

EQUALITY AND DISCRIMINATION - SEXUAL ORIENTATION

III. CONCLUDING OBSERVATIONS, CONTINUED

ICCPR

- El Salvador, ICCPR, A/58/40 vol. I (2003) 61 at para. 84(16).

(16) The Committee expresses concern at the incidents of people being attacked, or even killed, on account of their sexual orientation (art. 9), at the small number of investigations mounted into such illegal acts, and at the current provisions (such as the local “contravention orders”) used to discriminate against people on account of their sexual orientation (art. 26).

The State party should provide effective protection against violence and discrimination based on sexual orientation.

- Philippines, ICCPR, A/59/40 vol. I (2003) 15 at para. 63(18).

(18) While the Committee takes note of the constitutional provisions guaranteeing equal treatment of all persons before the law, the lack of legislation explicitly prohibiting racial discrimination is a matter of concern (arts. 3 and 26).

The Committee urges the State party to take the necessary steps to adopt legislation explicitly prohibiting discrimination, in accordance with articles 3 and 26 of the Covenant. The Committee notes that legislation related to sexual orientation is currently being discussed in Congress and urges the State party, in this context, to pursue its efforts to counter all forms of discrimination. The State party is further invited to strengthen human rights education to forestall manifestations of intolerance and *de-facto* discrimination.

- Namibia, ICCPR, A/59/40 vol. I (2004) 64 at para. 74(22).

(22) The Committee notes the absence of anti-discrimination measures for sexual minorities, such as homosexuals.

The State party should consider, in enacting anti-discrimination legislation, introducing the prohibition of discrimination on the ground of sexual orientation.

- Poland, ICCPR, A/60/40 vol. I (2004) 40 at paras. 85(5) and 85(18).

(5) The Committee notes with satisfaction improvements made in the area of women’s rights, in particular by the appointment of a Government Plenipotentiary on the Equal Status

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of Women and Men. It also welcomes the extension of the Plenipotentiary's competence to issues relating not only to discrimination on the basis of sex but also on grounds of race and ethnic origin, religion and beliefs, age and sexual orientation.

...

(18) The Committee is concerned that the right of sexual minorities not to be discriminated against is not fully recognized, and that discriminatory acts and attitudes against persons on the ground of sexual orientation are not adequately investigated and punished (art. 26).

The State party should provide appropriate training to law enforcement and judicial officials in order to sensitize them to the rights of sexual minorities. Discrimination on the ground of sexual orientation should be specifically prohibited in Polish law.

- Kenya, ICCPR, A/60/40 vol. I (2005) 44 at para. 86(27).

(27) The Committee notes with concern that section 162 of the Penal Code continues to criminalize homosexuality (articles 17 and 26 of the Covenant).

The State party is urged to repeal section 162 of the Penal Code.

- Greece, ICCPR, A/60/40 vol. I (2005) 60 at paras. 90(5) and 90(19).

(5) The Committee welcomes the recent adoption by Parliament of a law on the implementation of the principle of equal treatment irrespective of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation.

...

(19) The Committee is concerned at reports of continued discrimination against individuals on the basis of their sexual orientation (arts. 17 and 26).

The State party should provide remedies against discriminatory practices on the basis of sexual orientation, as well as informational measures to address patterns of prejudice and discrimination.

ICESCR

- Sweden, ICESCR, E/2002/22 (2001) 106 at para. 715.

715. The Committee recognizes that a number of Ombudspersons exist in the country, dealing with different aspects of human rights with a focus on discrimination issues. The Committee welcomes the creation of the office of an Ombudsperson against Discrimination

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due to Sexual Orientation.

- Trinidad and Tobago, ICESCR, E/2003/22 (2002) 45 at paras. 262 and 285.

262. The Committee is concerned about the lack of specific and comprehensive anti-discrimination legislation in the State party. The Committee is particularly concerned that the Equal Opportunity Act 2000 does not afford protection to individuals on the grounds of sexual orientation, age and HIV/AIDS status, among others.

...

285. The Committee recommends that the State party take legislative and other effective measures to eliminate discrimination, in accordance with article 2, paragraph 2 of the Covenant. In particular, the Committee wishes to encourage the State to undertake proactive policies to promote the rights of individuals, especially with regard to their sexual orientation and HIV/AIDS status.

- China (Hong Kong Special Administrative Region), ICESCR, E/2006/22 (2005) 34 at paras. 202, 207 and 219.

202. The Committee welcomes the establishment of the Sexual Minorities Forum, a formal communication channel between the Hong Kong Special Administrative Region and persons with different sexual orientations, and the planned establishment of a gender identity and sexual orientation unit within the Home Affairs Bureau.

...

207. The Committee regrets that the Hong Kong Special Administrative Region has not implemented a number of the recommendations contained in its concluding observations of 2001.^{9/} The Committee wishes to reiterate in particular its concern at the following issues:

(a) The absence in current anti-discrimination legislation of provisions relating to discrimination on the basis of race, sexual orientation and age;

...

219. The Committee once again urges the Hong Kong Special Administrative Region to implement the Committee's relevant suggestions and recommendations contained in its concluding observations adopted in 2001,^{9/} as well as in the current ones, and urges it to undertake whatever relevant concrete measures may be necessary towards their implementation.

Notes

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^{9/} *Official Records of the Economic and Social Council, 2002, Supplement No. 2 (E/2002/22-EC.12/2001/17), chap. IV, paras. 189 to 210.*

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CAT

- Egypt, CAT, A/58/44 (2002) 22 at paras. 41 and 42.

41. The Committee is concerned about the following:
...
(e) The reports received concerning ill-treatment inflicted on men because of their real or alleged homosexuality, apparently encouraged by the lack of adequate clarity in the penal legislation;
...
42. The Committee recommends that the State party:
...
(k) Remove all ambiguity in legislation which might underpin the persecution of individuals because of their sexual orientation. Steps should also be taken to prevent all degrading treatment during body searches;
...

- Venezuela, CAT, A/58/44 (2002) 32 at para. 80.

80. The Committee expresses its concern at the following:
...
(d) Complaints of threats and attacks against sexual minorities and transgender activists, particularly in the State of Carabobo;
...

- Argentina, CAT, A/60/44 (2004) 12 at paras. 34 and 35.

34. The Committee expresses its concern at the following:
...
(g) Allegations of torture and ill-treatment of certain other vulnerable groups, such as members of the indigenous communities, sexual minorities and women;
...
35. The Committee recommends that the State party take all necessary steps to prevent acts of torture and ill-treatment in the territory of the State of Argentina, and in particular that it:
...
(f) Take specific steps to safeguard the physical integrity of the members of all vulnerable groups;

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...

CRC

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 135 and 136.

135. ...The Committee is concerned that homosexual and transsexual young people do not have access to the appropriate information, support and necessary protection to enable them to live their sexual orientation...

136. In line with its previous recommendations ([CRC/C/15/Add.34], para. 30), the Committee recommends that the State party:

...

(d) Provide adequate information and support to homosexual and transsexual young people, and encourages the State party, further to the statement of intent made by its delegation to repeal section 28 of the Local Government Act 1988, where it applies.