI for [Belize](#), [Botswana](#), [Guinea](#), [Sudan](#), [Tunisia](#) & [Uruguay](#), including on:
 - Criminalisation of same-sex relations (Botswana, Guinea, Sudan & Tunisia);
 - SOGI-inclusive anti-discrimination legislation (Belize, Guinea, Sudan & Tunisia)
 - Discrimination against LGBTI persons (Belize, Botswana, Guinea, Sudan, Tunisia & Uruguay);
 - Hate speech and violence against LGBTI persons (Belize, Botswana, Guinea, Tunisia & Uruguay);
 - Access to health services for LGBTI individuals (Uruguay);
 - Immigration restrictions (Belize);
 - Transsexual persons' right to an identity (Uruguay);
 - Intersex surgeries (Uruguay); and
 - No stand-alone references to LB women.

- Next Session: [2 to 27 July 2018](#)
 - Countries (main review): Algeria, Bahrain, Gambia, Laos, Liberia & Lithuania
 - Countries (for LOI): Angola, Eritrea, Niger, Viet Nam
 - Countries (for LOIPR): Germany & Israel
- Next Session: [8 October to 2 November 2018](#)
 - Countries (main review): Belarus, Belize, Bulgaria, Guinea, Saint Vincent and the Grenadines & Sudan
 - [NGO report deadline](#): 10 September 2018 (to gabtom@ohchr.org and ccpr@ohhr.org)
 - Countries (for LOI): Equatorial Guinea, Mauritania, Nigeria, Senegal, Tajikistan, Trinidad and Tobago
 - [NGO report deadline](#): 30 July 2018 (to gabtom@ohchr.org and ccpr@ohhr.org)

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1. SUMMARY

The UN Human Rights Committee published its Lists of Issues and Concluding Observations as a result of the [122nd Session](#) (12 March to 6 April 2018).

Questions on LGBTI issues were sent to all six countries (Belize, Botswana, Guinea, Sudan, Tunisia, Uruguay), and SOGIESC **recommendations** were made for four countries reviewed (El Salvador, Guatemala, Hungary and Lebanon), while on Norway the Committee made its first references to sexual orientation commending the adoption of anti-discrimination law in the country.

Most of the Committee's recommendations were focused on LGBTI people as a uniform group, and sometimes the community has been addressed among other vulnerable groups.

Stand-alone references to trans persons have been made only in the Concluding Observations on Guatemala and in the List of Issues for Uruguay, while a single specific intersex reference was included into the List of Issues for Uruguay. Neither the situation of LB/T/I women nor specific challenges faced by them have been addressed by the Committee. Therefore, while the Committee consistently referred to LGBTI persons, it usually mentioned these identities altogether, barring itself from analysing specific aspects of each population.

1.1. Concluding Observations

During its 122nd Session, the Committee reviewed periodic reports of El Salvador, Guatemala, Hungary, Lebanon, Norway.

SOGIESC references were made for all five countries. In all these cases, LGBTI issues were addressed in both civil society submissions and the constructive dialogues of the Committee with the State delegations. Only for Norway the Committee made SOGIESC Concluding Observations for the first time, as all other countries had previous recommendations on the topic.

| Country | SOGIESC in previous CO* | SOGIESC in LOI** | SOGIESC in the constructive dialogues*** | SOGIESC in CSS**** | SOGIESC in current CO* |
|-------------|-------------------------|------------------|--|--------------------|------------------------|
| El Salvador | Yes | Yes | Yes | Yes | Yes |
| Guatemala | Yes | Yes | Yes | Yes | Yes |
| Hungary | Yes | Yes | Yes | Yes | Yes |
| Lebanon | Yes | Yes | Yes | Yes | Yes |
| Norway | No | Yes | Yes | No | Yes |

*Concluding Observations

**List of Issues

***According to the press releases

****Civil Society Submissions

El Salvador

The Committee has received four submissions on El Salvador dedicated to LGBTI issues, including a stand-alone report on LB women.

The List of Issues included request of information about the number of complaints, investigations and remedies provided for the victims of violence and discrimination based on sexual orientation and gender identity.

The [constructive dialogue](#) included mentions to measures to prevent discrimination in public administration, a training manual for the police, amongst others. The dialogue was also used to criticize the lack of a self-identification policy regarding gender identity, and the lack of

SOGIESC-specific legislation to protect victims of violence and impede the impunity of their perpetrators.

In its Concluding Observations, the Committee noted the inclusion in articles 129 and 155 of the Penal Code that forbids hate crimes motivated by sexual orientation or gender identity. Nonetheless, it stressed that a specialized unity for investigating these crimes is necessary, as well as the adoption of broader protections to LGBTI individuals. The Committee concluded that vulnerable groups, among which is the LGBTI community, suffer a reiterated violation of their rights.

Guatemala

Guatemala had the most inputs from civil society on SOGIESC-related topics. This ensured that both general and specific points were covered. The submissions also mentioned other human rights protection systems, attempting to generate a dialogue between standards. The List of Issues has also covered the topic by demanding information on violence and discrimination against LGBTI community.

The [constructive dialogue](#) questioned the possibility the LGBTI community has in the country to report crimes against them, due to not feeling safe. The Committee's Chair also urged Guatemala to better integrate its national legislation with the ICCPR, particularly on the issue of SOGIESC discrimination.

In the Concluding Observations, the Committee urged the State to prohibit SOGIESC discrimination, to adopt specific legislation forbidding SOGIESC hate crimes, to gather data on the topic, to adopt standard protocols for SOGIESC-motivated crimes, and to combat stereotypes.

Hungary

Hungary received a considerable amount of contribution from civil society, that included the mention of other human rights protection systems. In the List of Issues, "sexual minorities" / LGBT persons were analyzed among other vulnerable groups. The specific mentions made to SOGIESC vulnerability dealt with discrimination in public education and hate speech against LGBT individuals.

During the [constructive dialogue](#), it was stressed that SOGIESC motivation was not seen as an aggravating circumstance of hate crimes. The country also said that textbooks that conveyed stereotypes against the LGBT community are no longer used by the country.

In the Concluding Observations, the Committee requested the country to prohibit discrimination on all grounds, including SOGI-related, ensure that effective remedies are available for victims of hate crimes, and curb discrimination, combat negative stereotyping and prejudice against the LGBT community within its territory.

Lebanon

Lebanon has received contributions from the civil society addressing specific situations of the country, as the occurrence of arbitrary detentions and the criminalization of sexual diversity. The List of Issues presented by the Committee included questions about reports of ill-treatment and torture against LGBTI individuals, and information about the criminalization of "any sexual intercourse contrary to the order of nature". The discrimination by private agents and the conduct of the police when dealing with the LGBTI community were also questioned.

The [constructive dialogue](#) noted there has been a rise in arrests under article 534 of the Penal Code, which criminalizes homosexual conducts. The country argued that the

sentences were lenient, but the committee insisted on its position and highlighted the fact that the sanction would be in record for up to five years. It was also stressed that seminars to mark the IDAHOT were met with intense rejection by parts of the population.

The Concluding Observations noted that the State should guarantee full protection from discrimination to the LGBTI community, which included providing an effective and appropriate remedy for victims of discrimination. Moreover, it insisted on the necessity of decriminalizing sexual relations between consenting adults of the same sex.

Norway

Norway has received no contributions from civil society focusing on SOGIESC topics. The only mention to SOGIESC topics that the List of Issues prepared by the Human Rights Committee had limited itself to demanding information on legislation and strategies to combat discrimination based on SOGI in different areas, such as education, labour and health.

Some issues related to anti-discrimination legislation and access of LGBT persons to health care have been discussed during the [constructive dialogue](#) of the Committee with the State delegation.

The Concluding Observations limited themselves into recognizing the advancements achieved by the country since the previous report, making no additional recommendations whatsoever.

1.2. List of Issues

As a result of its 122nd Session, the Committee produced a set of questions for the States that will be reviewed in the future. All countries had at least one question about the SOGIESC situation in their territories.

The Committee requested the countries to provide information on the situation of discrimination and on measures to counter LGBTI discrimination taken at the legislative and executive levels. Violence and hate speech were also addressed frequently in the Committee's Lists of Issues.

Botswana, Guinea, Sudan and Tunisia were asked about criminalisation of same-sex relations. Relevant questions for Tunisia represented the most detailed example of such references, covering such topics as anal examinations.

The List of Issues for Belize included a very specific topic, namely immigration restrictions.

Uruguay was the only country with more group-specific recommendations. The Committee requested to know the steps taken by the country to provide access to health care services, regarding the usage of "normalization" surgeries upon intersex persons, and relating to the right to identity of trans individuals.

No specific questions on LB/T/I women have been posed by the Committee.

Belize, Guinea and Sudan will be reviewed during the 124th Session of the Human Rights Committee, held in Geneva from 8 October to 2 November 2018. Civil society groups are invited to submit their shadow reports to the Committee by 10 September 2018. To take part in the meetings, NGO representatives must [register](#) until 28 September 2018, but early registration is recommended.

2. COMPILATION OF CONCLUDING OBSERVATIONS

El Salvador – Concluding Observations – 122nd Session, 9 May 2018, 7th review

B. Aspectos positivos

3. El Comité acoge las medidas legislativas e institucionales adoptadas por el Estado parte durante el período en estudio en materia de derechos civiles y políticos, incluyendo:

[...]

e) La reforma en 2015 de los artículos 129 y 155 del Código Penal para incorporar el delito de odio por orientación sexual, identidad y expresión de género;

[...]

No discriminación

9. El Comité está preocupado por la ausencia de un marco jurídico exhaustivo contra la discriminación, así como por la persistencia de la discriminación contra personas afrodescendientes, indígenas, migrantes, personas con discapacidad, mujeres que ejercen la prostitución, personas lesbianas, gais, bisexuales, transgénero e intersexuales y las personas infectadas por el VIH, especialmente en las áreas de educación, salud, vivienda y empleo. El Comité está alarmado por el elevado número de casos de amenazas, agresiones y asesinatos, incluyendo por agentes estatales, contra las personas lesbianas, gais, bisexuales, transgénero e intersexuales, y en particular, las personas transgénero, así como por el elevado índice de impunidad de estos crímenes. El Comité observa que, a pesar de la incorporación del delito de odio por orientación sexual, identidad y expresión de género en la legislación interna, no ha habido casos a los que se haya aplicado esta disposición (arts. 2, 3, 6, 7, 17, 25, 26 y 27).

10. El Estado parte debe:

a) Adoptar una legislación exhaustiva que prohíba la discriminación en todos los ámbitos, incluyendo la discriminación directa e indirecta, tanto en el sector público como en el privado;

b) Adoptar las medidas necesarias para garantizar la plena protección contra la discriminación, tanto en la ley como en la práctica, contra personas afrodescendientes, comunidades indígenas, migrantes, personas con discapacidad, personas lesbianas, gais, bisexuales, transgénero e intersexuales, y personas infectadas por el VIH, incluyendo a través del aumento de los programas de formación para agentes del orden y de seguridad y de más campañas de sensibilización que promuevan la tolerancia y el respeto de la diversidad. Debe también tomar medidas para asegurar la participación plena en la vida política de los miembros de grupos minoritarios, incluyendo personas afrodescendientes y comunidades indígenas;

c) Adoptar e implementar políticas efectivas para la protección de las personas lesbianas, gais, bisexuales, transgénero e intersexuales, incluyendo a través de la creación de una unidad especializada para la investigación de delitos de odio contra estas personas, así como garantizar el pleno reconocimiento de la identidad legal de las personas transgénero;

d) Asegurar que los casos de discriminación y violencia cometidos por particulares o agentes del Estado sean sistemáticamente investigados, que los responsables sean sancionados con penas adecuadas, y que las víctimas obtengan una reparación integral.

Prohibición de la esclavitud, el trabajo forzoso y la trata de personas

25. Si bien el Comité reconoce los esfuerzos realizados por el Estado parte para combatir la trata de personas, está preocupado por la persistencia de este fenómeno, afectando de manera particular a mujeres, niñas y niños, y personas lesbianas, gais, bisexuales, transgénero e intersexuales; la insuficiente protección y asistencia proporcionada a las víctimas; el escaso número de enjuiciamientos y condenas; y los informes relativos a obstrucciones en las investigaciones debido a la corrupción del sistema judicial. Asimismo, preocupa al Comité la prevalencia de las peores formas de trabajo infantil y los informes sobre la explotación laboral y trabajo forzoso de las mujeres en la

industria maquiladora, así como en los sectores pesquero, doméstico y agrícola, en particular de mujeres, niños y niñas (arts. 3, 7, 8 y 24).

26. El Estado parte debe intensificar sus esfuerzos para prevenir, combatir y sancionar la trata de personas y asegurar que las medidas adoptadas por el Estado sean implementadas eficazmente. Debe garantizar que los delitos de trata de personas sean investigados, los responsables procesados y sancionados, y que las víctimas tengan acceso a medidas de protección y asistencia adecuadas. Debe también intensificar sus esfuerzos para prevenir, combatir y sancionar el trabajo infantil, incluyendo en sus peores formas, y el trabajo forzoso, especialmente en la industria maquiladora y los sectores pesquero, doméstico y agrícola. Debe garantizar el establecimiento de protección jurídica y el cumplimiento de la legislación laboral, incluyendo a través de una formación adecuada, inspecciones eficaces y la imposición de sanciones a los empleadores.

Migrantes, solicitantes de asilo y personas desplazadas internas

33. El Comité está preocupado por informes sobre el alto número de desplazados internos debido a la situación de violencia en el Estado parte, en particular mujeres, niños y niñas, adolescentes y personas lesbianas, gais, bisexuales, transgénero e intersexuales, así como por la inexistencia de estadísticas oficiales y la falta de asistencia y protección para esta población (arts. 2, 12, 24 y 26).

34. El Estado parte debe intensificar sus esfuerzos para prevenir los desplazamientos internos. Debe también crear un registro nacional de personas desplazadas internas y del establecimiento de un marco jurídico, programas y políticas destinados a garantizar la asistencia y protección de estas personas, en particular mujeres, niños y niñas, adolescentes y personas lesbianas, gais, bisexuales, transgénero e intersexuales.

Libertad de expresión, asociación y violencia contra personas defensoras de derechos humanos y periodistas

37. El Comité está preocupado por los actos de violencia e intimidación contra las personas defensoras de derechos humanos y periodistas, así como por la falta de medidas para su protección, en particular contra aquellas que trabajan por la defensa de los derechos de la mujer, de personas lesbianas, gais, bisexuales, transgénero e intersexuales, de los pueblos indígenas, derechos reproductivos y sexuales, y aquellos que documentan ejecuciones extrajudiciales o investigan crímenes del pasado. También está preocupado por la aplicación de los artículos 345 y 348 del Código Penal con respecto a las "agrupaciones, asociaciones y organizaciones ilícitas" y al delito de "desórdenes públicos" respectivamente, y del artículo 331 del Código Procesal Penal, el cual prohíbe la aplicación de medidas alternativas a la detención provisional para el delito de "desórdenes públicos", ya que pueden dar lugar a restricciones del derecho a reunión y libre asociación (arts. 6, 7, 9, 19, 21 y 22).

38. El Estado parte debe garantizar asistencia y protección efectivas a personas defensoras de derechos humanos y periodistas que sean víctimas de actos de amenazas, violencia e intimidación, y garantizar que puedan llevar a cabo su trabajo en condiciones adecuadas, incluyendo a través del reconocimiento del derecho a defender los derechos humanos por parte de personas, organizaciones y colectivos, de la adopción de medidas legislativas especiales para su protección, y de la implementación efectiva de medidas cautelares. También debe asegurar que estos actos se investiguen de manera pronta, exhaustiva, independiente e imparcial, que los autores sean procesados y castigados con penas apropiadas, y que las víctimas obtengan una reparación integral. Asimismo, debe tomar medidas para proteger y garantizar de manera efectiva el derecho de reunión pacífica y libre asociación, incluyendo a través de la revisión de su legislación penal.¹

¹ English version of the Concluding Observations is not available yet. Below is an unofficial translation of the references into English:

B. Positive aspects

3. The Committee welcomes the legislative and institutional measures adopted by the State party during the period under consideration in the area of civil and political rights, including:

[...]

e) The reform, in 2015, of articles 129 and 155 of the Criminal Code to incorporate hate crimes based on sexual orientation, identity and gender expression;

[...]

Nondiscrimination

9. The Committee is concerned about the absence of a comprehensive legal framework against discrimination, as well as about the continuity of discrimination against people of African descent, indigenous people, migrants, persons with disabilities, women who practice prostitution, lesbian, gay, bisexual persons, transgender and intersex people and people infected with HIV, especially in the areas of education, health, housing and employment. The Committee is alarmed by the high number of threats, assaults and killings, including by state agents, against lesbian, gay, bisexual, transgender and intersex persons, and in particular, transgender people, as well as by the high level of impunity for these crimes. The Committee observes that, despite the inclusion of hate crimes based on sexual orientation, identity and gender expression in domestic legislation, there have been no cases in which this provision has been applied (articles 2, 3, 6, 7, 17, 25, 26 and 27).

10. The State party should:

a) Adopt comprehensive legislation that prohibits discrimination in all areas, including direct and indirect discrimination, in both the public and private sectors;

b) Adopt measures that are necessary to guarantee full protection against discrimination, both in law and in practice, against people of African descent, indigenous communities, migrants, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, and HIV-infected people, including through increased training programs for law enforcement and security and more awareness campaigns that promote tolerance and respect for diversity. It must also take measures to ensure full participation in the political life of members of minority groups, including people of African descent and indigenous communities;

c) Adopt and implement effective policies for the protection of lesbian, gay, bisexual, transgender and intersex persons, including through the creation of a specialized unit for the investigation of hate crimes against these individuals, as well as ensuring full recognition of the legal identity of transgender people;

d) Ensure that cases of discrimination and violence perpetrated by individuals or State agents are systematically investigated, that those responsible are punished with adequate penalties, and that the victims obtain comprehensive reparation.

Prohibition of slavery, forced labor and trafficking of persons

25. While the Committee recognizes the efforts made by the State party to combat trafficking of persons, it is concerned about the persistence of this phenomenon, particularly affecting women, girls and boys, and lesbian, gay, bisexual, transgender and intersex people; insufficient protection and assistance provided to victims; the low number of prosecutions and convictions; and the reports regarding obstructions in the investigations due to the corruption of the judicial system. The Committee is also concerned about the prevalence of the worst forms of child labor and the reports on labor exploitation and forced labor of women in the maquila industry, as well as in the fishing, domestic and agricultural sectors, particularly women, children and girls (articles 3, 7, 8 and 24).

26. The State party shall intensify its efforts to prevent, combat and punish trafficking of persons and ensure that the measures adopted by the State are implemented effectively. It must ensure that the crimes of trafficking of persons are investigated, those that are responsible prosecuted and punished, and that victims have access to adequate protection and assistance measures. The State must also intensify its efforts to prevent, combat and punish child labor, including in its worst forms, and forced labor, especially in the maquila industry and the fishing, domestic and agricultural sectors. The State must guarantee the establishment of legal protection and compliance with labor legislation, including through adequate training, effective inspections and the imposition of sanctions on employers.

Migrants, asylum seekers and internally displaced persons

33. The Committee is concerned about reports of the high number of internally displaced persons due to the situation of violence in the State party, in particular women, children, adolescents and lesbian, gay, bisexual, transgender and intersex persons, as well as the lack of official statistics and the lack of assistance and protection for this population (articles 2, 12, 24 and 26).

34. The State party should intensify its efforts to prevent internal displacement. It should also create a national registry of internally displaced persons and the establishment of a legal framework, programs and policies aimed at guaranteeing the assistance and protection of these individuals, in particular women, children, adolescents and lesbian, gay, bisexual, transgender and intersex persons.

Freedom of expression, association and violence against human rights defenders and journalists

Guatemala – Concluding Observations – 122nd Session, 7 May 2018, 4th review

Discrimination and violence based on sexual orientation or gender identity

6. The Committee is concerned about the fact that the country has no law that specifically prohibits discrimination and hate crimes motivated by the victim's sexual orientation or gender identity and that protects transgender persons' right to legal recognition of their identity. It is also concerned about the increase in the number of murders of transgender women and about shortcomings in the recording and investigation of violent acts motivated by the victim's sexual orientation or gender identity. It also regrets the lack of consolidated data on investigations, prosecutions, judgments, penalties and reparation in cases involving violence and hate crimes directed against lesbian, gay, bisexual, transgender and intersex persons (arts. 2, 6, 7, 17 and 26).

7. The State party should:

(a) Adopt legislation that prohibits discrimination motivated by the victim's sexual orientation or gender identity and that protects transgender persons' right to legal recognition of their identity;

(b) Adopt the necessary legislative means for adequately categorizing hate crimes motivated by the victim's sexual orientation or gender identity and systematically compile data on investigations, prosecutions, judgments, penalties and reparation in such cases;

(c) Adopt the necessary protocols for ensuring that (i) crimes motivated by the victim's sexual orientation or gender identity are systematically reported and investigated; (ii) perpetrators of such crimes are punished appropriately; and (iii) victims have access to secure complaint mechanisms, to adequate protection and to full redress:

(d) Redouble its efforts to combat stereotypes and prejudice with regard to lesbian, gay, bisexual, transgender and intersex persons and to guarantee that acts of discrimination and violence directed against them are prevented.

Hungary – Concluding Observations – 122nd Session, 9 May 2018, 6th review

Discrimination against lesbian, gay, bisexual and transgender persons

19. The Committee is concerned that the ban on discrimination in the Fundamental Law does not explicitly list sexual orientation and gender identity among the grounds of discrimination and that its restrictive definition of family may give rise to discrimination, since it does not cover certain types of family arrangements, including same-sex couples. The Committee is also concerned about the acts of violence and the prevalence of negative stereotypes and prejudice against lesbian, gay, bisexual and transgender persons, particularly in employment and education (arts. 2, 3, 6, 7, 17 and 26).

37. The Committee is concerned about acts of violence and intimidation against human rights defenders and journalists, as well as about the lack of measures for their protection, particularly against those working for the defense of women's rights, of lesbian, gay, bisexual, transgender and intersex individuals, of indigenous peoples, reproductive and sexual rights, and those who document extrajudicial executions or investigate past crimes. It is also concerned about the application of articles 345 and 348 of the Criminal Code with regard to "illicit groups, associations and organizations" and the crime of "public disorder" respectively, and article 331 of the Code of Criminal Procedure, which prohibits the application of alternative measures to provisional detention for the offense of "public disorder", since they may give rise to restrictions on the right to assembly and freedom of association (articles 6, 7, 9, 19, 21 and 22).

38. The State party should guarantee effective assistance and protection to human rights defenders and journalists who are victims of threats, acts of violence and intimidation, and ensure that they can carry out their work in proper conditions, including through the recognition of the right to defend human rights by individuals, organizations and collectives, the adoption of special legislative measures for their protection, and the effective implementation of precautionary measures. The State must also ensure that these acts are investigated in a prompt, thorough, independent and impartial manner, that the perpetrators are prosecuted and punished with appropriate penalties, and that the victims obtain comprehensive reparation. Likewise, the State must take measures to protect and effectively guarantee the right to peaceful assembly and freedom of association, including through the revision of its criminal legislation.

20. The State party should:

- (a) Prohibit discrimination on all grounds, including sexual orientation and gender identity, and in all spheres and sectors, including education, employment, marriage and family arrangements;**
- (b) Ensure access to effective remedies for any act of discrimination and ensure that courts interpret discrimination laws in accordance with the Covenant;**
- (c) Take the necessary measures to curb discrimination against lesbian, gay, bisexual and transgender persons with regard to family arrangements;**
- (d) Ensure the effective identification, recording, investigation, prosecution and punishment of acts of violence motivated by the sexual orientation or gender identity of the victims, and intensify efforts to combat negative stereotypes and prejudice against lesbian, gay, bisexual and transgender persons, including through the provision of training for law enforcement officials.**

Lebanon – Concluding Observations – 122nd Session, 9 May 2018, 3rd review

Non-discrimination framework

11. While noting that the Constitution proclaims the principle of equality generally, the Committee regrets the lack of comprehensive anti-discrimination legislation covering all the grounds prohibited under the Covenant. It is also concerned about the lack of effective remedies for victims of discrimination (arts. 2 and 26).

12. The State party should take all the measures necessary to ensure that its legal framework: (a) provides full and effective protection against discrimination in all spheres, including the private sphere, and prohibits direct, indirect and multiple discrimination; (b) contains a comprehensive list of grounds for discrimination in line with the Covenant, including sexual orientation and gender identity; and (c) provides for access to effective and appropriate remedies for victims of discrimination.

Discrimination and violence on grounds of sexual orientation and gender identity

13. The Committee is concerned that, despite the information about court judgments holding that article 534 of the Criminal Code is not applicable to lesbian, gay, bisexual, transgender and intersex individuals, such individuals continue to be arrested and prosecuted, including for sexual relations between consenting adults of the same sex, under article 534 of the Criminal Code, which criminalizes “any sexual intercourse contrary to the order of nature”. It is also concerned about reports of the prevalence in society of discrimination, hate speech and homophobic attitudes; harassment, violence and extortion directed at lesbian, gay, bisexual, transgender and intersex individuals; violations of their freedom of expression and of peaceful assembly; and the lack of protection against such acts (arts. 2, 7, 9, 14, 17, 19, 21 and 26).

14. The State party should explicitly prohibit discrimination on the basis of sexual orientation and gender identity and ensure that lesbian, gay, bisexual, transgender and intersex individuals are afforded, both in law and in practice, adequate and effective protection against all forms of discrimination, hate speech or violence based on sexual orientation or gender identity, and that such acts are properly investigated, prosecuted and, if the perpetrators are convicted, punished with appropriate penalties. It should decriminalize sexual relations between consenting adults of the same sex with a view to bringing its legislation into compliance with the Covenant and take all measures necessary to guarantee in practice the effective enjoyment of the rights to freedom of expression and peaceful assembly of lesbian, gay, bisexual, transgender and intersex individuals.

Norway – Concluding Observations – 122nd Session, 25 April 2018, 7th review

B. Positive aspects

3. The Committee welcomes the following legislative and institutional measures taken by the State party:

[...]

(c) The adoption in June 2013 of the Sexual Orientation Anti-Discrimination Act;

(d) The adoption in June 2017 of the Equality and Anti-Discrimination Act.

3. COMPILATION OF LISTS OF ISSUES

Belize – List of Issues – 122nd Session, 10 April 2018, initial report

Non-discrimination (arts. 2 and 26)

3. With reference to the Committee's previous concluding observations (see CCPR/C/BLZ/CO/1, para. 11), please clarify what measures have been taken to ensure that (a) domestic legislation, including the Constitution, explicitly prohibits discrimination on the basis of language, religion, opinion, social origin, property, birth, sexual orientation, gender identity and other status; (b) victims of discrimination have access to effective remedies in judicial and administrative proceedings.

4. Please indicate whether measures have been taken to repeal the discriminatory provisions contained in section 5 (1) of the Immigration Act (2000) prohibiting entry into the State party to certain categories of foreigners on the basis of their health status, disability, sexual orientation or other status, including to persons with physical or psychosocial disability, homosexuals and prostitutes.

5. Please: (a) Report on measures taken to address discrimination on the grounds of sexual orientation and gender identity, including in access to employment; (b) Respond to reports of hate speech and violence, including homicide, against LGBTI individuals and their harassment for reporting of such acts. Please also indicate what measures have been taken to clarify the meaning, interpretation or application of section 5(1)(e) of the Immigration Act following the 2016 judgment of the Caribbean Court of Justice in the case *Maurice Tomlinson v. The State of Belize* to ensure consistency with the principle of legal certainty and with Covenant obligations, in particular with the principle of nondiscrimination.

Botswana – List of Issues Prior to Reporting – 122nd Session, 25 April 2018, 2nd report

Non-discrimination (arts. 2–3 and 25–26)

7. With reference to the Committee's previous concluding observations (para. 22), please provide information on efforts made to repeal section 164 of the Penal Code criminalizing same-sex sexual conduct, and indicate the number of persons who have been convicted under this provision and the sentences imposed on them. Please provide information on the legislative, public policy and awareness-raising measures in place to protect persons from discrimination and violence based on sexual orientation and gender identity, including protection from incitement to discrimination by registered religious organizations.

Guinea – List of Issues – 122nd Session, 24 May 2018, 3rd report

Non-discrimination (art. 2, 7, 24, 25 et 26)

7. Préciser s'il existe une législation complète : a) apportant une définition et une incrimination claires de la discrimination, directe et indirecte ; b) couvrant une liste complète de motifs de discrimination, y compris l'identité sexuelle et de genre, et le handicap ; et c) fournissant aux victimes des recours efficaces. Fournir le nombre de plaintes enregistrées et de poursuites menées sur le territoire de l'État partie pour discrimination. Indiquer les mesures prises pour combattre et pour prévenir les actes de discrimination, de stigmatisation ou de violence à l'encontre : a) des personnes albinos ; b) des survivants à la maladie à virus Ebola ; c) des personnes infectées par le VIH/sida ; d) des enfants nés hors mariage ; e) des personnes appartenant à des minorités ethniques ; et f) des personnes appartenant à des minorités sexuelles ou de genre. À cet égard, indiquer si l'État partie entend revoir l'article 274 du Code pénal criminalisant les activités sexuelles entre personnes de même sexe et les associant à la zoophilie. Indiquer les mesures destinées à assurer en pratique la non-discrimination

des personnes handicapées dans tous les domaines, y compris en matière d'éducation et de participation aux affaires publiques.²

Sudan – List of Issues – 122nd Session, 03 May 2018, 5th report

Non-discrimination and equality (arts. 2, 3, 6, 7, 17, 24 and 26)

5. In the light of the Committee's previous concluding observations (see CCPR/C/SDN/CO/4, para. 11), please provide further information on the amendments to the Interim Constitution in 2017 (see CCPR/C/SDN/5, para. 35). Please also provide information on the bill that aims to criminalize discrimination and hatred on the grounds of religion or race (see CCPR/C/SDN/5, para. 18). Please indicate whether the Interim Constitution and/or the proposed amendments contain a comprehensive list of prohibited grounds of discrimination, including, inter alia, race, ethnic origin, colour, sex, language, religious creed, age, sexual orientation and gender identity. Please indicate the measures taken to establish an effective and independent mechanism to handle and remedy complaints of discrimination, including racial discrimination, and to combat all forms of discrimination in practice.

6. Please provide information on the number of people who have been arrested, detained and prosecuted for same-sex sexual activity by virtue of section 148 of the Criminal Code, which criminalizes sodomy, and whether the State party intends to repeal that provision to ensure compliance with its obligations under articles 2, 17 and 26 of the Covenant. Please also provide information on the legal and practical measures taken to combat discrimination on the basis of sexual orientation and gender identity, including any awareness-raising campaigns.

Tunisia – List of Issues Prior to Reporting – 122nd Session, 27 April 2018, 6th report

Non-discrimination and equality between men and women (arts. 2, 3, 20 and 26)

8. In the light of the Committee's previous concluding observations (para. 14), please indicate whether, in order to bring its legislation into conformity with the Covenant, the State party is intending to repeal those provisions of the Criminal Code that criminalize sexual relations between consenting adults of the same sex. Please provide data on the application of articles 226 (criminalizing public indecency) and 230 (criminalizing same-sex relations between consenting adults) of the Criminal Code to non-heterosexual and non-cisgender persons. Please indicate whether the State party has ended the practice of subjecting persons accused under these articles to forced anal examinations. Please provide statistical data on the number of arrests and detentions ordered under these articles of the Criminal Code since 2006. Please also provide statistics on the number of allegations of harassment, assault and ill-treatment of persons because of their actual or perceived sexual orientation or gender identity, and on the inquiries conducted and proceedings initiated, including their outcomes. Please provide information on the efforts undertaken by the State party to combat discrimination and social stigmatization aimed at non-heterosexual and non-cisgender persons and indicate whether the State party plans to amend domestic legislation to prohibit discrimination on these grounds and criminalize all forms of incitement to hatred and violence against such persons.

² English version of the Concluding Observations is not available yet. Below is an unofficial translation of the references into English:

Non-discrimination (Articles 2, 7, 24, 25 and 26)

7. Please clarify whether there is a comprehensive legislation: (a) providing a clear definition and criminalization of discrimination, both direct and indirect; (b) covering a complete list of grounds of discrimination, including gender, gender identity and disability; and (c) providing victims with effective remedies. Provide the number of registered complaints and prosecutions for discrimination conducted in the State party's territory. Please indicate measures taken to combat and prevent acts of discrimination, stigmatization or violence against: (a) persons with albinism; (b) survivors of Ebola virus disease; (c) people infected with HIV / AIDS; (d) children born out of wedlock; (e) persons belonging to ethnic minorities; and f) persons belonging to sexual or gender minorities. In this regard, please indicate whether the State party intends to review article 274 of the Criminal Code criminalizing same-sex sexual activity and associating them with zoophilia. Please indicate measures to ensure non-discrimination of persons with disabilities in all fields, including education and participation in public affairs, in practice.

Sexual orientation and gender identity (arts. 6, 7, 17 and 26)

7. With reference to the most recent concluding observations (CCPR/C/URY/CO/5, para. 12), please describe the steps taken to:

- (a) Combat discrimination and incitement to hatred against lesbian, gay, bisexual, transgender and intersex persons, including children, and ensure that they have access to health services;
- (b) Protect such persons and ensure that any and all acts of violence motivated by a person's sexual orientation or gender identity are investigated and that the perpetrators of such acts are prosecuted and punished appropriately;
- (c) Guarantee transsexual persons' right to an identity;
- (d) Address the issue of the performance of so-called "normalization" surgery upon intersex persons.

4. CIVIL SOCIETY SUBMISSIONS

El Salvador

- Submission by [Espacio de Mujeres Lesbianas Salvadoreñas por la Diversidad \(ESMULES\)](#) for the 122nd Session (*document fully dedicated to Lesbian issues in El Salvador*)
- Submission by [COMCAVIS TRANS, Synergia Initiatives for Human Rights, and Akahatá](#) for the 122nd Session (*document fully dedicated to LGBTI issues in El Salvador*)
- Submission by [Pro-Búsqueda, COMCAVISTRANS, Fundación Cristosal, FESPAD, DPLF, Fundación para la Justicia y el Estado Democrático de Derecho El Salvador, IDHUCA, and SSPAS](#) for the 122nd Session (*partially dedicated to LGBTI discrimination and violence*)
- Submission by [The Advocates for Human Rights](#) for the 122nd Session (*dedicates a section to LGBTI issues, including private and state sponsored discrimination, violence, and impunity for hate crimes*)

Guatemala

- Submission by [Cerigua, Ifex and RIDH](#) for the 122nd Session (*recalls a recommendation on LGBTI issues made to Guatemala during the Universal Periodic Examination in 2017*)
- Submission by [Consejo Nacional para la Defensa del Derecho Humano de la Salud \(CNDDHS\) and Red Nacional de Derechos Humanos \(RENADDHH\)](#) for the 122nd Session (*recalls the Inter-American Commission's report on Guatemala from 2016 about pre-trial detention*)
- Submission by [Humanistas Guatemala, RedLAC, and INCIDEJOVEN](#) for the 122nd Session (*deals with LGBTI issues, primarily the ones related to the Bill "Law for the Protection of Life and the Family"*)
- Submission by [OTRANS, REDTRANS Guatemala, REDNADS, REDLACTRANS, the Center for International Human Rights of Northwestern Pritzker School of Law, and Synergia - Initiatives for Human Rights](#) for the 122nd Session (*focused on human rights violations of transgender women*)
- Submission by [Procurador de los Derechos Humanos de Guatemala](#) for the 122nd Session (*mentions LGBTI issues and includes references to both the Inter-American Commission and Court; it also mentions the Bill "Law for the Protection of Life and the Family"*)

Guinea

- Submission by [Amnesty International](#) for the 122nd Session (*section that deals with LGBTI equality*)

Hungary

- Submission by [Hungarian Helsinki Committee](#) for the 122nd Session (*mentions the ECHR decision on O.M. v. Hungary on arbitrary detention*)
- Submission by [Hungarian LGBT Alliance, Transvanilla Transgender Association, Háttér Society, and Labrizs Lesbian Association](#) for the 122nd Session (*solely dedicated to LGBTI issues*)
- Submission by [Hungarian Women's Lobby \(HWL\), NANE Women's Rights Association, and People Opposing Patriarchy \(PATENT\)](#) for the 122nd Session (*brief mention to LGBTI equality*)
- Submission by [Working Group Against Hate Crimes](#) for the 122nd Session (*deals with data collection and legal framework in LGBTI issues*)

Lebanon

- Submission by [ALEF – act for human rights, Association for Justice and Mercy \(AJEM\), Caritas Lebanon, Himaya, Insan Association, The Lebanese Coalition for the abolition of the death penalty, MOSAIC, Proud Lebanon, Restart Center, Skoun, and Together against the death penalty](#) for the 122nd Session (*deals with LGBTI criminalization and equality before the law, also mentions a Lebanese anti-criminalization judicial decision*)
- Submission by [Proud Lebanon](#) for the 122nd Session (*submission entirely dedicated to LGBTIQ+ issues, including but not limited to criminalization, privacy, freedom of expression and association, and arbitrary detentions*)

Uruguay

- Submission by [Amnesty International](#) for the 122nd Session (*deals with LGBTI equality campaigns and legislation; also includes LGBTI children and adolescent discrimination*)