

ILGA World UN Pre-conference: Engaging with the UN Special Procedures

Monday 28 November 2016

Pre-conference Report

This pre-conference on UN Special Procedures (SPs) was part of the ILGA World Conference in Bangkok, Thailand that took place from 28 November to 2 December 2016. It was organized by the ILGA UN Programme Team* in consultation with various partners. There were about 100 people from all regions attending, mainly LGBTI civil society representatives. The meeting had simultaneous English-Spanish interpretation.

The meeting had the following objectives:

- Global civil society reflect on how the SPs have been and can be useful, looking at past experiences
- Participants have an understanding of the range of the SPs system and some of the deadlines coming-up
- Some Special Procedures are identified as priorities for engagement by different participants
- Participants get a first chance to talk about how they would like to engage with the new SOGI Independent Expert
- Participants have a chance to discuss and decide the various ways they may take their engagement forward, alone or collectively

Session 1: Introduction to UN Special Procedures

Facilitated by: Kseniya Kirichenko

There was a brief introduction on the Special Procedures system, including an overview on different ways how some of them have approached SOGI in the past. There then followed short talks from experts and defenders on how the Special Procedures have been used by groups in positive ways to effect change, with specific examples of engagement in country visits of SPs, providing expert input into reports of SPs, individual communications through the SPs, and the SP mandate holder appointment. Speakers included Pooja Patel, Kim Vance, Michael van Gelderen, Helen Nolan and Otgonbaatar Sedendemeberel.

Session 2: Working with Special Procedures – Part I

Facilitated by: Pooja Patel & André du Plessis

There was a facilitated discussion overview of the various Special Procedures mandates, with participants sharing different ways that each mandate could be used to further LGBTI issues. There was also an introduction of the 12 mandate summaries that had been prepared,[†] followed by an overview of an annual calendar of reporting of Special Procedures including the relevant deadlines and some upcoming country visits. Feedback from participants helped guide the structure and choice of themes for Session 3.

Session 3: Working with Special Procedures – Part II

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- a) Independent Expert on Older Persons
- b) Independent Expert on SOGI
- c) Special Rapporteur on Cultural Rights
- d) Special Rapporteur on Extrajudicial Executions
- e) Special Rapporteur on Freedom of Assembly
- f) Special Rapporteur on Freedom of Expression
- g) Special Rapporteur on Human Rights Defenders
- h) Special Rapporteur on Health
- i) Special Rapporteur on Torture
- j) Special Rapporteur on Violence Against Women
- k) Special Rapporteur on Water & Sanitation
- l) Working Group on Discrimination Against Women

Facilitated by: André du Plessis, Kseniya Kirichenko, Sheherezade Kara, Joyce Hamilton, Paul Dillane, Micah Grzywnowicz, Zhan Chiam and Yahia Zaidi.

There was a World Café group discussion/strategy session on how LGBTI civil society can ensure the UN Special Procedures are supported to provide the outputs we would like in particular areas. The six different thematic groups decided-on after the morning's discussion were:

- a) LGBTIQ Migrants/Refugees/Asylum-seekers
- b) Civil & Political Rights
- c) Families
- d) Discrimination
- e) Violence & Security of the Person
- f) Socio-economic position of LGBTIQ persons

The flipchart summaries of the discussion in each of these groups is found in the Annex to this report.

These different groups focussed on brainstorming ideas and prioritization of which mandates to engage, as well as areas that different mandates might look at.

The session concluded with an agreement to check-in in early 2017 to see how people wished to progress, e.g. to establish working groups/coalitions to engage with Special Procedures generally (e.g. through an online mailing group or otherwise), on specific mandates in smaller groups, or with a selection of Special Procedures on certain themes over a period of time. It was agreed that a report of the session would be shared and that participants would consider how best they might want to take the conversation forward.

Session 4: Strategizing engagement with the new SOGI Independent Expert

Facilitated by: Joyce Hamilton

This final session was an open civil society discussion on strategies and priorities for engagement with the new UN Independent Expert on SOGI, focussing on questions that might be asked of him on Wednesday 30 November 2016 when he would be at the ILGA World Conference. Discussion focussed on the following questions:

- a) What would you like the SOGI mandate to achieve in its first six years? Possibly framing the responses under these terms:
 - a. The tone to be adopted by the mandate and mandate-holder
 - b. The scope of coverage of the mandate
 - c. The type and extent of stakeholder engagement it could undertake (examples of how other mandates have done this – questionnaires, consultations, visits)
 - d. Thematic reports it could write
 - e. Country visits it could undertake
 - f. Approaches to Communications it could make
 - g. Other spaces it could engage in

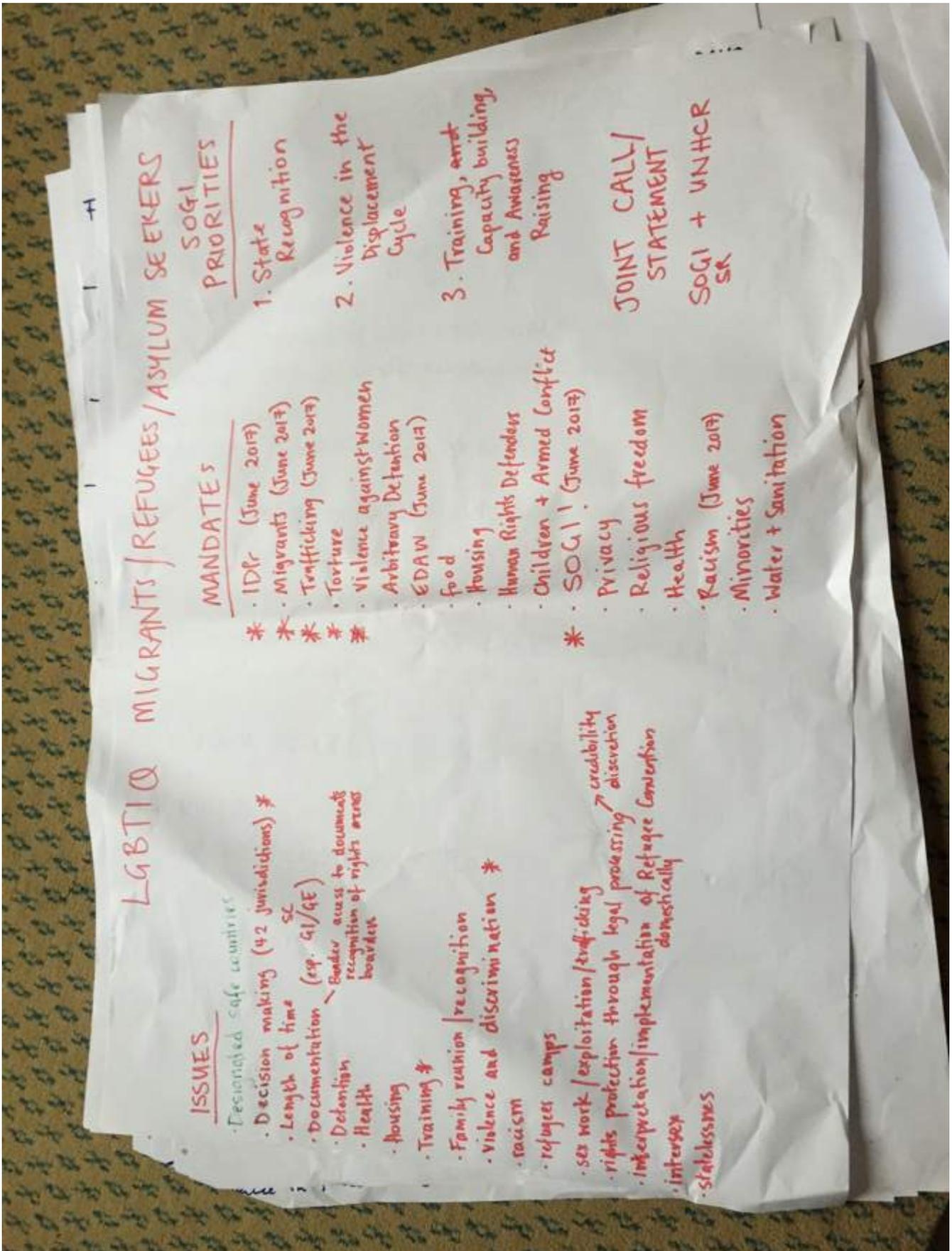
- b) How do we go about making that happen?
 - a. Support that civil society could provide
 - b. Funding
 - c. Coordination

The day concluded with an announcement that the new Independent Expert would engage on Wednesday in 20 minute discussions with each of the ten ILGA caucus groups[‡], and that those caucus groups would be encouraged to select representatives in their caucus meetings the following day and brainstorm issues to present to him at this early stage.

[‡] Women, Bisexual, Intersex, Trans, North America, Latin America & the Caribbean, Europe, Africa, Asia & Oceania

Annex: Flipchart Summaries of Small Group Discussions

a) LGBTIQ Migrants/Refugees/Asylum-seekers



b) Civil & Political Rights

CIVIL + POLITICAL RIGHTS

- 7 Gender recognition in documents
- How do we use CP rights?
 - Fragile, back-sliding
 - Universal enjoyment of civil + political rights
 - 'traditional values' undermining universality
 - Civics education
 - Sequencing / strategy for change
- NGO registration of LGBTI organisations
- Public assemblies + demonstrations
- Right to vote [documents]
- Attacks + vulnerability of LGBTI defenders
 - Physical integrity + allies
- Arbitrary arrest + detention
- Marriage
- Equal participation in public + political life

SR's

PRIVACY

- TORTURE

- EDUCATION

- POVERTY

- HOUSING

- WATER & SANIT.

RELIGION

- DAW / VAW

- HEALTH

LGBTI
youth
- homeless

GENERAL

- SENSIT. LOCAL
CONTEXT

- MAINSTREAMING

- THEMAT. REPORT
DIV. FORMS FAMILY

- THEMAT. REPORT
LGBTI CHILDREN

- housing (renting)
- aggravating / multiple discrimination - disabled eg
- LGBTI people in prison
- prioritisation in distribution of public goods? (housing)
- older persons / indig.
 - non-visibility of sexuality
 - stigma / dif. spheres
- poverty
- family abandonment
- stereotypes and discr in textbooks / schools
- discr. images in media / misrepresentation
- displaced persons refugees
- travelling (security / border control)
- hate speech / inc. to violence from Gt.

VIOLENCE & SECURITY OF THE PERSON

is to
employment

- **HRD** security of activists / spaces / digital org
(physical) (within "acting") (inaction from the police)
- vulnerable groups → trans **VAW**, **EDAW** sex workers violence
→ from the state **EJES**
→ police abuse / perpetrators of violence
- monitoring systems / reporting of violence
- ~~rape of lesbians~~ rape of lesbians / sexual assault (+ trans men) / clinics
(+ reporting / discrimination of police) **VAW**, **EDAW**, **trauma**
- elderly **IE old persons**
- trans **refugees** / migrants **Racism** / people of color (legal capacity)
- people with **disabilities** / **Disabilities**
- and examinations (ordered by the court) **to force**
- psychological violence **Education** / **HRD**
- domestic violence (husben) + intimate partners **VAW**, **Disabilities**
- **State mandates**
- prison / detention → trans people / misgendered
VAW / **EDAW** / **Torture** → **lesbian & gay**
- hate speech **Cultural rights**
- violence in school **Education**

f) Socio-economic position of LGBTIQ persons

(SOCIO-ECONOMIC POSITION)

- links between access to education, access to employment, access to health, etc — the kind of employment
- impact throughout of discrimination
- specific experiences of IDs
 - housing: landlords unwilling to rent
 - cross-cutting difficulties of visibility
 - external crisis situations: conflicts & impact on comms already marginalised
 - difficulties in accessing employment much more severe
- leads to migration
- increased risk of violence due to type of employment, especially sex work
- ~~at~~ national debt & impact on local LGBTI comms
- differences between sites in cities, on their edges & rurally
 - indigenous
 - Palestine
 - older people
 - refugees
 - gender
 - POC
 - G/So
 - citizenship status
 - disabilities
- intersecting forms of discrimination
- structural discrimination [impact on freedom of movement]
- a/cblty w/in education system of teachers, etc
- discrimination in resource allocation
- lack of data on education [how to gather that info/let children express themselves]

- edu & gender dimensions
- cost of edu [reliance on family & impact of that]
- myth of wealthy gay people in the West ^{being wealthy} - need to debunk & impact on access to resources from global north/outside

SPECIAL PROCEDURES

- ~~employment~~ education
- use SR on Housing [where you can live]
- use SR on Health [impact on health]
- || SR on Development
- Working Group on Discrimination against women

- reparations for socio-economic rights
 - what kind of 'compensation' / remedies: structural changes, distinct challenger of L-G-B-T-I
- discrimination at home & outside → have to fight on all fronts
- promoting diversity in employment: sensitisation to benefits
- people not knowing their rights
- loss of ESCR discussion in context of armed conflict