# Pic Composition would

Advocating for SOGIESC issues in the United Nations

# The United Nations human rights mechanisms

A short introduction

# **Treaty-Based Organs**

# **Treaty Bodies**



CEDAW session, 1998 (c) UN Photo/Eskinder Debebe



### Who?

Committees of independent experts



#### What?

Monitor specific treaties



### How many?

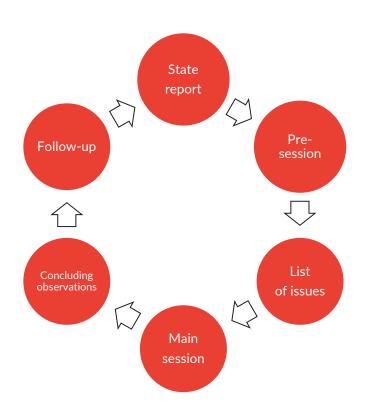
10 committees Population | Topic



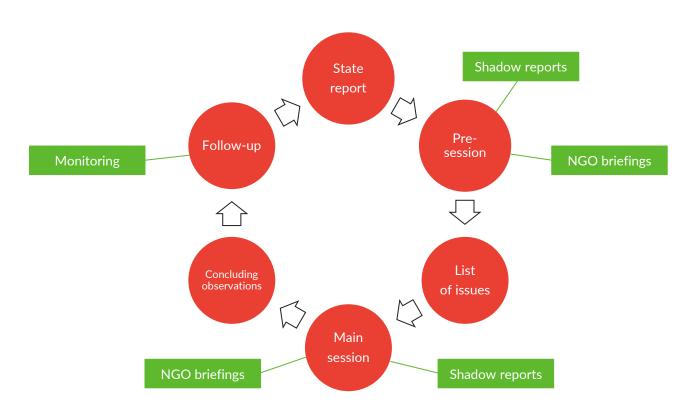
### How do they work?

Country reviews Individual complaints General recommendations

### Treaty Bodies: Country Review Cycle



# Treaty Bodies: Country Review Cycle



### Treaty Bodies: Individual communications

- Additional optional ratification (OP)
- Consideration of a specific case
- Recommendations on the case, as well as of a general nature
- Subsidiarity exhausting domestic remedies
- Uniqueness only one international mechanism
- Possibility of 3rd-party intervention/amicus curiae
- Follow-up procedure

# Treaty Bodies: CSO engagement results

- In 2021 (Finland) CRC's 1st decision on <u>children in rainbow</u> families and non-refoulement
  - TPI by ILGA World, ILGA Europe, ICJ, CRIN & NELFA
- In 2021 (Germany) HRCtee's 1st time urgent recommendation on effective protection of bodily integrity, self-determination and <u>reparations for intersex</u> people
  - NGO shadow report & NGO briefings

# Special Procedures



Working Group of e (c) UN Photo



### Who?

Working groups Special Rapporteurs Independent experts



### What?

Themes Countries



### How many?

45 thematic mandates 13 country mandates



### How do they work?

Country visits Communications Thematic reports

### 🌈 IE on SOGI new call for inputs on peace, security and SOGI 🌈

The Independent Expert on sexual orientation and gender identity has published a call for inputs on peace, security, sexual orientation, and gender identity for his thematic report to the 77th United Nations General Assembly. This report will examine the relationship between different forms of past and present armed confrontations with the lived experience of lesbian, gay, bisexual, trans and intersex (LGBTI) persons, as well as Gender Diverse (GD) persons in such contexts. [Deadline 30 March 2022)

If you have any data on peace, security, sexual orientation, and gender identity – please send your inputs to ohchr-ie-sogi@un.org

For more information read here.

#### CALLS FOR INPUT

Mandate	Call	Deadline	Additional Info
Special Rapporteur on toxics and human rights	Call for inputs: Report on mercury, artisanal and small-scale gold mining and human rights (to be presented at the HRC 51 in Sep 2022)	7 Mar 2022	Read more
NEW!!: Special Rapporteur on the sale and sexual exploitation of children	Call for inputs: Addressing the vulnerabilities of children to sale and sexual exploitation in the framework of the SDGs (to be presented at the GA77)	14 Mar 2022	Read more

# Special Procedures: Thematic Reports

- Find out what are the upcoming calls
- Collect your data and participate in a submission
- Check the report
- Participate in a dialogue with the mandate-holder
- Follow-up



The Independent Expert on sexual orientation and gender identity has published a call for inputs for his upcoming visit to the United States of America (Deadline 15 April 2022)

If you have any data on the human rights situation of LGBTI communities in USA; particularly focusing on cases of violence and discrimination based on SOGI – please send your inputs to ohchr-ie-sogi@un.org

You can send your information to contribute to ILGA World's submission to the following email: sp@ilga.org
before the 13th of April.

For more information read here.

# Special Procedures: Country visits

### 1. Law and policy reform

- (a) Consider renewing efforts to implement the on a Gender Equality Law and on a unified family law whilegal framework for the implementation of the constitution principles of gender equality and non discrimination addiscrimination against women in matters relating to marincluding the practice of polygamy in full compliance with
- SR on VAW, country report: South Africa
- (b) Consider adopting a new consolidated criminal offence to criminalize Utukhwala and a prosecution consolidated practice;
- (c) Consider enacting a hate crime legislation which would enable to capture both the hate dimension of crimes and the sexual orientation of LGTBI victims of GBV;



### C. Lesbian, gay, bisexual, transgender and intersex defenders

71. Lesbian, gay, bisexual, transgender and intersex human rights defenders in Peru face hate speech, incitement to violence and online threats against them by some media outlets, private individuals and politicians, both for their human rights work and for their sexual orientation or gender identity. Such attacks often intensify following public interviews or participation in public events, or when running for elections. They also face additional obstacles to staging protests, such as the "Kisses against homophobia" event held annually on 14 February. The Special Rapporteur received reports of physical and verbal attacks by the police and private individuals during a public demonstration held in 2017 in front of Congress. Teachers who contributed to the recent preparation of an education programme, covering gender equality, lesbian, gay, bisexual, transgender and intersex rights and sexual and reproductive rights, risk losing their job and have faced various forms of intimidation and harassment.

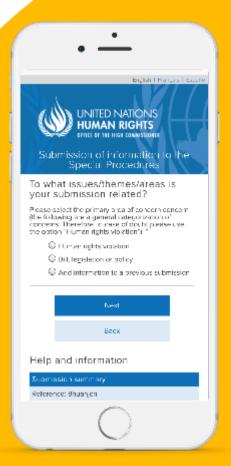
# Special Procedures: Communications

#### **Basics**

- · No need to ratify conventions
- Violation | Risk of a violation | Legislation
- Online form
- Usually by several mandates

#### **Examples**

- Harassment and intimidation against Badr Baabou, director of Damj (Tunisia)
- Bill on "Promotion of Proper Human Sexual Rights and Ghanian Family Values" (Ghana)
- Legal gender recognition (Bulgaria)
- Systemic violence against 2SLGBTQQIA people (Canada)
- Criminalization of same-sex relations (Uzbekistan)



# **UN Charter-Based Organs**

### **General Assembly**







Chief deliberative, policymaking and representative organ of the United Nations.

193 members

Third Committee: social, humanitarian affairs and human rights issues.

### **Human Rights Council**





Main intergovernmental body within the UN system responsible for strengthening the promotion and protection of human rights.

- Subsidiary body of the GA (2006)
- 47 members elected for a 3-years term (based on equitable geographical distribution)
- UPR and SP's are mechanisms of the HRC

### Universal Periodic Review

Established in 2006, it is a peer review of the human rights records of all 193 UN Member States.



It applies to each of the 193 Member States of the UN and its scope includes all human rights issues, including those related to SOGIESC



It is cyclically periodic, rotating every four to five years for every State



It offers States an opportunity to review their peers' human rights records and be reviewed by them

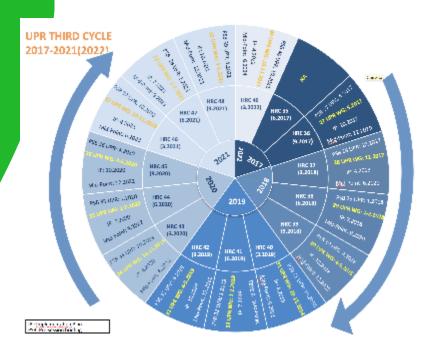
1st Cycle: 2008 - 2011 | 2nd Cycle: 2012 - 2016 | 3rd Cycle - 2017 - 2022 | 2022-2026

### Universal Periodic Review

### Review is based on 3 documents:

- National Report
- Compilation of UN information
- Summary of stakeholders' information
  - CSOs can submit reports to this summary

- The Working Group 193 members of the UN. All states can make recommendations.
- "Troika" Group of 3 states serving as "rapporteurs".
- The "Working Group Sessions" (WGS) happen 3 times a year in Geneva.



III Cycle – Focus on follow-up and implementation of recomendations.

# SOGIESC UPR Recommendations



The UPR allows a large range of topics related to LGBTI issues to be included in the recommendations.



3464 recommendations

Since the UPR 1st WGS, this mechanism has been an essential tool to include SOGIESC issues into international recommendations.



Main topics of the recommendations (I & II Cycles)

- Equality/non-discrimination
- Decriminalization of same sex relations
- Security/ accountability
- Family
- Association/Expression
- HRDs

# III Cycle

- Main Topics:
  - 63% → Non-discrimination
  - 30% → Decriminalisation of SSR
  - 16% → Protection against violence
- Since 2018, recommendations to ban of forced surgeries on intersex children.
- Some new topics:
  - Conversion therapies
  - Gender-affirmative healthcare
  - Online hate speech
  - LBT women/trans women of colour
  - Housing
  - Children LGR
  - SOGIESC education in schools
- Broadening of the list of countries which make SOGIESC recommendations (e.g. Timor-Leste, Myanmar, Fiji, Marshall Islands, Venezuela, Nepal, Latvia, Peru).

### AVERAGE OF SOGIESC RECOMMENDATIONS/SESSION

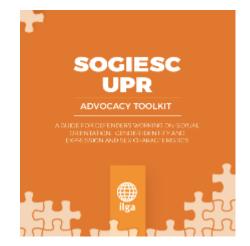


# **UPR Advocacy**

### Before the review

### 1) CSO submissions (deadline usually 7 months before the review)

- Are sent to the OHCHR and included in the "Stakeholders summary";
- Should approach the human rights situation of LGBTI persons in your country; and
- Report the level of implementation of the previous cycle recommendations.

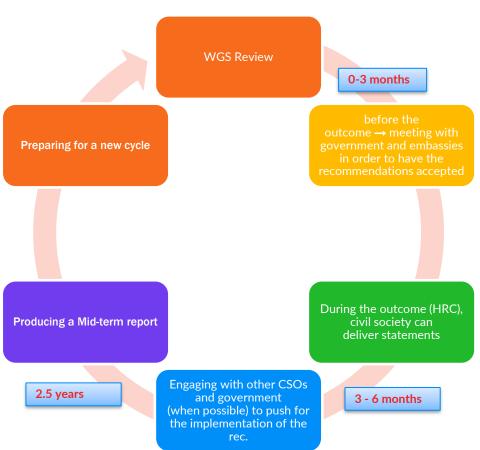


### 2) Pre-session Advocacy

(6 months before the review)

- Prepare advocacy papers with summaries of the situation and recommendations and identify friendly embassies.
- Meet with embassies and share advocacy papers in your capital or with Permanent Missions in Geneva.
- ILGA World organizes the Advocacy Week in Geneva.

### 3) Follow-up and implementation



### Best practices on follow-up and implementation

Making coallitions



Working with the governments



Engaging with embassies



Engaging with UN agencies



Producing a midterm report



Raising publicawareness

# SOGI resolutions in the HRC

2003: Brazilian resolution at the HR Comission

2007: Yogyakarta Principles

2008: Statements at the UNGA

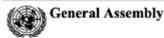


2011

South Africa tables the resolution "Human Rights, sexual orientation and gender identity" (RES/17/19)

United Nations

A/HRC/RES/17/19



Distr.: General 14 July 2011

Original: English

#### Human Rights Council

Seventeenth session Agenta item 8 Follow-up and implementation of the Vienna Declaration and Programme of Action

Resolution adopted by the Human Rights Council

17/19 Human rights, sexual orientation and gender identity

The Human Rights Council,

2014

Brazil, Chile, Colombia and Uruguay propose a 2<sup>nd</sup> version of the resolution (RES/27/32)

2016

LAC7 (Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico, Uruguay) proposes to create an Independent Expert on violence and discrimination based on SOGI (RES/32/2) 11 hostile amendments



Establishment of the mandate at the HRC



The mandate is challenged at the UNGA, but successfully defended

2019

LAC7 proposes the renewal of the mandate (RES/41/18)

10 hostile amendments



Mandate renewed

Not challenged at the UNGA