

# ANNEX 2: Recommendations from treaty bodies

HUMAN RIGHT AT STAKE	TREATY BODY	OPINION/RECOMMENDATION
<b>CRIMINALIZATION OF HOMOSEXUALITY, CROSS-DRESSING AND TRANSGENDER EXPRESSION</b>	Human Rights Committee	Laws criminalizing homosexuality or sexual conduct between partners of the same sex, laws criminalizing cross-dressing, and other laws that criminalize transgender expression violate international human rights norms and must be repealed. Even if never enforced, such criminal laws are a breach of State obligations under international human rights law. The Committee affirmed that laws criminalizing homosexuality violate rights to privacy and non-discrimination in breach of States' legal obligations under the International Covenant on Civil and Political Rights (ICCPR).
<b>DISCRIMINATION BASED ON SEXUAL ORIENTATION</b>	Human Rights Committee	The ICCPR prohibits discrimination based on sexual orientation. States have an obligation to protect individuals from discrimination based on sexual orientation. Additionally, the Human Rights Committee has expressed concern over the lack of laws prohibiting discrimination.
	Committee on Economic, Social and Cultural Rights, Committee Against Torture, Committee on the Rights of the Child, and the Committee on the Elimination of Discrimination Against Women	These treaty bodies have confirmed that discrimination based on sexual orientation is prohibited under the human rights treaties that are binding to the ratifying States.
<b>RIGHT TO HEALTH</b>	Committee on Economic, Social and Cultural Rights	It has been stated that "health facilities, goods and services must be accessible to all, especially the most vulnerable or marginalized sections of the population". The Committee has affirmed that "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 sexual orientation" and has also expressed concern at discrimination against transgender and intersex people in health care.
	Special Rapporteur on the Right to Health	The Special Rapporteur on the Right to Health has stated that "sanctioned punishment by States reinforces existing prejudices, and legitimizes community violence and police brutality directed at affected individuals".

		The right to be protected from discrimination applies to the enjoyment of all civil, political, economic, social and cultural rights, including the right to work, to education, and to the highest attainable standard of physical and mental health, including sexual and reproductive health.
<b>DISCRIMINATION BASED ON SEXUAL ORIENTATION</b>	Special Rapporteur on the Sale of Children, Child Prostitution, and Child Pornography	The 2004 report of the Special Rapporteur on the Sale of Children, Child Prostitution, and Child Pornography reported that transgender young people are among the most marginalized and vulnerable because of the degree of discrimination they experience in housing, education, employment, and health. Their situation is further exacerbated when they are alone and unsupported by family and friends, leaving them especially vulnerable to prostitution.
	Special Rapporteur on the Right to Education	In 2001, the Special Rapporteur on the Right to Education reported that in most countries children who do not conform to accepted gender norms experience abuse and discrimination by school officials and bullying by other students. The result, for many children whose gender identity or gender expression does not conform, is a basic violation of the right to education. Such abuses lead to serious mental and physical harm and to dropping school early.
<b>TORTURE, INHUMAN AND DEGRADING TREATMENT</b>	World Health Organization	The Committee against Torture in a General Comment (2008) noted the particular risk of torture faced by people of diverse sexual orientations and gender identities. The Committee advised that in order to ensure protection to minority groups, States Parties should ensure that acts of violence and abuse against members of minority groups should be fully prosecuted and punished.
	World Health Organization	Attempts to forcibly change the sexual orientation of lesbian, gay and bisexual persons are ineffective, harmful and may amount to torture. In May 17, 1990, the General Assembly of World Health Organization removed homosexuality from its list of diseases. There were no scientific reasons that led to its consideration as a mental disorder in the first place.
	The Council on Human Rights and the Human Rights Committee	The Council on Human Rights and the Human Rights Committee have confirmed that use of the death penalty for non-violent acts, including sexual relations between consenting adults, constitutes a violation of international human rights law.