



**UNITED NATIONS TREATY-BASED BODIES  
CEDAW, Human Rights Committee, CESC, CRC and CAT**

**Concluding Observations, General Recommendations and General Comments  
related to Sexual Orientation and Gender Identity**

*This document contains a summary of the Concluding Observations and General Comments issued by the CEDAW Committee since 1994, by the Human Rights Committee since 2008, and by the CESC, the CERD, the CRC and the CAT since the 2000s. It sets out all those Concluding Observations, General Recommendations and General Comments which comprise references to any form of **violence** and/or **discrimination** on grounds of Sexual Orientation and Gender Identity, as well as to any **criminalization** of consensual relations between same-sex adults. It is up to date as of January 24, 2013.*

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## COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW)

### 1. Concluding Observations: positive aspects, concerns and recommendations

Issue and References	Positive aspects	Concerns and Recommendations
<b>Discrimination</b>  Concluding Observations, New Zealand, A/49/38, April 12, 1994, Para. 612	The Government had passed a new Human Rights Act in 1993, extending the grounds of prohibited discrimination. Its grounds would now cover gender issues, including (...) <b>sexual orientation</b> (...).	
<b>Discrimination</b>  Concluding Observations, Canada, A/52/38/Rev.1, August 12, 1997, Para. 310	(...) A recent amendment to the Canadian Human Rights Act granted protection against discrimination on the basis of <b>sexual orientation</b> .	
<b>Discrimination/Asylum</b>  Concluding Observations, Sweden, A/56/38, July 31, 2001, Para. 334	The Committee commends the Government for passing legislation that provides residence permits to individuals who have a well-founded fear of persecution on the basis of <b>sexual orientation or gender</b> , particularly in cases that involve discrimination against women.	
<b>Discrimination/Asylum</b>	The Committee welcomes	

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Concluding Observations, Sweden, CEDAW/C/SWE/CO/7, April 8, 2008, Para. 10	the amendment of the Swedish Aliens Act in 2006, which provides for the granting of refugee status to persons claiming fear of persecution on grounds of <b>gender and sexual orientation</b> and which will be of benefit to women refugees.	
<b>Discrimination</b>  Concluding Observations, Germany, CEDAW/C/DEU/CO/6, February 12, 2009, Para. 5	The Committee commends the State party for the adoption of the General Equal Treatment Act of 18 August 2006 aimed at preventing and eliminating discrimination and which also includes a new definition of the concept of direct and indirect discrimination, as well as of harassment and sexual harassment. Note 1: The purpose of this Act is to prevent or to stop discrimination on the grounds of race or ethnic origin, gender, religion or belief, disability, age or <b>sexual orientation</b> .	
<b>Discrimination/ Stereotypes</b>  Concluding Observations, Netherlands, CEDAW/C/NLD/CO/5, February 5, 2010, Para. 25		The Committee calls upon the State party to strengthen its efforts to eliminate stereotypical images and attitudes regarding the roles of women and men in the family and in society (...). This should include developing additional programmes to address gender stereotypes related to discrimination on other grounds, such as (...) <b>sexual orientation</b> .
<b>Discrimination/ Stereotypes</b>		...) the Committee is gravely concerned that (...) certain groups of women, in addition to being

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<p>Concluding Observations, Panama, CEDAW/C/PAN/CO/7, February 5, 2010, Para. 22-23</p>		<p>affected by gender stereotypes, face multiple forms of discrimination and violence on grounds such as <b>sexual orientation and gender identity</b>. (...)</p> <p><i>The Committee also urges the State party to transform its recognition of the problem of multiple forms of discrimination into an overall strategy for eliminating gender stereotypes relating to women in general and, in particular, to discrimination against women as specified in paragraph 22.</i></p>
<p><b>Discrimination and Violence</b></p> <p>Concluding Observations, Albania, CEDAW/C/ALB/CO/3, July 30, 2010, Para. 19 and 43</p>		<p>The Committee recommends that the State party monitor the impact of the gender equality and anti-discrimination legislation, identify inconsistencies and address them, as appropriate, with a view to ensuring that the implementation of the legislation is conducive to the effective elimination of discrimination against women, especially women belonging to disadvantaged groups, such as (...) women discriminated on the grounds of their <b>sexual orientation and gender identity</b>.</p> <p>The Committee calls on the State party to implement fully the Law on Protection from Discrimination in relation to discrimination based on <b>gender identity and sexual orientation</b> by providing effective protection against discrimination and violence against women on such grounds.</p>
<p><b>Violence and Discrimination</b></p> <p>Concluding Observations, Russia,</p>		<p>The Committee calls on the State party to provide effective protection against violence and discrimination against women based on their <b>sexuality</b>, in particular through the</p>

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CEDAW/C/USR/CO/7, July 30, 2010, Para. 41		enactment of comprehensive anti-discrimination legislation that includes the prohibition of multiple forms of discrimination, including on the grounds of <b>sexual orientation</b> . The Committee also urges the State party to intensify its efforts to combat discrimination against <b>lesbian, bisexual and transgender women (...)</b> .
<b>Discrimination</b>  Concluding Observations, Uganda, CEDAW/C/UGA/CO/7, October 22, 2010, Para. 44		(...) The Committee also urges the State party to intensify its efforts to combat discrimination against women on account of their <b>sexual orientation and gender identity (...)</b> .
<b>Discrimination</b>  Concluding Observations, Belarus, CEDAW/C/BLR/CO/7, April 6, 2011, Para. 42		The Committee recommends that the State party: (a) Collect disaggregated data on the situation of women facing multiple forms of discrimination such as (...) women belonging to minorities, including (...) <b>lesbians (...)</b> ; (b) Adopt pro-active measures, including temporary special measures, to eliminate any such discrimination, including in political and public life and in the areas of education, employment and health, and to protect those women from violence and abuse.
<b>Violence and Discrimination</b>  Concluding Observations, South Africa, CEDAW/C/ZAF/CO/4, February 4, 2011, Para. 40		The Committee calls on the State party to abide by its Constitutional provisions and to provide effective protection from violence and discrimination against women based on their <b>sexual orientation</b> , in particular through the enactment of comprehensive anti-discrimination legislation that would include the prohibition of multiple forms of discrimination against women on all grounds,

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		including on the grounds of <b>sexual orientation</b> . (...)
<b>Violence and Discrimination</b>  Concluding Observations, Costa Rica, CEDAW/C/CRI/CO/5-6, July 29, 2011, Para. 41		The Committee calls on the State party to provide effective protection against violence and discrimination against women (...). In this regard, the Committee urges the State party to intensify its efforts to combat discrimination against women based on their <b>sexual orientation and gender identity</b> (...).
<b>Discrimination</b>  Concluding Observations, South Korea, CEDAW/C/KOR/CO/7, July 29, 2011, Para. 15		The Committee calls on the State party to take urgent steps towards the adoption of a comprehensive Anti-Discrimination Act, in line with articles 1 and 2 of the Convention and the Committee's general recommendation No. 28 (2010), that includes a clear prohibition of all forms of discrimination, both direct and indirect, and takes into account article 2 (4) of the National Human Rights Commission Act (Korea, 2005), which prohibits discrimination on the grounds of <b>sexual orientation</b> .
<b>Discrimination/ Stereotypes</b>  Concluding Observations, Singapore, CEDAW/C/SGP/CO/4/Rev , January 16, 2012, Para. 22		The Committee calls upon the State party to: (a) Put in place, without delay, a comprehensive strategy to modify or eliminate patriarchal attitudes and stereotypes that discriminate against women, including those based on <b>sexual orientation and gender identity</b> , in conformity with the provisions of the Convention. (...)
<b>Discrimination</b>  Concluding Observations, Montenegro, CEDAW/C/MNE/CO/1, October 21, 2011, Para. 4	The Committee welcomes the adoption, since the entry into force of the Convention for the State party, of several legislative measures aimed at eliminating	

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	discrimination against women, including: (b) Law on the Prohibition of Discrimination (2010) which defines and prohibits direct and indirect discrimination based on sex, <b>sexual orientation, gender identity</b> and other grounds, provides for remedies, and strengthens the protection role of the Protector of Human Rights and Freedoms (Ombudsman) in relation to discrimination	
<b>Discrimination</b>  Concluding Observations, Paraguay, CEDAW/C/PRY/CO/6, October 21, 2011 <i>Concerns of CEDAW, Para. 12-13</i>		12. The Committee is further concerned that, despite the preparation of draft laws on equality and against all forms of discrimination against women, (...) these drafts have not been approved by the legislature. The lack of a comprehensive law disproportionately affects disadvantaged groups of women, including (...) <b>lesbians and transsexuals</b> , who are particularly vulnerable to discrimination. (...) 13. The Committee reiterates its recommendation to the State party to take effective steps to prohibit discrimination against women in line with article 1 of the Convention (...). The Committee also recommends that the State party review its domestic legislation in order to harmonize it with the Convention.
<b>Violence and Discrimination</b>  Concluding Observations,		The Committee urges the State party to: (...) (f) Provide effective protection against violence and discrimination against all groups of

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Zimbabwe, CEDAW/C/ZWE/CO/2-5, March 1, 2012, Para. 24		women, including <b>lesbian, bisexual and transgender women (...)</b> .
<b>Discrimination</b>  Concluding Observations, Norway, CEDAW/C/NOR/CO/8, March 9, 2012, Para. 33-34		<p>33. While noting the elaboration of a bill “prohibiting discrimination on grounds of <b>sexual orientation and gender identity</b>”, which will be presented to the Parliament in 2013, and the establishment of the national Lesbian, Gay, Bisexual and Transgender Knowledge Centre in 2011, the Committee is concerned at the discrimination in the State party against <b>lesbian, bisexual, transgender and intersex women</b> in the provision of health-care services.</p> <p>34. The Committee urges the State party to:</p> <p>(a) Accelerate adoption of the relevant legislation mentioned above ensuring non-discrimination in the health care system; and</p> <p>(b) Provide appropriate training to health-service providers, in order to avoid abuse and mistreatment of these women.</p> <p>36. The Committee calls upon the State party to: (...) (d) Take specific measures to address difficulties faced by <b>lesbian and transgendered</b> asylum seekers.</p>
<b>Violence and Discrimination</b>  Concluding Observations, Chile, CEDAW/C/CHL/CO 5-6, October 24, 2012, Para. 16		<p>The Committee is gravely concerned that, as acknowledged by the delegation during the dialogue, certain groups of women face multiple forms of discrimination and violence on grounds such as <b>sexual orientation, gender identity</b>, indigenous origin, or being HIV/AIDS positive.</p> <p><i>The Committee recommends that the State party: (...) (b) Transform its recognition of the problem of</i></p>

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		<i>multiple forms of discrimination into a comprehensive strategy to modify or eliminate stereotypical attitudes, in order to implement the new anti-discrimination law.</i>
<b>Violence</b>  Concluding Observations, Sweden, CEDAW/C/SWE/CO/7, April 8, 2008, para. 9	The Committee commends the State party for the adoption, in November 2007, of the action plan to combat men's violence against women, violence and oppression in the name of honour and violence in <b>same-sex relationships</b> .	
<b>Criminalization of consensual same-sex relationships</b>  Concluding Observations, Kyrgyzstan, A/54/38, August 20, 1999, Para. 127-128	127. The Committee is concerned that <b>lesbianism</b> is classified as a sexual offence in the Penal Code.	128. The Committee recommends that lesbianism be reconceptualized as a <b>sexual orientation</b> and that penalties for its practice be abolished.
<b>Criminalization of consensual same-sex relationships</b>  Concluding Observations, Uganda, CEDAW/C/UGA/CO/7, October 22, 2010, Para. 44		The Committee calls on the State party to decriminalize <b>homosexual behaviour</b> and to provide effective protection from violence and discrimination against women based on their <b>sexual orientation and gender identity</b> , in particular through the enactment of comprehensive anti-discrimination legislation covering, inter alia, the prohibition of multiple forms of discrimination against women on all grounds, including on the grounds of <b>sexual orientation and gender identity</b> . To this end, the Committee urges the State party to oppose the private member's proposed AntiHomosexuality Bill. (...)
<b>Criminalization of consensual same-sex</b>		(...) the Committee urges the State party: (...) (g) To decriminalize

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<b>relationships</b>  Concluding Observations, Sri Lanka, CEDAW/C/LKA/CO/7, February 4, 2011, Para. 25		<b>sexual relationship between          consenting adults of same sex          (...).</b>
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## 2. General Recommendations

Issue References	Recommendations
<b>Discrimination</b>  General recommendation No. 27 on older women and protection of their human rights, CEDAW/C/GC/27, December 16, 2010, Para. 13	The discrimination experienced by older women is often multidimensional, with the age factor compounding other forms of discrimination based on gender, ethnic origin, disability, poverty levels, <b>sexual orientation and gender identity</b> , migrant status, marital and family status, literacy and other grounds. Older women who are members of minority, ethnic or indigenous groups, internally displaced or stateless often experience a disproportionate degree of discrimination.
<b>Discrimination</b>  General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/GC/28, December 16, 2010, Para. 18	Intersectionality is a basic concept for understanding the scope of the general obligations of States parties contained in article 2. The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and <b>sexual orientation and gender identity</b> . (...) States parties must legally recognize such intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them. They also need to adopt and pursue policies and programmes designed to eliminate such occurrences, including, where appropriate, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25.

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## HUMAN RIGHTS COMMITTEE (ICCPR)

*92<sup>nd</sup> Session to 106<sup>th</sup> Session, 2008-2012*

Issue and References	Concluding Observations Positive aspects	Concerns and Recommendations
<b>Discrimination</b>  Concluding Observations: France, CCPR /C/FRA/CO/4, July 31, 2008, Para. 6	The Committee welcomes France's creation of the High Authority to Combat Discrimination and Promote Equality ( <i>la haute autorité de lutte contre les discriminations et pour l'égalité</i> , HALDE), which has the power to receive individual complaints and act on its own initiative to remedy problems of discrimination based on national origin, disability, health, age, gender, family and marital status, trade union activity, <b>sexual orientation</b> , religious beliefs, physical appearance, surname, and genetic characteristics. (...)	
<b>Discrimination</b>  Concluding Observations: Republic of San Marino, CCPR /C/SMR/CO/2, July 31, 2008, Para. 7		The Committee is concerned that such non-discrimination grounds as <b>sexual orientation</b> , race, colour, language, nationality and national or ethnic origin are subsumed under the notion of 'personal status' in article 4 of the Declaration of the Citizens' Rights. It observes that such subsuming of grounds makes it difficult to ensure their equal and comprehensive application (articles 2 and 26).  <i>The State party should adopt a</i>

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		<i>comprehensive anti-discrimination legal framework which expressly indicates all those grounds of discrimination that are presently subsumed under the notion of 'personal status'.</i>
<b>Discrimination</b>  Concluding Observations: Denmark, CCPR /C/DNK/CO/5, December 16, 2008, Para. 4	The Committee welcomes the extensive legislative, administrative and policy measures taken to improve the promotion and protection of human rights since the examination of the fourth periodic report, including: (...) (e) The establishment, in May 2008, of the Board of Equal Treatment, with competence to receive individual complaints concerning alleged cases of discrimination based on gender, race, colour, religion or belief, disability, political opinion, age or <b>sexual orientation</b> , national, social or ethnic origin.	
<b>Violence and discrimination</b>  Concluding Observations: Japan, CCPR/C/JPN/CO/5, December 18, 2008, Para. 29		The Committee is concerned about discrimination against <b>lesbian, gay, bisexual and transgender persons</b> in employment, housing, social security, health care, education and other fields regulated by law, as exemplified by article 23 (1) of the Public Housing Law, which applies only to married and unmarried opposite-sex couples and effectively bars unmarried <b>same-sex couples</b> from renting public housing, and by the exclusion of <b>same-sex partners</b> from protection under the Law for the Prevention of Spousal Violence and the Protection of Victims (art. 2 (1) and 26). <i>The State party should consider amending its legislation, with a view to including <b>sexual orientation</b></i>

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		<i>among the prohibited grounds of discrimination, and ensure that benefits granted to unmarried cohabiting opposite-sex couples are equally granted to unmarried cohabiting <b>same-sex couples</b>, in line with the Committee's interpretation of article 26 of the Covenant.</i>
<b>Discrimination / Asylum</b>  Concluding Observations: Sweden, CCPR/C/SWE/CO/6, May 7, 2009, Para. 3	The Committee welcomes the various legislative, administrative and practical measures taken to improve the promotion and protection of human rights in the State party since the examination of the fifth periodic report, in particular: (a) The inclusion of a new provision in the Constitution in 2003 (The Instrument of Government, chap. 1, art. 2, para. 4), clarifying that public institutions shall combat discrimination of persons on grounds of (...) <b>sexual orientation</b> , age or other circumstance affecting the private person; (...) (d) The entry into force of the new Aliens Act (2005:716) in 2006, which provides for the right to appeal to independent bodies, allows for increased use of oral hearings on appeal, and permits the granting of refugee status to women fleeing gender-based violence as well as persons fleeing from persecution on grounds of <b>sexual orientation</b> ;	
<b>Violence and Discrimination</b>  Concluding Observations:		The Committee is concerned about acts of violence against <b>lesbian, gay, bisexual and transgender (LGBT) persons</b> , including reports of harassment by the police and

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<p>Russian Federation, CCPR/C/RUS/CO/ 6, November 24, 2009, Para. 27</p>		<p>incidents of people being assaulted or killed on account of their <b>sexual orientation</b>. The Committee notes with concern the systematic discrimination against individuals on the basis of their <b>sexual orientation</b> in the State party, including hate speech and manifestations of intolerance and prejudice by public officials, religious leaders and in the media. The Committee is also concerned about discrimination in employment, health care, education and other fields, as well as the infringement of the right to freedom of assembly and association and notes the absence of legislation that specifically prohibits discrimination on the basis of <b>sexual orientation</b>. (art. 26)</p> <p><i>The State Party should: (a) Provide effective protection against violence and discrimination based on <b>sexual orientation</b>, in particular through the enactment of comprehensive anti-discrimination legislation that includes the prohibition of discrimination on grounds of sexual orientation; (b) Intensify its efforts to combat discrimination against <b>LGBT persons</b> (...); (c) Take all necessary measures to guarantee the exercise in practice of the right to peaceful association and assembly for the <b>LGBT</b> community.</i></p>
<p><b>Discrimination</b></p> <p>Concluding Observations: Republic of Moldova, CCPR/C/MDA/CO/ 2, November 4, 2009, Para. 14</p>		<p>The Committee notes with concern reports that discrimination based on <b>sexual orientation</b> appears to be widespread at all levels of society. (arts. 2 and 26)</p> <p><i>The State party should take measures to combat discrimination based on <b>sexual orientation</b> (...).</i></p>

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<b>Violence and Discrimination</b>  Concluding Observations: Mexico, CCPR/C/MEX/CO/5, May 17, 2010, Para. 21		<p>The Committee notes with concern reports of acts of violence against lesbian, gay, bisexual and transgender (<b>LGBT</b>) persons. Moreover, while noting that the legal prohibition of discrimination covers discrimination based <b>on sexual orientation</b>, the Committee is concerned at reports of discrimination against individuals on the basis of their <b>sexual orientation</b> in the State party, including in the educational system (article 26 of the Covenant).</p> <p><i>The State party should adopt immediate steps to effectively investigate all reports of violence against <b>LGBT persons</b>. It should also strengthen its efforts to provide effective protection against violence and discrimination based on <b>sexual orientation</b>, including in the educational system, and launch a campaign to raise awareness amongst the general public with a view to combating social prejudice.</i></p>
<b>Violence and discrimination</b>  Uzbekistan, CCPR/C/UZB/CO/3, April 7, 2010, Para. 22		<p>The Committee is concerned about reports that individuals have been harassed, physically attacked, or discriminated in the State party on the basis of their <b>sexual orientation</b>. It is also concerned that article 120 of the Criminal Code criminalizes consensual sexual activities between adult males. (arts.7, 17 and 26)</p> <p><i>The State party should review its legislation and align it with article 26 of the Covenant. It should also provide effective protection against violence and discrimination based on <b>sexual orientation</b>.</i></p>
<b>Violence and Discrimination</b>  Concluding		<p>5. The Committee is concerned that the Law on Equal Treatment is not exhaustive and does not cover discrimination based on <b>sexual</b></p>

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<p>Observations: Poland, CCPR/C/POL/CO/ 6, November 15, 2010, Para. 5 and 8</p>		<p><b>orientation</b>, disability, religion or age in the fields of education, health care, social protection and housing (art. 2). <i>The State party should further amend the Law on Equal Treatment so that the issue of discrimination based on all grounds and in all areas is adequately covered.</i></p> <p>8. The Committee notes with concern a significant rise in manifestations of hate speech and intolerance directed at <b>lesbian, gay, bisexual and transgender people</b> and, since 2005, in the number of cases based on <b>sexual orientation</b> filed with the Ombudsman. The Committee also regrets the absence of the provision in the Penal Code of hate speech and hate crimes based on <b>sexual orientation or gender identity</b> as punishable offences (art. 2). <i>The State party should ensure that all allegations of attacks and threats against individuals targeted because of their <b>sexual orientation or gender identity</b> are thoroughly investigated. It should also: legally prohibit discrimination on the grounds of <b>sexual orientation or gender identity</b>; amend the Penal Code to define hate speech and hate crimes based on <b>sexual orientation or gender identity</b> among the categories of punishable offences; and intensify awareness- raising activities aimed at the police force and wider public.</i></p>
<p><b>Discrimination</b></p> <p>Concluding Observations: El Salvador, CCPR/C/SLV/CO/</p>	<p>The Committee welcomes (...) (t)he adoption of Decree No. 56, of 4 May 2010, which contains provisions to prevent all forms of discrimination in the civil service on grounds of</p>	

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6, November 18, 2010, Para. 50	<b>gender identity or sexual orientation</b>	
<b>Discrimination</b>  Concluding Observations: Mongolia, CCPR/C/MNG/CO/5, May 2, 2011, Para. 9		<p>The Committee notes with regret, as acknowledged by the State party, the widespread discriminatory attitudes towards <b>lesbian, gay, bisexual and transgender (LGBT) persons (...)</b>. <i>The State party should take urgent measures to address the widespread discriminatory attitudes, social prejudice and stigmatization of <b>LGBT persons</b> in the State party. It should ensure that <b>LGBT persons</b> have access to justice, and that all allegations of attacks and threats against individuals targeted because of their <b>sexual orientation or gender identity</b> are thoroughly investigated.</i></p>
<b>Violence and Discrimination</b>  Concluding Observations: Jamaica, CCPR/C/JAM/CO/3, November 17, 2011, Para. 8		<p>(...) the Committee regrets that the right to freedom from discrimination is now expressed on the grounds of “being male or female”, failing to prohibit discrimination on grounds of <b>sexual orientation and gender identity</b>. The Committee is also concerned that the State party continues to retain provisions under the Offences against the Person Act which criminalize <b>consensual same-sex relationships</b>, thus promoting discrimination against <b>homosexuals</b>. The Committee further regrets reports of virulent lyrics by musicians and entertainers that incite violence against <b>homosexuals</b> (arts. 2, 16, 26). <i>The State party should amend its laws with a view to prohibiting discrimination on the basis of sex, <b>sexual orientation and gender identity</b>. The State party should also decriminalize <b>sexual relations between consenting adults of the same sex</b>, in order to bring its</i></p>

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		<p><i>legislation into line with the Covenant and put an end to prejudices and the social stigmatization of <b>homosexuality</b>. In this regard, the State party should send a clear message that it does not tolerate any form of harassment, discrimination or violence against persons for their <b>sexual orientation</b>, and should ensure that individuals, who incite violence against <b>homosexuals</b>, are investigated, prosecuted and properly sanctioned.</i></p>
<p><b>Violence and Discrimination</b></p> <p>Concluding Observations: Dominican Republic, CCPR-2/C/DOM/CO/5, April 19, 2012, Para. 16</p>		<p>The Committee is concerned at reports of discrimination, bullying, homicide, ill treatment, torture, sexual aggression and sexual harassment against persons because of their <b>sexual orientation or gender identity</b>. The Committee also regrets the lack of information on the effective investigation and punishment of such acts (...).</p> <p><i>The State party should indicate clearly and officially that it shall not tolerate any form of social stigmatization of <b>homosexuality, bisexuality or transsexuality</b>, and harassment, discrimination or violence against persons because of their <b>sexual orientation or gender identity</b>. The State party should ensure that any discriminatory or violent acts motivated by the <b>sexual orientation or gender identity</b> of the victim are investigated, prosecuted and punished.</i></p>
<p><b>Violence and Discrimination</b></p> <p>Concluding Observations: Guatemala, CCPR-</p>		<p>The Committee is concerned at the discrimination and violence suffered by <b>lesbian, gay, bisexual, transgender and intersex persons</b> and rejects all violations of their human rights on the basis of their</p>

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1/C/GTM/CO/3, April 19, 2012, Para. 11		<p><b>sexual orientation or gender identity (...).</b></p> <p><i>The State party should state clearly and officially that it does not tolerate any form of social stigmatization of <b>homosexuality, bisexuality or transexuality</b>, or harassment of or discrimination or violence against persons because of their <b>sexual orientation or gender identity</b>. The State party should ensure the investigation, prosecution and punishment of any act of discrimination or violence motivated by the victim's <b>sexual orientation or gender identity</b>.</i></p>
<p><b>Violence and Discrimination</b></p> <p>Concluding Observations: Armenia, CCPR/C/ARM/CO/2, August 31, 2012, Para. 10</p>		<p>The Committee is concerned at the discrimination and violence suffered by <b>lesbian, gay, bisexual and transgender (LGBT) persons</b> and rejects all violations of their human rights on the basis of their <b>sexual orientation or gender identity (...).</b></p> <p><i>The State party should state clearly and officially that it does not tolerate any form of social stigmatization of <b>homosexuality, bisexuality or transexuality</b>, or harassment of, or discrimination or violence against persons because of their <b>sexual orientation or gender identity</b>. The State party should prohibit discrimination based on <b>sexual orientation and gender identity</b> and provide effective protection to <b>LGBT persons</b>.</i></p>
<p><b>Discrimination</b></p> <p>Concluding Observations: Maldives, CCPR-1/C/MDV/CO/1, August 31, 2012, Para. 8</p>		<p>The Committee (...) is concerned about discrimination against people on the basis of their <b>sexual orientation</b> as well as the social stigmatization and social exclusion of these groups. While the Committee observes the diversity of morality and cultures internationally, it recalls that</p>

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		<p>they must always be subject to the principles of universality of human rights and non-discrimination (general comment No. 34 (2011) on article 19 (freedoms of opinion and expression), para. 32). Accordingly, the State party has the duty to protect the individual's liberty and privacy, including in the context of <b>same sex sexual activities among consenting adults</b> (arts. 2, 17 and 26).</p> <p><i>The State party should decriminalize sexual relations between consenting adults of the same sex. It should also combat the stigmatization and marginalization of homosexuals in society. The State party should accelerate the enactment of the Anti-Discrimination legislation which is currently under consideration by the Parliament, and ensure it includes a prohibition of discrimination on the basis on sexual orientation.</i></p>
<p><b>Violence and Discrimination /</b> Freedom of expression</p> <p>Concluding Observations: Lithuania, CCPR-1/C/LTU/CO/3, August 31, 2012, Para. 8</p>		<p>The Committee is concerned that certain legal instruments such as the Law on the Protection of Minors against the Detrimental Effect of Public Information (art. 7) may be applied in a manner unduly restrictive of the freedom of expression guaranteed under the Covenant and may have the effect of justifying discrimination against <b>lesbian, gay, bisexual and transgender (LGBT)</b> individuals. The Committee is furthermore concerned at various legislative proposals, (...) which, were they to be adopted, would impact negatively on the enjoyment of fundamental rights by <b>LGBT individuals</b>. The Committee is also concerned at the increasing negative attitudes against, and stigmatization of, such persons in society, which has</p>

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		<p>manifested itself in instances of violence and discrimination, and at reports of reluctance on the part of police officers and prosecutors to pursue allegations of human rights violations against persons on the basis of their <b>sexual orientation or gender identity</b> (arts. 2, 19 and 26). <i>The State party should take all necessary measures to ensure that its legislation is not interpreted and applied in a discriminatory manner against persons on the basis of their <b>sexual orientation or gender identity</b>. The State party should implement broad awareness-raising campaigns, as well as trainings for law enforcement officials, to counter negative sentiments against <b>LGBT individuals</b>. It should consider adopting a targeted national action plan on the issue. The Committee, finally, recalls the obligation of the State party to guarantee all human rights of such individuals, including the right to freedom of expression and the right to freedom of assembly.</i></p>
<p><b>Violence</b></p> <p>Concluding Observations: Sweden, CCPR/C/SWE/CO/ 6, May 7, 2009, Para. 8 and 19</p>		<p>8. The Committee notes the efforts made by the State party to eliminate violence against women, including through the adoption of a national action plan 2007-2010 to combat men's violence against women, family-based violence that misuses the idea of "honour", and <b>violence in same-sex relationships</b> (...). The Committee remains concerned, however, about the high prevalence of violence against women, particularly domestic violence. (...) <i>The State party should intensify its efforts towards the elimination of violence against women (...).</i></p>

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		<p>19. The Committee is concerned that, (...) following a Survey conducted in 2004 and examining anti-Semitism, Islamophobia, <b>homophobia</b> and general intolerance among school youths in relation to attitudes, victimization, self-reported crime and the dissemination of extremist propaganda, “intolerance towards minority groups – which may manifest itself in such forms as discrimination, harassment, insults, threats and physical violence – constitutes a serious social problem” in the State party. (...)</p> <p><i>The State party should intensify its efforts to prevent, combat, and prosecute hate speech violating article 20 of the Covenant, and to ensure that relevant criminal law provisions and policy directives are effectively implemented. (...)</i></p>
<p><b>Violence</b></p> <p>Concluding Observations: Azerbaijan, CCPR/C/AZE/CO/3, August 13, 2009, Para. 19</p>		<p>The Committee is concerned at reports that individuals have been harassed by police and prison officials because of their <b>sexual orientation</b> (art. 26).</p> <p><i>The State party should take measures in this respect by providing training activities to its law enforcement and penitentiary authorities and by elaborating a relevant code of conduct.</i></p>
<p><b>Violence</b></p> <p>Concluding Observations: Ecuador, CCPR/C/ECU/CO/5, November 4, 2009, Para. 12</p>		<p>While the Committee notes that discrimination against <b>sexual minorities</b> is prohibited under article 11, paragraph 2, of the new Constitution, it is concerned at the fact that <b>transsexual women</b> have been placed in private clinics or rehabilitation centres in order to undergo so-called <b>sexual reorientation</b> treatments. It also deeply regrets that such persons have</p>

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		<p>been subject to forced detention and ill-treatment in rehabilitation clinics in the town of Portoviejo in June 2009 (arts. 2 and 7).</p> <p><i>The State party should take preventive and protective measures to ensure that persons of a different <b>sexual orientation</b> are not detained in private clinics or rehabilitation centres in order to be subjected to so-called sexual reorientation treatments. The Committee recommends that the State party investigate the alleged detentions and torture and adopt the necessary remedial measures in accordance with the Constitution.</i></p>
<p><b>Criminalization of consensual same-sex relationships</b></p> <p>Concluding Observations: Botswana, CCPR/C/BWA/CO/1, April 24, 2008, Para. 22</p>		<p>The Committee notes with concern that the State party criminalizes <b>same-sex sexual activities between consenting adults</b> (arts 17 and 26).</p> <p><i>The State party should repeal these provisions of its criminal law.</i></p>
<p><b>Criminalization of consensual same-sex relationships</b></p> <p>Concluding Observations: Rwanda, CCPR/C/RWA/CO/3, May 7, 2009, Para. 19</p>		<p>While taking note that <b>sexual relations between consenting adults of the same sex</b> are not an offence under criminal law, the Committee is concerned that the draft legislation would alter that situation (arts. 17 and 26 of the Covenant).</p> <p><i>The State party should ensure that any reform of its criminal law is in full conformity with articles 17 and 26 of the Covenant.</i></p>
<p><b>Criminalization of consensual same-sex relationships</b></p> <p>Concluding</p>		<p>The Committee reiterates its concern at the criminalization of <b>same-sex sexual relations of consenting adults</b>, and regrets the lack of measures taken to prevent</p>

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<p>Observations: United Republic of Tanzania, CCPR/C/TZA/CO/4, August 6, 2009, Para. 22</p>		<p>discrimination against them. (arts. 2, 17 and 26) <i>The State party should decriminalize same-sex sexual relations of consenting adults and take all necessary actions to protect them from discrimination and harassment.</i></p>
<p><b>Criminalization of consensual same-sex relationships</b></p> <p>Concluding Observations: Cameroon, CCPR/C/CMR/CO/4, August 4, 2010, Para. 12</p>		<p>The Committee remains deeply concerned about the criminalization of <b>consensual sexual acts between adults of the same sex</b>, punishable with imprisonment from six months to five years under article 347 (bis) of the Penal Code. (...) The information provided by the State party did not allay the Committee's concern about arbitrariness in the implementation of article 347 (bis), (...) and about reported cases of inhumane and degrading treatment of persons detained on charges of having sexual relations with a person of the same sex. (...) <i>The State party should take immediate steps towards decriminalizing <b>consensual sexual acts between adults of the same sex</b>, in order to bring its law into conformity with the Covenant. The State party should also take appropriate measures to address social prejudice and stigmatization of <b>homosexuality</b> and should clearly demonstrate that it does not tolerate any form of harassment, discrimination and violence against individuals because of their <b>sexual orientation</b>. (...)</i></p>
<p><b>Criminalization of consensual same-sex relationships</b></p> <p>Concluding Observations:</p>		<p>The Committee remains concerned about the criminalization of <b>sexual relations between consenting adults of the same sex</b>, punishable by 1 to 3 years of imprisonment and a fine of up to 500,000 CFA francs under</p>

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<p>Togo, CCPR/C/TGO/CO/ 4, April 18, 2011, Para. 14</p>		<p>article 88 of the current Criminal Code. (...) <i>The State party should take steps to decriminalize <b>sexual relations between consenting adults of the same sex</b> in order to bring its legislation into line with the Covenant. The State party should also take the necessary steps to put an end to prejudice and the social stigmatization of <b>homosexuality</b> and send a clear message that it does not tolerate any form of harassment, discrimination or violence against persons based on their <b>sexual orientation</b>.</i></p>
<p><b>Criminalization of consensual same-sex relationships</b></p> <p>Concluding Observations: Ethiopia, CCPR/C/ETH/CO/ 1, August 19, 2011, Para. 12</p>		<p>The Committee, is concerned about the criminalization of “<b>homosexuality</b> and other indecent acts”, as are other international human rights treaty bodies. (...) <i>The State party should take steps to decriminalize <b>sexual relations between consenting adults of the same sex</b> in order to bring its legislation into line with the Covenant. The State party should also take the necessary steps to put an end to the social stigmatization of <b>homosexuality</b> and send a clear message that it does not tolerate any form of harassment, discrimination or violence against persons based on their <b>sexual orientation</b>.</i></p>
<p><b>Criminalization of consensual same-sex relationships</b></p> <p>Concluding Observations: Turkmenistan, CCPR/C/TKM/CO/ 1, December 3, 2012, Para. 21</p>		<p>The Committee regrets the criminalization of <b>sexual relations between consenting adults of the same sex</b> (...). The Committee is concerned at the deep-rooted stereotypes against individuals on the basis of their <b>sexual orientation or gender identity</b> (art. 26). <i>The State party should decriminalize <b>sexual relations between consenting</b></i></p>

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		<p><i>adults of the same sex in order to bring its legislation in line with the Covenant. The State party should also take the necessary steps to put an end to the social stigmatization of <b>homosexuality</b> and send a clear message that it does not tolerate any form of discrimination against persons based on their <b>sexual orientation or gender identity</b>.</i></p>
<p><b>Criminalization of consensual same-sex relationships</b></p> <p>Concluding Observations: Kenya, CCPR-8/C/KEN/CO/3, August 31, 2012, Para. 8</p>		<p>The Committee (...) regrets that the Penal Code continues to criminalize <b>sexual relations between consenting adults of the same sex</b>. The Committee also regrets reports of acts of violence, harassment and abuse against <b>lesbian, gay, bisexual, transgender and intersex (LGBTI)</b> persons based solely on their <b>sexual orientation or gender identity</b> (arts. 2, 17 and 26).</p> <p><i>The Committee (...) recommends that the State party decriminalize <b>sexual relations between consenting adults of the same sex</b> in order to bring its legislation in line with the Covenant. The State party should also take necessary steps to put an end to the social stigmatization of <b>homosexuality</b> and send a clear message that it does not tolerate any form of harassment, discrimination or violence against persons based on their <b>sexual orientation or gender identity</b>.</i></p>

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**COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (CESCR)**

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**1. Concluding Observations: positive aspects, concerns and recommendations**

<b>Issue and References</b>	<b>Concluding Observations Positive aspects</b>	<b>Concerns and Recommendations</b>
<b>Discrimination</b>  Concluding Observations: Sweden, E/C.12/1/Add.70, November 30, 2001, Para. 5 and 8	5. The Committee (...) welcomes the adoption of the <b>National Action Plan to Combat Racism, Xenophobia, Homophobia and Discrimination</b> , early in 2001.  8. (...) The Committee welcomes the creation of the office of an <b>Ombudsperson against Discrimination on Grounds of Sexual Orientation</b> .	
<b>Discrimination</b>  Concluding Observations: Poland, E/C.12/1/Add.82, December 19, 2002, Para. 5	The Committee welcomes the establishment in November 2001 of the Government Plenipotentiary for Equal Gender Status with the responsibility of promoting the principle of equality between men and women in government legislation and policies. The Committee also notes the recent expansion of the responsibilities of the Plenipotentiary to include <b>combating discrimination based on race, ethnic origin, religion and belief, age and sexual orientation</b> .	
<b>Discrimination</b>  Concluding Observations: China, CESCR, E/C.12/1/Add.107, May 13, 2005, Para. 73 and 78	73. The Committee welcomes the establishment of the Sexual Minorities Forum, a formal communication channel between HKSAR and persons with different <b>sexual orientation</b> , and the planned establishment of the <b>Gender Identity and Sexual Orientation Unit</b> within the Home Affairs Bureau.	78. (...) The Committee wishes to reiterate in particular its concern at the following issues: (a) The present anti-discrimination legislation does not cover discrimination on the basis of race, <b>sexual orientation</b> and age
<b>Discrimination</b>  Concluding	6. The Committee welcomes the recent establishment of an Office of Equal Opportunity with a broad	12. The Committee expresses its concern that the Office of Equal Opportunity, which replaced the

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<p>Observations: Liechtenstein, E/C.12/LIE/CO/1, June 9, 2006, Para. 6 and 12</p>	<p>mandate to combat discrimination based on gender, religion, disability, national origin and <b>sexual orientation</b>.</p>	<p>Office of Gender Equality, may not have sufficient means to ensure that its work will continue to have a strong gender focus, in addition to its new responsibilities in the fields of integration of foreigners, disability, age, religion and <b>sexual orientation</b>.</p>
<p><b>Discrimination /</b> Equality before the law</p> <p>Concluding Observations: United Kingdom of Great Britain and Northern Ireland, E/C.12/GBR/CO/5, June 12, 2009, Para. 6</p>	<p>The Committee notes with appreciation the introduction of an Equality Bill, which aims at streamlining the existing equality legislation and extending protection from discrimination in other areas such as age and <b>sexual orientation</b>, as well as the establishment of a range of institutions to address equality issues (...).</p>	
<p><b>Discrimination</b></p> <p>Concluding Observations: Australia, E/C.12/AUS/CO/4, June 12, 2009, Para. 5</p>	<p>The Committee notes with satisfaction that the State party has repealed legal provisions which discriminated against <b>same-sex couples</b> in relation to financial and work related benefits.</p>	
<p><b>Discrimination</b></p> <p>Concluding Observations: Republic of Korea, E/C.12/KOR/CO/3, December 17, 2009, Para. 9</p>		<p>The Committee is concerned that a comprehensive anti-discrimination law has still not been adopted by the State party (...). The Committee is also concerned that the present version (...) only contains certain grounds for discrimination, excluding others that had been indicated in the original bill, such as nationality and <b>sexual orientation</b> (art. 2). <i>The Committee urges the State party to adopt expeditiously a comprehensive anti-discrimination law that clearly spells out all the grounds for discrimination (...).</i></p>

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<p><b>Violence and Discrimination / Harassment</b></p> <p>Concluding Observations: Poland, E/C.12/POL/CO/35 December 2, 2009, Para. 12 and 32</p>		<p>12. The Committee continues to be concerned at the de facto discrimination experienced by some disadvantaged and marginalized individuals and groups, such as (...) <b>lesbian, gay, bisexual and transgender persons</b> in the enjoyment of their economic, social and cultural rights, despite the appointment of the Plenipotentiary for Equal Treatment in April 2008. (...)</p> <p><i>(...) The Committee (...) recommends that the State party ensure effective enforcement of existing anti-discrimination legislation, and strengthen measures to combat de facto discrimination, including through campaigns aimed at combating stereotypes, especially concerning disadvantaged and marginalized individuals and groups. (...)</i></p> <p>32. The Committee is deeply concerned at reports about <b>homophobia</b>, particularly bullying in schools (art. 13).</p> <p><i>The Committee recommends that the State party take measures, in particular awareness-raising, to counter homophobic attitude in educational settings, ensuring that individuals are not discriminated against on the basis of their <b>sexual orientation and identity</b>. (...)</i></p>
<p><b>Discrimination</b></p> <p>Concluding Observations: Uruguay, E/C.12/URY/CO/3-4, December 1, 2010, Para. 7</p>		<p>The Committee notes with concern the persisting discrimination against, and the social and economic marginalization of minority groups in the State party, (...) and widespread discrimination on the basis of <b>sexual orientation</b>. (...)</p>

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		<i>The Committee recommends that the State party adopt a comprehensive anti-discrimination law, (...) and prioritize the effective implementation of existing programmes to eliminate all forms of discrimination in law and in practice.</i>
<b>Discrimination / Health</b>  Concluding Observations: Germany, E/C.12/DEU/CO/5, July 12, 2011, Para. 26		The Committee notes with concern that <b>transsexual and inter-sexed persons</b> are often assimilated to persons with mental illness and that the State party's policies, legislative or otherwise, have led to discrimination against these persons as well as to violations of their sexual and reproductive health rights (...). <i>The Committee urges the State party to step up measures, legislative or otherwise, on the identity and the health of <b>transsexual and inter-sex persons</b> with a view to ensuring that they are no longer discriminated against and that their personal integrity and sexual and reproductive health rights are respected. (...)</i>
<b>Discrimination</b>  Concluding Observations: Republic of Moldova, E/C.12/MDA/CO/2, July 12, 2011, Para. 7		The Committee is concerned at opinions expressed by certain sectors in the society, including public <b>anti-lesbian, gay, bisexual and transgender (LGBT) statements</b> by high-level politicians, triggered by the submission to parliament in February 2011 of the draft anti-discrimination bill. <i>The Committee recommends the adoption of the comprehensive anti-discrimination bill (...). The Committee also urges the State party to take measures to eliminate</i>

#### INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION

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		<i>discrimination against <b>LGBT people.</b> (...)</i>
<b>Discrimination</b>  Concluding Observations: Russian Federation, E/C.12/RUS/CO/5, May 20, 2011, Para. 36		The Committee requests information concerning the extent of the practice of discrimination against <b>lesbian, gay, bisexual and transgender persons</b> in particular in employment, health care, and education in the State party (art 2.2).
<b>Discrimination / Equality before the law</b>  Concluding Observations: Argentina, E/C.12/ARG/CO/3, December 14, 2011, Para. 5	The Committee notes with appreciation the legislative and other measures undertaken by the State party to implement economic, social and cultural rights, and in particular: (...) (d) The Equal Marriage Act (No. 26618 of 2010) which, inter alia, provides <b>same-sex couples</b> the same marital rights as heterosexuals	
<b>Discrimination</b>  Concluding Observations: Peru, E/C.12/PER/CO/2-4, May 30, 2012, Para. 5		The Committee notes with concern that there is no specific legislation prohibiting discrimination against persons based on <b>sexual orientation</b> , and that <b>lesbian, gay, bisexual or transgender persons</b> have faced such discrimination in employment, housing, and access to education and health care (art.2).  <i>The Committee recommends that the State party expedite the adoption of specific legislation prohibiting discrimination against persons based on <b>sexual orientation</b> and take measures, in particular awareness-raising, to ensure that <b>LGBT persons</b> are not discriminated against on the basis of <b>their sexual orientation and gender identity</b>.</i>
<b>Discrimination / Equality before the law</b>		The Committee is concerned by the fact that <b>homosexual couples</b>

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law  Concluding Observations: Slovakia, E/C.12/SVK/CO/2, June 8, 2012, Para. 10		are not legally recognized and by the absence of a legal framework for the protection of the rights of such couples (art. 2). <i>The Committee recommends that the State party consider adopting legislation that would grant legal recognition to <b>homosexual couples</b> and regulate the financial effects of such relationships.</i>
<b>Discrimination /</b> Equality before the law  Concluding Observations: Bulgaria, E/C.12/BGR/CO/4-5, November 30, 2012, Para. 17		(...) The Committee is (...) concerned that <b>same-sex couples</b> are not legally recognized and by the absence of a legal framework for the protection of the rights of such couples (...). <i>The Committee recommends that the State party undertake a comprehensive review of its legislation (...) to legally recognize <b>same-sex couples</b>, to regulate the financial effects of such relationships (...).</i>
<b>Discrimination /</b> Health  Concluding Observations: Ecuador, E/C.12/ECU/CO/3, December 13, 2012, Para. 30		(...) The Committee is (...) concerned by the rate of HIV/AIDS in the State party and especially by shortcomings in the delivery of antiretroviral drugs and health services, in particular to <b>lesbian, gay, bisexual and transgender persons</b> . <i>(...) The Committee recommends that the State party establish guidelines for ensuring that <b>lesbian, gay, bisexual and transgender persons</b> have access to health services, including sexual and reproductive health services, on a non-discriminatory basis.</i>
<b>Discrimination</b>  Concluding Observations: United Republic of		<i>The Committee recommends that the State party adopt a comprehensive anti-discrimination bill. The Committee recommends that the State party</i>

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Tanzania, E/C.12/TZA/CO/1-3, November 30, 2012, Para. 5		<i>take steps to combat and prevent discrimination and societal stigma, in particular against persons with disabilities, persons with albinism, persons living with or affected by HIV/AIDS, <b>LGBT individuals</b>, as well as persons belonging to disadvantaged and marginalized groups, and ensure their enjoyment of the rights enshrined in the Covenant, in particular access to employment, social services, health care, and education. (...)</i>
<b>Violence and Discrimination / Hate Speech</b>  Concluding Observations: Monaco, CESCR, E/C.12/MCO/CO/1, June 13, 2006, Para. 50	The Committee notes with satisfaction the adoption of the Act of 15 July 2005 on freedom of public expression, which criminalizes insults of a racial, ethnic or religious nature and insults based on <b>real or supposed sexual orientation</b> .	
<b>Violence and discrimination</b>  Concluding Observations: Brazil, E/C.12/BRA/CO/2, June 12, 2009, Para. 50	The Committee welcomes the legislative and other measures adopted by the State party since the examination of its initial report, including the following: (...) (e) The Brazil <b>Free of Homophobia Programme</b> , which aims to protect and promote the rights of <b>homosexual persons</b> , including their rights to personal security, education, health and work	
<b>Violence</b>  Concluding Observations: Sweden, E/C.12/SWE/CO/5, December 1, 2008,	The Committee welcomes the steps taken to combat violence against women, in particular the adoption of an 'action plan to combat men's violence against women, violence and oppression in the name of honour and	

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Para. 9	<b>violence in same-sex relationships’.</b>	
<b>Criminalization of consensual same-sex relationships</b>  Concluding Observations: Cyprus, E/C.12/1/Add.28, December 4, 1998, Para. 7	The Committee welcomes the abrogation of the provisions of the Penal Code criminalizing <b>homosexual acts</b> .	
<b>Criminalization of consensual same-sex relationships / Discrimination</b>  Concluding Observations: Ethiopia, E/C.12/ETH/CO/1-3, May 31, 2012, Para. 8		The Committee is concerned that the State party has not yet adopted a comprehensive anti-discrimination bill. The Committee also notes with concern that the Penal Code criminalizes <b>homosexuality</b> (art.2). <i>The Committee recommends that the State party adopt a comprehensive anti-discrimination bill, and take urgent steps to amend the Penal Code to decriminalize <b>homosexuality</b>. The Committee recommends that the State party take steps to combat and prevent discrimination and societal stigma, in particular against persons with disabilities, <b>LGBT individuals</b>, as well as persons belonging to marginalized and disadvantaged groups, and ensure their enjoyment of the rights enshrined in the Covenant, in particular access to employment, social services, health care, and education. (...)</i>
<b>Criminalization of consensual same-sex relationships</b>  Concluding		The Committee is concerned that the Penal Code criminalizes <b>homosexuality</b> . (art.2) <i>The Committee recommends that the State party take urgent steps to</i>

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Observations: United Republic of Tanzania, E/C.12/TZA/CO/1- 3, November 30, 2012, Para. 6		<i>amend the Penal Code to decriminalize <b>homosexuality</b>.</i>
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## 2. General Comments

Issue and References	Comments
<b>Discrimination / Health</b>  General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12), E/C.12/2000/4, August 11, 2000: “Special Topics of Broad Application”, <i>Non-discrimination and equal treatment</i> , Para. 18	By virtue of article 2.2 and article 3, the Covenant proscribes any discrimination in access to health care and underlying determinants of health, as well as to means and entitlements for their procurement, on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), <b>sexual orientation</b> and civil, political, social or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to health. (...)
<b>Discrimination</b>  General Comment No. 15: The Right to Water (arts. 11 and 12), E/C.12/2002/11, January 20, 2002, <i>Non-discrimination and equality</i> , Para. 13	The obligation of States parties to guarantee that the right to water is enjoyed without discrimination (Art. 2, para. 2), and <b>equally between men and women</b> (Art. 3), pervades all of the Covenant obligations. The Covenant thus proscribes any discrimination on the grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), <b>sexual orientation</b> and civil, political, social or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to water. (...)
<b>Discrimination / Employment</b>  General Comment No. 18: The Right to Work (art. 6), E/C.12/GC/18, February 6, 2006, Para. 12	(...) Under its article 2, paragraph 2, and article 3, the Covenant prohibits any discrimination in access to and maintenance of employment on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), <b>sexual orientation</b> , or civil, political, social or other status, which has the intention or effect of impairing or nullifying exercise of the right to work on a basis of equality.[...]
<b>Discrimination / Right to social security</b>	The obligation of States parties to guarantee that the right to social security is enjoyed without discrimination (article 2, paragraph 2, of the Covenant), and equally between men and

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<p>General Comment No. 19: The Right to Social Security, E/C.12/GC/19, February 4, 2008, Para. 29</p>	<p>women (article 3), pervades all of the obligations under Part III of the Covenant. The Covenant thus prohibits any discrimination, whether in law or in fact, whether direct or indirect, on the grounds of race, colour, sex age, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), <b>sexual orientation</b>, and civil, political, social or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to social security.</p>
<p><b>Discrimination</b></p> <p>General Comment No. 20: Non-discrimination in Economic, Social and Cultural Rights (art. 2, para. 2), E/C.12/GC/20, July 2, 2009, Para. 32</p>	<p>“Other status” as recognized in article 2, paragraph 2, includes <b>sexual orientation</b>. States parties should ensure that a person’s <b>sexual orientation</b> is not a barrier to realizing Covenant rights, for example, in accessing survivor’s pension rights. In addition, <b>gender identity</b> is recognized as among the prohibited grounds of discrimination; for example, persons who are <b>transgender, transsexual or intersex</b> often face serious human rights violations, such as harassment in schools or in the workplace.</p>

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## COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION (CERD)

Issue and References	Concluding Observations Positive aspects
<b>Discrimination</b>  Concluding Observations: Lithuania, CERD/LIT/CO/3, March 21, 2006, Para. 6	The Committee welcomes the adoption of a new penal code criminalizing incitement to racial hatred as well as the adoption of a new law on Equal Opportunities which prohibits any direct or indirect discrimination on the grounds of age, <b>sexual orientation</b> , disability, race or ethnicity, religion or convictions.
<b>Discrimination</b>  Concluding Observations: Denmark, CERD/DEN/CO/17, October 19, 2006, Para. 6 and 7	6. The Committee notes with appreciation that section 81 of the Criminal Code, which entered into force on 2 April 2004, introduced an aggravating circumstance for offences based on another's ethnic origin, faith, <b>sexual orientation</b> or the like. 7. The Committee welcomes the decision of the State party to establish two new reporting systems on decisions in criminal cases where the crime has been committed on account of the victim's race, nationality, ethnic background, religious belief or <b>sexual orientation</b> on the one hand, and concerning the implementation of the Danish Act of Prohibition against Discrimination on the Basis of Race on the other hand
<b>Discrimination</b>  Concluding Observations: Germany, CERD/DEU/CO/18, September 22, 2008, Para. 4	The Committee welcomes the adoption of the General Equal Treatment Act in August 2006 ( <i>Allgemeines Gleichbehandlungsgesetz - AGG</i> ), which prohibits discrimination on the grounds of race and ethnic origin, gender, religion and belief, disability, age and <b>sexual orientation</b> .
<b>Discrimination</b>  Concluding Observations: Austria, CERD/AUT/CO/17, September 22, 2008, Para. 13	The Committee welcomes the establishment in 2005 of the Ombudsperson for Equal Treatment irrespective of ethnic affiliation, religion or belief, age or sexual orientation in employment, and the Ombudsperson for Equal Treatment irrespective of ethnic affiliation in other areas. (...)
<b>Discrimination</b>  Concluding Observations: Greece, CERD/C/GRC/CO/16-19, September 14, 2009, Para. 3	The Committee welcomes the adoption of Law 3304/2005 on the "Implementation of the principle of equal treatment regardless of race or national origin, religion or other beliefs, disability, age or sexual orientation" in 2005.
<b>Discrimination / Hate speech</b>  Concluding Observations: Romania, CERD/C/ROU/CO/16-19,	The Committee welcomes the adoption of a number of laws and ordinances aimed at preventing or combating discrimination, including: (...) (e) Act No. 504/2002 on audio-visual media (as amended and supplemented by Act No. 402/2003), which prohibits the broadcasting of

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September 13, 2010, Para. 4	programmes containing any form of incitement to hatred on grounds of race, religion, nationality, gender or <b>sexual orientation</b> (...)
<b>Discrimination</b>  Concluding Observations: Lithuania, CERD/C/LTU/CO/4-5, April 4, 2011, Para. 3	The Committee welcomes the enactment of the Law on Equal Treatment in 2005 which prohibits direct or indirect discrimination on the grounds of, inter alia, age, <b>sexual orientation</b> , disability, race and ethnic origin.

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### COMMITTEE ON THE RIGHTS OF THE CHILD (CRC)

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Issue References	Comments
<b>Discrimination</b> / Stereotypes  General Comment No. 3: HIV/AIDS and the Rights of the Children, CRC/GC/2003/3, March 17, 2003, <i>The right to non-discrimination</i> (art. 2), Para. 8	Of particular concern is <b>gender-based discrimination combined with taboos or negative or judgmental attitudes to sexual activity of girls</b> , often limiting their access to preventive measures and other services. Of concern also is discrimination based on <b>sexual orientation</b> . In the design of HIV/AIDS related strategies, and in keeping with their obligations under the Convention, State parties must give careful consideration to prescribed gender norms within their societies with a view to eliminating gender-based discrimination as these impact on the vulnerability of both girls and boys to HIV/AIDS. States parties should in particular recognize that discrimination in the context of HIV/AIDS often impacts girls more severely than boys.
<b>Discrimination</b>  General Comment No. 4: Adolescent health and development in the context of the Convention on the Rights of the Child, CRC/GC/2003/4, July 1, 2003, <i>The right to non- discrimination</i> , Para. 6	States parties have the obligation to ensure that all human beings below 18 enjoy all the rights set forth in the Convention without discrimination (art. 2), including with regard to “race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status”. These grounds also cover adolescents’ <b>sexual orientation</b> and health status (including HIV/AIDS and mental health). Adolescents who are subject to discrimination are more vulnerable to abuse, other types of violence and exploitation, and their health and development are put at greater risk. They are therefore entitled to special attention and protection from all segments of society.

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<p><b>Violence</b></p> <p>General Comment No. 13: The right of the child to freedom from all forms of violence, CRC/C/GC/13, APRIL 18, 2011, Para. 72</p>	<p>Elements to be mainstreamed into national coordinating frameworks. The following elements need to be mainstreamed across the measures (legislative, administrative, social and education recovery and reintegration): (...) (g) <i>Children in potentially vulnerable situations</i>. Groups of children which are likely to be exposed to violence include, but are not limited to, children: (...) who are <b>lesbian, gay, transgender or transsexual</b> (...)</p>
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### COMMITTEE AGAINST TORTURE (CAT)

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Issue and References	Concluding Observations Positive aspects	Concerns and Recommendations
<p><b>Violence / Persecution</b></p> <p>Conclusions and Recommendations: Egypt, CAT/C/CR/29/4, November 13-14, 2002, Para. 6</p>		<p>The Committee recommends that the State party: (...) (k) Remove all ambiguity in legislation which might underpin the persecution of individuals because of their <b>sexual orientation</b>. Steps should also be taken to prevent all degrading treatment during of body searches (...).</p>
<p><b>Violence</b></p> <p>Conclusions and Recommendations: United States of America, CAT/C/USA/CO/2, May 17-18, 2006, Para. 32 and 37</p>		<p>32. The Committee is concerned at reliable reports of sexual assault of sentenced detainees, as well as persons in pretrial or immigration detention, in places of detention in the State party. The Committee is concerned that there are numerous reports of sexual violence perpetrated by detainees on one another, and that persons of differing <b>sexual orientation</b> are particularly vulnerable. (...)</p> <p><i>The State party should design and implement appropriate measures to prevent all sexual violence in all its detention centres. The State party should ensure that all allegations of violence in detention centres are</i></p>

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		<p><i>investigated promptly and independently, perpetrators are prosecuted and appropriately sentenced and victims can seek redress, including appropriate compensation.</i></p> <p>37. The Committee is concerned about reports of brutality and use of excessive force by the State party's law-enforcement personnel, and the numerous allegations of their ill-treatment of vulnerable groups, in particular racial minorities, migrants and persons of different <b>sexual orientation</b> which have not been adequately investigated (art. 16 and 12).</p> <p><b>The State party should ensure that reports of brutality and ill-treatment of members of vulnerable groups by its law-enforcement personnel are independently, promptly and thoroughly investigated and that perpetrators are prosecuted and appropriately punished.</b></p>
<p><b>Violence</b></p> <p>Conclusions and Recommendations: Italy, CAT/C/ITA/CO/4, May 4 and 7, 2007, Para. 23</p>		<p><i>The State party should increase its efforts to prevent, combat and punish violence against women and children, including the adoption of the Bill on "Awareness raising and prevention measures as well as the repression of crimes against the individual or within the household, on account of <b>sexual orientation, gender identity and any other reason of discrimination</b>" (...).</i></p>
<p><b>Violence / Hate crimes / Hate speech</b></p> <p>Conclusions and Recommendations: Poland,</p>		<p>The Committee notes with concern reports of intolerance and hatred towards minorities and other vulnerable groups in Poland, including alleged recent manifestations of hate speech and</p>

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CAT/C/POL/CO/4, May 15, 2007, Para. 20		intolerance against <b>homosexuals and lesbians</b> . (...) <i>The State party should incorporate in its Penal Code an offence to punish hate crimes as acts of intolerance and incitation to hatred and violence based on <b>sexual orientation</b>. (...)</i>
<b>Violence and Discrimination</b>  Conclusions and Recommendations: Latvia, CAT/C/LVA/CO/2, February 19, 2008, Para. 19		(...) the Committee expresses its concern at report of acts of violence against and discrimination of vulnerable groups, including Roma and the <b>lesbian, gay, bisexual and transgender (LGBT)</b> community. (...) <i>The State party should intensify its efforts to combat discrimination against and ill- treatment of vulnerable groups, in particular Roma and the <b>LGBT</b> community (...).</i>
<b>Violence</b>  Conclusions and Recommendations: Sweden, CAT/C/SWE/CO/2, June 4, 2008, Para. 5	The Committee notes with satisfaction the ongoing efforts at the State level to reform its legislation, policies and procedures in order to ensure better protection of human rights, including the right not to be subjected to torture and ill-treatment, in particular: (...) (d) The adoption, in November 2007, of the action plan to combat men's violence against women, violence and oppression in the name of honour and violence in <b>same-sex relationships</b> (...).	
<b>Violence and Discrimination</b>  Conclusions and Recommendations: Costa Rica, CAT/C/CRI/CO/2, July 7, 2008, Para. 11 and 187		11. (...) the Committee remains concerned at cases of abuse of immigrants and citizens, especially on the grounds of their <b>sexual orientation and/or transsexual identity</b> . The Committee considers that, in particular, the rules on public morals can grant the police and judges discretionary power which, combined with prejudices and

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		<p>discriminatory attitudes, can lead to abuse against this group (...).</p> <p><i>Through training and awareness creation among those concerned, the State party should foster a policy of respect for human rights for all without discrimination. (...)</i></p> <p>18. The Committee expresses concern at the reports of sexual abuse and physical violence against <b>homosexual and transsexual</b> prisoners.</p> <p><i>The State party should ensure that the Department has the funds it needs so that conditions of detention are in keeping with international rules and principles relating to the rights of persons deprived of their liberty. (...)</i></p> <p><i>The Committee recommends that the State party should take steps to boost protection for the most vulnerable population against sexual violence, through such measures as the use of confidential machinery for reporting such violence. (...)</i></p>
<p><b>Violence / Torture</b></p> <p>Concluding Observations: Colombia, CAT/C/COL/CO/4, May 4, 2010, Para. 11</p>		<p>(...) the Committee (...) expresses grave concern at the persistence of serious violations linked to torture, such as extrajudicial execution, forced disappearance, forced displacement, sexual violation and the recruitment of children in the context of armed conflict, and at the vulnerable situation of certain groups such as women, children, ethnic minorities, displaced persons, the prison population and <b>LGBT persons</b> (...).</p> <p><i>The Committee calls on the State party to comply with its obligations under the Convention and to investigate and punish acts of torture with appropriate penalties which take</i></p>

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		<i>into account their grave nature. (...)</i>
<p><b>Violence / Hate speech</b></p> <p>Concluding Observations: Republic of Moldova, CAT/C/MDA/CO/2, March 29, 2010, Para. 27</p>		<p>The Committee notes with concern reports of violence and hatred towards minorities, especially Roma, and other vulnerable groups in the Republic of Moldova, including alleged recent manifestations of hate speech and intolerance against <b>homosexuals</b> (art. 16).</p> <p><i>The Committee recalls (...) that the special protection of minorities or marginalized individuals or groups especially at risk is part of the State party's obligation to prevent torture or ill-treatment. In this respect, the State party should: (a) Incorporate in its Criminal Code an offence to punish hate crimes as acts of intolerance and incitation to hatred and violence based on <b>sexual orientation</b>.(...)</i></p>
<p><b>Violence and Discrimination</b></p> <p>Concluding Observations: Mongolia, CAT/C/MNG/CO/1, January 20, 2011, Para. 25</p>		<p>The Committee is concerned:</p> <p>(a) (...) at reports that vulnerable groups such as <b>lesbian, gay, bisexual and transgender (LGBT) persons</b> are subjected to violence and sexual abuse, both in public and domestic settings, owing to widespread negative social attitudes. The Committee welcomes the official registration of the LGBT Centre and notes with appreciation the indication by the State party of the need for a public awareness-raising campaign regarding LGBT persons (...)</p> <p><i>The State party should establish a comprehensive legal framework to combat discrimination, including hate crimes and speech. The State party should take measures to bring perpetrators of such crimes to justice. The State party should ensure the protection of vulnerable groups such as <b>sexual minorities</b>, persons living</i></p>

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		<p><i>with HIV/AIDS, and some foreigners. The State party should establish effective policing, enforcement and complaints mechanisms with a view to ensuring prompt, thorough and impartial investigations into allegations of attacks against persons on the basis of their <b>sexual orientation or gender identity</b> in line with the <b>Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity</b>. (...)</i></p>
<p><b>Violence and Discrimination</b></p> <p>Concluding Observations: Finland, CAT/C/FIN/CO/5-6, June 29, 2011, Para. 24</p>		<p>(...) the Committee would appreciate receiving information regarding the measures in force to prevent violence against women, compile information on violence against children, provide the same coverage in national legislation and anti-discrimination training activities on grounds of <b>sexual orientation</b> and disability as for other grounds of discrimination in areas such as the provision of services and health care and to consider using the <b>Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity</b> as a guide to assist in the development of its policies.</p>
<p><b>Violence and Discrimination</b></p> <p>Concluding Observations: Kuwait, CAT/C/KWT/CO/2, June 28, 2011, Para. 25</p>		<p>The Committee is concerned at reports that vulnerable groups such as <b>lesbian, gay, bisexual and transgender (LGBT) persons</b> are subjected to discrimination and ill treatment, including sexual violence, both in public and domestic settings. (...) <i>The State party should investigate crimes related to discrimination directed towards all vulnerable</i></p>

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		<p><i>groups and pursue ways in which hate crimes can be prevented and punished. The State party should also promptly, thoroughly and impartially investigate all cases of discrimination and ill-treatment of these vulnerable groups, and punish those responsible for these acts. The State party should conduct awareness-raising campaigns for all officials who are in direct contact with victims of such violence, as well for the population at large.</i></p>
<p><b>Violence</b></p> <p>Concluding Observations: Bulgaria, CAT/C/BGR/CO/4-5, December 14, 2011, Para. 23</p>		<p>The Committee is concerned that overcrowding and understaffing are conducive to inter-prisoner and violence, including sexual violence, in detention facilities (...).</p> <p><i>The Committee recommends that the State party: (...) (b) Pay attention to protection of prisoners from inter-prisoner violence, in particular those belonging to the <b>lesbian, gay, bisexual and transgender</b> group, and to the psychosocial profile of the prisoners and those who engage in violence, investigate and sanction incidents; (...).</i></p>
<p><b>Violence and Discrimination</b></p> <p>Concluding Observations: Armenia, CAT/C/ARM/CO/3, July 6, 2012, Para. 19</p>		<p>The Committee (...) It is (...) concerned by reports that some victims of violence or discrimination are singled out by such groups of prisoners for abusive treatment based on <b>perceived sexual orientation</b> or nationality. (...)</p> <p><i>(...) The State party should take necessary measures to eliminate any form of violence or discrimination against detainees based on <b>sexual orientation</b> or nationality, including all abusive and discriminatory actions taken by prison inmates against other detainees. (...)</i></p>
<p><b>Violence</b></p>		<p>The Committee notes with concern</p>

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<p>Concluding Observations: Norway, CAT/C/NOR/CO/6-7, December 13, 2012, Para. 21</p>		<p>allegations of cases of ill-treatment, harassment, incitement to violence and hate speech towards minorities and other vulnerable groups in the State party, including persons belonging to the <b>lesbian, gay, bisexual, and transgender (LGBT)</b> community (art. 16).</p> <p><i>The Committee recalls that (...) the special protection of minorities or marginalized individuals or groups especially at risk is part of the State party's obligation to prevent torture or ill-treatment. In this respect, the State party should enhance efforts to eradicate any instances of violence and ill-treatment of vulnerable groups, including through increased awareness-raising and information campaigns to promote tolerance and respect for diversity. (...)</i></p>
<p><b>Violence</b></p> <p>Concluding Observations: Peru, CAT/C/PER/CO/6, December, 2012 <i>Attacks against members of the LGBT community, Para. 22</i></p>		<p>The Committee is seriously concerned at reports of harassment and violent attacks, some of which have resulted in deaths, against the <b>LGBT</b> community by members of the national police, armed forces, municipal security patrols (<i>serenos</i>) and prison officials and at arbitrary detention and physical abuse in police stations with denial of fundamental legal safeguards (...).</p> <p><i>The State party should take effective measures to protect the <b>LGBT</b> community from attacks, abuse and arbitrary detention and ensure that all acts of violence are promptly, effectively and impartially investigated and prosecuted, perpetrators brought to justice and victims provided with redress.</i></p>
<p><b>Violence and Discrimination</b></p>		<p>The Committee is concerned (...) at reports that police have failed to promptly react to, or to carry out</p>

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<p>Concluding Observations: Russian Federation, CAT/C/RUS/CO/5, December 11, 2012, Para. 15</p>		<p>effective investigations and bring charges against all those responsible for violent attacks against <b>lesbian, gay, bisexual and transgender (LGBT) persons</b>, such as alleged regarding the recent attacks on the “7 Free Days Club” in Moscow and the “Parisian Life Club” in Tyumen (...). <i>The State party should:</i> <i>(a) Take effective measures to ensure the protection of all persons at risk, including Roma, persons belonging to ethnic minorities, migrant workers, <b>LGBT persons</b> and foreign nationals, including through enhanced monitoring. All acts of violence and discrimination against members of such groups should be promptly, impartially and effectively investigated, the perpetrators brought to justice, and redress provided to the victims. The Committee recommends that statistics be compiled regarding all crimes against members of such groups made vulnerable, and on the outcomes of investigations, prosecutions and remedial measures taken in relation to such crimes;</i> <i>(b) Publicly condemn attacks against Roma, ethnic and other minorities, migrant workers, and <b>LGBT persons</b> and other persons at risk, and organize awareness-raising campaigns, including among the police, promoting tolerance and respect for diversity.</i></p>
<p><b>Discrimination</b></p> <p>Conclusions and Recommendations: Portugal, CAT/C/PRT/CO/4, February 19, 2008, Para. 17</p>		<p>The Committee notes that article 240 of the new Penal Code, concerning non-discrimination, now covers not only discrimination based on race, colour, ethnic or national origin and religion, but also discrimination based on sex and <b>sexual orientation</b>. It is nonetheless concerned by reports</p>

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		<p>of numerous acts of violence of a discriminatory nature directed against certain minorities. (...)</p> <p><i>The State party should take the necessary measures to effectively combat acts of violence based on any form of discrimination and to punish the perpetrators appropriately. (...)</i></p>
<p><b>Discrimination</b></p> <p>Concluding Observations: Paraguay, CAT/C/PRY/CO/4-6, December 14, 2011, Para. 19</p>		<p>(...) The Committee is further concerned about allegations of discrimination against the <b>lesbian, gay, bisexual and transgender</b> community in the State party's prisons, including discrimination in allowing private visits from partners. (...)</p> <p><i>(...) the Committee recommends that the State party should: (...) (d) Redouble efforts to combat discrimination against vulnerable groups, and in particular against the <b>lesbian, gay, bisexual and transgender</b> community (...).</i></p>

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