



UN Human Rights Committee: 125th Session, 4 – 29 March 2019

State reports reviewed: 🇦🇷 Angola, 🇪🇷 Eritrea, 🇪🇪 Estonia, 🇳🇮 Niger, 🇻🇨 Saint Vincent and the Grenadines, 🇻🇳 Viet Nam

Lists of Issues adopted: 🇨🇻 Cabo Verde, Central African Republic, 🇩🇲 Dominica, 🇫🇮 Finland, 🇱🇸 Lesotho, 🇸🇳 Senegal, 🇺🇸 United States of America

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RESUME:

- LGBTI recommendations to **Angola, Eritrea, Estonia, Niger, St. Vincent and the Grenadines and Viet Nam**, to:
 - Decriminalise same-sex relations (Eritrea, Niger, St. Vincent & Grenadines)
 - Include SOGI in anti-discrimination laws (Niger, St. Vincent & Grenadines, Viet Nam)
 - Combat stigmatisation of LGBTI persons (Eritrea, St. Vincent & Grenadines, Viet Nam)
 - Protect LGBT from discrimination and violence (Angola, St. Vincent & Grenadines, Viet Nam)
 - Recognise SOGI-based hatred as aggravating circumstances for all crimes (Estonia)
 - End irreversible medical treatment of intersex children (Viet Nam)
 - Remove medical requirements for legal gender recognition (Viet Nam)
 - Legal recognition of same-sex couples (Viet Nam)
 - Two trans-specific (Estonia, Viet Nam) and one intersex (Viet Nam) recommendation.
 - One follow-up recommendation to Estonia.
 - First SOGIESC recommendations to Angola, Eritrea, Niger and Viet Nam.
- SOGIESC questions to **Cabo Verde, Dominica, Finland, Lesotho, Senegal and U.S.A.**, on:
 - SOGI discrimination and violence (Cabo Verde, Dominica, Lesotho, Senegal, U.S.A.)
 - Criminalisation and prosecution of same-sex conduct (Dominica, Lesotho, Senegal)
 - Asylum applications based on sexual orientation (Senegal)
 - Sexual orientation as mitigating factor for homicide (Dominica)
 - Discrimination of trans persons in schools, prisons and the military (U.S.A.)
 - Homophobic and white supremacist groups promoting hate speech/crimes (U.S.A.)
 - Discrimination, sterilisation and pathologisation of trans persons (Finland)
 - "Sex-normalising" surgeries on intersex children (Finland)

- Next Session: **1 to 26 July 2019**
 - Countries (main review): Equatorial Guinea, Mauritania, Netherlands, Nigeria, Paraguay, Tajikistan
 - **NGO report deadline:** 3 June 2019 (to ghabtom@ohchr.org and ccpr@ohchr.org)
 - Countries (for LOI): Portugal, Uzbekistan
 - Countries (for LOIPR): Chile, Cyprus, India, Republic of Korea
 - **NGO report deadline:** 13 May 2019 (to ghabtom@ohchr.org and ccpr@ohchr.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 **125th Session** held on 4 to 29 March 2019. Six States received SOGIESC¹-inclusive recommendations, and another six were issued LGBTI-inclusive questions. Only one of thirteen States (Central African Republic) was not challenged on SOGIESC issues.

The LGBTI questions and recommendations addressed discrimination, criminalisation of same-sex relations, and violence, hate crimes and stigma against LGBTI persons. Two of the seven recommendations and six of the ten questions focused solely on SOGIESC.

There were also four trans-specific and two intersex-specific references, including a stand-alone trans and a stand-alone intersex question to Finland. However, only four of the twelve States had intersex-inclusive references as HRCtee mostly used the terms SOGI and LGBT.

Half the State parties with SOGIESC references received LGBTI-related **civil society reports**. While this shows that HRCtee also raised SOGIESC issues on its own, it only applied to the more general topics such as LGBTI discrimination. Trans or intersex issues were much more dependent on the content of the reports from civil society: three of four States with trans references and all States with intersex references had reports on these populations. The connection is most clearly seen for Finland, the only State to receive stand-alone trans and intersex questions, and the only State with a stand-alone report on trans and intersex issues.

1.1. Concluding Observations

During its **125th Session**, the Committee reviewed the periodic reports of six States: Angola, Eritrea, Estonia, Niger, Saint Vincent and the Grenadines and Viet Nam. All six were issued SOGIESC recommendations, including two stand-alone recommendations (Saint Vincent and the Grenadines, Viet Nam) and one follow up recommendation (Estonia). These were also HRCtee's first LGBTI recommendations to Angola, Eritrea, Niger and Viet Nam.

The seven recommendations urged the States to decriminalise same-sex relations, legalise partnerships, prohibit SOGI-based discrimination and hate crimes, protect LGBT(I) persons from violence, change social attitudes, and end non-consensual medical procedures on trans and intersex persons. Two recommendations addressed trans persons (Estonia, Viet Nam) regarding protection against hate crimes and barriers to legal gender recognition. In addition, one recommendation concerned intersex children specifically (Viet Nam), calling for an end to unnecessary, "gender-assigning" surgeries.

Furthermore, all the constructive dialogues discussed SOGIESC, and all but one LOI asked LGBTI questions, most of which were reiterated in the Concluding Observations. Three States also had LGBTI **civil society submissions**, which most clearly appeared to influence Viet Nam, as trans and intersex issues were addressed in both the civil society reports and the recommendations.

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*
Angola	No	No	Yes	No	Yes
Eritrea	N/A	Yes	Yes	No	Yes
Estonia	Yes	Yes	Yes	Yes	Yes
Niger	No	Yes	Yes	Yes	Yes
Saint Vincent and the Grenadines	Yes	Yes	Yes	No	Yes
Viet Nam	No	Yes	Yes	Yes	Yes

*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.

Country-specific information

Angola

Angola received one LGBT-inclusive recommendation, expressing concern for discrimination against LGBT persons and lack of comprehensive anti-discrimination legislation and data. It recommended effectively protecting LGBT persons, among other groups, and addressing all cases of discrimination. HRCtee also welcomed the criminalisation of discrimination against sexual orientation.

This was HRCtee's first SOGIESC recommendation to Angola, and was issued despite there being no LGBTI references in the LOI or civil society submissions. Only the [constructive dialogue](#) mentioned SOGIESC as it welcomed the decriminalisation of same-sex relations.

Eritrea

Eritrea also received its first SOGIESC-inclusive recommendation from the Committee, calling for the decriminalisation of same-sex relations, and for the State to take action against stigmatisation of LGBTI persons through public education, policies and other means. The [LOI](#) had also asked about the criminalisation of same-sex relationships, and about anti-discrimination measures for, inter alia, sexual orientation and gender identity.

The [constructive dialogue](#) also questioned the criminalisation of same-sex relations. The State delegation responded that such relationships were "not acceptable" in Eritrean society.

Estonia

Estonia was issued a SOGIESC follow-up recommendation on hate speech and hate crimes. The Committee expressed concern at the general lack of protection against such hate, and recommended making gender identity a prohibited ground for hate crimes and to make SOGI-based hate motives aggravating circumstances for all offences.

The [LOIPR](#) for Estonia had also asked for SOGI-based hatred to be considered aggravating circumstances in all crimes, for the State to combat harassment of LGBT persons and homo- and transphobic discourse by politicians, and for data on LGBT-based hate speech. The [constructive dialogue](#) raised the same issues of hatred, discrimination and violence against LGBTI persons. Finally, Estonia received only one [civil society report](#) for the Session, which significantly was a stand-alone report on men who have sex with men.

Niger

The Committee's first SOGIESC recommendation to **Niger** asked the State to prohibit discrimination on the grounds of SOGI, and to decriminalise consensual same-sex relations.

The **LOI** for Niger had also addressed discrimination and violence against sexual and gender minorities, among several others. By contrast, the Concluding Observations did not mention any other groups. Finally, the Committee questioned Niger about the criminalisation of same-sex activities in its **constructive dialogue**. A **civil society submission** also mentioned the discrimination and criminalisation of such relations.

Saint Vincent and the Grenadines

A stand-alone LGBT recommendation was issued to **Saint Vincent and the Grenadines**, calling for incorporating SOGI in anti-discrimination legislation, decriminalising same-sex relationships, and taking policy and public education measures to combat homophobia, threats and harassment of LGBT persons.

The **LOI** also discussed criminalisation, discrimination and violence against LGBT persons, and the **dialogue** again raised the issues of criminalisation and anti-discrimination legislation. The State delegation replied that the criminalisation of same-sex relationships was "enjoying an overwhelming support of the people", that all citizens were protected from violence and discrimination, and that they had privacy within their own homes.

Viet Nam

Finally, the Committee adopted the first two SOGIESC recommendations to **Viet Nam**. First, it recommended adopting anti-discrimination legislation which includes, inter alia, SOGI. The second, stand-alone recommendation commended Viet Nam for lifting the ban on same-sex marriage and providing legal gender recognition, but was concerned at SOGI-based discrimination, lack of recognition for same-sex couples and "gender assigning" surgeries on intersex children. HRCtee recommended eradicating discrimination and stigma based on SOGI or HIV status, offering remedies to victims, legally recognising same-sex couples, removing medical requirements for legal gender recognition and ending unnecessary medical treatment of intersex children.

The **LOI** also addressed SOGI-based discrimination, recognition of same-sex couples and the rights of trans persons, and the **dialogue** inquired about anti-discrimination legislation, a bill on transgender persons and measures to end employment discrimination of trans people.

Finally, two **civil society reports** discussed SOGIESC in education, discrimination, same-sex couples, and trans and intersex rights. These reports may have encouraged the Committee to adopt trans and intersex recommendations, which were not issued to any other State.

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

During its **125th Session**, the Committee adopted questions for seven States that are to be reviewed in the future: LOIs for Cabo Verde, the Central African Republic, Dominica and Senegal, and LOIPRs for the simplified reporting procedures of Finland, Lesotho and the United States of America. All States except the Central African Republic received SOGIESC questions.

The ten SOGIESC questions concerned the criminalisation of same-sex acts, discrimination against LGBT persons, asylum seekers, trans rights, intersex rights and violence, police abuse and hate speech. SOGIESC-inclusive **civil society reports** were submitted for Finland, Lesotho and the U.S.A.

Six of ten questions were stand-alone SOGIESC questions, including a stand-alone question on legal gender recognition to [Finland](#), and a trans-specific reference in the question to the [U.S.A.](#) about the protection of trans people in schools, prisons and the military. Furthermore, Finland received one intersex-specific question on “sex-normalising” surgeries on children. With the exception of an intersex-inclusive question to [Lesotho](#), the Committee’s other questions did not address intersex persons, but instead used the terms LGBT and SO/SOGI.

Country-specific information

[Cabo Verde](#) was asked which measures it had taken against discrimination based on sexual orientation and gender identity following the decriminalisation of same-sex relations in 2004.

[Dominica](#) was asked whether domestic legislation prohibited discrimination based on, inter alia, SOGI, and whether the State would revise the Sexual Offences Act, which criminalises same-sex conduct and allows for forced psychiatric treatment of those convicted thereof. HRCtee also inquired about the number of convictions and psychiatric treatments for same-sex acts, measures to combat violence and stigma against LGBT persons, and allegations that police refuse to investigate such violence. Finally, it asked about a court judgement in 2009 that had overturned a murder conviction due to the victim’s “unnatural advances”.

[Finland](#) received one stand-alone question on gender identity, and another on sex characteristics. HRCtee asked about discrimination against trans persons and the requirements to undergo sterilisation and receive a mental health diagnosis in order to have legal gender recognition. The second question asked about unnecessary and irreversible surgeries on intersex children, and for the State to offer redress, adopt guidelines for medical professionals, and follow up on national studies in this regard.

Finland also had three [civil society submissions](#) and one NHRI report addressing trans and intersex rights, including a stand-alone report by [Trasek ry](#). The reports clearly appeared to influence the Committee, as it did not issue trans or intersex questions to any other State.

[Lesotho](#) was asked whether domestic legislation prohibited discrimination based on, inter alia, SOGI, and about discrimination and violence against LGBTI persons and other vulnerable groups. HRCtee also inquired about the legal status of consensual same-sex acts. Lesotho also had a [civil society report](#) calling for LGBTI policies, marriage and protection.

[Senegal](#) was given two SOGIESC-inclusive questions. The first asked about steps to prohibit discrimination based on, inter alia, SOGI, and measures to prevent discrimination and violence against sexual or gender minorities, among others. The second, stand-alone SOGIESC question asked about decriminalisation of same-sex acts and measures to protect sexual minorities from arbitrary arrest, violence and breaches of privacy. Finally, it requested data on arrests for same-sex acts, and for asylum applications based on sexual orientation.

Finally, the [United States of America](#) received two LGBT-inclusive questions. The first, stand-alone question asked about legal and judicial tools available to LGBT persons subject to discrimination, including in employment, housing and service provision. The Committee also asked about mechanisms to protect trans persons from discrimination in schools, jails, prisons and the Armed Forces. The second question concerned violent discrimination against minorities, and asked how the State would prevent white supremacists and homophobic groups from using freedom of expression to promote hate speech and hate crimes.

The U.S.A. was undoubtedly the State with the most LGBTI civil society reports for the Session, with [15 submissions](#) addressing SOGIESC, including two stand-alone reports and several stand-alone sections on LGBTI rights. However, due to the large number of reports in general (56) the LGBTI-inclusive reports only made up 27% of the submissions.

Cabo Verde, the Central African Republic and Senegal will be reviewed by the Committee at its **127th Session** from 14 October to 8 November 2019. The Session dates for the remaining States have yet to be determined.

1.3. Individual Complaints

The Committee considered 33 individual complaints in relation to its **125th Session**. None of the communications made reference to SOGIESC.

1.4. Follow-up to Concluding Observations

For the **125th Session**, the HRCtee also assessed five State parties on their implementation of follow-up recommendations, based on information provided by the States and other actors. None of the recommendations assessed addressed SOGIESC. The Committee also updated its **overview** of follow-up recommendations.

2. COMPILATION OF CONCLUDING OBSERVATIONS

Angola – Concluding Observations – 125th Session, 28 March 2019, 2nd review²

B. Positive aspects

3. The Committee welcomes the following legislative, institutional and policy measures taken by the State party, in particular the adoption or the establishment of:

- (a) The new Penal Code, which criminalizes, among others, acts of discrimination based on sexual orientation, in 2019;
[...]

C. Principal subjects of concern and recommendations

[...]

Combating discrimination

13. The Committee welcomes the criminalization of acts of “discrimination based on sexual orientation”, including in employment. It also notes the measures to eliminate discrimination against persons with disabilities. The Committee reiterates its concern that the State party has not yet adopted a general law on equality and non-discrimination (see CCPR/C/AGO/CO/1, para. 8). It is also concerned at reports that individuals belonging to certain groups face stigmatization and de facto discrimination, in particular indigenous peoples, foreign nationals, persons living with HIV/AIDS, persons with disabilities, persons with albinism and LGBT persons. It further regrets the lack of information on the number of complaints of cases of discrimination and their outcomes (arts. 2 and 26).

14. The State party should take necessary measures to:

- (a) Enact comprehensive legislation providing full and effective protection against discrimination in all spheres and containing a comprehensive list of prohibited grounds of discrimination;
- (b) Effectively protect indigenous peoples, foreign nationals, persons living with HIV/AIDS, persons with disabilities, persons with albinism and LGBT persons and safeguard their fundamental rights, while ensuring that all cases of discrimination are duly addressed.
- (c) Carry out broad education and awareness-raising campaigns that promote equality, tolerance and respect for diversity;
- (d) Ratify the International Convention on the Elimination of All Forms of Racial Discrimination.

Eritrea – Concluding Observations – 125th Session, 28 March 2019, initial review³

Gender-based violence, including domestic violence

21. [...]. The Committee is also concerned that consensual same-sex relationships is criminalized in the State party, which promotes homophobic attitudes and stigmatize lesbian, gay, bisexual, transgender and intersex persons (arts. 3, 6, 7, 14 and 26).

22. [...]. The State party should also decriminalize same-sex relationships between consenting adults and take measures, including policy and public education initiatives, to change societal perceptions of lesbian, gay, bisexual, transgender and intersex persons.

² CCPR/C/AGO/CO/2

³ CCPR/C/ERI/CO/1

C. Principal matters of concern and recommendations

[...]

Hate speech and hate crimes

12. The Committee is concerned that the current legal framework does not provide comprehensive protection against hate speech and hate crimes due to, inter alia, the light penalties and the high threshold for the offence of incitement to hatred, violence or discrimination under article 151 of the Criminal Code, which requires “danger to the life, health or property” of the victim; the absence of gender identity among the prohibited grounds for offences against equality in articles 151 and 152 of the Code; and the recognition of hate motives, including on the basis of sexual orientation and gender identity, as aggravating circumstances for all offences. The Committee notes the plans to amend article 151 of the Criminal Code and to recognize hate motives as aggravating circumstances. [...]

13. [...] the Committee regrets the lack of specific data on the number of complaints regarding hate speech and hate crimes, including on the basis of sexual orientation and gender identity, and on their effective investigation and prosecution (arts. 2, 19, 20 and 26).

14. The State party should ensure effective protection against hate speech and hate crimes, both in law and in practice, in accordance with articles 19 and 20 of the Covenant and the Committee’s general comment No. 34 (2011) on freedoms of opinion and expression, including by:

- (a) Revising the penalties and the threshold for the offence of incitement to hatred, violence or discrimination under article 151 of the Criminal Code;**
- (b) Including gender identity among the prohibited grounds for hatred-motivated offences provided for in articles 151 and 152 of the Criminal Code;**
- (c) Recognizing hate motives, including on the basis of sexual orientation and gender identity, as aggravating circumstances for all offences;**
- (d) Prohibiting by law the public denial, justification or condoning of crimes of genocide, crimes against humanity, war crimes or hate propaganda that is racist or otherwise incites discrimination;**
- (e) Conducting regular awareness-raising activities among the public at large aimed at promoting mutual tolerance, respect for diversity and countering hatred; ensuring continuous training on hate crimes for law enforcement officials, border guards, prosecutors and judges; and expanding the number of web constables, as planned;**
- (f) Investigating hate crimes effectively, prosecuting suspected perpetrators where appropriate and, if they are convicted, punishing them with appropriate sanctions; and providing victims with adequate remedies.**

D. Dissemination and follow-up

[...]

40. In accordance with rule 75, paragraph 1, of the Committee’s rules of procedure, the State party is requested to provide, by 29 March 2021, information on the implementation of the recommendations made by the Committee in paragraphs 14 (hate speech and hate crimes), 24 (non-consensual psychiatric treatment) and 28 (refugees and asylum seekers) above.

Niger – Concluding Observations – 125th Session, 16 May 2019, 2nd review⁵

Non-discrimination

18. While taking note of the legislative framework, including constitutional provisions that prohibit discrimination, the Committee nevertheless regrets the absence of legislation that would thoroughly define and criminalize direct and indirect discrimination and would cover, inter alia, discrimination on the basis of sexual orientation, gender identity and disability. The Committee further regrets the characterization of consensual sexual activities between adults of the same sex as “unnatural” acts under article 282 of the Criminal Code (arts. 2, 17 and 26).

19. The State party should take appropriate steps to:

- (a) enact comprehensive legislation providing full and effective protection against discrimination in all spheres and containing an exhaustive list of prohibited grounds of discrimination, including sexual orientation and gender identity; and**
- (b) amend article 282 of the Criminal Code in order to decriminalize consensual sexual relations between adults of the same sex.**

Saint Vincent and the Grenadines – Concluding Observations – 125th Session, 28 March 2019, 2nd review⁶

Non-discrimination and rights of lesbian, gay, bisexual and transgender persons

16. The Committee is concerned at the absence of comprehensive anti-discrimination legislation in the State party. The Committee is concerned that consensual same-sex relationships remain criminalized in the State party and, even if the law is not enforced, it may promote homophobic attitudes and discourage lesbian, gay, bisexual and transgender persons from submitting complaints on discrimination, threats and harassment, especially since LGBT persons reportedly continue to be subject to such treatment (arts. 2, 9, 17 and 26).

17. The State party, in addition to carrying out a review of the Constitution as above, should ensure its anti-discrimination legislation

- (a) provides for 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.**

It should adopt policies tackling discrimination, decriminalize same-sex relationships between consenting adults and take measures, including policy and public education initiatives, to change societal perceptions of lesbian, gay, bisexual and transgender persons and protect them from threats and harassment.

⁵ CCPR/C/NER/CO/2

⁶ CCPR/C/VCT/CO/2/Add.1

Non-discrimination framework

13. The Committee is concerned that the current legal framework does not afford comprehensive protection against discrimination on all the grounds prohibited under the Covenant (arts. 2 and 26).

14. The State party should consider adopting a comprehensive anti-discrimination law to ensure that its legal framework provides for full and effective protection against all forms of discrimination in all spheres, and a comprehensive list of grounds for discrimination, including race, colour, national or social origin, birth, disability, age, sexual orientation and gender identity and any other status. It should further ensure that reported acts of discrimination are effectively addressed and victims are provided with full reparation.

Sexual orientation, gender identity, intersex status, and persons with HIV

15. The Committee welcomes the efforts made by the State party to improve the situation of lesbian, gay, bisexual, transgender and intersex persons, including by eliminating the prohibition on same sex-marriage and providing for legal gender recognition. It takes note of the ongoing drafting of a law regarding transgender persons. Nevertheless, it is concerned that these persons continue to face discrimination on the grounds of their sexual orientation and gender identity. It is concerned by the absence of legal recognition and protection of same-sex couples, and that infants and children under the age of 9, born with intersex variations, may undergo irreversible medical interventions for purposes of gender assignment, and that they are performed before the children concerned are able to provide free and informed consent. The Committee is concerned that people living with HIV continue to face discrimination and stigmatization (arts. 2, 3, 7, 9, 17, 24 and 26).

16. The State party should:

- (a) intensify its efforts to eradicate all forms of discrimination, violence, and social stigmatization against persons based on their sexual orientation, gender identity, or HIV status;**
- (b) provide access to effective remedies for victims of such acts;**
- (c) establish a procedure for legal gender recognition without medical requirement that is compatible with the Covenant;**
- (d) consider legal recognition and protection of same-sex couples; and**
- (e) take measures to end irreversible medical treatment of intersex children, who are not yet able to provide fully informed and free consent, unless such procedures constitute an absolute medical necessity.**

3. COMPILATION OF LISTS OF ISSUES

Cabo Verde – List of Issues – 125th Session, 25 April 2019, initial review⁸

Non-discrimination (arts. 2, 3, 13, 24 and 26)

3. [...] In the light of the decriminalization of same-sex conduct in 2004, please report on the measures taken to ensure the elimination of discrimination based on sexual orientation and gender identity in practice and in all areas. With reference to the State party's report (para. 17), please provide information on the number of discrimination cases reported and on their outcome.

Dominica – List of Issues – 125th Session, 25 April 2019, initial review⁹

Non-discrimination (arts. 2, 3, 14, 20, 23, 26 and 27)

4. With reference to section 13 of the Constitution, please indicate whether there are specific laws in place prohibiting discrimination in the domestic legal system and if so, please provide details. In particular, clarify whether domestic law:

- (a) provides a definition of discrimination that includes a comprehensive list of prohibited grounds of discrimination including race, religion, colour, property, birth, national or social origin, political or other opinion, sexual orientation, gender identity and any other status;
- (b) covers direct, indirect and intersecting forms of discrimination; and
- (c) provides for effective judicial and administrative remedies.

[...].

5. With reference to sections 14 and 16 of the Sexual Offences Act of 1998, please indicate whether the State party intends to revise its legislation that criminalizes consensual same-sex conduct with penalties of up to 25 years of imprisonment and grants the courts discretionary powers to order the psychiatric admission of persons convicted of buggery. Please indicate the number of persons who have been convicted under these provisions, the sentences imposed on them and the number of persons detained in psychiatric institutions under court orders. Please provide information on measures to combat and prevent the violence, marginalization and social stigmatization faced by lesbian, gay, bisexual and transgender persons. Please respond to allegations that some police officers refuse to accept or investigate complaints relating to violence against those persons. Please explain the action taken following the murder conviction quashed by the Eastern Caribbean Court of Appeal in 2009, in its ruling that the victim's "unnatural advances" towards the accused led to a situation of "justifiable homicide", and indicate whether this precedent has been followed in other court decisions in Dominica.

Finland – List of Issues Prior to Reporting – 125th Session, 16 April 2019, 7th review¹⁰

Discrimination on the grounds of gender identity and intersex status (arts. 2, 7, 9, 17, 24 and 26)

8. In connection with the previous concluding observations (para. 8), please report on the measures taken to address discrimination against transgender persons. Please also report on the progress made in bringing into compliance with the Covenant the Act on Legal Recognition of the Gender of Transsexuals, which requires, inter alia, sterilization or infertility as a precondition for legal gender recognition, and comment on reports that gender recognition requires a mental health diagnosis of "transsexualism".

⁸ [CCPR/C/CPV/Q/1/Add.1](#)

⁹ [CCPR/C/DMA/Q/1/Add.1](#)

¹⁰ [CCPR/C/FIN/QPR/7](#)

9. Please respond to reports that infants and children with variations in sex characteristics (intersex) are subjected to medically unnecessary and irreversible “sex-normalizing” surgeries and other medical treatment without fully informed and free consent. Please report on:

- (a) any follow-up to the proposal made in 2016 by the National Advisory Board on Social Welfare and Health Care Ethics that measures to modify external sex characteristics of intersex children not be taken until they themselves can both define their gender and form a position on their sexuality;
- (b) the outcome of the study on the rights and experiences of intersex children, planned under the National Action Plan on Fundamental and Human Rights 2017–2019, and on any ensuing follow-up measures;
- (c) efforts to adopt national binding guidelines for medical professionals on the treatment of intersex individuals; and
- (d) measures to facilitate effective access to justice and redress for individuals who have been subjected to such surgeries or other medical interventions.

Lesotho – List of Issues Prior to Reporting – 125th Session, 2 April 2019, 2nd review¹¹

Non-discrimination and equality between men and women (arts. 2, 3, 25 and 26)

7. In addition to the Constitutional provisions on discrimination, please indicate whether specific laws or other measures that deal with discrimination exist in the domestic system and if so please provide details. Please clarify whether domestic law:

- (a) provides a definition of discrimination that encompasses all prohibited grounds of discrimination including race, color, property, birth, sexual orientation, gender identity, language, health, social and other status;
- (b) covers direct, indirect and intersecting forms of discrimination; and
- (c) provides for effective judicial and administrative remedies.

Describe the measures taken to combat and prevent acts of discrimination, stigmatization and violence specifically against elderly persons, sex workers, persons with HIV/AIDS and LGBTI persons. In this regard and in view of paragraph 13 of the previous concluding observations, please provide clarification on the current legal status of sexual acts between consenting adults of the same sex. Also, please provide an update about the status of the National Disability Bill.

Senegal – List of Issues – 125th Session, 10 April 2019, 5th review¹²

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

4. With reference to the information submitted in paragraphs 92 to 97 of the State party’s fifth report, please provide details of the steps taken to adopt comprehensive legislation that:

- (a) clearly defines and criminalizes direct and indirect discrimination;
- (b) contains a complete list of prohibited grounds of discrimination, including sexual orientation, gender identity, legal status and disability, and
- (c) provides effective remedies for victims.

Please indicate the number of complaints recorded and prosecutions conducted on the grounds of discrimination in the State party. Please describe the measures taken to combat and prevent acts of discrimination, stigmatization or violence against:

- (a) persons with albinism;
- (b) persons living with HIV/AIDS, especially women and homosexual men;
- (c) children born out of wedlock;
- (d) persons belonging to ethnic minorities, and
- (e) persons belonging to sexual or gender minorities.

¹¹ CCPR/C/LSO/QPR/2

¹² CCPR/C/SEN/Q/5

Non-discrimination of persons on the basis of their sexual orientation and gender identity (arts. 2, 7, 9, 13, 14, 17 and 26)

7. With reference to paragraphs 92 et seq. of the State party's fifth report, please provide updated information on the State party's efforts to decriminalize sexual relations between persons of the same sex by repealing article 319.3 of the Criminal Code. Please also describe the measures taken to combat stereotypes surrounding homosexuality, which is widely considered to be taboo and repugnant to cultural values, and to protect persons belonging to sexual minorities from privacy breaches, arbitrary arrest and violence. Please provide statistical data on arrests for and the bringing of charges of unnatural acts and information on the legal action taken. Please provide statistical data on the number of asylum applications that are based on an individual's belonging to a sexual minority and on the number of such applications that are rejected.

United States of America – List of Issues Prior to Reporting – 125th Session, 18 April 2019, 5th review¹³

Non-discrimination and equal rights of men and women (arts. 2, 3 and 26)

[...]

11. Please provide information on the legislative and judicial protections and remedial avenues available to lesbian, gay, bisexual and transgender individuals who have been subjected to discriminatory practices, such as unjust dismissal from employment, eviction from housing or refusal of services because of their sexual orientation or gender identity. In addition, provide information on the mechanisms available to transgender individuals to protect them from discrimination in schools, prisons and jails, and the United States Armed Forces.

Freedom of expression (art. 19)

[...]

24. Please provide information on measures taken to address violent acts of discrimination against those belonging to racial and other minorities, and to ensure that the right to freedom of expression and association and the right to peaceful assembly are not exercised by certain groups, including white supremacists and homophobic groups, to promote hate speech and hate crimes.

States with no SOGIESC questions:

- **Central African Republic**

¹³ CCPR/C/USA/QPR/5

4. CIVIL SOCIETY SUBMISSIONS

Estonia

- Submission by the [Eurasian Coalition on Male Health, Estonian Network of People Living with HIV, and VEK LGBT](#) for the 125th Session (*stand-alone report on men who have sex with men*).

Finland

- Submission by [Trasek ry](#) for the 125th Session (*stand-alone report on trans and intersex rights, including forced medical treatment and surgeries, legal gender recognition and right to family*).
- Submission by [Amnesty International](#) for the 125th Session (*section on trans and intersex persons, on the process of legal gender recognition and unnecessary surgeries on children*).
- Submission by the [Finnish League for Human Rights](#) for the 125th Session (*section on trans and intersex rights and forced medical procedures*).
- NHRI submission by the [Finnish Human Rights Centre](#) for the 125th Session (*discusses trans legislation, intersex surgeries, hate speech, LGBTI Roma, and sexual harassment of LGBT and non-binary students*).

Lesotho

- Submission by the [Lesotho Council of Non-Governmental Organizations](#) for the 125th Session (*recommends LGBTI-inclusive policies, marriage, and protection of health and privacy*).

Niger

- Submission by the [Réseau Nigérien des Défenseurs des Droits Humains, CODDHD & ROTAB](#) for the 125th Session (*mentions lack of protection against discrimination and criminalisation of same-sex relations*).

United States of America

- Submission by [Duke Law International Human Rights Clinic](#) for the 125th Session (*mentions lack of data on domestic violence in LGBTI relationships*).
- Submission by [American Civil Liberties Union](#) for the 125th Session (*stand-alone section on LGBT rights, particularly regression in trans rights*).
- Submission by [Community United for Safety and Protection](#) for the 125th Session (*mentions vulnerability of trans women and LGBTQ youth in sex work*).
- Submission by [Harris World Law Institute - Washington University School of Law](#) for the 125th Session (*reference to Orlando shooting and sexual orientation provoking gun violence*).
- Submission by [Columbia Law School's Human Rights Institute & International Association of Official Human Rights Agencies](#) for the 125th Session (*mentions state laws curtailing legal protection against discrimination based on sexual orientation*).
- Submission by [Human Rights Watch](#) for the 125th Session (*stand-alone section on the current situation of SOGI rights, particularly trans rights, and section on LGBT health*).
- Submission by [Pan-African Community Action](#) for the 125th Session (*mentions black queer and trans persons as particularly impacted by police violence*).
- Submission by [Global Justice Center](#) for the 125th Session (*mentions harmful effect of the "Global Gag Rule" on LGBT people, particularly lesbian and bisexual women and trans persons*).
- Submission by [MADRE](#) for the 125th Session (*mentions vulnerability of trans women and LGBTI persons to gender-based violence, and detention of a gay asylum seeker*).
- Submission by [Campaign for Youth Justice](#) for the 125th Session (*recommends data on children in the criminal justice system disaggregated by, inter alia, sexual orientation*).
- Submission by [Amnesty International](#) for the 125th Session (*section on SOGI-based hate crimes, federal and state-level discrimination, and mentions LGBTI asylum seekers*).
- Submission by [interACT](#) for the 125th Session (*stand-alone report on intersex children and non-consensual genital surgeries*).
- Submission by [Women Enabled International](#) for the 125th Session (*report on women and non-binary persons with disabilities, mentions LGBT people's vulnerability to violence and trans persons' access to mental and sexual health care*).

- Submission by [Colegio de Abogados y Abogadas de Puerto Rico](#) for the 125th Session (*mentions police violence against vulnerable groups, including trans persons, in Puerto Rico*).
- Submission by [Human Rights Campaign](#) for the 125th Session (*stand-alone report on LGBTQ prisoners, youth, discrimination and health*).

Viet Nam

- Submission by the [Center for Education Promotion and Empowerment of Women](#) for the 125th Session (*recommends taking SOGI into account in education reform*).
- Submission by the [Human Rights Space & GPAR](#) for the 125th Session (*section and recommendations on anti-discrimination, same-sex couples and trans and intersex rights*).