

# How far has SOGI advocacy come at the UN and where is it heading?

Assessing sexual orientation, gender identity, and  
intersex activism and key developments  
at the UN 2003–2014

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A report commissioned by ARC International

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# Executive summary

This report was commissioned by ARC International to assess perceptions of the progress achieved by activists working on sexual orientation (SO), gender identity (GI), and intersex advocacy at the United Nations since 2003, challenges remaining, and possible future opportunities. The report uses the acronym SOGI to collectively refer to sexual orientation and gender identity, which is the terminology used in the Yogyakarta Principles and by most UN mechanisms. The umbrella phrase “SOGI and intersex” is used when intersex issues are also being discussed.<sup>1</sup>

Research, which was carried out in March–May 2014, gathered responses from over 100 individuals – through an online survey and through interviews conducted with SOGI and intersex advocates, and UN and country mission staff. This report summarizes indicative themes that emerged from the 98 survey respondents and were explored in more depth through 29 key informant interviews.

The report found agreement across the board that tremendous achievements have occurred in the past decade enabling human rights violations against lesbian, gay, bisexual, trans and intersex (LGBTI) persons worldwide to be more effectively addressed by the UN. The steady engagement of SOGI and intersex advocates with UN mechanisms and States has led to the increasing visibility of these issues in UN spaces, including in the work of treaty bodies,<sup>2</sup> Special Rapporteurs, and in the Universal Periodic Review (UPR) process.<sup>3</sup> Their often behind-the-scenes guidance has supported States in increasingly speaking out on these issues. States now have a body of evidence to rely on and allies to work with. The

robust leadership of senior UN leaders such as Secretary-General Ban Ki-Moon and former High Commissioner Navi Pillay<sup>4</sup> has been very important in influencing UN actors and governments to recognize violations based on sexual orientation, gender identity or intersex status as human rights abuses and to take steps to end impunity. In terms of tangible results in making the human rights claims of LGBTI people legitimate, the 2011 resolution and the subsequent report by the Office of the High Commissioner for Human Rights (OHCHR) were seen as the most important achievements to date.

It may be noted that the online survey and interviews were conducted prior to the adoption by the Human Rights Council at its 27th session in September 2014 of a follow-up resolution on human rights, sexual orientation and gender identity. Led by Brazil, Chile, Colombia and Uruguay, this resolution was adopted by an absolute majority of 25–14, with 7 abstentions, and marks a significant step forward in UN attention to these issues.

There was general acknowledgment that sexual orientation, and to a lesser extent gender identity, issues have been increasingly taken up by UN mechanisms. However, only a minority of people thought this was the case for intersex issues. In terms of particular themes, HIV/AIDS, criminalization and human rights defenders were seen as best addressed by the UN to date. Significant gaps remain in other areas such as sexual and reproductive rights or legal gender recognition.

Findings further show that the overall capacity of SOGI and intersex advocates has greatly increased over the years: they have been engaging more mechanisms as well as using a broader variety of tools. Across the board, people considered that the UPR process has been the

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<sup>1</sup> Efforts have been made to be context-specific – for example, “SOGI” is used when particular UN reports or initiatives have not specifically addressed intersex issues, while specific reference is made to developments on intersex issues, which have begun receiving increased attention in UN fora in recent years.

<sup>2</sup> Treaty bodies monitor States’ compliance with obligations under UN human rights treaties. Each treaty body is made up of independent experts.

<sup>3</sup> The Universal Periodic Review is a mechanism of the United Nations Human Rights Council, which allows scrutiny of the human rights records of all UN States. NGOs can make submissions with recommendations on how to improve the human rights situation in each State under review, including the implementation of recommendations from the previous UPR cycle, developments in human rights in the country, and a range of other human rights issues.

<sup>4</sup> Incoming High Commissioner Al Hussein also noted in his inaugural address to the Human Rights Council: “There is no justification ever, for the degrading, the debasing or the exploitation of other human beings – on whatever basis: nationality, race, ethnicity, religion, gender, sexual orientation, disability, age or caste.”



most useful UN space. It was seen as allowing far more space for SOGI issues than any other mechanism and generally providing great opportunities for civil society to engage governments and influence recommendations. However, this may also reflect greater awareness by respondents of the UPR, since other mechanisms, such as Special Procedures,<sup>5</sup> were considered at least as useful by those who had engaged with them.

Special Procedures were seen as mechanisms that have historically played an essential role in raising SOGI issues at the UN, and were approachable when no other mechanism was ready to take up these issues in the early 2000s. The role of Special Procedures in bringing attention to specific thematic issues was also acknowledged and valued, such as a report of the Special Rapporteur on torture which identified sterilization requirements for trans people and non-consensual intersex surgeries as a form of torture or cruel, inhuman and degrading treatment. The Human Rights Council<sup>6</sup> (HRC or Council) was perceived as important for high-level engagement, but still inaccessible for many SOGI and intersex advocates. Treaty bodies, on the other hand, were recognized as key standard-setting bodies, doing less visible, but similarly important work. Among UN agencies, the role of the OHCHR<sup>7</sup> was seen as most important by the majority, although there was concern that local offices of both the OHCHR and other UN agencies often fail to echo progressive SOGI standards.

In terms of barriers over the past 11 years, a lack of financial and human resources was the greatest concern. This was most commonly mentioned by those working in Asia, Africa, Eastern Europe, Latin America and the Caribbean as well as by women, trans and intersex people. These barriers have resulted in making it extremely difficult to ensure LGBTI advocacy at the UN represents a diverse balance of activists. To overcome this barrier in the future, a change in funding policies was seen as essential. Continued efforts to make SOGI and intersex advocacy more accessible and to provide training to activists were also thought to be crucial.

There was general frustration among LGBTI advocates that the June 2011 resolution had not yielded further results and progress appeared to be halted at the UN at the time of the interviews. Since the resolution there has

been greater polarization on SOGI issues within the UN – positions have hardened and it seems extremely difficult to move forward. Many stressed this apparent stalemate should not deter supportive States and mechanisms from maintaining a focus on SOGI and intersex issues. However, many also considered it is essential that more non-Western States come out in support of these issues, countering the false notion that SOGI is a Western concept and of no relevance for other countries. The recent follow-up resolution, led by Latin American States and adopted with support from all five UN regional groups, lends support to the efficacy of this approach.

Discrimination and violence related to sexual orientation, gender identity, and intersex status persists on the ground and has escalated in some countries in the past few years. Some see growing violence as a reaction to visibility and achievements that SOGI activists have gained, both locally and at the UN, as well as a result of more concerted efforts by hostile forces. To address this violence, the ongoing engagement of UN actors is seen as vital, including around the strengthening of preventive measures.

The past years have seen a steady increase in numbers of LGBTI advocates working with UN mechanisms. Although recognized as valuable progress, it has also led to difficulties in finding common advocacy goals and being able to unite. Some believe there is now momentum for LGBTI movements to rethink how they make decisions and set their agenda. When it comes to future goals, there is consensus that there is a need for ongoing and regular reporting on SOGI and intersex issues in the UN. However, there is an array of views on how exactly this could be achieved. Some believe a mechanism designated to focus on these issues would be ideal, others think an intersectional approach to discussing SOGI and intersex issues would be enough, while others believe these two approaches are mutually complementary.

In sum, it is undeniable that LGBTI advocacy has achieved an enormous amount since 2003. These accomplishments must be celebrated and built upon. However, the road ahead remains long and difficult – civil society must not only continue its ongoing efforts, but strengthen them on all fronts.

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<sup>5</sup> “Special Procedures” is an umbrella term used to refer to independent experts most commonly appointed by political bodies of the UN to report on a variety of thematic or country situations. The term includes Special Rapporteurs, independent experts and Working Groups, although “Special Rapporteur” is often used in the text, as this model was most frequently referenced by interviewees.

<sup>6</sup> The UN Human Rights Council is the main intergovernmental forum for dealing with human rights issues. The HRC is tasked with working on the full range of human rights issues, including addressing situations of particular concern, coordinating the work of the UN human rights system and drafting new human rights standards.

<sup>7</sup> The OHCHR works to offer support to various UN mechanisms, including the Human Rights Council, the UPR, and treaty bodies. It is headed by the High Commissioner for Human Rights.



# Introduction

## Background context

It has been 11 years since the Brazilian resolution on sexual orientation and human rights failed to go through at the UN Human Rights Commission in 2003<sup>8</sup> – despite tremendous efforts of civil society and the dedication of a number of progressive States at the UN. For many, that moment in sexual orientation and gender identity advocacy was bleak.

Yet, the dedication of a huge range of civil society actors from across the world remained and progressive States kept pushing the agenda at the UN to secure the rights of LGBTI people worldwide. In 2005, 2006, 2008, and 2011<sup>9</sup> supportive countries reaffirmed the need to protect the rights of LGBTI people and issued **Joint Statements** to commend UN treaty bodies and Special Rapporteurs for taking up SOGI issues, urging the Human Rights Council to pay due attention by doing the same. Building on the lessons learned from the Brazilian resolution and noting the need to carve space for LGBTI rights in the existing frameworks of international human rights law, a group of distinguished human rights experts developed and adopted the **Yogyakarta Principles** in November 2006.

All these milestones and the dedicated and ongoing work of civil society, States, and UN actors led to what was unthinkable for many back in 2003 – the adoption of the first SOGI resolution at the UN. In 2011 the UN Human Rights Council adopted a **resolution** on human rights, sexual orientation and gender identity – this time with the explicit inclusion of ‘gender identity’ in its title. In the resolution the Council called on the High Commissioner for Human Rights to prepare a report documenting discriminatory laws, practices and violence based on sexual orientation and gender identity in all regions of the world. It committed to hosting the first ever SOGI-themed UN panel in 2012. The Council was finally seen as taking a strong stance for the rights of LGBTI persons worldwide.

The achievements of SOGI advocates and ally States at the UN are undeniable. Yet, today we still see violent rhetoric and attacks against activists on the ground and

the political dynamics at the UN around SOGI issues are difficult to navigate. At the same time that SOGI issues have become more visible, division lines have been exposed and States opposing the institutionalization of these rights have joined forces to mobilize. In 2009, the Council adopted its first resolution on traditional values and human rights. Five years later, in 2014, the Council adopted a resolution on the protection of the family that excludes any reference to the existence of diverse forms of family. These resolutions illustrate continued resistance to SOGI human rights at the UN and pose several questions. How effective have various UN mechanisms and agencies been in advancing SOGI and intersex human rights issues? What have LGBTI movements achieved so far and where should they go from here?

On 24 June 2014 the largest ever **joint civil society statement** on SOGI and intersex issues was presented at the 26th session of the Human Rights Council, bringing together the voices of over 500 NGOs from more than 100 countries urging the Council to adopt a second resolution. The statement called for regular reporting, ongoing dialogue, and sustained attention to the systemic human rights violations that LGBTI people face to this day on grounds of their sexual orientation, gender identity and intersex status. Its text demonstrated a nuanced understanding of the distinct abuses faced by LGBTI communities worldwide:

*In too many countries, we face severe human rights violations – we are criminalized including under colonial-era laws, we face the death penalty, we are murdered, lesbians are subject to rape and forced marriage; intersex people face genetic de-selection, infanticide, coerced sterilization and genital mutilation; transgender persons are demeaned and beaten, subjected to pathologisation and sterilization, their identities often unrecognized by States. We are denied health care or needed treatment; we routinely face discrimination in work, housing and education. In many countries, our work as human rights defenders is opposed, obstructed or banned. Our rights to peacefully gather are often denied, while attempts are made to silence our voices.<sup>10</sup>*

<sup>8</sup> The resolution was initially presented in 2003, deferred until 2004, and withdrawn in 2005, without ever coming to a vote. Although focused on sexual orientation and human rights, civil society organisations advocated unsuccessfully for inclusion of gender identity.

<sup>9</sup> For a detailed list of key milestones listed in this section, see Annex II.

<sup>10</sup> Joint statement by over 500 NGOs from more than 100 countries, delivered by Lame Charmaine Olebile. Human Rights Council, 24 June 2014, [www.arc-international.net/hrc26-joint-statement](http://www.arc-international.net/hrc26-joint-statement).

This report aims to contribute to the success of LGBTI advocacy in the future by sharing some of the vast knowledge, experience, and expertise of civil society, UN actors, and country missions in using UN mechanisms to address SOGI and intersex human rights issues.

## Scope and methodology

In late 2013, as part of its own evaluation process,<sup>11</sup> ARC International commissioned an external report to assess perceptions of the progress achieved by LGBTI activists at the United Nations since 2003, challenges remaining, and possible future opportunities.<sup>12</sup>

Research was carried out in two phases.<sup>13</sup> Firstly, an online survey was developed in three languages, focusing on UN developments and civil society contributions. A total of 98 responses were received, 81 in English, 12 in Spanish and 5 in French.<sup>14</sup> In the second phase, more in-depth interviews were conducted with 29 individuals, including representatives of civil society organizations, individual activists, staff of UN agencies and country missions, and academics. Their primary purpose was to clarify and extend information received in the survey responses.<sup>15</sup> The interviews lasted an hour on average and were conducted over a six week period (28 March–9 May) in either English or Spanish.

## Limitations

The research methods placed some limitations on the range of people who participated and the content of the findings. Regarding participation:

- the primary channel for sharing the online survey was the SOGI-list
- it was available only in English, French and Spanish
- a small survey such as this will not produce quantitative data that can be generalized across all advocates working on SOGI and intersex issues at the UN. However it does produce indicative themes that were then explored in more depth through 29 key informant interviews
- the project team tried to ensure there was a balance of interviewees across backgrounds, experiences, and identities but inevitably there are gaps.

The second type of limitations relates to the content of the survey and the interviews:

- closed questions may have limited respondents in elaborating on issues not included in pre-set lists, though the use of some open-ended questions also allowed respondents to extend their responses
- the survey questions referred to ‘SOGI’ advocacy (relying on the terminology of the Yogyakarta Principles), supplemented by specific questions about attention to intersex issues and participation by intersex activists. When analyzing survey responses, SOGI is used throughout the report – when interviewees and respondents explicitly talked about SOGI and intersex issues, it is phrased accordingly.

## Structure

The report consists of seven chapters. Following the Introduction, **Chapter 2** gives an overview of respondents’ and interviewees’ profiles. **Chapter 3** covers key achievements on LGBTI issues at the UN since 2003 and lessons learnt over that period. It also looks at developments with regards to UN mechanisms taking up SOGI and intersex issues, the capacity and make-up of civil society working on these issues, and the balance between SO, GI, and intersex issues covered. **Chapter 4** discusses the perceived usefulness of a variety of UN mechanisms, including the Human Rights Council, the Universal Periodic Review, Special Rapporteurs, and treaty bodies. At the same time it looks at a number of civil society tools commonly used by LGBTI advocates and their usefulness to date. **Chapter 5** identifies SOGI and intersex issues that respondents considered have been well addressed since 2003 compared to gaps where they felt more attention is required. **Chapter 6** looks at barriers that civil society actors have faced in engaging UN mechanisms over this period as well as emerging challenges. **Chapter 7** focuses in more depth on the future of SOGI and intersex advocacy by looking not only at possible strategies to overcome these key challenges but also at opportunities and hopes. It ends with concluding remarks.

<sup>11</sup> The evaluation of ARC’s work is covered in a separate report. ARC International and its first 10 years: Assessing ARC’s contributions to SOGI activism and UN achievements since 2003. Written by Lucas Paoli Itaborahy. September 2014. Research team: Jack Byrne, Dodo Karsay, Lucas Paoli Itaborahy.

<sup>12</sup> While ARC staff provided background information and support for the initial phases of the research process, they did not participate in the surveys or interviews themselves.

<sup>13</sup> More details about the methodology have been supplied to ARC. In the interest of brevity they have not been added to the report but are available from ARC on request.

<sup>14</sup> See Annex I for the list of survey questions.

<sup>15</sup> The list of final interviewees remains confidential to the project team and care has been taken to ensure quotations do not identify individual interviewees. Where important information could not be conveyed without potentially disclosing someone’s identity the relevant interviewee has been approached for explicit permission to use that material.



## Respondents' profiles

A total of 98 people answered the online survey and 29 people were interviewed. They were asked to answer questions related to the fields and regions where they work, years of experience with LGBTI activism generally and at the UN, as well as their identities.<sup>16</sup> In this report the term “respondent” refers to those who answered the survey. All charts are based on the survey responses.

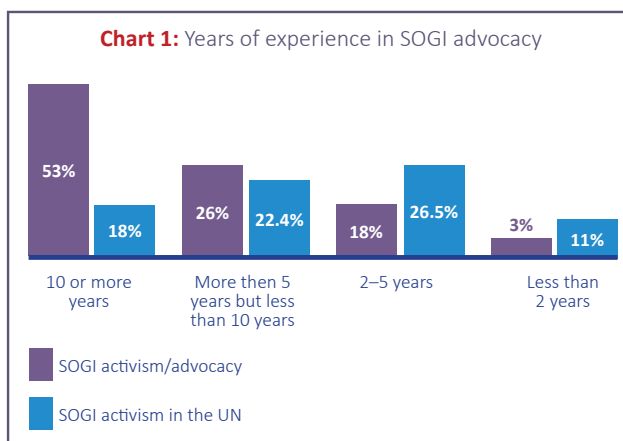
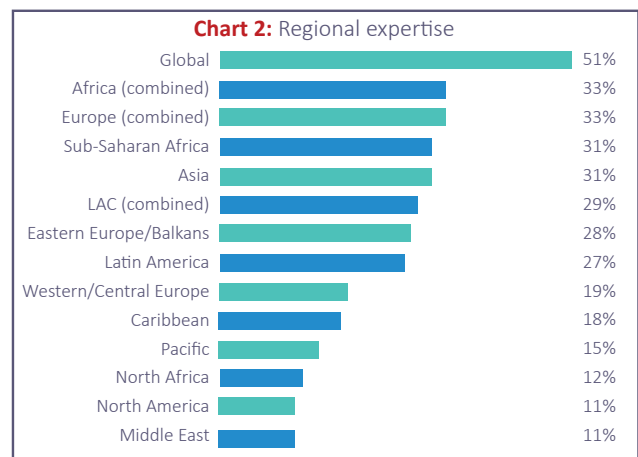
### Thematic expertise

There was a similar proportion of survey respondents working on SO and GI issues (roughly 90% each). Less than half worked on intersex issues or sexual and reproductive rights. One in two people worked on other human rights issues as well. These proportions were similar among interviewees.

Most respondents had done SOGI-related advocacy for at least ten years, but had less experience working with a UN focus (Chart 1). Compared to survey respondents, a higher proportion of interviewees had at least ten years of UN advocacy experience.

### Regional expertise

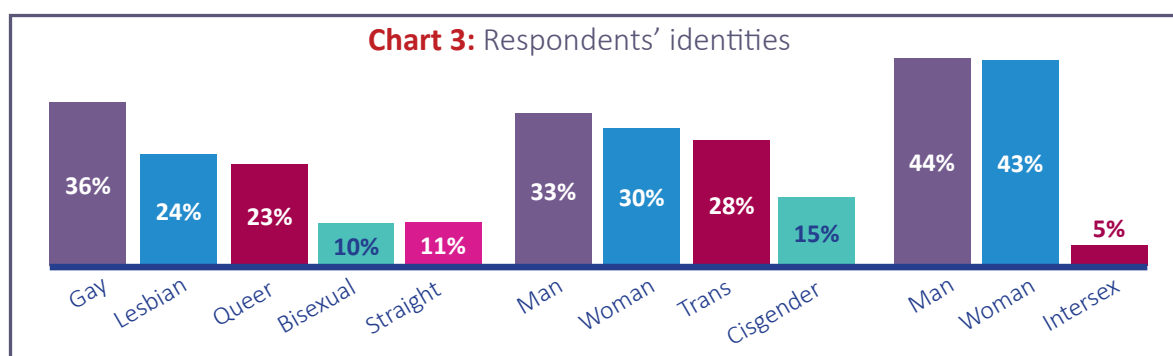
Half the survey respondents worked globally and many worked in multiple regions (Chart 2).<sup>17</sup> The proportion of interviewees working in Europe was less than amongst those who answered the survey. This was the result of a deliberate decision to ensure sufficient representation from those working in Asia, Latin America and the Caribbean in the 29 interviews.



<sup>16</sup> All the questions, apart from those related to years of experience on SOGI and/or UN activism, allowed people to tick multiple options. This means that percentages may total more than 100 per cent for those questions. This is most notable in responses to the gender identity question.

<sup>17</sup> This question measured region(s) where people worked, rather than where they were based or where they were from. The total number of people working in Latin America and the Caribbean is lower than adding those who work in each as some people worked in both regions. The same applies to those working in Africa (North Africa and Sub-Saharan Africa) and Europe (Western/Central Europe, Eastern Europe and the Balkans).





## Sex, sexual orientation and gender identity

Very similar proportions of the surveys were filled out by females (43%) and males (44%), with 5 (5%) coming from people who defined their sex as intersex.<sup>18</sup>

Roughly one-third of respondents identified as gay, with one-fourth using the terms lesbian or queer. These figures were very similar among interviewees.

A third of respondents described their gender identity as man, and a third as woman. A total of twenty seven people (28%) described themselves as trans, gender-variant/gender queer or as a cross-dresser. For the purpose of this report, anyone who used at least one of these terms is included in the 'trans' total. Compared to survey respondents, a similar proportion of interviewees identified their gender identity as woman (10 or 34%), while a higher proportion identified as a man (13 or 45%) and a lower proportion as trans (7 or 24%).<sup>19</sup>

<sup>18</sup> One person who answered the English language survey stated "I do not approve the Anglophone sex/gender division" and did not consider it appropriate in a global survey.

<sup>19</sup> None of the interviewees identified themselves as a cross-dresser.

# 3

## Key achievements on SOGI issues at the UN

This chapter looks at achievements that respondents considered were key to progress on SOGI advocacy at the UN in the past 10 years and some lessons learned over this period.<sup>20</sup>

Virtually all our survey respondents and interviewees agreed that tremendous advancements have been made on SOGI issues at the UN in the past 10 years and that such progress would have been unthinkable 10 years ago. At that time SOGI issues were difficult to raise in UN spaces and respondents considered activists were too cautious to routinely phrase SOGI issues in human rights terms. Very few States came out as strong supporters of LGBT rights and few UN mechanisms were effectively addressing SOGI based violations. Today, **SOGI and intersex issues are being framed as human rights issues**, which is seen as an overall achievement by many: they have come from being invisible and marginalized to being highly visible and established. SOGI is increasingly being mainstreamed in high-level UN texts, discussions, statements, reports and recommendations. They have become part of the UN's routine work.

Looking at the past 10 years, some identified the **Brazilian resolution** (2003) as the first milestone, despite its ultimate withdrawal. In terms of achievements, the resolution brought about **mass mobilization around SOGI issues** that helped identify allies, which was seen as useful for future advocacy. One person from Latin America noted however that the process revealed a glaring gap between local SOGI actors and those leading on SOGI advocacy at the UN. He thought that a key learning point from the Brazilian resolution was that international advocacy should not be concentrated in the hands of a small number of people or organizations.

Several people noted as another lesson the need to make an **explicit connection between SOGI issues and the existing human rights framework**. Similarly, some interviewees stressed the significance of the **Yogyakarta Principles**, 3 years later, in filling that role. Although not a UN initiative, many survey respondents and interviewees saw the development of the Yogyakarta Principles as one of the greatest SOGI accomplishments in the past ten years because they played a crucial role in establishing a language on SOGI that is now used by a growing number of UN actors and States. A gay activist who has been working in the UN space for over ten years noted:

*It is no longer legitimate to say that the ICCPR,<sup>21</sup> ICESCR<sup>22</sup> and CAT<sup>23</sup> ... don't apply to people who are lesbian, gay, bisexual, transgender or intersex, because it has been proclaimed by eminent human rights experts that the existing law applies universally.<sup>24</sup>*

Several interviewees agreed that the Principles have given advocates an empowering tool to communicate and identify SOGI issues quickly and to back them up with existing principles and obligations in international human rights law. While acknowledging their significance, some noted that the document also has limitations that are now institutionalized. Some consider that the Principles imply a distinction between sexual orientation and gender identity that is not so clear-cut outside North America or Western Europe. A few interviewees expressed concern that there are limited references to gender expression or to intersex human rights issues. Others acknowledged that the Principles focused on international human rights jurisprudence at the time they were written.

Some highlighted that the **Joint Statements** (2005, 2006, 2008, 2011) were absolutely necessary in the post-2003

<sup>20</sup> This section relies on an open survey question asking people to indicate what they thought to be the most significant achievement on SOGI issues at the UN in the last 10 years and explain why. During the interviews we asked people to elaborate on their answers. People who had contributed to these UN achievements were specifically asked to share any lessons learnt.

<sup>21</sup> International Covenant on Civil and Political Rights.

<sup>22</sup> International Covenant on Economic, Social and Cultural Rights.

<sup>23</sup> Convention against Torture.

<sup>24</sup> Unless otherwise indicated, all quotations are from original interviews specifically conducted for this project between March and May 2014.

context in creating the **foundation for a resolution** to be eventually adopted. Many interviewees who contributed to these statements noted that Western countries had to be very careful as their leadership could alienate other States or give actors from other regions an excuse to not play a more visible role. However, there was agreement that when discussions on SOGI issues initially started at the UN, it was sometimes necessary for Western countries like New Zealand (2005) and Norway (2006) to take a leadership role.

The overwhelming majority of both survey respondents and interviewees identified the **2011 Council resolution** and the **OHCHR Report** and its **Panel discussion** (2012) as the most important achievements to date.<sup>25</sup>

The resolution was seen by most as precedent setting and a true milestone of SOGI advocacy. Many believe that it made human rights claims of SOGI organizations legitimate and therefore more difficult for States to ignore. A gay activist noted:

*One of the goals is to make SOGI issues part of the routine work of the Human Rights Council – to make it an ordinary and not an exceptional or unusual part ... That's why I saw the resolution as very important: both because it was the first of its kind, so it's precedent setting, but more importantly that it's part of the process of making these issues routine.*

Unlike the previous Joint Statements, many interviewees said it was widely acknowledged by civil society and States that the resolution would have to be led by a non-Western State in order to dismantle the notion that SOGI is only a Western issue. However, as an advocate working in Latin America and the Caribbean noted, the resolution was not a standalone achievement. He described it as the outcome of the steady and strategic engagement of a growing number of States, who have increasingly spoken out on SOGI issues over the previous years.

Another key lesson respondents shared was the central role played by civil society coalitions in contributing to the resolution. Many considered that civil society efforts were so effective because their goals were largely shared and therefore it was easier to pursue joint advocacy than it is today. One person highlighted the crucial role international civil society groups played in helping to conceptualize how SOGI human rights were described and understood:

*The most useful strategy so far is related to SOGI language. When South Africa presented the 2011 resolution ... [international groups] tried to engage with them to avoid that they frame SOGI as new rights. Instead, they confronted the [South] African mission and convinced them to approach SOGI as part of existing human rights.*

However a number of advocates, including from South Africa, thought that local SOGI activists were often left out of the consultation process as they did not have an office in Geneva or easy access to the events and discussions. This echoed concerns around the development of the Brazilian resolution. These remarks highlight the ongoing challenge to bridge the gap between SOGI advocates doing UN advocacy and local activists.

Although the resolution was considered a groundbreaking milestone in the history of SOGI advocacy, the lack of subsequent progress at the UN has frustrated many people. As someone working at the UN noted:

*At the intergovernmental level it's been a frustrating process because hopes were raised when the resolution was adopted and we had the OHCHR report. Inevitably that exposed how divided Member States were on the issue, which wasn't news but the level of polarization: more than 50 countries walked out of that first debate ... That level of polarization always makes it hard to advance things at the UN and the process has been stalled since then.*

Discussing the significance of the OHCHR report, a lesbian activist noted:

*Calling for more attention to LGBT issues at such a platform, where in the past this was such a sensitive issue, is a huge achievement on its own. And the fact that we have so many States in support for SOGI issues at the Human Rights Council is a very positive thing. I think we can link this to the report itself.*

The **leadership of senior UN actors on SOGI issues** was also identified by many as one of the most important achievements: Secretary General Ban Ki-Moon and then High Commissioner Navi Pillay were both seen as true leaders on SOGI issues. Their outstanding work both in the formal arena and through raising these issues at more informal meetings with States has definitely **influenced UN actors and governments to speak out more:**

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<sup>25</sup> At least half of our survey respondents engaged with these key achievements: most of them, 64%, with the 2011 Resolution, 55% with Joint Statements, and 54% with the 2011 OHCHR report.

*I think the dialogues that UN leaders have with countries, which is perhaps harder to measure, is having a practical impact. It makes a difference that when he goes to countries, Ban Ki-Moon raises these issues ... Both at a general level, but also a very practical level: expressing concerns about specific laws or even about specific individuals who are being detained, kept in prison following charges of homosexuality. That has led to people being released.*

A few advocates highlighted that the strong commitment of both individuals to LGBTI rights was not only brave but also surprising, given that neither had a previous track record on these issues. A UN expert talked about Navi Pillay's role and added the following:

*I think her advocacy has been both unexpected and extraordinary ... Remarkable, in as much as she has been extremely brave. She's gone much further than the cautious diplomats would ever have advised her and, in doing so, she has given incredible encouragement and empowerment to very many groups.*

A lesbian activist who has been involved in UN work for almost ten years added that the visible role of UN leaders provides legitimacy for activists on the ground and is reassuring:

*Getting high-level officials to deliver oral statements affirming LGBT rights has been very efficient because they validate LGBTs' identities and our struggles. It's very important to have authorities saying that your life matters, that your sexual orientation and gender identity matters. They create legitimacy to our fights.*

Overall, it was commonly stated that the following achievements on LGBTI issues at the UN were interconnected and mutually influenced each other:

- the evolution of discussions at the Human Rights Council and the General Assembly in the past 10 years, including the adoption of key resolutions and Joint Statements
- the visible role that high-level UN figures such as the Secretary General and the High Commissioner have played in speaking up for LGBTI rights, and
- the work of various UN mechanisms, such as treaty bodies, Special Rapporteurs and the UPR.

The extent of **civil society visibility and participation** on SOGI and intersex issues at the UN was also seen by many as a great achievement. Some believe that claiming UN spaces is a crucial win by itself and more important than any formal standard or document adopted. As a queer activist pointed out:

*Even if we leave with no gains from the session, we don't feel it's a failed space ... in terms of how leaders are engaging, making people think about the issues even if they don't want to agree with us.*

Several interviewees highlighted that none of the positive developments in the UN space would have been possible without the continued efforts of civil society at the local, regional, and international levels.

*These issues simply would not have surfaced and been carried forward in the way they have and been so successful if not for civil society coalitions. Discussion of SOGI in UN forums has not happened because of the benevolence of UN States. It's been the NGO network of activists that have pushed these efforts forward, far faster than I ever thought possible.*

A small number of people highlighted **particular events** they thought were the most significant for their communities. An intersex activist mentioned the first ever intersex side event at the UN in 2014.<sup>26</sup> An activist from Africa highlighted Bev Ditsi's speech back in 1995 when she addressed the 4th World Conference of Women as the first visible black lesbian in a UN space.<sup>27</sup>

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<sup>26</sup> Intersex People and Human Rights: Violations, Voices and Visions. Held at the 25th Session of the Human Rights Council on 11 March 2014. [www.arc-international.net/wp-content/uploads/2014/02/Flier-for-Intersex-Side-Event-11-March-2014.pdf](http://www.arc-international.net/wp-content/uploads/2014/02/Flier-for-Intersex-Side-Event-11-March-2014.pdf).

<sup>27</sup> 4th World Conference on Women: Action for Equality, Development and Peace. Beijing, China. 1995.

# 4

## The usefulness of UN mechanisms and civil society tools

Having considered the key achievements on SOGI issues at the UN since 2003, this chapter looks at people's perceptions of the extent to which specific UN mechanisms and related civil society tools have been useful or not, and some suggested improvements.<sup>28</sup>

The vast majority of respondents felt that there is **greater attention to SOGI issues by UN mechanisms** today than ten years ago (Chart 4). Most survey respondents were also generally positive about the **growing number of States supporting SOGI issues** in the UN space. Interviewees added that States in the UN space are much more comfortable speaking out about LGBTI issues than ten years ago. These States now have evidence and standards to rely on and allies to work with. A number of advocates considered it was positive that even less supportive States are now forced to deal with LGBTI issues.

Most people agreed that SOGI advocates are **engaging more mechanisms and using a greater variety of tools** than ten years ago. They also thought that the overall **capacity of SOGI organizations** to do this work has increased over the years. Responses were further analysed to see whether this perception was shared by activists in various regions or from different parts of the

SOGI or intersex communities. At least half of respondents from all regions agreed the capacity of SOGI organizations has increased, with the exception of Africa where the proportion was slightly lower (47%). Activists most likely to agree with this statement were those working in Latin America and the Caribbean (72%). Two out of the 5 intersex people who completed the survey, and half of the trans respondents, also agreed that the capacity of SOGI organizations had increased.<sup>29</sup>

*When I speak to activists, I get a sense of increased level of awareness, interest and knowledge of how to engage with the UN and that's definitely something that has changed a lot in recent times ... There is much more of a global sense of how the UN can work in terms of demanding LGBT rights around the world and an increased knowledge of how to go about doing that.*

Two-thirds of respondents also agreed that the **capacity of mainstream human rights organizations** to pursue SOGI advocacy has increased. International or regional meetings for SOGI activists were considered essential for capacity building and also important for strategic discussions to take place.

**Chart 4:** I agree that ...



<sup>28</sup> This section relies on three survey questions. One asked people how useful UN mechanisms have been in supporting their local, regional or international advocacy on SOGI rights. Respondents were given various mechanisms to choose from. If someone found Treaty bodies, Special Rapporteurs, and UN agencies useful, they were asked to specify which of these were particularly helpful for their work. The second question asked people what were the most useful civil society efforts for their work at the UN. Respondents were given various tools to choose from and they could mark three to five choices. The third question listed 12 statements about progress on SOGI at the UN and civil society efforts – people were asked to indicate whether and to what extent they agreed with each statement. For the purposes of analyzing answers, the responses “strongly agree” and “agree” were combined. Charts 8 and 12 provide further details on responses to the third question.

<sup>29</sup> Queer respondents were the least likely to agree than others (39% compared to at least 54% among others).



*We meet regularly, provide support and solidarity, serve as inspiration and motivation to each other. This closer contact among activists across the globe has helped corroborate the SOGI agenda as a transnational and transversal agenda, one that affect[s] and impacts all.*

Representatives of mainstream human rights organizations reinforced the importance of these events as an opportunity for them to really learn from LGBTI activists working on the ground. Mainstream groups that do not directly represent LGBTI people valued being able to cite these testimonies so that their advocacy has more credibility.

Most survey respondents thought SOGI advocates have built **strong coalitions**. Those focusing on the Middle East (3 out of 11) and North America (4 out of 11) were least likely to agree with this statement. Only 1 out of 5 intersex respondents agreed that strong coalitions have been built.<sup>30</sup> There was slightly less agreement among queer people and those identifying as women when compared with others.<sup>31</sup>

Strong civil society coalitions were typically seen by interviewees as a great tool to broaden the reach of advocacy messages, as alliances were more likely to be listened to than individual activists or groups. One person highlighted that coalitions that include high-profile human rights organizations can greatly strengthen the credibility and legitimacy of SOGI issues at the UN.

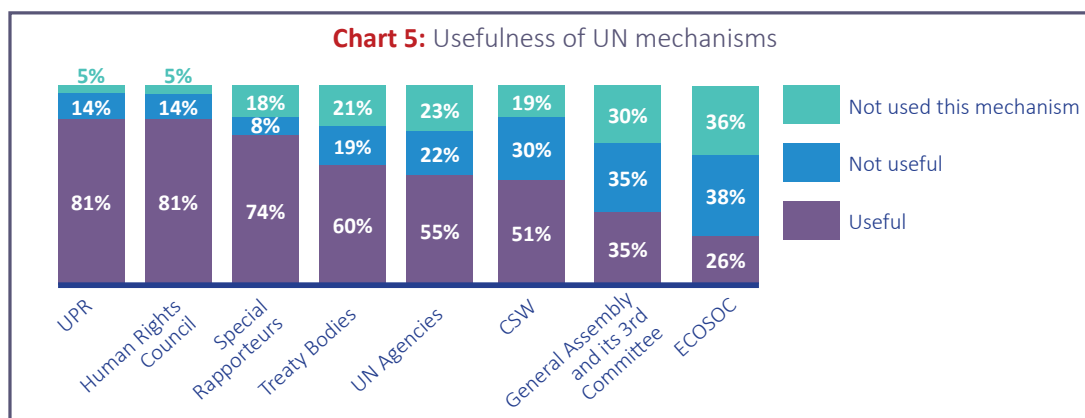
Coalitions were seen as indispensable particularly in those regions where SOGI and intersex organizations are marginalized or find it dangerous to publicly voice their concerns (such as Africa, Eastern Europe, and some parts of Asia). Joint submissions, campaigns, and platforms have helped overcome these barriers. Some activists from Eastern Europe<sup>32</sup> did voice concerns however that broader coalitions have allowed very little space for SOGI issues as their groups remain in a marginalized position among mainstream human rights groups.

Many interviewees agreed that coalitions are most effective when they bring together the local, the regional, and the international levels of SOGI and intersex advocacy, to support and inspire each other. A local activist who identifies as gender-queer noted:

*I think the value in our work is that we are really located in the spaces where we are directly on the frontline of these violations and we can look at it, document it, interview people, lobby State institutions ... That's how we contribute from our side into the global space.*

Over eighty per cent of survey respondents considered the **UPR** and the **Human Rights Council** were the most useful mechanisms supporting their SOGI activism (Chart 5 – see below).<sup>33</sup> Both were seen as useful by at least half of respondents in each of the regions. The UPR was also considered by many to be the most useful civil society tool to date (Chart 6 – see opposite page).

Intersex people who answered the survey were the only group that did not consider the UPR to be useful.



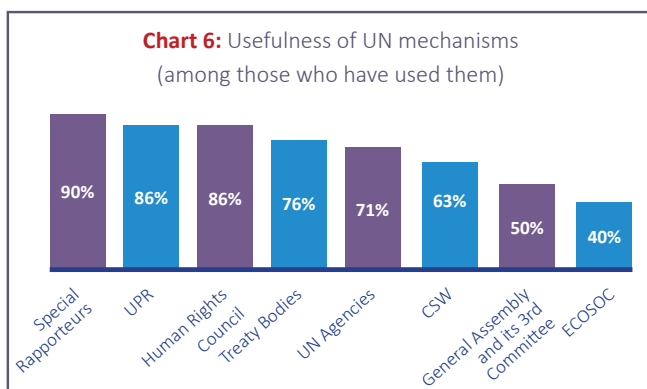
<sup>30</sup> Compared to at least half of those who indicated their sex to be man or woman.

<sup>31</sup> Roughly one-third of queer respondents agreed with the statement compared to about half of all others. 41% of those identifying as women agreed compared to half of men, trans people, and those identifying as cisgender.

<sup>32</sup> For the purposes of this report and in line with the UN's geographical division of regions, Eastern Europe includes Former Soviet Union countries and the Balkans.

<sup>33</sup> For the purposes of analyzing this question, the responses "very useful" and "useful" were combined to get a total number of people who considered that a specific mechanism had been useful.

## 12 How far has SOGI advocacy come at the UN and where is it heading?



Only 1 out of 5 intersex respondents saw the UPR as useful compared to 70% of males and females.<sup>34</sup> In comparison, 4 out of 5 intersex respondents thought the Council was a useful mechanism for their work.<sup>35</sup>

**Special Rapporteurs** were ranked almost as highly overall, with just under three-quarters of respondents finding them useful in their work, including four out of five intersex activists. The groups less likely to have found Special Rapporteurs useful for their work were those who identified as trans or as queer (roughly half of each group).<sup>36</sup>

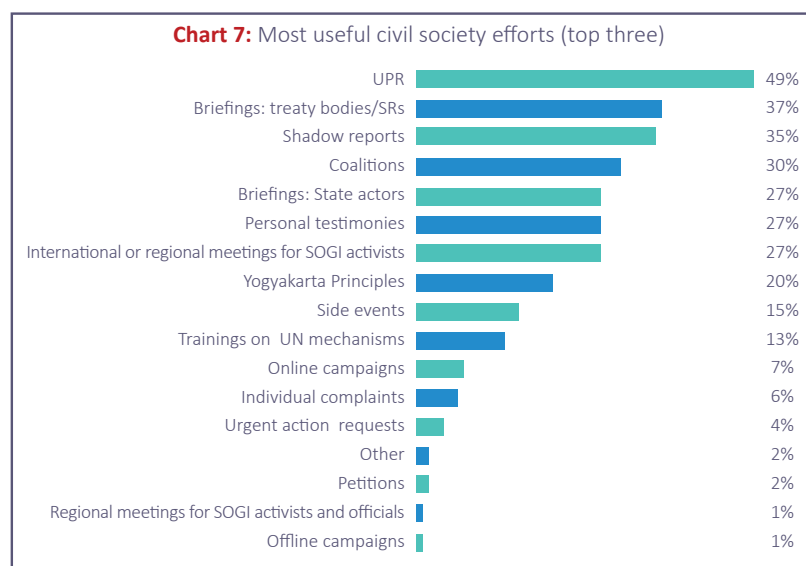
**Treaty bodies, UN agencies and the Commission on the Status of Women (CSW)**<sup>37</sup> were also considered useful or very useful by over half of the survey participants. Lesbian respondents were twice as likely (58%) to see the CSW this way compared with those identifying as straight (27%) or bisexual (30%).<sup>38</sup>

Similar proportions of females and males considered the CSW had been useful for their work (roughly 40% each).

The **Economic and Social Council (ECOSOC)** was the only body that received more negative feedback than positive.<sup>39</sup> The UPR and the Council were the most commonly used by respondents: only 5% have not used them in their work, compared with 36% who had not approached the ECOSOC.<sup>40</sup>

When focusing solely on responses from those who have used a specific mechanism,<sup>41</sup> Special Rapporteurs rose to be the UN mechanism most commonly ranked as useful. They were closely followed by the UPR and the HRC (Chart 6).<sup>42</sup>

Similarly, roughly half of the survey respondents thought that the most useful civil society tool used at the UN has been the UPR (Chart 7).<sup>43</sup> Briefings and shadow reports were also seen as useful by at least one-third of respondents.



<sup>34</sup> The UPR was marked as useful by at least half of respondents working in each of the regions and by over 70% among those that work globally (70%), in Asia (73%), North America (73%) and the Pacific (80%). Those working in Africa (59%) and Latin America and the Caribbean (55%) marked it slightly less frequently, but even among them at least half of the respondents were positive. All of the 10 bisexual respondents found this mechanism useful, compared to about half of queer and straight persons.

<sup>35</sup> The Human Rights Council was seen as useful by a high proportion of those working in the Pacific (87%) and North America (9 out of 11 people), but was marked by at least 60% of all others too.

<sup>36</sup> Special Rapporteurs were seen as most useful by those working in North America (9 out of 11) and least by those working in Latin America and the Caribbean (55%) and Asia (57%). They are seen as useful by at least half of respondents with the exception of those who identified as queer (48%).

<sup>37</sup> Treaty bodies were seen as useful by roughly half of the respondents working in the various regions, but by a higher proportion (8 out of 11) of those working in North America. Only 3 out of 11 straight respondents saw them as useful compared to at least half of those who identified as LGB or queers. Roughly one in every three trans respondents saw treaty bodies as useful.

<sup>38</sup> The CSW was ranked as useful by lower proportions of those working in Europe (31%), the Middle East (36%) and Africa (38%) and higher proportions of those working in the Pacific (53%) and Latin America and the Caribbean (52%).

<sup>39</sup> Of those who used it, more marked it as 'not so useful' or 'not useful at all' than marked it was 'useful' or 'very useful'. This is also likely to reflect the relatively low use of this mechanism.

<sup>40</sup> Out of people who chose to mark an answer. There may be other people who have not used these mechanisms and chose to skip the question.

<sup>41</sup> People who marked 'I have not used this mechanism' were not included in the calculation of percentages.

<sup>42</sup> None of the other rankings changed from Chart 5.

<sup>43</sup> Chart 7 identifies the proportion of survey respondents who marked these civil society tools as one of their top three in terms of usefulness.

Interviews helped gather more in-depth information about why people picked these mechanisms and tools. While some tools (individual complaints to treaty bodies or urgent action requests to Special Rapporteurs) are strongly linked to one mechanism, others (briefings or shadow reports) can be used with a variety of bodies. Other tools such as coalitions or personal testimonies have even broader applicability to NGOs' work, beyond that focused simply on UN advocacy. In the following section, details about how particular tools have supported the work of LGBTI advocates are included in textboxes.

## Political bodies

The **Human Rights Council**, although ranked as the second most useful mechanism in the online survey, received quite mixed feedback by our interviewees. There is clear acknowledgment that the Council has been the platform for some of the most important SOGI developments, including the 2011 resolution, and that it is a space that is used by supportive States to consistently raise SOGI issues. However, some noted that engaging with the Council requires long-term work, which very few organizations and activists can afford. Therefore it was considered inaccessible for many. Some expressed concern that working with the Council relies on those few activists who have permission to speak at the Council, and therefore the representation of regions and various subgroups within LGBTI may be an issue at times.

A small number of interviewees added that their countries are not even in the room when LGBTI issues are raised and

A number of interviewees considered **personal stories**, including through video advocacy, were the most useful tool at the UN because they manage to convey nuanced messages in just a few minutes. By moving away from what can sometimes be an abstract human rights discourse, such stories show the real impact of discriminatory laws and attitudes. A lesbian activist pointed out that:

*Actual stories of unlawful detention, harassment, torture, killings of LGBTI people have been the most powerful in highlighting the discrimination and oppression of queer people. And documented evidence provided by these stories has been the most powerful in shifting and persuading diverse governments and stakeholders that crimes against queer people, based on their sexual orientation and gender identity, are horrific, wrong, and a contravention of international law.*

**Side events** during sessions of the Council, General Assembly, the CSW or treaty bodies, were seen by interviewees as particularly useful when there is no ongoing discussion about SOGI and intersex issues and they need to be kept on the agenda. Many highlighted that side events have the strongest impact if they take place at the right time and with the involvement of the right actors. The participation of high-level UN actors can enhance wider acknowledgment of SOGI issues, including reporting by domestic media. One person noted though that if they are poorly organized, they can be a waste of time and money.

so discussions taking place in the Council can be of limited use for their domestic work. On the other hand, another person suggested that the real impact of the Council is not yet evident and will only be measurable with time:

*We haven't seen a follow-up [to the resolution], so it has not led anywhere yet. We were hoping it would maybe be a springboard for an attempt to bring the issues consistently to the Council and it hasn't happened yet ... It's early to draw conclusions.*

Among the most commonly mentioned UN mechanisms, the **Commission on the Status of Women** was also seen as a relatively difficult space that takes quite a lot of effort to engage. This was attributed by some to the strong presence of conservative countries and civil society actors. It has yielded some results though, particularly through the engagement of groups working in Asia, Latin America and the Caribbean. Interviewees considered that more and more countries are becoming supportive of LBT issues within the CSW's debates:

*Latin American, Caribbean and Asian countries are increasingly speaking about SOGI at the Commission over the last two years ... It is clear that each year more countries support SOGI. This support is a result of civil society advocacy and efforts at the UN, cross-cutting the local, the regional and the international levels.*

The **General Assembly and its 3rd Committee** (ranked 7th) have also been seen as useful at times. Some people highlighted the resolution on extrajudicial, summary or arbitrary executions<sup>44</sup> that was a key landmark in the General Assembly. However, overall the Council was seen as a more effective platform for important LGBTI statements.

<sup>44</sup> Resolution adopted by the General Assembly on 20 December 2012, Extrajudicial, summary or arbitrary executions, A/RES/67/168.

## Universal Periodic Review

As already noted, the UPR was consistently seen as a very useful UN mechanism. Some survey respondents and interviewees appreciated that the UPR process led to immediate responses from States during each UPR cycle. Others compared the relative strengths of the UPR with other key UN mechanisms. For example, treaty bodies were considered useful for fleshing out legal obligations while Special Rapporteurs had effectively responded to urgent action requests.

Because the UPR covers all of a country's human rights record and is not limited to the provisions of a particular convention, it was seen as giving activists the opportunity to raise a broader range of SOGI and intersex issues in the UN space. It was also identified by many of the interviewees as the most useful civil society strategy. This was because it was perceived to provide the most space for them to directly influence SOGI related recommendations that were specific and practical. Several interviewees welcomed that it has now become routine for sexual orientation issues to be brought up in UPR cycles.

Some pointed out that the UPR has significantly increased the involvement of SOGI activists, including from Asian countries. Some considered their activists had not previously engaged in UN work because other mechanisms were considered too distant. One person from Latin America and the Caribbean described how the UPR has been a great tool to involve local advocates and build their skills:

*International organizations ... contact member organizations when their country is being reviewed at the UPR to see if they are interested in participating in the process ... [They] have allowed local activists to go to Geneva to lobby their governments, to improve their international advocacy skills and their knowledge at the UN, to speak at the Council and make statements.*

**S**hadow reports used in the UPR process or during treaty body reviews were seen by a number of interviewees as particularly useful when SOGI or intersex issues had not previously been documented in that country. A detailed compilation of information on human rights abuses helps civil society in its advocacy, and also enables UN actors to take these issues up with States. A UN representative noted:

*Activists sometimes feel that they want to come to the UN and make an emotional plea for help or protection, and that can have impact. But what really makes a difference over a long period of time is if we can begin to really document these abuses and feed that information into the treaty bodies, the UPR, and eventually the debates that happen at the UN. We can make more impact.*

**S**ome long-standing advocates and country mission representatives thought briefings for Special Rapporteurs, Committee members, and State Delegates were particularly useful a decade ago when conversations about SOGI issues were taking place for the first time. One advocate noted:

*As a result [of briefings], there is a much higher level of awareness about the general need for addressing LGBT issues and the more complicated global dynamics of dealing with it ... You can't pinpoint that it's this particular meeting or that particular briefing – it's more a long process of engagement and a recognition by States of the importance of civil society bringing that kind of perspective.*

Briefings provide a relatively neutral space for key UN actors to receive much needed behind-the-scenes guidance from civil society about what would be helpful on the ground and about ongoing politics at the UN. As one UN expert noted:

*I could point to the ways in which repeatedly Committees ... have raised SOGI issues with States exclusively because they have been lobbied on these issues by advocacy groups.*

Some activists from African and Pacific countries agreed that the UPR has proven particularly useful in countries where cooperation with governments is difficult or impossible. In these circumstances the UPR has provided a space where local activists can directly engage their State representatives. However this effectiveness is constrained in those countries which place less weight on how they are judged by other States or by the HRC.

A great number of interviewees and survey respondents voiced their dual concerns that relatively few States accept SOGI-related UPR recommendations and, even when they do, those recommendations may not be implemented in practice. An activist focusing on Asia considered this greatly discourages activists back home:

*This makes activists lose heart, lose faith ... When Malaysia, for example, responds to UPR recommendations but does not say anything at all [about the SOGI recommendations] and the Council doesn't put any question to them 'What about this or this recommendation?', we know the Council can't enforce anything... to hold them accountable.*

Others were concerned that the UPR space has recently become overpoliticized and activists are now seeing recommendations becoming softer and softer. A sizeable minority of interviewees noted that while the UPR has addressed sexual orientation issues quite well, gender

identity or intersex issues have been less frequently mentioned. A Latin American activist saw this mechanism as an opportunity for trans and intersex engagement in the future:

*I really believe both trans and intersex people need to start engaging more with the UPR process. It provides a very good opportunity to point out how States are doing on both trans and intersex issues. And reporting and engaging on the UPR is not so difficult or expensive.*

## Special Rapporteurs

Interviewees highlighted that Special Rapporteurs have historically played an essential role in raising SOGI issues at the UN. They were also seen as an extremely helpful tool in the beginnings of SOGI advocacy at the UN in the early 2000s, when no other mechanism was ready to take up these issues. For example, one person highlighted that it was a milestone the first time Asma Jahangir,<sup>45</sup> Special Rapporteur on Extrajudicial Executions, included sexual orientation in a report. The same person noted that the report allowed States to pick up sexual orientation as an issue, refer to it and push for its inclusion in the resolution.

A small number of people also noted that engaging Special Rapporteurs does not involve the financial investment required to travel to New York or Geneva, and they are relatively easy to approach. Others highlighted that Special Rapporteurs undertake country visits which makes them more accessible for local activists.

While the Council is seen as the platform where a relatively small number of activists are strategically engaging with the UN, some interviewees considered that Special Rapporteurs and treaty bodies should and could be more accessible. In order to make the most of this potential,

Interestingly, survey respondents ranked **urgent action requests** to Special Rapporteurs quite low compared to other tools. A great number of interviewees however thought that urgent appeals were particularly useful because they are able to provide swift responses in emergency situations. Several interviewees from Asia, Latin America and the Caribbean mentioned swift responses to human rights violations happening on the ground, such as violence, detention, and torture.

activists need additional information about how to approach Special Rapporteurs and treaty bodies.

Among respondents that found Special Rapporteurs useful, people were most likely to mention the Special Rapporteur on Human Rights Defenders (61%), followed by the Special Rapporteur on Torture (41%), the Special Rapporteur on Health (32%) and the Special Rapporteur on Violence against Women (31%).<sup>46</sup>

Interviewees provided further information about why they had found specific Special Rapporteurs' efforts useful. For example, they said the **Special Rapporteur on Human Rights Defenders**<sup>47</sup> has done a lot of important work on SOGI issues from the very early days and has taken up concerns through individual complaints, and regular and thematic reports. The office has played a key role in identifying and acknowledging the work of LGBTI human rights defenders as well as in protecting individual activists.

### Case study

In 2010 activists in Ukraine sent an urgent action request to the Special Rapporteur on Human Rights Defenders about the violent attack on activists at the Transgender Day of Remembrance event. The local authorities closed the criminal investigation and none of the attackers were held accountable. A month after the Special Rapporteur was notified, State representatives contacted the activists and eventually reopened the case. The proceedings are still ongoing, but at least it was reopened.

The **Special Rapporteur on Torture**<sup>48</sup> was primarily commended by many trans and intersex activists, particularly for his last thematic report on torture in healthcare settings. This had called for abolishing both forced sterilization of trans people as a requirement for legal gender recognition and corrective surgeries performed on intersex children. This demonstrates the ability of Special Rapporteurs to apply core human rights principles (such as nondiscrimination, and freedom from violence and torture) to the specific experiences of people based on their SO, GI or intersex status.

<sup>45</sup> Asma Jahangir, Special Rapporteur on extrajudicial, summary or arbitrary executions, 1998–2004.

<sup>46</sup> The survey listed 15 specific Special Rapporteurs. Some respondents used the "other" option to mention additional Special Rapporteurs. The project team recognizes that listed options were more likely to be assessed by survey respondents.

<sup>47</sup> Special Rapporteur on the situation of human rights defenders.

<sup>48</sup> Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.



The **Special Rapporteur on Health**<sup>49</sup> was highlighted by many interviewees as particularly useful. Its office was seen as friendly and sensitized from the beginning. Both Paul Hunt<sup>50</sup> and Anand Grover<sup>51</sup> were commended for their really good work on SOGI and intersex issues, which has enabled other Special Rapporteurs to pick up this work. Trans and intersex activists noted that this office has very usefully helped to raise human rights issues faced by their communities.

Some respondents and interviewees appreciated the work of the **Special Rapporteur on Violence against Women**<sup>52</sup> for taking an intersectional approach at times. One respondent highlighted her report on Namibia that discussed issues of discrimination against LBT sex workers. However, others mentioned some less positive examples, when the office's relatively low awareness on issues faced by lesbian and trans women was apparent and resulted in a lack of engagement. One person talked positively about the **Special Rapporteur on Freedom of Assembly and Association**,<sup>53</sup> as described in the following case study:

#### Case study

When LGBTI NGOs in Botswana were routinely denied registration, local activists notified the Special Rapporteur on Freedom of Assembly and Association. Soon after, the Special Rapporteur voiced concern over the situation at the Human Rights Council and sent information to the State Delegates. Activists welcomed these measures as the government had to publicly respond to the allegations at the Council.

Some interviewees stressed the important role Special Rapporteurs play in integrating a SOGI perspective into issues less routinely considered as pertinent to SOGI communities. One example was the **Special Rapporteur on Water and Sanitation**<sup>54</sup> who had highlighted how trans people were denied access to toilets based on their self-defined gender identity. The **Special Rapporteur on Counter Terrorism**<sup>55</sup> had also noted the vulnerability of trans people crossing borders with ID documents that did not match their gender identity. This Special Rapporteur's statement was then used by trans activists in their advocacy.

A trans activist stressed that the trans movement's engagement with UN mechanisms has to be strategic, given very limited resources and the low level of awareness of trans issues in the UN:

*The one personal lesson I've learnt, for trans activists it is very important to be judicious about what we spend our time on and whether we have the time and energy to go out of our way to educate people or to focus on specific issues we want to achieve. For us it's really about finding where we can make the biggest difference and where there are people interested and willing to listen and learn about trans issues.*

Although Special Rapporteurs were widely perceived as a useful mechanism, some noted with concern their limited power, and would welcome broader mandates with an ability to hold States to account.

## Treaty bodies

Treaty bodies were seen by most interviewees as the key standard-setting mechanisms given their jurisprudence has confirmed that sexual orientation<sup>56</sup> (and, more recently, gender identity) issues are encompassed within existing, binding UN human rights standards. Treaty bodies' concluding observations and decisions on individual cases were perceived as expert level technical work that may be less visible than what is happening at the Council, but is similarly important. Concluding observations are considered as practical tools that point out gaps between international obligations and the national situation, setting out the actual steps States should take to meet their treaty obligations. An activist from Eastern Europe noted:

*The [Committee] recommendations show the gaps between international and national law and show how to improve the situation. So this is a tool for our State.*

Many noted, however, that treaty bodies' observations are just the starting point: it is then up to local activists to publicize them and use them for domestic advocacy. Many interviewees stressed that it is crucial to cooperate with treaty bodies, brief their members and work towards ensuring that there is at least one Committee member

<sup>49</sup> Special Rapporteur on the human right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

<sup>50</sup> Paul Hunt, Special Rapporteur on health, 2002–2008.

<sup>51</sup> Anand Grover, Special Rapporteur on health, 2008–present.

<sup>52</sup> Special Rapporteur on violence against women, its causes and consequences.

<sup>53</sup> Special Rapporteur on the rights to freedom of peaceful assembly and of association.

<sup>54</sup> Special Rapporteur on the human right to safe drinking water and sanitation.

<sup>55</sup> Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

<sup>56</sup> Since the landmark Human Rights Committee decision *Toonen v. Australia* in 1994.

knowledgeable about SOGI issues who is committed to raising them consistently.

Among those that found treaty bodies useful, by far the highest proportion of survey respondents mentioned the Human Rights Committee (62%), followed by the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women (36% each), and then the Committee on the Rights of the Child and the Committee against Torture (23% each).

The **Human Rights Committee** was seen as a proactive and responsive body that has, over the past 20 years, issued significant decisions on individual cases and specific observations throughout its regular reviews.

### Case study

In 2013 Ukraine was reviewed by the Human Rights Committee. In its Concluding Observations the Committee called on the government to repeal abusive measures trans people face when they go through legal gender recognition, including the 45-day mandatory psychiatric commitment and forced sterilization. Local activists have welcomed that the government has since set up a Working Group and adopted a new regulation in line with the Committee's recommendations.

The **Committee on Economic, Social, and Cultural Rights** was commended for the proactive stance of its members. One person referred to its General Comment on equality and non-discrimination<sup>57</sup> that included SOGI in its scope. This was considered an important moment for the development of the legal understanding of socio-economic rights. The **Committee on the Rights of the Child's** stance concerning bullying and violence against LGBT children was also noted very positively.<sup>58</sup>

A number of interviewees pointed out limitations on the usefulness of treaty body processes. For example, typically States were only reviewed every four years or so, some countries fail to submit their reports and these may or may not address SOGI or intersex issues. In addition it is seen as difficult to ensure consistent monitoring if Committee members are not regularly supportive of LGBTI issues.

## UN agencies

Among survey respondents who identified UN agencies as useful, the OHCHR was most often mentioned (44%), followed by UNAIDS (31%) and UNDP (27%).

**OHCHR** was seen as having championed SOGI issues in the last few years, including through its groundbreaking 2011 report, the outstanding work of the High Commissioner, and its worldwide Free & Equal campaign (2013). An activist who has been doing SOGI advocacy at the UN for over ten years expressed a concern that was echoed by several others. Specifically, she considered that some UN agencies are lagging behind and have not all picked up on the issues flagged by the Council and the Office. She phrased this concern in the context of the post-2015 agenda:

*For example the language around sexual orientation in the General Assembly – we've seen much stronger and more consistent language in the Council. We want to see that same language in UN Women's work, in UNDP, the General Assembly, and ECOSOC and other UN bodies ...I'm really concerned that that standard setting isn't being picked up consistently across the other UN bodies ... Because when it comes to development for example, if we don't have that strong clear language being echoed then we run the real risk that development funding and development programs won't reach people equally and according to those standards.*

Some of the survey respondents considered that there is a relatively big gap between OHCHR's stance and that of its regional offices. Interviewees working in Eastern European

**A**lthough few respondents marked **individual complaints** as amongst the top three most useful civil society tools, several interviewees gave practical examples of the important role they have played. This included the significance of the *Fedotova v Russian Federation* decision of the Human Rights Committee:

*That is, to my mind, the most important case at the UN on these issues in the last 20 years because it breaks free from the narrow range of privacy and discrimination findings, towards a much richer acknowledgment that we all have identities that must be honored and cherished, and these include our sexual orientation.*

<sup>57</sup> General comment No. 20, Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights). E/C.12/GC/20, 2 July 2009.

<sup>58</sup> General Comment No. 13, The right of the child to freedom from all forms of violence. CRC/C/GC/13, 18 April 2011.

countries noted that these offices are sometimes openly unwilling to cooperate with LGBTI groups, stating that these issues are not among their priorities. The same issue was identified by many with regards to **UN Women**, with some of its offices considered to be quite slow in understanding and raising LBT or intersex issues.

One person who works at the UN thought the core reason is that offices are reluctant to talk about such a divisive issue:

*The real challenge at the UN is that people are still nervous about SOGI because it still has the power to divide, polarize and create controversy – and the UN hates controversy, polarization, and division. There is still a lot of conservatism in the institutions, including staff, which sometimes makes it hard to be as outspoken, bold, quick and responsive as we might want to be. Right now there is still resistance and you see it even within the Human Rights Office and you certainly see it in other parts of the UN and it explains why for a long time the UN really kept its head down on this issue.*

A great number of interviewees and survey respondents acknowledged and appreciated the work of **UNAIDS** over the years. Many noted that UNAIDS has been aware of the key SOGI issues from the start and considered it was approachable and relatively easy to work with. A survey respondent from Africa felt that the work of the UNAIDS local office was indispensable in consistently acting as channel of communication between LGBTI groups and government agencies. A few respondents and interviewees commended UNAIDS for increasingly applying a human rights based approach.



## SOGI topics at the UN

This section summarizes topics that activists thought have been well addressed at the UN as well as thematic areas where more progress could be made.<sup>59</sup>

The vast majority of survey respondents thought that overall there is greater attention to SOGI issues by the various mechanisms than ten years ago (Chart 8).<sup>60</sup> Almost everyone thought positive changes on **sexual orientation** have taken place and only 1% thought the contrary. Somewhat fewer people thought there have been positive changes on **gender identity** issues. Those working in North America were most likely (10 out of 11 people) to agree that progress has been made in this area.<sup>61</sup> In contrast those working in Africa were least likely to agree (56%) there had been positive changes on gender identity issues. Furthermore only 1 out of 5 intersex respondents and about half of trans respondents considered positive change had occurred on these issues.

When asked about specific topics (Chart 9) the majority of survey respondents said legal gender recognition was one of the topics least addressed by the UN to date.<sup>62</sup> This was reinforced by concerns raised by interviewees that gender identity issues were frequently either invisible or conflated with sexual orientation concerns. For example, while violence and discrimination were significant issues for trans people, their relationship to other trans-specific priorities such as legal gender recognition or pathologization received little attention.

Many noted that there is still much confusion about legal gender recognition among UN actors, although it is a striking problem in the majority of countries around the world and creates huge barriers for trans people in their daily lives. One activist, who does not identify as trans, thought it is not only essential to engage governments and UN actors on these issues, but for SOGI groups to speak out strongly about them, alongside trans advocates. Some activists from the Global South highlighted that much of the progress made on gender identity has occurred outside North America or Western Europe, including in Argentina, and that the lessons learnt in these countries could be taken on board more consistently by other countries.

Very significantly, only 16% of all survey respondents agreed there had been progress on **intersex issues** (Chart 8),<sup>63</sup> including only 2 out of the 5 intersex respondents.<sup>64</sup> Intersex issues, including bodily autonomy and the genital mutilation of intersex children, were seen as only recently being brought up more regularly at the UN.

*More generally, gender identity issues have been less well and comprehensibly addressed and it's only in the last few years that the UN has taken up these issues with the same level of energy and determination as sexual orientation. Intersex is even further back in the line and it still hasn't really been addressed either at the expert level or political level.*

**Chart 8:** I agree that ...



<sup>59</sup> This section summarizes responses to the survey question that asked people to choose the three thematic areas they think have been best addressed by UN mechanisms in the last 10 years. Respondents were given 14 topics to choose from and they could mark their top one to three choices. They could also indicate if there were other topics they wanted to pick. In an open question they were also asked to indicate which priority topics for them and/or their organizations they thought have not been well addressed. During the interviews people were asked to elaborate on their answers and provide practical examples where possible.

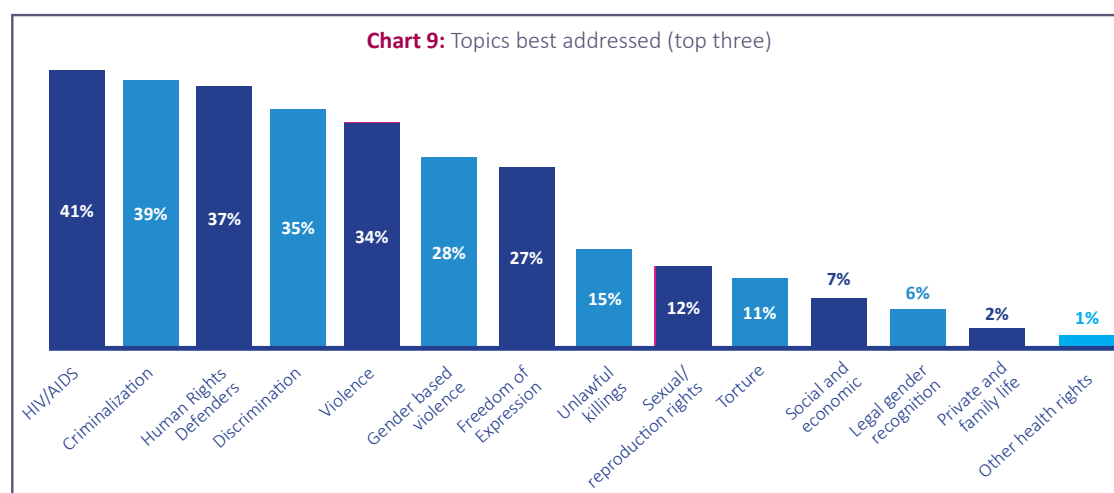
<sup>60</sup> Chart 8 relies on the survey question that listed 12 statements about progress on SOGI at the UN and civil society efforts. Charts 4 and 12 provide further details.

<sup>61</sup> At least two-thirds among those working in Asia, Pacific, Latin America and globally thought the same.

<sup>62</sup> Chart 9 identifies the proportion of survey respondents who marked these topics as one of the top three topics best addressed by UN mechanisms to date.

<sup>63</sup> Although the level of disagreement with the twelve statements was relatively low, it was highest on intersex issues (26%).

<sup>64</sup> Only 1 out of 11 people working in North America and only 3 out of 29 that work on Latin America and the Caribbean were positive about progress in this area. Queer and bisexual respondents were twice as likely to agree that positive changes on intersex issues have taken place in the UN, compared to those identifying as lesbian or gay.



Some interviewees noted that civil society awareness is also low on bisexual, intersex and trans issues. As a bisexual activist noted:

*We say LGBTI, but it doesn't really translate substantively or in terms of representation. Really it is about G or perhaps L ... UN work is such that all the time you are trying to strategize and find ways to push for something ... how do you further issues if it's something you do not pay much attention to? So trans, intersex, bisexual issues are left behind.*

A number of survey respondents and interviewees recommended that these issues required greater attention by SOGI groups. Intersex activists suggested that organizations should speak out on intersex issues, work with intersex advocates and facilitate intersex people's access to UN spaces.

When asked about specific SOGI-related topics best addressed at the UN, out of a total of 14 themes the top 5 were HIV/AIDS, criminalization, violence, discrimination, and the situation of human rights defenders (Chart 9). Each of these were selected as one of the three best addressed SOGI issues by at least 30% of survey respondents.

Several interviewees highlighted that the topic of **HIV/AIDS** has been very well addressed by the Special Rapporteur on Health as well as by UNAIDS. The Holy See's statement against **criminalization** was mentioned by a number of interviewees as an important milestone and mark of growing support for decriminalization within UN debates.<sup>65</sup> At the same time, others voiced concerns that criminalization is still a huge issue in many countries and further progress is needed. Some urged Western countries

to stop self-censoring themselves and to strongly speak out for decriminalization. One person suggested that UPR recommendations on this topic should be more strategic, for example by asking for smaller steps initially. Another suggestion was to build upon the existing support from some of the more conservative States so that a broader coalition could be formed around this goal.

Even many of the States that are less progressive on SOGI issues do not condone **violence** against LGBTI people. Therefore, interviewees noted that a focus on tackling violence potentially builds a wider mandate for LGBTI issues:

*No-one says you should kill people because they are gay. Nobody says that officially. So, therefore, tackling these most grievous and fundamental human rights abuses can be a common ground for everybody.*

Several interviewees welcomed the fact that so many States have adopted **anti-discrimination** legislation that explicitly covers sexual orientation and, to a lesser extent, gender identity. An activist from Asia highlighted the role of OHCHR's Free & Equal campaign in addressing this topic:

*What the OHCHR has been doing, putting out its videos and its social media, all of that is about ending discrimination ... They are producing materials that activists can use ... Is that progress? Yes, as it's proactive rather than reactive.*

Many interviewees explained how the vulnerability of SOGI **human rights defenders** has been consistently raised at various platforms. For example, a lot of international

<sup>65</sup> In its statement made at the General Assembly panel in December 2009, the Holy See opposed discriminatory penal legislation against "homosexual persons".



attention has been brought to individual cases, resulting in people's release from detention or support for families affected. A lesbian activist noted:

*I'm thinking about the number and diversity of queer activists who have been under threat, ... international attention has been brought to secure either their release or support for their families, or acknowledgment to their queer communities ... That's one area where I really sense that we have really done well.*

A handful of activists, including from Latin America and the Caribbean, considered **sexual and reproductive rights** were under-emphasized by the UN and difficult to bring up, particularly in a SOGI context. Several people thought UN mechanisms have not paid enough attention to the human rights of sex workers, including trans sex workers. A few people noted that there are gaps in standards and reporting on the **right to private and family life**, including around civil partnerships or marriage. One person considered this is not due to a lack of public interest, but because of debates about the extent to which these issues fit within existing obligations under international human rights law. **Freedom of association and assembly** was raised in the context of growing violence on the ground in some African countries, where SOGI groups find themselves unable to register, operate an office, or apply for funding. Offices have been raided, staff imprisoned and the situation is critical. Those raising these issues believed they should be urgently addressed by UN actors and acknowledged in funding priorities.

Others topics that were seen as requiring more attention by the UN included:

- the particular situation of LBT women, including gender based violence
- intersections between SOGI and socio-economic status, disability or age
- physical and mental health rights
- hate speech
- children's rights and the impact of bullying on the right to education
- discrimination in both civil and political, and economic, social, and cultural rights
- freedom of expression, and
- internet related human rights.

# 6

## Key barriers to date and future challenges to UN advocacy

This section looks at barriers to UN advocacy since 2003 as well as future challenges. These include a lack of resources and equal representation, violence against LGBTI people on the ground, polarization at the UN and a lack of consensus among civil society.<sup>66</sup>

### Barriers to UN work in the past 10 years

Only one of the 29 people interviewed said that they (or their organization) had not faced any barriers doing UN advocacy in the past ten years. The majority of survey respondents highlighted a **lack of financial resources** as limiting their ability to use UN mechanisms (Chart 10).

Two-thirds of queer activists, 4 out of the 5 of intersex respondents<sup>67</sup> and 73% of trans people<sup>68</sup> marked financial difficulties as a barrier. It was seen as the most common challenge among activists working in the Pacific region (60%) and Latin America and the Caribbean (55%). Across regions, those working in North America (27%) were least likely to mark this as a barrier.

**Insufficient people doing this work** was identified as the second greatest barrier, most commonly marked

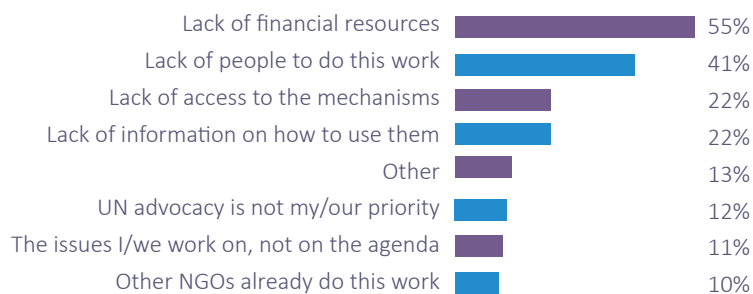
by those working in Pacific (53%) and Europe (56%).<sup>69</sup> Three of the five intersex respondents saw the lack of human resources as a problem, compared with 41% of males and 36% of females. For 50% of bisexuals and 46% of gay people, this was also a barrier – compared with roughly one-third of people identifying with other sexual orientation terms.

With the exception of people working in Europe, financial resources were more frequently identified as a barrier than the lack of people to do this work.

The third most frequently mentioned barriers were **lack of information** on how to engage UN mechanisms and a **lack of access** to them, including due to not having ECOSOC status. Few people marked that using UN mechanisms was not an organizational priority for them, which signals that limiting factors are typically external.

When asked to list barriers, 13% of respondents marked “other” and gave additional examples. The most commonly listed responses were a lack of civil society consensus on the next advocacy steps and language barriers. These were recurring themes in interviews as well.

**Chart 10:** Barriers to UN work since 2003



<sup>66</sup> This chapter relies on the survey responses given to three survey questions. One asked respondents about barriers that have limited their ability to do UN work. People could mark as many answers as they wished. The second question asked people to choose the three biggest challenges for SOGI related advocacy at the UN in the next 2 years. Respondents were given 11 options to choose from and could mark one to three top choices. The third question listed 12 statements about progress on SOGI at the UN and civil society efforts – people had to indicate whether and to what extent they agreed with each statement. Interviewees were asked to elaborate on their answers and provide practical examples where possible.

<sup>67</sup> Compared to half of those who identified as a man or as a woman.

<sup>68</sup> Compared to roughly 30% of those identifying as women and 60% of those identifying as men.

<sup>69</sup> Slightly less than half of those working in Latin America and the Caribbean (45%), Asia (43%), and Africa (31%) saw this as a barrier.

## Future challenges

When asked about **future challenges**, respondents marked **financial barriers** as one of their top three challenges in the next two years (Chart 11).<sup>70</sup> However, **State sponsored hate** (59%) overshadowed these concerns. **Lack of legally binding documents** (35%) and **violent measures** (23%) also represented significant challenges.

When assessing barriers in the past ten years and those expected in the near future, the following four themes emerged from both the online survey responses and interviews:

- lack of resources and unequal representation
- violence on the ground
- polarization at the UN, and
- lack of consensus among civil society.

These are discussed in turn below.

### Lack of resources and unequal representation

The lack of financial and human resources were typically seen by interviewees as two sides of the same coin. UN work was considered by a majority of interviewees as requiring significant time and financial resources including those needed to access the phone or internet, travel, or write and publish submissions. A few people noted that, ideally, organizations needed one staff person based in Geneva to be able to continuously engage the key UN actors. UN advocacy work also requires that organizations have qualified staff with the necessary knowledge, language skills, and experience. An activist from the Pacific talked about the struggles faced by local activists:

*It is so hard to put through anything and to work on your issues when we don't have the financial resources and the right people to put together your proposal. We don't have the capacity to fund a paid coordinator who has actually done these proposals. To put forward law reform proposals we need someone with the technical skills, the experience and the qualifications. And of course that takes money to have someone like that. We've been doing this work for 21 years with no pay.*

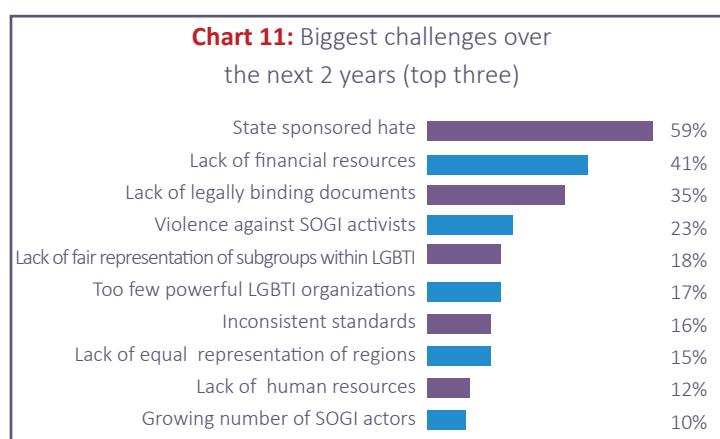
Although the lack of financial and human resources was generally of concern for most people, several interviewees pointed out that it disproportionately affects certain regions and subgroups within LGBTI. Therefore, doing UN work was typically considered to be a privilege, undertaken by very few organizations. Several interviewees noted that the movements at the UN have historically been led by gay men – particularly those from Western countries. A queer activist recalled the following:

*I remember going to a meeting ... and I walk into the room and it's all Western white men and I was struck. It was all sorts of different groups, but it was very obvious who is doing this kind of activism. I feel like it's changing right now, it's not as male centric as before. But there are still a lot more Western or Western-educated activists.*

Some expressed concern that some SOGI advocates engaging at the UN have become territorial and carefully try to retain their positions and decision making power. This can exclude those who are currently in marginalized positions in UN advocacy.

Although two-thirds of survey respondents agreed that the **regional balance** among SOGI advocates has improved since 2003 (Chart 12), many interviewees thought there is still room for progress in this area.<sup>71</sup>

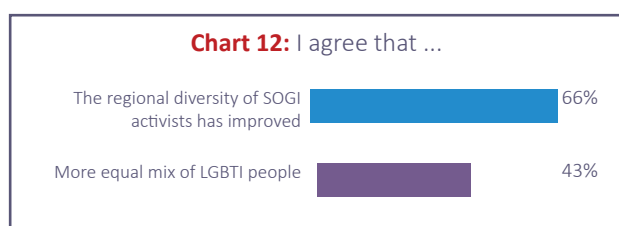
Those most likely to say the regional balance had improved worked in North America and Africa. At least two-thirds of respondents working in those countries agreed with this statement compared with roughly half of those working in Asia. None of the five intersex respondents considered the regional balance has improved.<sup>72</sup>



<sup>70</sup> Chart 11 identifies the proportion of survey respondents who marked these as one of their top three challenges over the next two years.

<sup>71</sup> Chart 12 relies on the survey question that listed 12 statements about progress on SOGI at the UN and civil society efforts. Charts 4 and 8 provide further details.

<sup>72</sup> This may just reflect the regions these advocates came from.



Several interviewees working in Africa, Asia, Eastern Europe, Latin America and the Caribbean noted that the basic resources are not available for their work on the ground. If groups prioritize domestic work, they may not have any resources left to raise their issues through UN mechanisms. This choice did not necessarily mean an unwillingness to pursue UN work. Instead it reflected limitations that activists cannot tackle without extra funding. This is how these challenges were described by an activist from Eastern Europe:

*I cannot imagine a SOGI related NGO in Ukraine, Kyrgyzstan, or Russia to set aside \$US5000 to just go to Geneva for 3–4 days. It wouldn't be their priority. I am not sure who should be responsible, but I don't think it's fair to ask these groups. They could do a lot of things with \$US5000 instead of going to Geneva.*

Interviewees working in some European, Asian, and Latin American countries noted that their organizations tend to prioritize national and regional mechanisms over the UN, especially when funding is scarce and the human rights situation on the ground requires more immediate, local responses.

Many interviewees perceived that donors funding UN work tend to invest more in Western organizations, not understanding and valuing the importance of organizations from other regions engaging with UN mechanisms. This is particularly concerning given many other countries need UN engagement because it is difficult to approach their governments on LGBTI issues. In the words of a representative from one country's UN mission:

*I'm a big believer in people understanding the UN system better so it's not just used by Western NGOs on issues that frankly they don't need to use the UN for because they have domestic mechanisms that will do what they need. The UN needs to be accessible to countries that don't have these mechanisms.*

Some working in Asia and the Pacific, Africa, Eastern Europe, Latin America and the Caribbean perceived that activists are sometimes in a dependent position as they must rely on international organizations based in Western countries to fly them in to Geneva or New York.

Others highlighted that the lack of fair regional representation may also harm the effectiveness of advocacy. As an activist from an African country noted:

*It's really important to have somebody making a statement at the Human Rights Council – simply having a shadow report submitted and not putting a face to the issue can really limit the impact you can have on the issue. Especially concerning the dynamics we have at the Global South and the Global North and all the politics involved – having somebody from an international organization making a statement on behalf of people [from an African country] doesn't have as much of an impact as that person [from that country] being there making a statement himself.*

The lack of equal representation of subgroups within LGBTI was also highlighted as a concern. Only 43% of survey respondents thought that today there is **a more equal mix of LGBTI people doing SOGI activism** at the UN than ten years ago (Chart 12).

Those working in North America were most likely to say the balance of LGBTI people doing this work has improved (55%), compared to roughly one-third of people working in other regions. Roughly half of gay and straight respondents agreed there has been improvement compared to only one-quarter of lesbian and queer respondents. Only 6 out of 27 trans and 1 out of 5 intersex people agreed with this statement.

Interviewees also raised concerns about the relatively low representation of trans and intersex activists, and lesbian and bisexual women. Some highlighted that trans and intersex groups often have to rely on larger international organizations to facilitate their access to the UN or to represent them. They considered this may be risky given that the capacity of SOGI organizations is not necessarily as high as would be ideal on intersex or trans issues.

Other SOGI activists and those working in mainstream human rights organizations agreed that the presence and active participation of trans and intersex activists is crucial for effective advocacy. They considered trans and intersex people were needed to clarify issues and provide testimonies of human rights violations they face.

*What I have found in my work on trans issues is that there is a real lack of awareness so when you talk to staff of a Special Rapporteur it takes a while to explain to them what the issues are. Even though I*

*know a lot about trans issues ... I am not trans and I think it would be so much easier if trans activists who are themselves trans could explain what the issues are. What it's like to have a passport that doesn't represent anything about you, not your name, not your gender. What it's like to go through passport control. How you have to fear every time you seek a job. There should be a lot more trans and intersex people who are doing advocacy at the UN, who can talk from experience what it's like and who can be visible.*

Overall, concerns about unequal representation meant some interviewees considered the main barrier ahead was not about identifying SOGI and intersex priorities, but the absence of a process for making such decisions. This included questioning who has the resources and the power to put issues on the global SOGI and intersex agenda. Many interviewees considered lack of financial and human resources disproportionately affect some regions and subgroups and result in a clear imbalance in representation among LGBTI advocates at the UN.

### Violence on the ground

A great number of interviewees noted with concern that while there was increasing visibility of SOGI and intersex issues at the UN and locally, this existed alongside growing violence on the ground, particularly in countries such as Russia or Uganda. Some people considered this rising violence was at least partly a reaction to advances made on SOGI issues.

*So we have seen very oppressive new laws proposed in a number of countries – that is part a reaction possibly to the advances made in Europe, North America, South America and in some parts of Asia. It's also a reaction against the fact that LGBT communities and activists in those countries, where these repressive new laws are being proposed, are more visible now ... It can create a counter reaction and we are seeing that unfold as well.*

An activist from an African country highlighted the impact of local activists leaving because of violence and other oppressive measures they faced:

*Anti-LGBT governments and fundamentalists have done a really good job of tearing apart the LGBT movement and getting rid of the leadership who now reside in countries in Europe. People who have been leading the movement in Africa are leaving and people left behind are afraid – and even more afraid now as governments are imposing stricter measures against them and their work.*

Many activists feared that measures aimed at silencing LGBTI people could spread further, including for instance in Eastern European countries where Russia has considerable influence.

There are also ongoing threats and attacks against activists in the online sphere, including through cyberbullying, hate speech, and the blocking or filtering of content. One activist pointed out that such hostility leaves many activists traumatized and that movements should ensure adequate community support is provided to them:

*I worry about people who are damaged that we do not look after well as a movement. I don't know what the answer to that is, but it troubles me. I think there are strategies we have to have.*

Interviewees expressed fear that such attacks may eventually silence activists at the national level and make them reluctant to speak out publicly at the UN, which could seriously undermine the legitimacy of SOGI and intersex advocacy in the long run. Someone working with a mainstream human rights organization noted:

*For me having these voices directly represented at the UN, rather than via those of us based in Geneva, is really important, so anything that makes activists not speak out nationally and internationally is really damaging to the cause. I think especially on this issue that is surrounded by questions of legitimacy – we [mainstream human rights organizations] simply wouldn't be taken seriously trying to represent the voices of LGBTI people.*

### Polarization at the UN

A great number of interviewees saw polarization on SOGI issues since the 2011 resolution as concerning and thought that it will be difficult if not impossible to move forward:

*Moving past this point is going to be very hard and ... there is an apparent hardening of attitudes in countries where there is already a high level of hostility towards LGBT people ... So the real challenge is how do you get past this polarization?*

Some fear that a lack of follow-up steps from the Council may jeopardize what has been gained so far and will make accomplishments look more like a failure. Interviewees reflected that civil society is expecting the Council to act. At the same time, States are expecting civil society to provide specific guidance on what the next steps should be. One UN expert summarized this tension in the following way:



*This is a crucial time now. Will we see a follow-up resolution or was it just a flash in the pan? ... The impact has been backlash and ... it [the resolution] has generated an expectation that there will be more. And civil society organizations are saying 'when is it going to happen?' and getting frustrated with Geneva.*

While challenges still remain, hopefully the resolution recently adopted by the Human Rights Council goes some way towards addressing these concerns. In addition, interviewees frequently expressed concern over UN discussions about traditional values and protection of the family and saw them as threats to advancing SOGI human rights.

*States see that there is a resolution on SOGI and if they can't defeat it, they are going to try to bring in these other initiatives that are going to undermine any success that we might have on SOGI.*

There is also concern that progressive standards affirmed by some UN mechanisms may not be echoed across the board. Some suggested this would be exacerbated in situations where UN staff are ill-informed or do not support SOGI and intersex issues:

*It's important to make sure it's not just a headquarters process, but it's a country level process – that everywhere the UN is present on the ground in countries that UN staff see protection of LGBT people as parts of their job and mission. And working with civil society, gathering and recording information, raising issues in dialogue with the authorities, that it is a normal part of their job. It shouldn't be something that just pops up from time to time ... I think we are halfway there probably in both of these areas – in getting colleagues at the headquarters convinced that this is not toxic and getting colleagues in the field to take up the issue.*

### **Lack of consensus among civil society**

A few interviewees highlighted the gap between SOGI advocates pursuing UN advocacy and local activists. They commonly believed that if this gap remains, there is a risk that the most pressing domestic challenges are not visible at the international level. It can also be a missed opportunity for local activists to hold their country to account for positions taken at the UN.

A common theme from interviews was the absence of a shared civil voice since the 2011 Council resolution, as it became more difficult to agree on next steps in UN SOGI and intersex advocacy. Some interviewees considered that the growing number of LGBTI activists at the UN meant coordinating activism there was a growing challenge. In the words of one gay activist:

*This issue shows just how the whole movement has been the victim of its own success. There was a very high priority placed on getting the activists there by getting groups recognized through ECOSOC and accredited through organizations if they didn't have any other accreditation. Now there are so many people that the task of coordinating, and joint strategizing, and coming to collective decisions that everyone is prepared to support is more and more complex every year.*

Although interviewees typically recognized the importance of having more voices present at the UN, many had concerns about how the various perspectives can lead to consensus on advocacy goals. One person explained a core issue is that starting points may be too far apart, with various groups and movements conceptualizing things quite differently. As a result the growing number of civil society actors has exposed the division lines, rather than helped build stronger coalitions.

A number of interviewees were concerned that when advocates from more marginalized regions and subgroups are consulted, it is often not clear how they are chosen. Some interviewees expressed the view that there are the 'familiar faces' whose input is seen as essential, yet there is not necessarily a transparent process for selecting these experts or leaders. Regional representatives and those representing particular subgroups within LGBTI may have been selected in an ad hoc manner and are not necessarily backed by their respective movements. A few people were critical that a number of advocates consistently participate at the UN on their own initiative, without adequate accountability to their region:

*It's not always clear in different parts of the world how ... some people end up at the UN representing a region where it's not as if this has emerged as a consensus in that region that "OK, this person is going to represent us at the UN level". It's a little bit more random than that. And I think that is a product of where the movement is at the moment. Ideally the people who are at the UN would be more representative of the constituency.*

One person added that in the absence of consensus, advocacy messages get watered down and civil society becomes reactive to UN developments rather than taking a proactive stance, with crystallized goals:

*This is a challenge for the global LGBTI community at a time when some States want clear positions on how to make progress on LGBT issues at the UN and there is no shared voice among civil society about how to do this and what the priorities are. This creates a very dangerous situation. We should be mindful that States are not going to wait forever.*

## 7

# Top future opportunities and concluding remarks

This final section is structured around overcoming the future challenges discussed in Chapter 6, with a focus on possible solutions, emerging opportunities and hopes for the next few years.<sup>73</sup>

## Overcoming challenges

### Lack of resources and equal representation

To overcome challenges that SOGI and intersex advocates face today in terms of resources and fair representation, interviewees highlighted the need for more funding for historically marginalized regions and subgroups among LGBTI advocates. Many people noted that making change in this area is the shared responsibility of those already receiving funding, and those providing the funding. A number of interviewees suggested that donors should revise their funding priorities. Others suggested that Western organizations should help donors understand that it is crucial to fund organizations in other regions to do UN work.

A number of interviewees working in Africa and Asia thought local organizations need to make strategic decisions about whether it is valuable for them to do UN work in the long run. If so, they should also seek ways to invest financial and human resources into this work. One activist from Africa noted:

*The question in Africa is if organizations think that working with the UN is a priority ... if it has a positive impact on their work on the national level. If we think that being at the UN is meaningful, there has to be better investment in that – in terms of knowledge building, adequate sharing of information, clear intersectional partner relationships along issues, and knowing which organization is lobbying on which issues given divisions within SOGI issues.*

Several activists from Eastern Europe, Asia, and Africa believed that local organizations should be supported to hold their own dialogues, in order to strengthen domestic and regional cooperation. Although the involvement of international organizations can be helpful, some noted it may not always be necessary. Regional and local groups need their autonomy and should develop their own agendas, based on local needs.

Trans and intersex activists also commonly highlighted the need for organizational and financial autonomy so they could invest in UN work. An intersex activist summarized this point in the following way:

*I believe in training, funding, autonomy and alliances. Autonomy is a precondition for alliances. So what I think trans and intersex activists need [is] the kind of autonomy you have when you are able to get your own funding. And to form alliances because you can recognize common ground or common good and not necessarily because you depend on your allies.*

Trans and intersex advocates also typically believed that the 'infrastructure' of their organizations must be built from the bottom up. This would require supporting groups working on the ground to pick up UN work, attend international fora and have the time to report back and build practical links between local, regional and international work.

Activists from Eastern Europe, Latin America and the Caribbean commonly thought that movements need a greater commitment to making their own spaces accessible. This requires, for instance, supporting non-English speakers to participate on an equal basis. Most interviewees agreed that there is a need for ongoing training programs by relevant international organizations, such as the International Service for Human Rights or ARC International. A small number of people emphasized that

<sup>73</sup> In an open question respondents were also asked to indicate what the top opportunities were in the next 2 years. During the interviews people were asked to elaborate on their answers and provide practical examples where possible.

educational materials need to be easier to understand, particularly for those with limited prior knowledge or formal education. One advocate from Africa suggested that training should take into account regional contexts, including safety concerns for activists, and focus on mechanisms that are suitable for each country.

## Violence on the ground

The interactions between visibility and safety mean it is crucial that achievements made at the UN actually translate into progress on the ground and that violence, intimidation and impunity end. Many of those working on issues of human rights defenders noted that effective protections, including for those who speak at the UN, are vital. Preventive measures are also seen as essential in order to maintain the presence of SOGI and intersex movements in countries with a particularly concerning human rights record for these communities. One person added that safeguards for those LGBTI advocates who have fled and now seek asylum are also greatly needed.

An activist from Asia thought that this critical time leaves no space for States to be silent on SOGI issues:

*Even if a State doesn't propagate homophobia or transphobia, just by being silent and not doing anything encourages discrimination and stigma.*

One advocate hoped that escalating violence on the ground may finally prompt States to speak up in support of SOGI and intersex human rights:

*I think that the dreadful movement backwards in countries like Uganda will require people of good will to stand up and be counted on these issues. I think that the actions in Uganda in Parliament are so abhorrent to almost anybody of good will that they will trigger voices of support that will be larger than the movement backwards that they look like they constitute.*

Several activists and some country mission representatives noted that in such times of escalating violence civil society and supportive States must strengthen efforts to speak out. A number of activists suggested that SOGI groups should do more outreach to mainstream organizations and jointly speak out against violence.

Overall, most respondents affirmed that there needs to be continued robust leadership from key UN actors, such as the Secretary General, the new High Commissioner, and heads of UN agencies. At the same time, they considered that the various UN mechanisms must carry on and take up SOGI issues as part of their routine work, whenever

possible. One advocate further suggested that it would also be important if State Delegates and UN staff came out:

*I think it would be great to have more of the LGBTIQ Council members and staff of Offices in the UN come out. I think that would be fantastic.*

## Polarization at the UN

In face of growing opposition to SOGI and intersex issues at the UN and escalating violence in several countries, the continued role of civil society in bringing abuses to light, informing UN mechanisms, and lobbying States is seen by most people as more crucial than ever. One person who works at the UN noted:

*When we look at the UN setting, we need to push forward on all fronts and not be intimidated by the fact that in some countries there is very fierce resistance. We need to push through that and keep talking about it at every opportunity ... bringing forward evidence of suffering and violations. Because, at the end, countries will have to address those, they can only bury their head in the sand for so long.*

A small number of interviewees thought LGBTI advocates should focus more on understanding and dissecting the arguments of their opponents and developing their counter arguments. These would also provide more solid ground for supportive States when they enter into debates or votes at the UN:

*My suggestion to counter these efforts is giving States the arguments they need to defeat the initiatives [e.g. on traditional values]. And help them see that if they are going to be insistent sometimes they actually need to vote against these initiatives. But they have to be confident that in doing so they can defend it to people who might criticize it back home.*

A number of interviewees thought greater diversification of leadership on LGBTI issues could potentially help to address polarization:

*So the real challenge is how do you get past this polarization? ... How do you rephrase the issues so that it's not seen as Western countries trying to impose something on the non-Western countries? For that you really do need the voice of civil society activists from the Global South. This is an issue for people everywhere, in all countries. It's not that these violations are only happening in non-Western countries and Western countries want something done about it.*

On a similar note, a Latin American activist suggested that activists in Latin America and the Caribbean could play a leadership role advocating that traditional values do not exclude LGBTI people from their scope. An activist from Africa recommended speaking out more on LGBTI issues and religion. He noted that LGBTI people come from many contexts and religious backgrounds and the myth that these two are mutually exclusive should be dismantled.

Several people expressed concern that it may be extremely difficult in the current context to find another non-Western State to lead on SOGI issues after South Africa. A number of activists from Africa said outreach was needed to other African States who could potentially be friendly towards SOGI issues. Several people noted that the visible support of even a small number of African States could bring about great change at the UN. The representative of a country mission said:

*One or two African countries to feel comfortable in showing leadership on this issue as part of a broader cross-regional group, that would make a huge difference ... The whole dynamic would completely change. And I don't think it's unrealistic.*

As a solution to inconsistent standards within the UN, some suggested it would be useful if there would be a policy or written protocol obliging local offices of UN agencies to align their work with the higher standard established by the OHCHR. Others thought that the more progressive UN actors and civil society organizations could invest more into working with mechanisms that are not as aware and engaged on SOGI and intersex issues as hoped.

### Lack of consensus among civil society

The growing number of civil society actors working on SOGI and intersex issues was seen by many as both an opportunity and a challenge. On a positive note, there is a growing number of SOGI and intersex actors working with the UN. However, there is an ongoing need to reduce the gap and facilitate dialogue between LGBTI advocates at the UN and local communities. Some noted that this critical time in SOGI and intersex advocacy could be perceived as an opportunity and be used by LGBTI groups wisely. It could be a turning point for how the movements set their agenda and move forward. A lesbian activist summarized this by saying:

*It's exciting to see the development of cross-regional diversity ... because we will be learning more and the movement will be growing and evolving. But I also think it will bring challenges in how to organize and move together.*

Interviewees and survey respondents considered that any consultation aimed at finding joint advocacy goals needs to be representative of various regions and LGBTI voices. An activist from Europe noted:

*The efforts going on right now to try to make decision making processes around the UN more collaborative and representative of voices are an important one and there is momentum for that now. So resources must be invested into this acknowledging that the usual advocacy work at the UN also goes on. If we don't have a truly global advocacy agenda, the lack of a more representative movement taking part in these processes is going to undermine the advocacy work at the UN.*

Several interviewees suggested that formalized consultation procedures should be set up, as it is not clear who gets involved in decision-making and why. Further suggestions included:

- ensuring there is more communication among local and international actors
- setting up clear timelines for making consensus decisions about strategies
- all interested parties participating in these discussions
- setting up procedures to ensure representative consultation processes, and
- enabling long-term rather than one-off dialogues between activists (both online and face-to-face).

### Moving forward

When it came to future advocacy goals and hopes, there was consensus among interviewees that there is a need for ongoing and regular reporting on LGBTI issues at the UN. However, views on how exactly this could be achieved greatly vary. Some interviewees believed that a possible follow-up resolution should establish a designated mechanism. For example this might mean a treaty body via a specific Convention, or a Special Rapporteur who would regularly report on these violations and issue recommendations on an ongoing basis. Some also saw a dedicated SOGI mechanism as a potential solution to polarization, as States would be obliged to address SOGI issues.

*At the moment we don't have any mechanism in the UN human rights system that is specifically devoted to tracking and raising human rights violations that are affecting LGBT people [...] Until we have a Special Rapporteur in the system that is dedicated*

*to these issues and report[ing] regularly to the UN Member States, there will be an information gap that I think we'll have to plug in the end. If we can get the information flowing regularly and in a systematic manner and present it to the Member States, at the General Assembly and the Council again and again, it just becomes harder and harder for countries to hold out and keep refusing to engage on the issue.*

However, other interviewees were concerned that establishing a Special Rapporteur on SOGI issues would give the false impression that SOGI can be addressed by one mechanism alone. Other interviewees who were more critical of a single mechanism pointed out that the various UN mechanisms have already done a tremendous job at taking up SOGI issues as part of their mandate. They argued this work should be valued, built upon, and continued. Several interviewees supported this view by saying that SOGI and intersex issues do not exist in isolation. Instead they intersect with race, socio-economic status, disability, housing rights, women's rights and children's rights and the wide array of other topics already being addressed by the UN. These interviewees believed that thematic mandate holders should strengthen their efforts to mainstream LGBTI issues in their particular areas of work. One activist from Asia noted:

*There might also be a false assurance that 'well, they've got a resolution, they're going to get a SOGI focal point. There you go, their issues are taken care of now'... Why can't all the Rapporteurs focus on SOGI? ... If they all look at SOGI, then SOGI becomes integrated into everything else rather than saying 'this is the SOGI focal point'.*

It may also be noted, however, that mainstreaming and specificity are not necessarily mutually exclusive goals, but can be complementary and mutually reinforcing. In addition, a great number of interviewees, particularly from Africa, Asia, Latin America and the Caribbean believed that applying an intersectional approach remains an extremely useful tool to ensure SOGI and intersex issues are on the UN agenda on all fronts. Cooperation with other movements was identified as a great tool to mobilize and work effectively against opposition:

*I would call on SOGI activists to talk about corruption, poverty, and other challenges in a given society, not only SOGI issues, because all these also affect the rights and liberties of SOGI activists. By becoming a broader advocate with regards to the rights and liberties in a society, your rights will be also taken up by other members of the coalition and together you can form a platform and advance all these rights in one direction.*

In sum, there is a great variety of opinions about how SOGI and intersex issues should be advanced at the UN in the next few years. Arguably, consensus may be increasingly difficult to reach as more civil society groups are working on these issues at the UN. However, there is widespread agreement that the growing number of LGBTI actors engaging UN mechanisms and claiming UN space is a positive development. Many shared the hope that these actors will be able to come together and combine efforts. It is apparent that even if advocacy goals are not crystallized, civil society can effectively build coalitions. The 2014 joint statement was the largest joint effort to date, bringing together over 500 organizations from more than 100 countries. It is a great example to build on.

There is a long way to go and civil society must continue its work and strengthen its efforts to address outstanding gaps and challenges. SOGI and intersex advocates should keep in mind the enormous progress that they have achieved at the UN since 2003. In the words of one experienced UN expert:

*Never be complacent but be very confident that an enormous amount has been achieved. More has been achieved than many would have thought was possible. Much more needs to be done but that shouldn't deprive us of a sense of extraordinary achievement in what, I think, historically has been a much shorter period of time than anyone might have expected. So I think it's a very positive ending note.*

# Annex 1 Survey questions

In the following section we are asking you about your views on civil society efforts to bring about positive SOGI related changes through the UN.

## 1. In your experience, what have been the most useful civil society efforts for your work at the UN?

Most useful

- Briefings for UN Committee members and Special Rapporteurs
- Briefings for State delegations/government officials
- Engaging with the Universal Periodic Review process
- Individual complaints to Treaty bodies
- International or regional meetings for SOGI activists
- Offline campaigns (protests, local organizing, etc.)
- Online campaigns
- Personal testimonies or stories from LGBTI people
- Petitions
- Shadow reports
- Side events at UN sessions
- Trainings on UN mechanisms
- Strong civil society coalitions
- Urgent action requests to Special Procedures
- Using the Yogyakarta Principles
- Video advocacy
- None of these have been useful
- Other:

Second most useful

Third most useful

Fourth most useful

Fifth most useful

## 2. To what extent did you and/or your organization(s) contribute to the following initiatives at the UN on SOGI issues?

(For example, by drafting, lobbying, speaking ...)

- ☐ contributed a lot
- ☐ contributed to some extent
- ☐ did not contribute at all
- ☐ I do not know about this/these one(s)
- Brazil resolution on human rights and sexual orientation (2003–2005)
- Joint SO and SOGI Statements from States (2005, 2006, 2008, 2011)
- Yogyakarta Principles 2006
- Human Rights Council (HRC) resolution on human rights and SOGI (2011)

- Office of the High Commissioner for Human Rights (OHCHR) Report on SOGI (2011)
- Human Rights and SOGI plenary Panel at the Human Rights Council (2012)
- OHCHR's Born Free and Equal campaign (2013)
- SOGI advocacy/side events at the Commission on the Status of Women (CSW) and the Beijing +5, +10, +15 reviews
- Extra-judicial executions (EJE) resolution with SO and then SOGI references
- ECOSOC accreditation campaigns
- Other:

## 3. What would you consider to be the most significant achievement on SOGI issues at the UN in the last 10 years? Please briefly explain why.

## 4. Which, if any, of these barriers have limited your ability to use these UN mechanisms for your SOGI activism? Tick as many as apply:

- Lack of access to information on how to use them
- Lack of people to do this work
- Lack of financial resources
- Lack of access to these UN mechanisms (e.g. not having ECOSOC status)
- Other NGOs were already involved and doing the same job I/we would have done
- Advocacy through these mechanisms is not a priority for me/my organization
- The issues I/we work on have not been on the agenda of these mechanisms
- Other:

## 5. Overall, how useful have these UN mechanisms been in supporting your local, regional or international advocacy on SOGI rights?

(For example, through UPR recommendations, Treaty Body General Comments or Concluding Observations, reports, public statements, case law, inquiries etc.)

- ☐ Very useful
- ☐ Useful
- ☐ Not so useful
- ☐ Not useful at all
- ☐ Not applicable: I/we did not approach this UN mechanism
- Universal Periodic Review (UPR)
- Human Rights Council (other than for the UPR)



- Commission on the Status of Women
- Treaty bodies
- Special Procedures (including Special Rapporteurs)
- UN offices, agencies, funds and programmes
- UN Economic and Social Council (ECOSOC)
- UN General Assembly and/or its Third Committee
- Other, please specify:

**6. The following statements all refer to the past 10 years.**

Please indicate whether you agree or disagree with them.

Based on your experience, compared with 10 years ago:

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Neutral
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know
- Positive changes on sexual orientation issues have taken place in the UN
- Positive changes on gender identity issues have taken place in the UN
- Positive changes on intersex issues have taken place in the UN
- More States / countries support SOGI issues at the UN
- There is greater attention to SOGI issues by UN mechanisms
- The regional diversity of people doing SOGI activism at the UN advocacy has improved
- There is a more equal mix of LGBTI people doing SOGI activism at the UN
- SOGI activists are approaching a broader range of UN mechanisms
- SOGI activists are using a broader range of tools and strategies for their UN work
- SOGI advocates doing UN work have built strong coalitions
- The capacity of SOGI organizations to do this work at the UN has increased
- The capacity of mainstream human rights organizations to work on SOGI issues at the UN has grown

**7. Do you have any further comments about activism and/or developments on SOGI issues at the UN in the last 10 years? If so, please share them here.**

**8. Looking at the following SOGI issues, please choose the 3 you think have been best addressed by UN mechanisms in the last 10 years.**

The best addressed

- ☐ Criminalization
- ☐ Discrimination
- ☐ Freedom of expression, assembly and association
- ☐ Gender-based violence
- ☐ HIV / AIDS
- ☐ Human rights defenders
- ☐ Legal gender recognition
- ☐ Right to private and family life (including relationship recognition)
- ☐ Sexual and reproductive rights
- ☐ Social and economic exclusion / poverty
- ☐ Torture
- ☐ Unlawful killings
- ☐ Violence (including hate speech, hate crimes etc)
- ☐ Other health rights
- ☐ Other

• Two (2nd best addressed)

• Three (3rd best)

**9. Which priority issues for you or your organization do you think have not been addressed well by UN mechanisms in the last 10 years? Please explain why.**

**10. Thinking about your priority areas of work, what are the top three opportunities to advance SOGI issues at the UN in the next 2 years? Please explain why.**

**11. What do you think will be the THREE biggest challenges over the next two years for SOGI related advocacy at the UN?**

- The biggest challenge
- ☐ Growing number of civil society actors working on SOGI issues at the UN
- ☐ Inconsistent standards within the UN
- ☐ Lack of equal representation of regions
- ☐ Lack of fair representation of subgroups within LGBTI
- ☐ Lack of financial resources in NGOs / groups
- ☐ Lack of human resources in NGOs / groups
- ☐ Lack of legally binding documents on SOGI issues
- ☐ Too few powerful LGBTI organizations working at the UN
- ☐ State sponsored homophobia and transphobia
- ☐ Violence against SOGI activists on the ground
- ☐ I don't think any of these are challenges
- ☐ Other
- 2nd biggest challenge
- 3rd biggest challenge

Other:

# Annex 2

## Timeline of SOGI advocacy and key developments at the UN

<b>2003–2004</b>	Brazilian resolution on sexual orientation & human rights, Commission on Human Rights, withdrawn.
<b>2005</b>	Joint statement on sexual orientation and human rights, Commission on Human Rights, delivered by New Zealand on behalf of 32 States.
<b>2006</b>	Joint statement on sexual orientation, gender identity and human rights, Human Rights Council, delivered by Norway on behalf of 54 States.
<b>2006</b>	Yogyakarta Principles: Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity.
<b>2008</b>	Joint statement on sexual orientation, gender identity and human rights, UN General Assembly, delivered by Argentina on behalf of 67 States.
<b>2008–2013</b>	Resolution on sexual orientation, gender identity and human rights, Organisation of American States (OAS), adopted by consensus.
<b>2000–2012</b>	Inclusion of “sexual orientation” in UN General Assembly resolution on extrajudicial executions.
<b>December 2010</b>	US amendment on sexual orientation adopted by a vote of 93–55, with 27 abstentions. “Gender identity” included in the resolution for the first time in 2012.
<b>2009–2012</b>	Russian-sponsored resolutions on traditional values adopted by the Human Rights Council. 2009, 2011, and 2012.
<b>March 2011</b>	Joint statement on sexual orientation, gender identity and human rights, Human Rights Council, delivered by Colombia on behalf of 85 States.
<b>June 2011</b>	South African resolution (resolution 17/19) on human rights, sexual orientation and gender identity adopted at UN Human Rights Council by a vote of 23–19, with 3 abstentions.
<b>December 2011</b>	First UN report on discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity.
<b>March 2012</b>	First UN panel discussion on ending human rights violations based on sexual orientation and gender identity.
<b>Jan–Apr 2013</b>	Regional seminars on combating violence and discrimination based on sexual orientation and gender identity hosted in Kathmandu (March 22–23), Paris (March 26) and Brasilia (April 4–5), and discussed at concluding conference in Oslo co-hosted by South Africa and Norway (April 15–16).
<b>June 2013</b>	South Africa announces its intention to host an African regional seminar, and follow-up high level convening in Geneva.
<b>June 2014</b>	Human Rights Council adopts non-inclusive resolution on the protection of family.
<b>June 2014</b>	Joint statement by over 500 NGOs from more than 100 countries presented at the Human Rights Council.
<b>Sep 2014</b>	Human Rights Council adopts resolution on human rights, sexual orientation, and gender identity, calling for a further report from the OHCHR. Led by Brazil, Chile, Colombia and Uruguay, and adopted by a vote of 25–14 with 7 abstentions, this represents the first time a SOGI initiative at the UN has been adopted by an absolute majority.

