

# **ECOSOC ACCREDITATION OF NGO ABGLT**

## ***THE IMPORTANCE OF EQUAL ACCESS & PARTICIPATION REGARDLESS OF SEXUAL ORIENTATION OR GENDER IDENTITY***

*For further information:*

John Fisher, Canadian HIV/AIDS Legal Network  
+41-79-508-3968; john@arc-international.net

### ➤ **The Issue:**

This session, the UN Economic and Social Council (ECOSOC) is due to consider a recommendation by its subsidiary NGO Committee to deny UN consultative status to the Brazilian NGO Associação Brasileira de Gays, Lésbicas e Transgêneros (ABGLT), an organization working on sexual orientation and gender identity issues.

### ➤ **The NGO: a history of credible work**

The applicant is a reliable, credible NGO of long standing, engaged in international work, and able to address significant human rights concerns of relevance to the UN in an area that is often overlooked. As the NGO Committee report makes clear, ABGLT is fully supported by its government and has met all relevant criteria:

"The observer for Brazil reaffirmed his country's support for the application for consultative status of the Associação Brasileira de Gays, Lésbicas e Transgêneros and stressed the organization's important role in advocacy and capacity-building in human rights in Brazil and in the implementation of national programmes to combat HIV/AIDS. ... Brazil believed that the organization had sufficiently answered all questions of the Committee, both in writing and orally, to prove its merits for obtaining consultative status." (E/2009/32 Part I, para. 12)

For its anti-violence work, ABGLT received a national human rights award in 2007 from the Government of Brazil.

### ➤ **No valid reason for rejections**

No valid reasons were provided for denying consultative status to ABGLT. The NGO meets all criteria in ECOSOC resolution 1996/31, which explicitly affirms the need to take into account the full diversity of non-governmental organizations. The organisation submitted a detailed application to the NGO Committee, appeared in person and responded comprehensively to all questions asked.

Speaking at the NGO Committee, the UK delegation noted that "no credible reason could be presented for refusing the organization consultative status, except that of straightforward discrimination."

The NGO Committee has now rejected more than 10 applications by NGOs working on sexual orientation and gender identity issues, thus entrenching a discriminatory pattern that brings its own practice into disrepute. The ECOSOC has had to consistently overturn these recommendations of the NGO Committee in order to uphold the integrity of its own processes and the principle of non-discrimination underpinning the UN Charter.

### ➤ **Relevance of NGO's work to the UN:**

The work of ABGLT 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. UNAIDS has highlighted the importance of working with lesbians, gays, bisexuals and transgender people on HIV prevention.

67 UN Member States have endorsed a joint statement, expressing concern at human rights violations based on sexual orientation and gender identity, and calling for action to address these issues. In the Latin American and Caribbean region, all 34 members of the Organization of American States have adopted by consensus a resolution titled "human rights, sexual orientation and gender identity".

UN High Commissioner for Human Rights Navanethem Pillay has expressed concern regarding human rights violations based on sexual orientation or gender identity. While acknowledging that these are sensitive issues, she expressed the view that common ground can be found in the growing awareness and emerging consensus that no one should be denied their human rights on any ground, and emphasized the responsibility of all States to ensure that no-one, regardless of sexual orientation or gender identity, 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 NGO is 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 each of 2006, 2007 and 2008, 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 application are indistinguishable from those before the ECOSOC in each of the past three years, and the NGO under consideration should similarly be granted status in the interests of maintaining a fair, consistent and credible process.

**The applicant NGO plays a vital role in addressing serious human rights violations, relevant to the work of the UN. Regardless of States' views on the issues it addresses, it is entitled to the same opportunity as all other NGOs to present its views and participate in the work of the UN. We urge the ECOSOC to maintain the credibility of the process by voting against the draft recommendations of the NGO Committee and by granting ABGLT consultative status.**