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ECOSOC ACCREDITATION OF NGOS ADDRESSING ISSUES OF SEXUAL ORIENTATION & GENDER IDENTITY: THE IMPORTANCE OF NON-DISCRIMINATORY ACCESS & PARTICIPATION

➤ **The Issue:**

This Friday, July 20 2007, the UN Economic and Social Council (ECOSOC) is due to consider recommendations by its subsidiary NGO Committee to deny UN consultative status to two NGOs working on sexual orientation and gender identity issues:

- i. the Coalition gaie et lesbienne du Québec; and
- ii. the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights.

➤ **The NGOs: a history of credible work**

Both applicants are reliable, credible NGOs of long standing, engaged in international work, backed by supportive governments and able to address significant human rights concerns of relevance to the UN in an area that is often overlooked.

The Coalition gaie et lesbienne du Québec has engaged in legal, political and public education campaigns to advance the principles of equality and non-discrimination since 1992, and has participated in numerous international fora.

The Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights was established in 1950, is regularly consulted by its government when formulating policy in the area of diversity and non-discrimination, and has engaged in national and international work on issues of sexual orientation, gender, health (including HIV education and prevention) and human rights.

➤ **No valid reason for rejections**

No reasons were provided for denying consultative status to the NGOs, other than their work on issues of sexual orientation and gender identity. Both NGOs were fully supported by their governments. Both NGOs meet all criteria in ECOSOC resolution 1996/31, which explicitly affirms the need to take into account the full diversity of non-governmental organizations. Both organisations submitted a detailed application to the NGO Committee, and responded in full to all questions asked.

➤ **The role of the NGO Committee:**

Speaking at the NGO Committee, the Canadian delegation expressed its government's "dismay" at the "pattern of discrimination demonstrated by the Committee in its treatment of applications from NGOs dealing with issues related to sexual orientation". The Swedish delegation similarly expressed concern at "what appeared to have become a discriminatory practice".

Last year the ECOSOC NGO Committee voted to deny consultative status to four other NGOs working in this area. The NGO Committee has now rejected six applications in a row by NGOs addressing issues of sexual orientation and gender identity. This year, members of the NGO Committee attempted to close consideration – without any substantive determination – of the application by the Swedish NGO, a move described by the Secretariat as "unprecedented".

While NGO Committee deliberations generally are entitled to respect, the ECOSOC has a responsibility to ensure that Committee decisions are based upon objective non-discriminatory criteria, in accordance with the principles established by the ECOSOC. The NGO Committee recommendations do not meet this standard and cannot be allowed to stand.

➤ **Relevance of NGOs' work to the UN:**

The work of the NGOs under consideration is directly relevant to the UN. Numerous UN Special Procedures and Treaty Bodies have highlighted violations of the human rights of lesbians, gays, bisexuals and transgender people, including arbitrary arrests, deprivation of food and water, beatings, rape and murder.

On December 1, 2006, 54 States joined in a statement to the UN Human Rights Council, expressing concern at human rights violations based on sexual orientation and gender identity, and calling for future substantive discussion of the issues within the Council.

UN High Commissioner for Human Rights Louise Arbour has expressed concern in a public statement that "LGBT [lesbian, gay, bisexual and transgender] human rights organizations ... are denied access to important fora, including at the international level, where they should be able to have their voices heard." In March 2007, newly-ECOSOC accredited NGOs dealing with sexual orientation and gender identity issues attended the main session of the Human Rights Council and engaged in interactive dialogue with the High Commissioner for Human Rights. In response, the High Commissioner acknowledged the responsibility of all States to ensure that no-one, regardless of sexual orientation, is subject to violence or abuse.

Whatever individual States' positions on questions of sexual orientation and gender identity may be, it is clear that these issues are regularly being discussed in UN fora and it is important that UN discussions be informed by NGOs representing these constituencies.

➤ **Applying international standards – the Yogyakarta Principles:**

In March 2007, the *Yogyakarta Principles on the application of international human rights in relation to sexual orientation and gender identity* were launched. These Principles were adopted by international experts including present and former treaty-body members, Special Procedures, judges, lawyers, and a former High Commissioner for Human Rights. They reflect the existing state of international human rights law in this area, and affirm binding international legal standards.

Principle 19 (dealing with the right to freedom of opinion and expression) and Principle 27 (dealing with the right to promote human rights) affirm the right of NGOs addressing issues of sexual orientation and gender identity to enjoy non-discriminatory access to international fora. The Yogyakarta Principles explicitly call on the "UN Economic and Social Council [to] recognize and accredit NGOs whose aim is to promote and protect the human rights of persons of diverse sexual orientations and gender identities, in accordance with its Resolution 1996/31".

➤ **Maintaining the integrity and credibility of the process:**

It is crucial for public confidence in the NGO Committee, the ECOSOC and the UN as a whole that the NGO Committee not be seen as dismissing legitimate NGO applications solely because some States disagree with the content of their work.

States' positions on issues of sexual orientation and gender identity may vary, but all that the applicant NGOs are seeking is the opportunity to participate in the debate. Indeed, the more marginalised the human rights concerns being addressed, the more important it is that relevant NGO voices not be excluded.

In December 2006, the ECOSOC voted to grant consultative status to NGOs working in this area, notwithstanding contrary recommendations by the NGO Committee. The issues raised by the current applications are indistinguishable from those before the ECOSOC last December, and the NGOs under consideration should similarly be granted status in the interests of maintaining a fair, consistent and credible process.

The applicant NGOs play a vital role in addressing serious human rights violations, relevant to the work of the UN. They are entitled to participate in the debate. We urge ECOSOC to maintain the credibility of the process by voting against the draft recommendations of the NGO Committee and granting these NGOs consultative status.