

# EVERYTHING YOU NEED TO KNOW ABOUT LGBTI ADVOCACY AT THE 2018 UNGA



## WHAT IS THE UNGA?

Established in 1945 the United Nations General Assembly (UNGA) is the primary deliberative policy-making and representative organ of the United Nations. Located in New York, the UNGA considers and makes recommendations on any issue that falls under the scope of the UN Charter, including human rights, peace and security, political cooperation, and international collaboration.

The UNGA is responsible for electing the members of its subsidiary bodies and principal organs (including the Human Rights Council), appointing the UN Secretary General upon recommendation from the Security Council, considering reports from other organs and experts from within the UN, assessing the financial status of UN member States, and approving the UN budget.

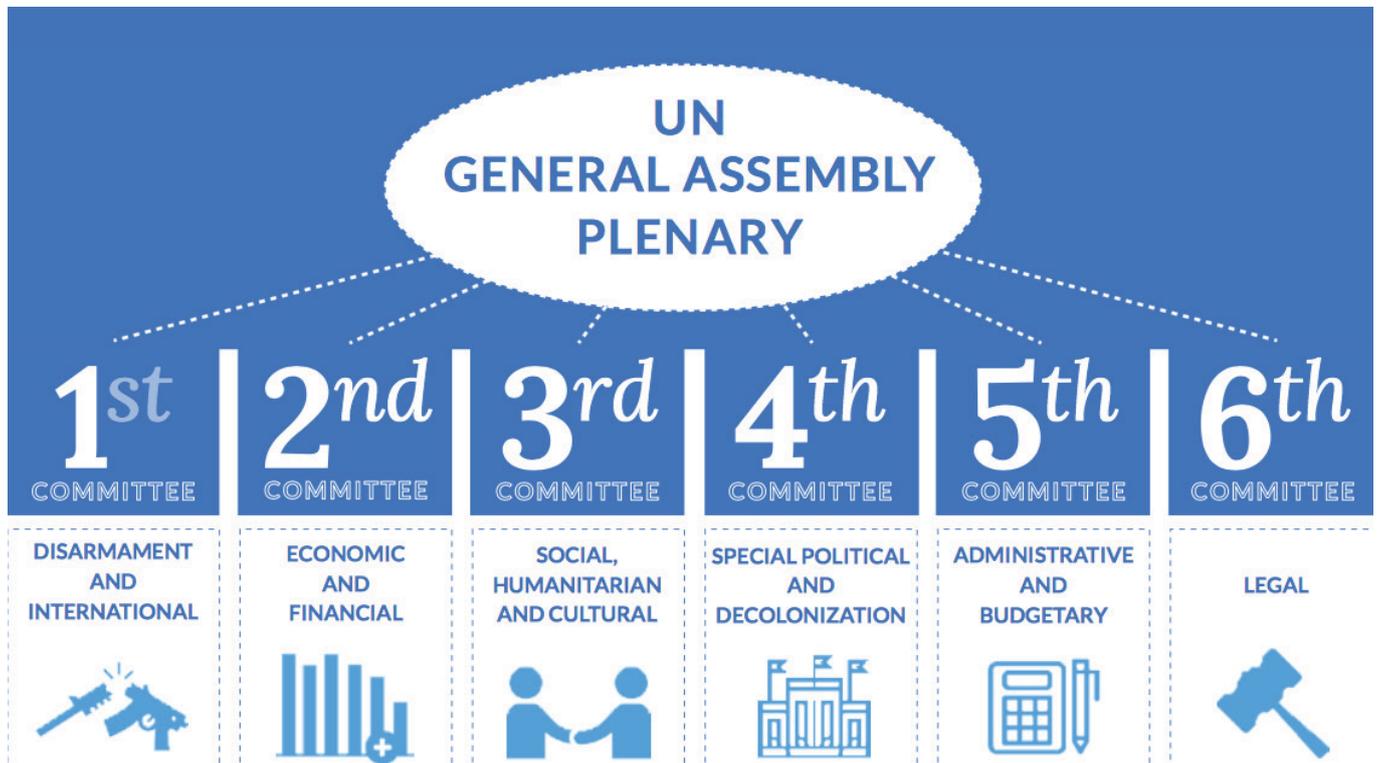
The UNGA allocates most of its work to its six main committees which take up different issues and present draft resolutions and decisions to the plenary of the UNGA. The Third Committee, officially called 'The Social, Humanitarian & Cultural Affairs Committee', carries out a majority of the human rights work that takes place through the UNGA.

While the UNGA remains in session for the entire year, from early September through mid-December what is informally known as the 'main' session takes place in New York, beginning with a two-week general debate attended by heads of states and Senior Ministers. During this period each year, the UNGA addresses over 150 agenda items, considered either in a plenary session or in one of its six committees. The formal decisions made during these sessions are known as UN resolutions.



**OUTRIGHT**  
ACTION INTERNATIONAL

80 Maiden Lane, Suite 1505, New York, NY 10038 U.S.A.  
P: +1 (212) 430.6054  
hello@OutRightInternational.org • @outrightintl  
www.OutRightinternational.org



## WHY IS IT IMPORTANT?

The UNGA is the only principal organ of the UN with universal membership, with currently 193 countries, often referred to as 'Member States'. Symbolically and substantively, the UNGA exists as one of the most notable political forums for achieving international consensus on core human rights issues. Many decisions by subsidiary bodies such as the Human Rights Council require confirmation at the UNGA sessions, which means that successful civil society advocacy in Geneva must be supported by strong civil society advocacy in New York.

Governments are not legally compelled to act on UNGA decisions, but as with other parts of the UN system such as the Universal Periodic Review process, recommendations carry the weight of international opinion and can eventually become customary international law. UNGA decisions also have significant influence on the UN's work throughout the year. They set goals and priorities for various development activities, mandate world conferences on major issues, and admit new UN member States.

## LGBTI INCLUSION

Over the past few years LGBTI issues have been raised through three main access points at the UNGA:

### Events in UN Headquarters

Each year the UN LGBTI Core Group<sup>1</sup> hosts a high level event on LGBTI issues, particularly on violence and discrimination. This event raises the visibility of LGBTI lived experiences around the world and highlights the need for more recognition in the UN context of the plight of LGBTI persons.

### The Report of the Independent Expert on Discrimination and Violence Based on Sexual Orientation and Gender Identity (SOGI IE)

In 2016 the human rights council established the first ever mandate of the SOGI IE. Since this major victory, LGBTI issues have been included and raised in the Third Committee of the General Assembly through the reporting of the SOGI IE.

<sup>1</sup> The United Nations LGBTI Core Group is an informal cross regional group of United Nations Member States established in 2008. The group is co-chaired by Argentina and The Netherlands, and includes Albania, Australia, Brazil, Chile, Colombia, Costa Rica, Croatia, El Salvador, France, Germany, Israel, Italy, Japan, Montenegro, Mexico, New Zealand, Norway, Spain, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, and the European Union as well as the Office of the UN High Commissioner for Human Rights, and the non-governmental organizations Human Rights Watch and Outright Action International.



## UNGA Resolutions

Additionally, a number of resolutions have been introduced that directly relate to LGBTI issues, although only one contains explicit mention of sexual orientation and gender identity.

## 2018 FOCUS

### High Level Event

The UN LGBTI Core Group will organize its sixth high level event during UN World Leaders Week of the 73rd General Assembly. Given the upcoming negotiations in the Third Committee, the particular focus of the event will be on the need to address extrajudicial, summary and arbitrary executions perpetrated on the basis of one's actual or perceived sexual orientation, gender identity, gender expression or sex characteristics.

The event will include the first formal speeches on LGBTI human rights by Secretary General Antonio Guterres and the newly appointed High Commissioner on Human Rights Michelle Bachelet, and a panel discussion between Moderator Jessica Stern and Ugandan Activist Kasha Nabagesera, the Special Rapporteur for Extrajudicial, summary or arbitrary executions, and National Geographic Photographer Robin Hammond.



### ACCESS POINT:

*The event will take place on Tuesday September 25th in Conference Room 4 from 4:30-6:00 pm. Civil society members not registered for the event and not located in New York can support the event by tuning into UNWebTV and follow OutRight's coverage of the event on social media.*

## REPORT OF THE SOGI IE



Human Rights Council Resolution 32/2 mandates the SOGI IE to deliver two yearly reports to the UN, one presented during one of the Human Rights Council Regular Sessions and the other to the UNGA. Since the establishment of the mandate the SOGI IE has produced three reports.

During the establishment of the SOGI IE, civil society saw the unrelenting effort by a number of UN member States to block the establishment of the mandate and strip it of its resources. Both during the 32nd Session of the Human Rights Council and the 71st Session of the UNGA States from the Organization of Islamic States, the African Group and the Arab Group released statements opposing the mandate and expressing their unwillingness to engage with the mandate holder. These states failed to block the mandate but have continued this rhetoric during the SOGI IE's mandated reporting in both forums.



### ACCESS POINT:

*This year, the current mandate holder, Victor Madrigal-Borloz, will deliver his second report as the SOGI IE and his first report to the UNGA. To support this report civil society can reach out to their capitals and express their interest in seeing their country deliver a statement in support during the discussion of the report. Civil society can also tune in to UN-WebTV to watch the SOGI IE deliver the statement and hear the responses by UN Member States.*

The EJE resolution is introduced biennially at the UNGA by either Finland or Sweden; in 2018 Finland will present it. This resolution urges states to protect all people's right to life and calls upon States to investigate killings based on discriminatory grounds, including sexual orientation and gender identity. The resolution importantly notes that impunity is a major cause of violations of human rights.<sup>2</sup> When States do not conduct impartial and thorough investigations into violence against LGBTI people, they signal that such violence is condoned and will be tolerated, which in turn generates more violence.<sup>3</sup> To break this cycle and protect all people's right to life, it is vital that States commit to investigating killings motivated by discrimination of real or perceived sexual orientation, gender identity, and/or gender expression (SOGIE).

### VOTING PATTERNS

Generally, there has been cross-regional support for the EJE resolution. There has been strong support from Western Europe and Others Group (WEOG) and Latin American and Caribbean (LAC) States with notable support from States in both the Africa and Asia regional groups.

## RESOLUTIONS

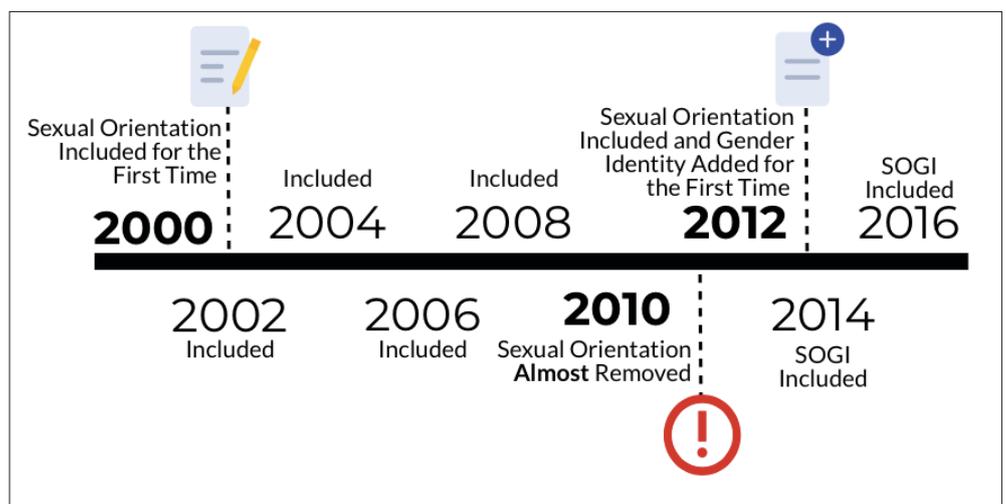
### Extrajudicial, Summary or Arbitrary Executions (EJE)

#### BACKGROUND

There is only one UNGA resolution addressing violence that includes explicit reference to sexual orientation and gender identity, that being the resolution on 'Extrajudicial, Summary or Arbitrary Executions' (EJE), while none refer to sex characteristics. The EJE resolution urges States to protect the life of all people and to investigate killings based on discriminatory grounds, with sexual orientation and gender identity mentioned as two of those grounds.

### TIMELINE

In 2010—for the first time in a decade—the African Group, the Arab Group, and the Organisation of Islamic Conference (OIC) successfully introduced an amendment to the resolution which removed sexual

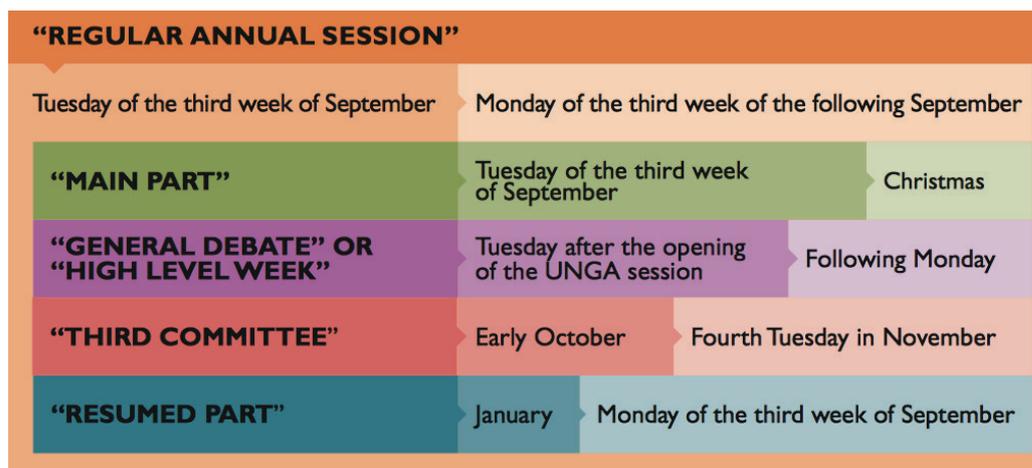


<sup>2</sup> Extrajudicial, summary or arbitrary killings. GA Res 57/214, UNGA 57th sess, Agenda Item 109(b), UN Doc A/RES/57/214. 18 Dec 2012, para 4.

<sup>3</sup> Violence against LGBTI persons in the Americas. Inter-American Commission on Human Rights. OEA/Ser.L/V/II.Doc.36/15 Rev.2. 12 Nov 2015.

## TIMELINE FOR THE UN GENERAL ASSEMBLY

Chart courtesy of the International Service for Human Rights report titled "Third Committee of the United Nations General Assembly: A Practical Guide for NGOs" [https://www.ishr.ch/sites/default/files/article/files/isshr\\_3rd\\_com\\_handbook\\_eng\\_web.pdf](https://www.ishr.ch/sites/default/files/article/files/isshr_3rd_com_handbook_eng_web.pdf)



orientation from the listing of protected groups at risk of killings motivated by discrimination. The 2010 amendment was adopted by a vote of 79 in favor, 70 against, and 17 abstentions in the Third Committee and the reference to "sexual orientation" was stripped from the resolution.<sup>4</sup> After a massive mobilization effort by civil society the language was reinstated several months later when it was introduced to the full General Assembly by a vote of 93 in favor, 54 against and 27 abstentions.<sup>5</sup>

### CHALLENGES

There are a number of concerns for LGBTI human rights defenders working on the EJE resolution in the upcoming General Assembly session. Similar to past years we expect that the OIC or Africa Group will propose an amendment to remove SOGI from the text of the resolution. This amendment has been regularly proposed by these groups but has failed with the exception of the 2010 resolution. However, we note with concern that over the recent years the amount of countries who have voted in favor of the amendment has increased.

Another major concern is whether or not there will be enough countries voting in favor of the resolution as a whole. If/when the potential amendment requesting the removal of SOGI fails, the resolution will then go to a vote with the inclusion of SOGI. We have seen

4 "GA Third Committee deletes 'sexual orientation' from resolution on extrajudicial killings". International Service for Human Rights. 17 Nov 2010. Accessed: <http://www.ishr.ch/news/ga-third-committee-deletes-sexual-orientation-resolution-extrajudicial-executions>

5 Extrajudicial executions resolution at the UN keep Sexual Orientation and Gender Identity Language, OutRight Action International 18 November 2016. Accessed: 2016 <https://www.outrightinternational.org/content/extrajudicial-executions-resolution-un-keeps-sexual-orientation-and-gender-identity-language>

an alarming trend in recent years where support for the resolution with the SOGI inclusion has fluctuated with more countries opting to abstain rather than support the resolution.



### ACCESS POINT:

*Civil society plays a unique role in combating the potential concerns around this session's EJE resolutions. LGBTI human rights defenders can contact their foreign ministries to organize meetings to discuss the EJE resolution. Negotiations around the Resolution for the Third Committee of the General Assembly will commence in the beginning of October with votes being requested in the first three weeks of November. Once this vote is completed the Resolution will then be sent to the General Assembly Plenary session which takes place in mid-December for an additional vote. To ensure that States are aware of the interest in supporting the adoption of this resolution, civil society must engage with their foreign ministries throughout this timeline.*

## BULLYING RESOLUTION

### Background

In 2014 the UNGA introduced and adopted the first stand-alone resolution on the issue of bullying. The resolution is a biennial resolution and was adopted once again in 2016. In both instances the resolution was

introduced by Mexico and adopted by consensus after a major struggle occurred during negotiations over the inclusion of the terms sexual orientation and gender identity. This resulted in the removal of the terms from the text before each vote.

After the adoption of the text in 2014, a number of States spoke out to express their regret that LGBT youth were not explicitly represented in the resolution. The representative from Chile pointed out that LGBT children were at a heightened risk of experiencing bullying and both the representative of Italy on behalf of the European Union and a delegate from the United States called on the Secretary General to include LGBT experiences in the report mandated by the resolution.

In fulfilling this mandate, the report on protecting children from bullying and cyberbullying was produced by the Secretary-General in May of 2016. In the text the Secretary-General makes explicit reference to the increased risk of bullying that children face who have or who are perceived as having a different sexual orientation or gender identity from what is seen as the norm within the community, as he states:

“Progress in the struggle to reduce and prevent bullying carried out on the basis of either actual or perceived sexual orientation or gender identity is uneven. Homophobic bullying, including cyberbullying, is widespread, and schools can be dangerous social spaces in this regard. Entrenched beliefs that girls and boys must follow strict rules of conduct and/or appearance based on their gender contribute to this pattern of behaviour, and children who do not conform run a high risk of being exposed to bullying, both in person and virtually. In some countries this has led to denying these children access to school... Such violence persists when Governments fail to enact and implement policies that provide students with explicit protection from discrimination and when school authorities fail to provide curricula that encourage acceptance and tolerance of diversity”.

In the 2016 Session of the General Assembly the Bullying Resolution was once again introduced during negotiations with the terms sexual orientation and gender identity included. However, once again they were removed before being formally introduced to the Third Committee.



## ACCESS POINT:

*The draft text of the Bullying Resolution has yet to be released so at this point we are still unsure whether sexual orientation and gender identity will be included. Civil society located in Mexico that are interested in seeing SOGI included in the text can reach the Mexican Foreign Ministry to express their support for the inclusion. Once the text is released, if SOGI is included civil society can reach out to their foreign ministry to lobby for their support of retaining the language. Within these efforts it would be useful to use the Secretary General's report on bullying that provides explicit evidence based arguments for the inclusion of SOGI within the bullying text.*

## ADDITIONAL READING

Human Rights Council resolution 32/2 on protection from violence and discrimination based on sexual orientation and gender identity (A/HRC/RES/32/2), and Human Rights Council resolutions 27/32 (2014) and 17/19 (2011) on human rights, sexual orientation and gender identity.

Reports of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

General Assembly resolutions 71/198(2016), 69/182 (2014), 67/168 (2012), 65/208 (2010) on extrajudicial, summary or arbitrary executions.

General Assembly resolutions 71/176 (2016) and 69/158(2014) on protecting children from bullying

Office of the Special Representative of the Secretary General on Violence Against Children Background Paper on protecting children from bullying and cyberbullying

International Service for Human Rights report titled “Third Committee of the United Nations General Assembly: A Practical Guide for NGOs” [https://www.ishr.ch/sites/default/files/article/files/ishr\\_3rd\\_com\\_handbook\\_eng\\_web.pdf](https://www.ishr.ch/sites/default/files/article/files/ishr_3rd_com_handbook_eng_web.pdf)

Defending the Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity - [https://www.outrightinternational.org/sites/default/files/OutRightGAA4\\_V5\\_LR.pdf](https://www.outrightinternational.org/sites/default/files/OutRightGAA4_V5_LR.pdf)