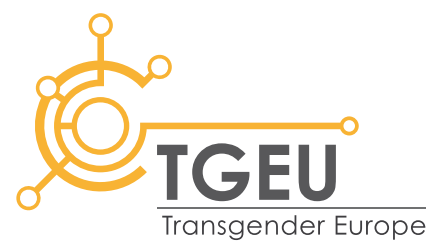




Making the UN work for you

A toolkit on UN advocacy
for trans activists

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Imprint

Author | Dodo Karsay
Editor | Daniel Moure
Date | November 2015
Design & Layout | www.bernoh.de
Copyleft | Transgender Europe

This toolkit is based on the “UN Training for Trans Activists” organised jointly by TGEU and ARC International in Geneva on 22-24 September 2015. The two organisations would like to acknowledge the participation and contributions of the 22 activists from Armenia, Bulgaria, Brazil, Croatia, Estonia, Greece, Kazakhstan, Mexico, India, Lithuania, Macedonia, Malawi, Malaysia, Pakistan, Poland, Russia, Samoa, Serbia, South Africa, Tanzania, and Turkey.

TGEU and ARC International would also like to thank the following persons and organisations for their invaluable contributions to the training event and their support in the preparation of this toolkit:

Nicolas Jonathan Beger | Mauro Cabral, GATE | Zhan Chiam, ILGA | John Fisher, Human Rights Watch | Michael van Gelderen, Office of the High Commissioner of Human Rights | Vaialia Iosua, Samoa Fa’afafine Association | Leigh Ann van der Merve, S.H.E. Feminist Collective Of Transgender Women Of Africa | Helen Nolan, ILGA | André du Plessis, ILGA | Andrés Rivera, Human Rights and Gender Identity Consultant, Consultant to the Chilean National Observatory for Human Rights and Law | Livio Zilli, International Commission of Jurists

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Foreword

Trans rights are human rights!

While this has been true for decades, it is only rather recently that trans rights have been addressed at the most prominent of all human rights institutions – the United Nations.

For years, trans rights have been neglected not only at the UN, but across the globe. Trans and gender-diverse peoples' rights continue to be violated no matter where they live. We face stigma, prejudice, social exclusion and violence almost everywhere. Since 2008 TGEU has monitored 1,933 cases of murdered trans people from 64 countries, and 21 states in Europe continue to require a trans person to be sterile in order to change their name and/or gender. At a time that a majority of states claim to value the human rights of all their citizens, their claims have to be measured against how they treat and protect their most vulnerable groups – trans and gender-diverse persons among them.

Therefore, it was high time to bring the voices of trans and gender-diverse persons themselves to the UN Human Rights Council, and to train trans and gender-diverse persons on how they can make the best use of the existing UN mechanisms to advance trans rights in their region or state.

We hope that the 22 people who attended our training, together with the many people we met at the UN, will contribute to shaping a more trans-inclusive agenda in the future. This publication intends to help activists across the globe work towards trans inclusion within the UN system and through UN mechanisms to make human rights work!

Dr Julia Ehr

Executive Director of Transgender Europe

Violations of the human rights of trans and gender-diverse people are distressingly common in all regions of the globe. These include torture, murder, disappearances, denial of the freedoms of expression and assembly, denial of refugee or asylum claims and discrimination in access to healthcare, employment, education and housing.

The United Nations is the primary international body charged with the promotion and protection of human rights, and it has numerous mechanisms for upholding this area of responsibility. In this context, the mechanisms of the UN can provide a valuable tool to focus attention on universal human rights and to bring pressure to bear on governments to live up to their promises to defend them.

Sexual orientation and gender identity are sometimes controversial in the intergovernmental processes of the UN, and some states have been actively hostile to the idea that universal rights apply to LGBTI people. However, there have also been incredible advances in recent years, thanks to the engagement of activists and the documentation/reporting of UN experts.

This guide is meant to demystify the complicated structures of the UN and provide concrete suggestions for trans activists to engage with UN mechanisms in a way that can enhance their advocacy objectives. We hope you find it useful.

Kim Vance

Executive Director of ARC International



Participants of TGEU and ARC International's UN training outside the UN Headquarters in Geneva, 24 September 2015

Introduction

The history of international advocacy on LGBTI human rights began with a focus on sexuality and sexual orientation issues in the 1970s. Trans activists have been present in the movements pursuing UN advocacy since these very early days. It has only been in more recent years, however, that attention at the UN has turned to, first, gender identity and gender expression, and then to discrimination based on a person's intersex status or sex characteristics. As a result of activist engagement and the commitment of a growing number of States and UN bodies, it has become routine for UN bodies to take up LGBT and more recently trans and intersex issues.

This work needs to continue: without sustained engagement from trans activists, UN mechanisms only learn about governments' positions, which may not necessarily reflect the lived realities of trans people on the ground. If activists continue to document and submit information on trans-specific human rights violations, the UN can flag these concerns and make recommendations to governments.

As an individual activist, informal group, or small or national NGO, you may become overwhelmed by the thought of engaging with the UN and think that you need to be an expert on the entire system to become involved. This is not the case. It is true that some international organisations pursue long-term engagement with UN processes, participating in lobby work around how human rights should be understood. For this type of advocacy, it is indeed necessary to know the workings and politics of the UN machinery in detail. However, there are ways for you to become engaged right away.

If you want to advance the human rights situation in your home country, you only need to be an expert on the violations on the ground and bring that knowledge to UN bodies. You can also reach out to several international trans, LGBTI, and other human rights organisations that can help you start your UN advocacy.

This toolkit is intended to help you start or strengthen your trans advocacy work at the UN. You will have to ask yourself: what kind of intervention do I need from the UN? This toolkit will help you find out how you can get there.

UN training for trans activists

The toolkit is based on the content of the "UN Training for Trans Activists" organised by Transgender Europe and ARC International. The training took place on 22-24 September 2015 in Geneva and brought together 22 activists from Armenia, Bulgaria, Brazil, Croatia, Estonia, Greece, Kazakhstan, Mexico, India, Lithuania, Macedonia, Malawi, Malaysia, Pakistan, Poland, Russia, Samoa, Serbia, South Africa, Tanzania, and Turkey. The first two days provided participants with an overview of the UN bodies most relevant for trans-rights advocacy, including how these bodies function, what they have done on trans issues to date, and how activists can engage them. The training also included thematic sessions on monitoring hate crimes and violence, depathologisation, and refugee protection within the UN. On the third day, the participants visited the UN during the 30th session of the Human Rights Council, and had one-on-one meetings with States. Later on the same day, some activists spoke at the side event **Trans Voices at the UN**, which was co-organised by TGEU. This toolkit aims to make the content of the training available to a broader audience.

Structure

- **Chapter One** will help you think about how to start your UN advocacy work. It describes what kind of interventions you can expect from the UN and guide you to UN bodies that can give you the intervention you need. This chapter also includes a brief description of UN actors that are most relevant for trans-rights advocacy.
- **Chapter Two** presents how you can get an urgent intervention from the UN.
- **Chapter Three** focuses on how you can influence the content of UN country reports and the recommendations UN bodies can make to your government.
- **Chapter Four** discusses thematic reports that may be relevant for trans rights and how you can ensure that your issues are flagged.
- **Chapter Five** presents in-country presence, visits and consultations and how you make most use of these.
- **Chapter Six** looks at how you can get a legal opinion from UN bodies if a judgment in your country was unsatisfactory.
- **Chapter Seven** discusses how you can influence high-level statements on trans issues, such as Joint Statements and resolutions.

Throughout the toolkit, you can also learn about some of the most useful tools you can apply in your advocacy work, including **one-on-one meetings** with States, **human rights monitoring**, **civil society submissions**, and **side events**. These tools will be explained to you in detail later in this toolkit.

I. Starting your advocacy work with the UN¹

What is the UN?

The United Nations is an intergovernmental organisation that was founded in 1945 and consists of 193 Member States. One of its aims is to promote and protect human rights worldwide. For this purpose, the UN has adopted human rights treaties and set up several UN bodies that require States to respect human rights enshrined in these treaties. The UN has two different types of bodies that monitor whether States protect human rights: some have States as their members, while others consist of independent human rights experts.

Why do UN advocacy?

You can use the UN to improve the human rights situation for trans people in your country and globally. The UN can make recommendations to governments urging them to respect trans rights. They can also clarify what they mean by trans rights and you can use these standards in your advocacy back home.

UN bodies can only do this if activists

- bring them knowledge and information about the violations that are happening on the ground
- clarify what sort of intervention, standard, or recommendation they need from the UN.

You can approach almost every UN body in regards to trans issues, but you will need to know how and when to do so. You will also need to know how they can help you and ask for interventions they can actually provide.

When starting to engage with the UN as human rights activists, the first step is to have a **“mental map” of the UN system** to understand what kind of interventions are available and which bodies can make them happen. The UN is a huge organisation that is difficult to comprehend in its entirety: focus on the mechanisms that are relevant for your trans-advocacy work.

Office of the High Commissioner for Human Rights (OHCHR)

The OHCHR is in charge of promoting and protecting the human rights of everyone everywhere. Its staff are human rights experts. The Office is responsible for supporting other UN actors, such as Treaty bodies and Special Procedures, by collecting information for them and drawing their attention to ongoing human rights violations. The OHCHR has a small staff focusing on SOGII issues. It is crucial that you keep them informed about the human rights situation in your country, as they can easily pass this information on to other UN actors. The Office can also launch its own human rights campaigns or draw attention to violations faced by trans people.²

How can the Office help your work?

- It can publish thematic reports relevant for trans rights
- It can make recommendations to States on trans issues
- It can receive urgent appeals from civil society, and if there is serious concern about individual or systemic human rights violations in a given country, it can quickly get in touch with the government
- It can raise awareness about trans issues through campaigns, public statements, and press releases
- It can support civil society organisations and activists by building their capacity
- It can also build the capacity of government actors

General Assembly (GA) and its Third Committee

The General Assembly is made up of State representatives and is in charge of decision making within the UN. It can set and update human rights standards that are directly relevant for trans rights. It meets in New York once a year sometime between September and December. The GA has various committees in charge of specific themes. Its Third Committee is the most relevant for trans issues as it covers social, humanitarian affairs, and human rights issues that affect people all over the world.³

How can the General Assembly and its Third Committee help your work?

- States sitting in the GA can issue Joint Statements to express their support of trans rights or condemn human rights violations against trans and gender-diverse people
- The GA can adopt formal declarations on SOGII issues, called resolutions⁴

Human Rights Council (HRC)

The Human Rights Council is an intergovernmental body within the UN made up of 47 States, which are elected by the GA. It is responsible for promoting and protecting human rights around the globe. It can address specific human rights violations and make recommendations to States. It meets three times a year (March, June, and September) in Geneva.⁵

How can the Human Rights Council help your work?

- States sitting in the Council can issue Joint Statements to express their support of trans rights or condemn human rights violations targeting trans and gender-diverse people
- The Council can adopt resolutions that are directly relevant for trans rights. So far it has adopted two SOGII resolutions: these required the OHCHR to write thematic reports about discrimination and violence faced by LGBTI people worldwide

Universal Periodic Review (UPR)

The UPR was created in 2006 to ensure that all States go through a review of their human rights records. Recommendations are made by States, not independent human rights experts. During the review, States declare what actions they have taken to improve the human rights situations in their countries.⁶

How can the UPR help your work?

- States can make recommendations to your country on trans issues
- Your government will have to respond to the recommendations they receive and state whether they accept them

Special Procedures (SPs)

The Special Procedures of the Human Rights Council are independent human rights experts who report on human rights topics or on particular countries. As of 27 March 2015, there are 41 thematic and 14 country mandates.⁷ Special Procedures have been one of the most effective allies in the UN system for trans and LGBTI activists. They are independent, effective, and easy to engage. Many come from an NGO background and are therefore open to input from activists.

How can Special Procedures help your work?

- They can do country visits and report on the general human rights situation or focus on a particular topic, for instance health, violence against women, or detention
- They can respond to human rights violations quickly by sending a communication to the government
- They can conduct thematic studies and convene expert consultations
- They can raise awareness through public statements and press releases, or by participating in panels or expert seminars

Treaty bodies (TBs)

The human rights Treaty bodies are committees of independent experts that monitor whether States implement their obligations under a given treaty. Each State can decide which treaties it joins. There are currently ten Treaty bodies that oversee thematic treaties, for instance on children's rights, on civil and political rights, and on discrimination against women. The members of Treaty bodies are independent and are appointed for their expertise on a given human rights topic. States elect them for fixed renewable terms of four years.⁸

How can Treaty bodies help your work?

- They can monitor whether a State is violating human rights and issue recommendations
- They can issue General Comments, which explain in detail what some of the human rights in a treaty mean exactly
- Some Treaty bodies can receive information about individual cases and can make a judgment as a national court would
- Some Treaty bodies can visit your country, meet the government and civil society, and issue recommendations for the government to improve the human rights situation

Other UN bodies

The UN also has programmes, funds, specialised agencies, and other entities. Some are in charge of thematic areas, for instance UNAIDS, the UN High Commissioner for Refugees (UNHCR), or the World Health Organization (WHO).⁹ Some have country and/or regional offices. In many countries and globally these bodies have played a role in protecting the rights of trans people. In 2015 12 agencies published a joint statement on ending violence and discrimination against LGBTI persons, and made several recommendations relevant for trans people.¹⁰

How can they help your work?

- They can publish statements and/or reports on the situation of trans people
- They can cooperate with governments and advise them on law reform and public policy
- Depending on the entity and the country/region, some bodies can support civil society groups via capacity building, others via advocacy or funding

Regional bodies

There are also regional human rights bodies, such as the Inter-American Commission on Human Rights¹¹ (IACHR), the Inter-American Court of Human Rights, the African Commission on Human and Peoples' Rights¹² (ACHPR), the African Court on Human and Peoples' Rights, or the Council of Europe (CoE) mechanisms including the Council of Europe Commissioner for Human Rights¹³ and the European Court of Human Rights¹⁴ (ECHR).¹⁵

There is no formal relationship between these bodies and the UN, though they do collaborate between each other and with the UN, and you often see that their language is reflective of each other. For instance, the language of UN treaties or declarations has often been adapted in regional instruments. The structure of the regional bodies is also somewhat similar. For instance, the ACHPR and IACHR also have Special Rapporteurs.

What can I get out of UN advocacy?



General tips to make your advocacy stronger

1. Know if the UN is the right tool for you!

If your government wants to protect human rights standards, having the UN remind them of their obligations and make specific recommendations will definitely help your advocacy. You may however come from a country that disregards UN standards, in which case you may find that UN work is not very useful for you. It may be more strategic for you to engage with **regional human rights mechanisms**, or to just work at the national level.

2. Ask for support from others!

International trans, LGBTI, and other human rights organisations as well as the **OHCHR** are committed to supporting local NGOs in submitting civil society input or establishing contacts within the UN system. Reach out to them, and build on their experience and expertise! Keep them informed about your advocacy actions so they know when and how they can support your work at the UN. Some may also be able to provide funds for trans activists to come to Geneva and engage with the relevant bodies in person.

Trans and LGBTI organisations you can reach out to:

ARC International ▶ arc@arc-international.net

GATE ▶ gate@transactivist.org

RFSL ▶ personal.internationella@rfs.se

ILGA ▶ unsupport@ilga.org (UPR) and

▶ untreaties@ilga.org (Treaty bodies)

COC Netherlands ▶ info@coc.nl

OutRight Action International ▶ hello@outrightinternational.org

OHCHR ▶ LGBTHumanRights@un.org, civilsociety@ohchr.org;

InfoDesk@ohchr.org

3. Know who your government listens to!

You will always need to know **who your government listens to** and who can influence them. For instance, some activists and NGOs only work with **Treaty bodies**, because their State is more responsive to them. If your country has not ratified many treaties, you can still focus on the **Universal Periodic Review** and/or participate in special **thematic sessions and processes**, for instance on HIV/AIDS.

4. Always follow up!

Having your issues flagged by the UN and getting the recommendations you wanted should be a **starting point**. Use references and recommendations for your advocacy back home so they are implemented.

5. Use the media!

When a UN body talks about violations against trans people in your country and/or makes recommendations, make sure to alert the media. UN reports will have no effect if no one knows about them in your country. It is your task to use UN references at the national level: write a press release, hold a press conference, or give an interview. Media attention is a very effective tool to maintain pressure on your government to better protect human rights.

6. Help the UN use the right terminology!

Do not expect every UN body to be an expert on trans issues – give them the support they may need to be good allies. If you share information in a format that UN bodies can easily adopt in their reports, they will most likely do so. This will help you change **the language on trans rights** and also directly influence what the UN recommends to your government.

7. Recycle your submissions!

You can also recycle the information you used for one mechanism and share it with others. Do not forget, however, that each body has its own clear-cut mandate and can only comment on issues that fall under it. This means that you will always have to tailor your submissions to the body you are engaging with.

8. Reference UN bodies to each other!

Your submissions should always reference what other UN bodies have said on the issues you are raising, so that these mechanisms reinforce each other's standards. For instance, if the Human Rights Committee made a recommendation to your government, cite that in your UPR submission. The greater the number of bodies that speak out on your issues, the more effective your advocacy work will be.

9. Safety comes first: stay anonymous if you need to!

While engagement with the UN can be an important asset to your advocacy work at the national level, keep in mind that the UN will not be able to offer you protection. Your government may want to punish you for talking about the violations it commits.

- UN language: Such punishments can include threats or attacks and are called **reprisals**.

While you must usually submit information to the UN with your name or your group's name, you can also submit information anonymously or have private meetings with mandate holders. Consider these options before your engagement.

I Resources

Front Line Defenders: Protection Manual for Human Rights Defenders ▶ <https://www.frontlinedefenders.org/manuals/protection>

Front Line Defenders: Digital Security and Privacy for Human Rights Defenders ▶ <https://www.frontlinedefenders.org/eseaman/>

OSCE: Guidelines on the Protection of Human Rights Defenders ▶ <http://www.osce.org/odihr/119633?download=true>

Organisations to turn to for emergency support:

Front Line Defenders ▶ <https://www.frontlinedefenders.org/>

Urgent Action Fund ▶ <http://urgentactionfund.org/>

The Fund for Human Rights ▶ <http://globalhumanrights.org/>

Freedom House ▶ <https://freedomhouse.org/>

The UN has a Special Rapporteur on Human Rights Defenders that you can alert about abuses trans activists face in your country ▶ <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>.

What are the key differences between UN bodies that regularly review human rights?¹⁶

| | Universal Periodic Review (UPR) | Special Procedures (SPs) | Treaty bodies (TBs) |
|--|--|---|--|
| What kind of review is it? | Countries: The UPR reviews the human rights record of countries. | Countries/topics: SPs either review the human rights situation in a country or focus on human rights themes as part of a general overview. | Countries: Treaty bodies review how a State has implemented its obligations under treaties it has ratified. |
| Who makes the recommendations? | States: States make recommendations to each other. | Experts: An expert or small group of experts makes recommendations to States. | Experts: A committee of experts makes recommendations to States. |
| Which human rights are covered? | All: All human rights are covered by the UPR. | Some: SPs focus on either countries or specific topics. | Some: Treaty bodies focus only on those rights that are covered by their respective treaty. |
| Are there country visits? | No: There are no country visits in the UPR process. | Yes: SPs can go on country visits, but only if the State has allowed them to do so. | Yes: Some TBs can visit countries, e.g. Subcommittee on Prevention of Torture. |
| How frequent is the review? | Every 4 years | Each SP publishes one or two reports per year on their country or topic. They can also issue urgent communications during the year, if there are serious human rights violations occurring in a country. | Varies: States are reviewed roughly every 4 years, but usually less frequently. |
| Which countries are covered? | All | Some: All States can be examined by SPs, but States can decide whether to invite SPs to undertake country visits. | Some: Only those countries that have ratified a given treaty are reviewed by a TB. |
| How authoritative are the recommendations? | Political: UPR recommendations are always political because States review each other. They are often quite vague. | Expert: The recommendations are made by independent legal experts, which makes them quite authoritative. The recommendations are not binding, which means that States are only encouraged to implement them. | Authoritative: TB recommendations are authoritative, which means that States are expected to implement them. The recommendations are usually very legal and specific. |

Should I engage with the UN or regional bodies?

When pursuing human rights advocacy, you can engage with national, regional, or international bodies. Some groups only engage with regional bodies, because their governments are more receptive of their recommendations. Others focus on UN work, because their regional bodies are reluctant to address SOGII issues. In Asia, where there is no overall regional mechanism to work with, organisations may prefer to engage with the UN.

In the context of Latin America, it sometimes makes more sense to engage with the IACHR as its standards are often more progressive than those of the UN. The IACHR also has its own Rapporteurship on the Rights of LGBTI Persons ► <http://www.oas.org/en/iachr/lgtbi/>.

Tip | Make sure to always try to work with your own government before turning to regional or international bodies.

| Example

When Namibia was reviewed during its UPR in 2011 and civil society submitted a shadow report, the government called them out on never having brought these issues to them directly. NGOs responded by saying that they had been trying to set up a meeting with the government for years, but to no avail. This interaction eventually opened doors, and there is now regular consultation between the State and civil society.

II. Fast response to a human rights violation

Most UN bodies need ample amount of time to make an observation or a recommendation about human rights violations in a country. There may be instances when you need an urgent intervention from the UN, for instance if a trans person has been murdered or attacked and the authorities are not investigating or prosecuting the alleged perpetrators or providing support or remedy to the victim; when there is serious concern that trans prisoners are currently being abused in a detention centre; or when a legislative reform is coming up for a vote and you fear the result may violate trans rights.

If you need an urgent intervention from the UN, there are two bodies that you can reach out to:

- **Special Procedures**
- **OHCHR**

Special Procedures¹⁷

You can send a request for an **urgent appeal** to Special Procedures to ask for a swift intervention. You can send your communication to a central UN email address, which will ensure that all the Special Procedures mandate holders will receive it. On the basis of their mandate, they will then decide which one of them will take up your issue and send a letter to your government. Making a submission is quite easy and not as bureaucratic as you may think.

- **UN language:** Letters sent by Special Procedures to your government are called communications, and are either **letters of allegations (not urgent)** or **urgent appeals (in urgent cases)**.

You will need to send them the following information:

1. Who are the victims?
2. Who are the perpetrators? (If known)
3. Who is submitting the information?
4. What happened/is happening/is about to happen? When? Where?

For more information you can consult this website ► <http://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx>.

- Send your communication to urgent-action@ohchr.org, or by postal mail to: OHCHR-UNOG, 8-14 Avenue de la Paix, 1211 Geneva 10, Switzerland

Tip | It is important when sending a request for an urgent appeal, to also alert the OHCHR team working on the rights of LGBT and intersex persons, and organisations working in Geneva on the rights of LGBTI persons (e.g. ARC, ILGA, GATE) who can help ensure that your request is given due consideration, as there are many hundreds of requests received and the Special Procedures do not have the staff capacity to handle all requests.

Juan Méndez, Special Rapporteur on Torture, Cruel, Inhuman or Degrading Treatment or Punishment. Source: UN Photo | Rick Bajornas

What are Special Procedures?

Special Procedures are independent human rights experts who report on human rights from a thematic or country-specific perspective. On the basis of the reports they produce, the Human Rights Council may take action on human rights violations, including by adopting resolutions.

Special Procedures include individuals (**Special Rapporteurs** or **Independent Experts**), and **Working Groups** of five people, each of whom comes from a different region. Special Procedures are not paid, but they have a support staff provided by the UN.

Examples

- *Working Group on Arbitrary Detention*
- *Special Rapporteur on the right to health*
- *Independent expert on human rights and international solidarity*

You can find a list of all Special Procedures here ► <http://www.ohchr.org/EN/HRBodies/SP/Pages/Currentmandateholders.aspx>.

Many Special Procedures have been discussing trans rights in the past decade, and those who have not would probably also be open to doing so. It is more common that Special Procedures are uninformed than hostile – your task is to provide them with civil society input.

The mandate of Special Procedures is usually for three years. You may have someone very engaged and committed to working on trans issues, but their successor may not be that interested and may even be hostile.

Tip | Special Procedures receive a lot of information from civil society and are understaffed. You are more likely to get a response if you follow up and are persistent.



Tip | You can engage with them from afar and do not have to come to Geneva.

Tip | There is no specific timeframe for submitting information to Special Procedures, and you do not have to exhaust the domestic remedies beforehand.

Tip | If you develop a good relationship with Special Procedures and/or their staff, you can keep in touch by email and continue to send updates on the situation.

The Special Procedures are very receptive to civil society input so they can make accurate reports. However as they depend on the Council for their mandates and are very aware of the **political environment**, some will be very careful about how they phrase their report to the Council or how harshly they criticise a State. Their approach varies: some may choose to raise some more sensitive issues bilaterally with States, so it is worth engaging with them.

Resources

ARC International: Guide to Working with Special Rapporteurs ► <http://arc-international.net/wp-content/uploads/2011/08/ARC-Special-Procedures-Guide-2015.pdf>
Outright Action International: Special Procedures References to Sexual Orientation and Gender Identity ► https://www.outrightinternational.org/sites/default/files/UN_Special_Procedures_RefSOGI.pdf

Example (This example contains explicit descriptions of physical and sexual abuse)

“1076. On 10 May 2007 the Special Representative [on the situation of human rights defenders] sent a letter of allegations to the Government concerning Ms Subhajit Dey, a transgender Peer Educator at the AIDS Prevention and Control Society, West Bengal State. [...]

1077. According to information received, on 24 April 2007, at approximately 22:45, Ms Dey, along with an outreach client, were entering Sealdah train station in Calcutta when they were accosted by two plain-clothes police officers [...]. The police officers allegedly attempted to persuade Ms Dey to meet them in a secluded part of the station. However, when Ms Dey and her companion refused, they were forcefully brought to the nearby police station. The police officers proceeded to beat Ms Dey and the outreach client outside the police station when the latter managed to escape.

1078. According to reports, Ms Dey was then brought inside the police station where she was met by 8 to 9 police officers, the majority of whom were in civilian clothing. The officers accused Ms Dey of being a criminal before subjecting her to a barrage of verbal abuse and sexual assault. After her ordeal, Ms Dey was permitted to leave the police station on the condition that she would never return to Sealdah again. Concern was expressed that the aforementioned events may be directly related to Ms Subhajit Dey’s work in the defence of human rights in India, in particular her work defending the rights of those marginalised because of their sexual orientation in the country

1079. In a letter dated 20 November 2007, the Permanent Mission of India in Geneva responded to the above communication, stating that no FIR/complaint had been lodged by Ms Dey or on her behalf. However, an enquiry had been conducted by the Office of the Superintendent of Police, Government Railway Police, Sealdah, which established the allegation of misbehaviour by two police officers; namely Mr Soumen Nandi and Mr Ranjit Mondal. Consequently, departmental action against both officers was being initiated”.¹⁸ **Special Representative on the situation of human rights defenders on the letter of allegations in the case of Ms Subhajit Dey, India, 2008**

Example

“While acknowledging once again that the Gender Recognition Bill (Number 116 of 2014) is a positive attempt to provide access to legal gender recognition for transgender people, concern is expressed about provisions requesting mandatory medical certification and a single marital status, as well as the disproportionate safeguards applied to children under the scope of the bill. It is deemed that such provisions may perpetuate stigma and discrimination towards transgender people, and that such requirements could be disproportionate and unnecessarily restrict the right of transgender and intersex adults and children to the enjoyment of the highest attainable standards of physical and mental health, as well as their rights to privacy, equality before the law, and education

[...] In connection with the above alleged facts and concerns, please refer to the Reference to international law Annex attached to this letter, which cites international human rights instruments and standards relevant to these allegations.

[...] While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any persons responsible for the alleged violations.”¹⁹ **Working Group on discrimination against women and the Special Rapporteur on health to Ireland, 2015**

OHCHR²⁰

OHCHR can also receive urgent appeals from activists and send communications to States about individual or systemic human rights violations. It can publish public statements that condemn these abuses and call on the State to take action. It can also raise concerns with governments privately, if this is expected to be more effective.

- ▶ Send your communication to ▶ civilsociety@ohchr.org, or contact OHCHR by telephone at +41 22 917 9656. You can contact OHCHR's unit on LGBTI issues via ▶ LGBTHumanRights@un.org.

What is the OHCHR?

OHCHR is the UN body responsible for spearheading the human rights objectives of the entire organisation. This means that its duty is to help promote and protect the human rights of everyone everywhere. The Office was established in 1993 and is headed by the **High Commissioner for Human Rights**. The current High Commissioner, **Prince Zeid Ra'ad Zeid al-Hussein** of Jordan, was appointed in 2014, following **Navanethem (Navi) Pillay** (2008-2014).

OHCHR is based in Geneva, but it has 64 field presences and regional offices that you can engage with. For more information, see Chapter VI.

The Office has placed increasing emphasis on SOGII issues in recent years and a great number of its activities are relevant for trans activists. For more information, see the OHCHR website on combatting discrimination based on sexual orientation and gender identity ▶ <http://www.ohchr.org/EN/issues/Discrimination/Pages/LGBT.aspx>

For more information, consult this OHCHR website ▶ <http://www.ohchr.org/EN/AboutUs/Pages/ContactUs.aspx>

The Office can **publish statements** and publicly condemn violent attacks against trans people and human rights defenders. It can also call for an investigation and the prosecution of perpetrators.

The Office receives a lot of information about cases from NGOs and does not have the capacity to react to each and every attack. It tries to speak out about enough emblematic cases so discussion is created about patterns of violence.

Tip | OHCHR may not be able make a statement about each case, but it is crucial that you keep them informed.



Zeid Ra'ad Zeid al-Hussein, United Nations High Commissioner for Human Rights. Source: OHCHR

Example

"We are deeply concerned by recent attacks, discriminatory treatment and incitement to violence against lesbian, gay, bisexual and transgender (LGBT) people in Turkey. In the past two weeks alone, reported incidents include the appearance of posters in Ankara encouraging the murder of LGBT people; a violent homophobic attack against a group of young gay men in Istanbul; as well as rape, assault and robbery against Kemal Ördök, a human rights defender and founder of the Red Umbrella Sexual Health and Human Rights Association. We are further concerned about allegations that in the last case, police officers trivialised the attack, used discriminatory language, tried to dissuade the victim from filing a complaint, and did not provide protection from additional threats by the alleged perpetrators. [...]"

It is critical for authorities to prevent impunity for these human rights violations through prompt, effective, independent and impartial investigations and prosecution in line with fair trial norms and standards. [...] The UN Human Rights Office stands ready to support efforts to this end".²¹ OHCHR press briefing note on Turkey, 2015

III. Reports and recommendations on your country

There are a number of UN bodies that focus on regularly reviewing States to see if they violate human rights. During these reviews, they collect information from the government, other UN bodies, and civil society. At the end of the review process, they write a summary report and formulate recommendations to the government on how it can do a better job. If you think these interventions could be useful for advancing trans rights in your country, consider:

- the **Universal Periodic Review**, or
- **Treaty bodies**.

Keep in mind that Treaty bodies focus on specific human rights treaties, for instance treaties on civil and political rights, freedom from torture, or children's rights. Their recommendations are quite concrete and also have a lot of authority, which means that they create pressure on States to implement them, though different States take different approaches to these recommendations. The UPR is a much more general review, and its recommendations are not legally binding. However, the UPR usually receives much more **media attention**, because it consists of States making recommendations to each other: the media is more intrigued by what the US said to China in the UPR than what an expert said on torture.

Universal Periodic Review (UPR)²²

The UPR is a good tool for you if your government is reluctant to ratify treaties: every single UN State is examined by the UPR regardless of how many treaties it is a party to. The UPR is a general overview of your country's human rights situation. All human rights are examined during the UPR, so there is much less space for in-depth discussions about violations. This means that you should expect recommendations that are quite general.

What is the UPR?

The UPR was set up by the Human Rights Council in 2006. It was designed to respond to criticism that some countries were receiving a lot of criticism, while more politically influential States escaped scrutiny. The ultimate aim of this mechanism is to improve the human rights situation in all countries and address human rights violations wherever they occur.

The UPR therefore ensures that the human rights records of all 193 Member States will be reviewed regularly. Each State is reviewed every four years.

The review is peer-to-peer, meaning that States are reviewing States. The process is therefore very much guided by politics.

For more information ▶ <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

Resources

ARC International: Guide to the UPR ▶ http://arc-international.net/global-advocacy/universal-periodic-review/upr-guide_en/

OHCHR: A Practical Guide for Civil Society: Universal Periodic Review ▶ <http://www.ohchr.org/EN/HRBodies/UPR/Documents/PracticalGuideCivilSociety.pdf>

UPR-Info: Beyond Promises – The Impact of the UPR on the Ground ▶ http://www.upr-info.org/sites/default/files/general-document/pdf/2014_beyond_promises.pdf

Outright Action International: Universal Periodic Review Conclusions and/or Recommendations Related to Sexual Orientation and Gender Identity ▶ https://www.outrightinternational.org/sites/default/files/UPR_RefSOGI.pdf

The UPR is relatively **easy to engage with**, which makes it quite accessible for NGOs. The review is regular, so you can plan your engagement well ahead of time and incorporate it successfully into domestic advocacy.

How can you influence the UPR process?

1. Submit your report!

Every stakeholder sends a report to the UN at the beginning of the review process: the government, UN bodies, regional bodies, national human rights institutions, and civil society. The reports are due at the same time, so you will not see the State report before you make your submission. Some States ask civil society to incorporate their input into the state report, but NGOs can also make their own standalone or joint civil society submission.

▶ Upload your submission on the UPR website ▶ <http://uprdoc.ohchr.org>. You must first register an account, which is easy and quick to do. If your organisation sends its own report, the length can be max. 5 pages. Coalition reports can be ten pages long.

▪ UN language: Reports sent by NGOs are called **shadow reports** or **parallel reports**.

Example

“9. [...] Many transwomen in the Philippines are forced in illegal activities like prostitution to survive. Others revert back to niche industries that traditionally employ them such as the entertainment, fashion and beauty salon industries in spite of holding college degrees that over qualify them for such work. Some who are able to secure jobs in call centers, considered the country's sunshine industry, do so to the detriment of their gender identity and expression. Many call centers have no-crossdressing policies that target only transgender women and forbid transwomen employees from accessing the facilities of the gender they identify as (e.g., female toilets, changing rooms, etc.). There are some call centers that have, in fact, blatant discriminatory policies and explicitly do not hire transwomen applicants. [...]

Recommendation: For the government to commission research on the impact of discrimination on minority populations including sex and gender diverse Filipinos".²³ *Submission of the Society of Transsexual Women of the Philippines (STRAP) for the UPR review of the Philippines, 2012*

2. Check if any other reports have discussed gender identity and sexual orientation issues!

OHCHR will compile excerpts from the UN and other stakeholder reports to facilitate the UPR process. In total, three reports will be compiled: State, OHCHR, other stakeholders. You should be aware of the references to trans and LGBTI issues in all of these reports.

Resource

ARC-International collects this information during each UPR review. You can search their database by countries here ► <http://arc-international.net/global-advocacy/universal-periodic-review/>. For more resources on the UPR, see Annex II.

3. Tell the UN what recommendations you want!

You can approach countries that are expected to enter into dialogue with your State and/or that have a strong record in asking States trans or LGBTI specific questions. Make sure to highlight your key concerns and suggest recommendations they could make to your government. You can do all of this via email, so you do not have to travel to Geneva. If you are based in Geneva, you can have one-on-one meetings with States.

Participants of TGEU and ARC International's UN training at a one-on-one meeting with the Permanent Mission of Australia, 30th session of the Human Rights Council, 24 September 2015



4. Attend the UPR Pre-session on your country!

One month before each review, UPR-Info will organize a so-called Pre-session in Geneva to bring together States, NHRIs, and NGOs to discuss the human rights situation in the countries examined. You can use this meeting to inform States about the extent your country has implemented recommendations from its previous review and to influence the UPR process by lobbying several delegations at once.

Tip: You will have to check with UPR-Info if your country will be discussed at the Pre-session. You will also have to apply in order to participate and secure funds yourself to travel to Geneva.

► For more information see ► <http://www.upr-info.org/en/upr-process/pre-sessions> or email UPR-info directly at ► presessions@upr-info.org.

5. Check what recommendations were made and encourage your government to accept them!

The Working Group in charge of reviewing your State will meet in Geneva to discuss the country situation. The three-hour review is based on the three reports that were submitted. NGOs cannot speak during this session, but those with ECOSOC status can be present to observe, and they can also organise informal meetings with States.

What is ECOSOC status?

If your organisation wants to submit information or speak at the UN frequently, it should consider applying for ECOSOC status at ECOSOC's Committee on NGOs ► <http://www.un.org/en/ecosoc/>. The application is open to national NGOs as well. ECOSOC status makes it easier for NGOs to enter UN premises, organise side events, and speak. It also increases the credibility and prestige of an organisation.

There are currently 4,186 NGOs in active consultative status. For a long time, LGBT groups had a hard struggle getting accreditation, and to date very few Global South organisations have received it. See the full list of NGOs with ECOSOC status here ► <http://csonet.org/>.

It is possible to participate in some UN processes without accreditation, but you often have to use the voice of the group that does have status – for instance, you need them to register you if you want to enter UN premises in Geneva or New York.

Tool One | One-On-One Meetings With States

Keep in mind that the Mission representatives you will be meeting with focus on foreign affairs and are not responsible for or mandated to work on internal matters in their own country. You should focus on getting information about how the State engages with SOGII issues at the international level, and you can try to have it commit to supporting your cause.

Tip | International NGOs can help you establish contacts with representatives of Missions.

- Take such meetings as an opportunity to enter the game. The aim is to open doors.
- Know what you want to get out of the meeting and tailor your messages accordingly.
- Do not expect too many concrete commitments: diplomats will be friendly and polite, but they will most likely not commit to any concrete steps.
- You should always record the meeting by writing a short summary of who you met and the key points of the discussion.
- Exchange contact details and follow up after the meeting in an email in which you summarise the key points and offer further support.
- Once you have established personal contacts, it will be much easier to follow up or get in touch later.



Participants of TGEU and ARC International's UN training at a one-on-one meeting with the Permanent Mission of Brazil, 30th session of the Human Rights Council, 24 September 2015

Useful speaking points for meetings with missions General

- Start from the basics: diplomats may not know much about trans rights. Introduce yourself as a human rights advocate working on gender identity and gender expression and state that you would like to have a discussion with them on these issues. Ask them if they are familiar with trans issues and if they would like you to give them a brief overview of the key issues. Make sure they understand the context, the key terms, and the main issues you are highlighting.
- Share what the priority issues are for you and ask what issues are important for them. Ask them how they can make sure that the human rights of trans people are respected in their priority areas.
- Ask them about the situation at the national level: it is useful if they have the space to talk about the good things they are doing.
- Ask what trans organisations and individuals they usually consult. Advocate for better engagement with trans activists.

Friendly States

- Thank them for their engagement at the international level. You are focusing on the UN level, so this is important even if they do not do such a good job domestically.
- Ask them about what challenges they face when supporting the rights of trans people at the UN.
- Be ready to answer questions, especially on what you need them to do at the UN to advance trans rights.
- Find out if their government can financially support trans organisations to engage in Geneva.
- Ask them to engage with trans activists directly and distinctly from LGB and intersex organisations.
- Ask them to make trans- or gender identity- and gender expression specific recommendations during UPR reviews.
- Ask them which countries they could speak to bilaterally and encourage them to raise trans issues with them.

Less friendly States

- Ask them how you or local trans organisations can best engage with their government back home.
- Be careful with Global South vs. Global North dynamics. You do not necessarily want European advocates telling Uganda how to amend its national legislation.
- Acknowledge that many Western countries also have poor human rights records when it comes to trans issues. Explain that diverse gender identities and gender expressions are present in all regions and cultures and that they often have distinct traditions, cultures and societal structures. Make the point that the resolutions were not supported or tabled by Global North States.
- Encourage them to engage with trans issues distinctly from LGBTI issues.
- Ask them to take a public stand that all people should be free from violence and the worst forms of discrimination. They may be willing to speak out if you put the threshold quite low.
- Ask them what are the blockages at UN fora that prevent them from being more vocal in supporting trans rights.

Once the recommendations are out, you can join other NGOs and lobby your government to accept them. This is the phase where you can really have an influence! Before the final UPR report is adopted, your government will have to indicate which recommendations it accepts, rejects, or will further consider.

| Example

*“Fight discrimination against LGBT persons both in law and in practice, as it impacts on the possibilities of education, justice and access to health services, with emphasis on the difficulties faced by transgender people – **Noted**” Recommendation to Costa Rica by Uruguay, 2014²⁴*

*“Take concrete measures to end discrimination and counter stigmatization of marginalised groups, including minorities and lesbian, gay, bisexual, transgender and intersex persons – **Accepted**” Recommendation to Fiji by Germany, 2015²⁵*

6. Speak up in Geneva!

When your country’s UPR report is adopted in Geneva, you have the opportunity to speak at the session (two minutes each). Your speech will not change the recommendations at this point, but this is still an important space to draw attention to trans issues. You can critique or commend the government and offer it support on certain recommendations. If your group does not have a budget to attend the session, you can ask the UN if you can send a video statement. You can also contact international NGOs and ask if they can cover your costs.

| Example

“The situation regarding health care for transgender people in the Netherlands is troublesome: many experience discrimination and non-recognition in health care. Additionally, long waiting lists limiting access to specific transgender health care have a negative impact on their well-being. We encourage that more research is done and attention be provided for the health needs of transgender people”. Joint Statement on behalf of COC Netherlands, Transgender Network Netherlands and ILGA-Europe, 2012²⁶

You can watch a video of ILGA-Europe’s speech on the situation of trans people in Poland here ► <http://bit.ly/1lawqku.6>²⁷

| Resources

ARC compiles a report on the outcome of each session that you can find on its website ► <http://arc-international.net/>.

7. Follow up!

The most important part of your UPR advocacy work will be to use your country’s trans-specific UPR recommendations and urge the government to implement them. You should follow up on all recommendations relevant for trans issues, not just the ones that were accepted.

| Example

Mozambique rejected all of its SOGII recommendations. Following the review, local civil society groups pursued advocacy with the government and their efforts resulted in the implementation of critical SOGII recommendations, such as the removal of the law on “vices against nature”, which resulted in the decriminalisation of same-sex relations.

8. Track your government’s progress!

Each State must submit a mid-term report summarising how much progress it has made in implementing its UPR recommendations. You cannot submit a parallel report at this time, but you can work with the State on what it includes in its own.

9. Start again!

Your State is reviewed by the UPR roughly every four years. When you restart this advocacy cycle, make sure to reference the trans-related recommendations your State received during its previous UPR review and submit information about how effectively the government has implemented them.

| Resources

UPR website ► <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

UPR Info ► <http://www.upr-info.org/en>

UPR-Info is a Geneva-based NGO that stores all the general information you may need about the UPR. It also supports NGOs that want to engage with the UPR. For SOGII-specific resources, see the following:

ILGA ► <http://ilga.org/what-we-do/united-nations/upr/>

ARC ► <http://arc-international.net/global-advocacy/universal-periodic-review/>

COC Netherlands ► <http://www.coc.nl/engels>

Tool Two | Side Events

You can organise a side event at UPR or Treaty body sessions to highlight specific human rights violations that are relevant for the ongoing session and/or State review. Side events can only be hosted by NGOs with ECOSOC status, so you may have to ask an organisation to co-host the event with you.

Side events are most effective if they generate a lot of attention and discussion. Make sure to advertise your event as widely as possible: invite UN mandate holders, State representatives, and civil society organisations. Inform the press.

Renowned speakers will be more likely to attract an audience. The panellists can include victims or survivors of abuse, Special Procedures or members of Treaty bodies, local activists, and representatives of international NGOs.

| Example

*On 24 September 2015, TGEU co-organised a side event **Trans Voices at the UN** during the 30th session of the Human Rights Council. The side event featured Carla LaGata (TGEU), Leigh Ann van der Merwe (S.H.E. Feminist Collective Of Transgender Women Of Africa – South Africa), Mauro Cabral (GATE), and Vaialia Iosua (Samoa Fa'afafine Association – Samoa) as panellists. The speakers presented the situation of trans people in their countries, focusing on access to gender recognition and healthcare in Argentina, the successful decriminalisation of female impersonation in Samoa, violence against trans women in South Africa, and a general overview of violence against trans people worldwide, including transphobic murders.*

In the Questions and Answers section, a number of States, including South Africa and Brazil, reaffirmed their commitment to flagging SOGII issues at the UN. The representatives of both Missions also acknowledged that there was still a lot progress to be made at the national level, including monitoring hate crimes against trans people.



Tool Three | Monitoring Human Rights Violations²⁸

Monitoring means that you gather information about human rights violations over a certain period of time or in a particular region. Monitoring is a very important tool for your advocacy work, because UN bodies will need credible, reliable, and evidence-based information from you.

| Example

In collaboration with local civil society partners, TGEU has been monitoring homicides against trans and gender-diverse people since 2008. TGEU has documented a total of 1,933 reported murders of trans people in 64 countries worldwide from 1 January 2008 to 30 September 2015.²⁹

Monitoring violence and hate crimes against trans people is important, because the majority of these incidents remain unreported and invisible, resulting in a lack of possibilities for prevention, protection, legislative change, and awareness raising.

► Report cases to TGEU!

Email ► research@transrespect.org

Website ► www.transrespect.org

What information should you document?

- Information about the **survivors or victims**: aspects of their identity, name, age, race/ethnicity, profession, etc.
- Information about the **incident**: type of incident, date, time, place, context, cause of death, etc.
- Information about the **perpetrators**: identity, age, number, identifiers, etc.
- Information about **follow-up** to the incident: reporting to police, treatment by police, community action, prosecution of the perpetrators, court case, media reports.

You will also need to document **indicators of transphobic motives**. This is crucial, but can be quite challenging. While a survivor can explain why the attack was transphobic, in a murder case you can only rely on news reporting. Indicators may include:

- The perpetrators' remarks, transphobic language used
- Objects, items, or notes left at the scene, including on the victim's body, that suggest the crime was the work of an organised hate group or committed on the basis of transphobic bias
- Specific circumstances of the incident: the degree of violence, genital mutilation, undressing of the victims, or public humiliation
- Incidents preceding the attack
- Trans panic defence argumentation: if the perpetrator claimed, for instance at the police station or in court, that they acted in self-defence after finding out that the person they engaged with was a trans person

Treaty bodies³⁰

You will find Treaty body reports a useful tool for your work if you need detailed recommendations about an issue. A Treaty body review is much more detailed because the body is dedicated to one particular topic that can be explored in depth. The reviews usually last at least six hours in most cases, so there is time for the Committee Members to go into a lengthy discussion of the issues. The resulting recommendations can focus on the particular language in a law, for example. They can be very useful in meetings with the government or other national agencies in your country. These recommendations are authoritative, which means that your government is expected to implement them, though different governments will have different approaches to Treaty body recommendations.

Do not forget that a Treaty body can only consider your country if it ratified the given treaty, and it can only examine violations that fall under its **mandate**. For instance, the Committee on the Rights of the Child will only consider information from you if it is directly about children's rights. Each treaty consists of articles that describe a right, for instance the right to privacy and freedom from torture and ill-treatment. You will have to convince each Committee that the abuses that happen in your country violate the rights that are in its treaty.

What are Treaty bodies?

Treaty bodies are made up of independent experts whose task is to monitor whether the State is violating human rights enshrined in specific treaties. They can only review States that have ratified the given treaty. During each review, the Treaty body publishes a report and makes recommendations, also called concluding observations, to the State.

Resources

ISHR: Simple Guide to the UN Treaty Bodies ► <http://www.ishr.ch/sites/default/files/article/files/ISHR%20Simple%20Guide%20to%20the%20UN%20Treaty%20Bodies.pdf>

Outright Action International: UN Treaty-based Bodies – Concluding Observations, General Recommendations and General Comments Related to Sexual Orientation and Gender Identity ► https://www.outrightinternational.org/sites/default/files/UNTreaty_Bodies_RefSOGI.pdf

ICJ: Sexual Orientation and Gender Identity in International Human Rights Law – The ICJ UN Compilation ► http://icj.wppengine.netdna-cdn.com/wp-content/uploads/2013/06/SOGI-UN-Compil_electronic-version.pdf

ICJ: UN SOGI References Database ► <http://www.icj.org/advanced-search-for-sogi-un-database/>

There are currently ten Treaty bodies. Some of them are thematic (e.g. torture, civil and political rights), some focus on specific groups (e.g. children, women, persons

with disabilities). To see the full list of Treaty bodies, go to the UN website ► <http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>

You can find out which treaties your State has ratified here ► <http://indicators.ohchr.org/>.

The ones most relevant for trans rights are the following:

- Human Rights Committee – on **civil and political Rights (CCPR/HRCtte)**
- Committee on **Economic, Social and Cultural Rights (CESCR)**
- Committee on Elimination of **Racial Discrimination (CERD)**
- Committee on the Elimination of Discrimination against **Women (CEDAW)**
- Committee against **Torture (CAT)**
- Subcommittee on Prevention of **Torture (SPT)**
- Committee on the Rights of the **Child (CRC)**
- Committee on the Rights of **Persons with Disabilities (CRPD)**

Tip | For more resources on each of these Treaty bodies, see Annex II.

Tip | There are NGOs that specialise in supporting activists in submitting information to these bodies and/or coming to sessions. Reach out to them!

- **CCPR/HRCtte** | Centre for Civil and Political Rights ► <http://ccprcentre.org/>
- **CERD** | The International Movement against all Forms of Discrimination and Racism ► <http://imadr.org/>
- **CEDAW** | International Womens' Rights Action Watch Asia Pacific ► <http://www.iwraw-ap.org/>
- **CRC** | Child Rights Connect ► <http://www.childrightsconnect.org/>
- **CRPD** | International Disability Alliance ► <http://www.internationaldisabilityalliance.org/en>

Treaty body members are usually very receptive to input from NGOs. However, within each Treaty body members will have varying degrees of expertise regarding, engagement with, and openness to learning about trans issues. Gender identity and trans references have been very much underrepresented in Treaty body jurisprudence so far, much more so than sexual orientation.

Tip | Every time you are engaging with a Committee, keep in mind that you are lobbying individuals. Ultimately, it is the Members you will have to convince to take up your issues.

Tip | If you submit information to Treaty body sessions, make sure that your analysis of the issues and recommendations are easy to copy and paste. They are often fully taken on board by a Committee.

Are trans rights included in UN treaties?

Yogyakarta Principles

The Yogyakarta Principles were adopted in 2006 by a group of distinguished human rights experts. The Principles state that all of the existing UN human rights treaties cover the rights of LGBTI persons already. The Principles are an established source that you are encouraged to use in your advocacy. You can read the whole document here ► <http://www.yogyakartaprinciples.org/>.

| Example

“Principle 6. The Right To Privacy

Everyone, regardless of sexual orientation or gender identity, is entitled to the enjoyment of privacy without arbitrary or unlawful interference, including with regard to their family, home or correspondence as well as to protection from unlawful attacks on their honour and reputation. The right to privacy ordinarily includes the choice to disclose or not to disclose information relating to one’s sexual orientation or gender identity, as well as decisions and choices regarding both one’s own body and consensual sexual and other relations with others.

[...] Recommendation D: Repeal any law that prohibits or criminalises the expression of gender identity, including through dress, speech or mannerisms, or that denies to individuals the opportunity to change their bodies as a means of expressing their gender identity”.

| Resources

Outright Action International: An Activist’s Guide to the Yogyakarta Principles ► https://www.outrightinternational.org/sites/default/files/Activists_Guide_Yogyakarta_Principles.pdf

ARC International: Yogyakarta Principles in Action ► <http://www.ypinacti>

High Commissioner's report to the Human Rights Council on discrimination and violence against individuals based on their sexual orientation and gender identity (May 2015) ► <http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTUNReports.aspx>

"Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law (2012)" ► <http://www.ohchr.org/EN/Issues/Discrimination/Pages/BornFreeEqualBooklet.aspx>

How can you influence a Treaty body review?

1. Tell the Committee what to ask from your government!

The first step of a Treaty body review is when your government submits its national report to a Committee. Following this, the Committee will publish a List of Issues (LoI). This is a list of questions to or a request for more information from the government about the most pressing human rights violations. You can influence what issues the Committee highlights if you send them a List of Issues submission. It is crucial that you flag the key issues at this point, because the Committee will focus on these when examining your government.

| Example

“III. Recommended List of Issues

Trans persons, civil society organisations, and human rights activists continue reporting violations of the ICCPR, an agreement which El Salvador has ratified. This LOI focuses on four principal recommendations describing the human rights violations that trans people suffer and explains why those rights are so important for El Salvador to safeguard.

1. El Salvador should approve a gender identity law for trans persons.

*The absence of a gender identity law in El Salvador results in severe human rights violations of trans persons. Salvadorian laws do not permit a trans person to change his or her name except in ‘exceptional circumstances’, and only if the new name reflects the same gender used in the original identification document. The government lacks a mechanism allowing a trans person to change his or her gender identity in identification documents. Without identification documents that accurately reflect a trans person’s gender expression, the government violates a trans person’s fundamental rights – such as the right to vote, study, and work – as a result of the discrimination that government agencies and society perpetrate against trans persons”.*³¹ **Joint NGO submission for the review of El Salvador by the Human Rights Committee, 2014**

- You will have to look up the details of each Treaty body ► <http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx> to see where you need to send them the information. You can also find this information in NGO toolkits on particular bodies (see Annex II). For instance, if you are submitting your report to the Human Rights Committee, you will have to email it to the Secretariat of the Committee and also send 25 hard copies by mail to Geneva.

Tip | International NGOs based in Geneva can help you print and deliver the hard copies – reach out to them!

2. Check if the List of Issues includes gender identity and sexual orientation issues!

You will find the List of Issues published on each Treaty body's website and also usually on the websites of NGOs focusing on one particular body. The list usually includes ten to 15 questions to the government. You will have to focus your NGO report in Step 3 on the issues outlined in this document, so you need to know what exactly your government was asked.

| Example

*“Article 2, paragraph 2 – Non-discrimination: Please inform the Committee on measures taken to raise awareness, prevent and combat discrimination based on sexual orientation and gender identity. Please indicate how many incidents of violence or hatred against lesbian, gay, bisexual and transgender persons have been reported and investigated in 2012 and 2013 and what was the outcome of those reports”.*³² **List of Issues on Uganda, 2014, Committee on Social, Economic, and Cultural Rights**

3. Submit your report!

You can send a standalone or a coalition report to the Committee in which you describe the most pressing human rights violations against trans people. Each Committee will have information on its website about where to send the report and how long it can be.

| Example

“Article 3. Best Interest of the Child: A new law on legal gender recognition that went into effect in June 2014, no longer requires transgender individuals to undergo sterilization and other surgical procedures. However, it is still impossible for children younger than sixteen years to change their gender marker in their official documents. Additionally, it is still necessary to obtain a supporting opinion from an expert. These elements constitute a violation of children's right to self-determination. Our research shows that 80% of transgender children would like to change the gender marker in their official documents before they turn 16 because they experience a multitude of problems when the gender indicated on their documents does not correspond with their gender presentation.

*Recommendation: With parental consent, it should be possible for transgender children from the age of 12 to change the gender marker in their birth certificate. This should be possible without interference from a judge, medical criteria or third party intervention such as the ‘expert opinion’ that is still necessary under the new law”.*³³ **Joint NGO submission to Committee on the Rights of the Child on the Netherlands, 2014**

4. Lobby the Committee and monitor the review session!

Your government will be reviewed by the Committee in Geneva. You can attend the review session and lobby the Committee Members to take up your issues. You can meet them during formal briefing sessions, where you can present your concerns in two to four minutes. Sometimes you can also meet them for longer during an informal lunchtime briefing. Your government can respond to questions by the Committee on the spot or send its written responses within the next two weeks. Make sure to use your government's responses in your follow-up advocacy!

5. Use the recommendations for your advocacy!

The Committee will publish its final report and recommendations on its website. These findings will be your key advocacy tool for the next few years until your State comes up for its next review. Publicise them widely!

- UN language: The final report of a Treaty body is called concluding observations.

| Example

“Violence against women

23. [...] The Committee is also concerned about acts of violence, perpetrated by state and non-state actors, against lesbian, bisexual and transgender women. [...]

The Committee urges the State party to:

*24 (f). Provide effective protection against violence and discrimination against all groups of women, including lesbian, bisexual and transgender women, in particular through the enactment of comprehensive anti-discrimination legislation that includes the prohibition of multiple forms of discrimination and through the launching of a sensitization campaign aimed at the general public, as well as providing appropriate training to law enforcement officials”.*³⁴ **Concluding Observations on Zimbabwe, Committee on the Elimination of Discrimination against Women, 2012**

6. Follow up!

The most important part of your advocacy work will be to use the Committee's trans-relevant recommendations and urge the government to implement them. You should monitor this process so you can report back to the Committee during the next review. You should also work closely with the government and support it in the implementation process.

7. Start over!

When you restart this advocacy cycle, make sure to reference the trans-related recommendations your State received during its previous Treaty body review and submit information about how well the government has implemented them.

Tool Four | Civil Society Reports

What makes a good NGO report? Content

- The recommendations are specific
 - The government should protect LGBTI persons.
 - The government should ensure that sexual orientation, gender identity, and gender expression are explicitly included in the anti-discrimination law.
- It is clear what you are asking from the UN body
 - We urge the Committee to protect trans rights in Armenia.
 - We urge the Committee to call on the Armenian government to ensure that trans and gender-diverse people are not subjected to forced sterilisation as a requirement for legal gender recognition.
- It is relevant to the mandate of the body
 - We ask the Committee on the Rights of the Child to urge the government to protect trans women from violence.
 - We ask the Committee on the Rights of the Child to urge the government to protect trans and gender-diverse children from violence.
- It has a clear focus on the key issues and they are easy to understand
- It is based on facts instead of assumptions
 - Many trans people are murdered in Central and South America.
 - According to Transgender Europe's Trans Murder Monitoring project, between 2008 and 2015 at least 1,507 trans and gender-diverse people were reported murdered in Central and South America ▶ <http://tgeu.org/tmm-idahot-update-2015/>.
- It includes up-to-date information
- It includes an analysis of the legal and social aspects of the key issues
- It includes a variety of credible and reliable sources that are properly referenced
- It captures the lived realities of trans and gender-diverse people



Participants of TGEU and ARC International's UN training, 22 September 2015

- It is clear about which segments of the community are affected
 - The same-sex referendum was a positive development for LGBTI persons, because they can now freely marry.
 - The same-sex referendum was a positive development for same-sex couples, because they can now freely marry.
- It is supported by several organisations

Style, format, structure

- It is easy to understand and follow
- It does not go over the given page limit
- It is well structured
- It is coherent even if a number of organisations are submitting it
- Pages and/or paragraphs are numbered
- It explains acronyms

Submitting your report

- You do not have to be a registered NGO to submit information.
- You can submit your own report or join a coalition. For the UPR, you can also join the State report. Pick what works best for your purposes.
- Once you have submitted your report, it will be publicly available on OHCHR's website. If appearing as a (co)author puts you in danger, you can provide input to other submitting NGOs or the NHRI and stay anonymous.
- Always send a copy to the key advocacy organisations so your issues are on their radar and they can help you with your advocacy.
 - ILGA ▶ unsupport@ilga.org (UPR) and untreaties@ilga.org (Treaty bodies)
 - COC Netherlands ▶ info@coc.nl
 - GATE ▶ gate@transactivist.org
 - RFSL ▶ personal.internationella@rfsl.se
 - ARC ▶ arc@arc-international.net
 - TGEU ▶ tgeu@tgeu.org
- Also send a copy to the OHCHR team working on the rights of LGBT and intersex persons so that they are also aware and can follow up internally, depending on capacity ▶ lgbthumanrights@ohchr.org

When your State is coming up for its next review before the UPR or a Treaty body, you should build on the process and outcomes of the previous sessions.

- What were the trans- or LGBTI-specific recommendations in the previous cycle? Have they been implemented?
- Are there new or additional issues that need to be highlighted? Are these issues documented? Do you have evidence (reports, case documentation, articles, etc.)?
- Did you submit your own report in the last cycle or were you part of a coalition? Which would work better for you this time?
- If you are joining a coalition, should the signatories be the same?
- How would you structure a report this time around? Is there anything you would do differently?

Good practice | Treaty body advocacy as continuous and persistent engagement

Andrés Rivera, Chile – Human Rights and Gender Identity Consultant, Consultant to the Chilean National Observatory for Human Rights and Law

“Doing advocacy takes several years of continuous work.

*When we started engaging with the government on trans rights, we first asked for a meeting. If we did not receive a response, one of our strategies was to **send them an email every Monday morning** asking again and again, and wishing them a nice week. We did this for eight consecutive months. On the Minister’s birthday, we sent him an email with our best wishes, accompanied by our repeated request for a meeting. Eventually, we got a response and managed to meet the relevant officials.*

The aim of the discussion was to get to know each other, establish a personal connection and explain that we were preparing to submit a parallel report for Chile’s review before the CESCR on the human rights situation in the country. We wanted to be transparent with them.

*Another strategy we used was to never work alone, but **do joint work with our allies**. We collaborated with other movements, including women, racial and ethnic minorities, immigrants, and persons with disabilities. This meant that it was not just us trans activists, but a whole coalition talking about the rights of trans and gender-diverse people. We also joined the struggles of the others and spoke out about their issues.*

*We **prioritised two themes** in our advocacy with the CESCR: education and employment. The idea was that if there is no public policy about trans rights in these areas, trans and gender-diverse people cannot continue their education or find a job afterwards. Trans and gender-diverse people were in a situation in which they were forced to take jobs that made them even more vulnerable, including because of the conditions and low salaries. The lack of education and employment led to increasing violence, in particular against trans women.*

*After drafting the civil society report, we had various **meetings with the key ministries**. We always shared copies of our submission to make sure they knew what information we would be presenting to the Committee. We prepared a **summary of key points** for the government that included the **key recommendations** we made.*

*On the morning of the review in Geneva, we had a **meeting with the Committee Members** in which we raised all the key points. We then organised a meeting with **the Permanent Mission of Chile** during which we discussed the review in detail.*

*As a result of our engagement, the State agreed at the review to **adopt a public policy on trans children** in public schools. Civil society used the meeting with the State delegates after the review to **follow up** on this promise: we asked how this would be implemented and made very concrete recommendations. It was important that the State did not get away with making empty promises in Geneva, but upheld them. The final concluding observations were not as in-depth and concrete as we had hoped, but the results on the ground were. This was because of how we engaged with the State during and after the review.*

*We learned that it is crucial to **always maintain pressure on the State and follow up**. Even if concluding observations are not specific, you can use the commitments the State made during the review”.*



Andrés Rivera

A SOGII Convention or Special Procedure

There is currently no Convention or Special Procedure on SOGII issues, but there has been a lively debate among activists regarding whether there should be one. There is recognition that there should be some kind of UN mechanism to give systematic attention to trans- and LGBTI- and sexual-rights issues.

The basis for calling for a SOGII-specific mandate has been that it would fill a protection gap, as SOGII issues are not explicitly covered by any other mandate. The process of getting a mandate assigned to SOGII issues could be long and difficult, although some States have signalled a willingness to investigate the creation of some type of mechanism. There is no international effort to establish a specific treaty, but it might be possible to see some kind of mechanism in the near future, especially as the Inter-American system established such a mechanism (Special Rapporteur) in 2014.

A common argument against creating a SOGII mechanism is that other bodies may feel that they no longer have to talk about SOGII issues.

Even despite the lack of a SOGII-specific mandate, activists have been quite effective at engaging the various bodies in recent decades and getting them to speak out about key violations. This piggybacking method has not always been easy, as you may repeatedly be asked how exactly trans and gender-diverse people fit under a body's mandate.

Every mechanism is relevant for trans, gender-diverse, and LGBTI people within its thematic focus. What you need to do is gather information in your country and find the mechanisms most relevant to your issues, so that they can build up a body of evidence. This way SOGII issues will be hard to ignore at the UN as a whole.

Tip | Do not forget to use the Yogyakarta Principles and other OHCHR and other UN documents that show the linkages between existing treaties and the rights of trans persons if you need to support the argument that trans rights are already covered by UN treaties.



Transgender Europe at the Zagreb Pride 2015.
Credit: Kristina Josic, Photography for Zagreb Pride

IV. Thematic reports on issues relevant for trans and gender-diverse people

Some UN bodies publish reports that discuss one human rights topic at length. These can be useful for your work, because such reports can include a detailed analysis of human rights violations against trans and gender-diverse people and recommendations to UN bodies and/or governments. UN reports are credible, reliable, and authoritative: they will be crucial references for your advocacy work at home.

Civil society is often consulted when a UN body prepares thematic reports: you can send the body in question documentation about violations in your country or meet them at an expert consultation. You should invest time into participating in such processes if you want to help improve the approach of the UN on rights relevant for trans and gender-diverse people.

Such thematic reports can be produced by:

- **Special Procedures,**
- **OHCHR,**
- **or Treaty bodies.**

Special Procedures³⁵

Some Special Procedures have a thematic mandate. Most of these are relevant for trans issues: consider, for instance, the Special Rapporteur on Human Rights Defenders, the Special Rapporteur on Torture, or the Independent Expert on Human Rights and Extreme Poverty. For a full list of the thematic Special Procedures, check the UN website here ► http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx?Type=TM.

I Resources

To see which Special Procedures have been most useful for trans advocacy, see ARC International's report *How far has SOGII 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*. ► <http://arc-international.net/wp-content/uploads/2013/09/How-far-has-SOGII-for-web.pdf>

When preparing a thematic report, the Special Procedures will circulate a call for contributions, inviting NGOs and activists to make submissions or announcing an expert meeting. You can find up-to-date information about these here ► <http://www.ohchr.org/EN/HRBodies/SP/Pages/SeminarsConsultations.aspx>.

Tip | Get in touch with the Special Procedures that are most relevant for your work and keep them updated about trans issues in your country. Once you are on their radar, they will be able to contact you when a consultation is coming up.

Tip | You can sign up for the OHCHR Civil Society Unit newsletter and receive calls for inputs by UN bodies. See the 'Subscribe' section on CS Unit's page ► <http://www.ohchr.org/EN/AboutUs/Pages/CivilSociety.aspx>.

Some Special Procedures have produced thematic reports that have been extremely useful for trans rights worldwide. You can use these reports in your future advocacy and urge your government and regional or international bodies to update their own standards about trans rights.

I Example

In 2013 the Special Rapporteur on Torture published a thematic report about torture and ill-treatment in healthcare. The Special Rapporteur recognised that the forced sterilisation of trans people amounts to torture and ill-treatment and called on governments to repeal this practice.

"78. In many countries transgender persons are required to undergo often unwanted sterilization surgeries as a prerequisite to enjoy legal recognition of their preferred gender. [...] Some domestic courts have found that not only does enforced surgery result in permanent sterility and irreversible changes to the body, and interfere in family and reproductive life, it also amounts to a severe and irreversible intrusion into a person's physical integrity. [...]"

88. The Special Rapporteur calls upon all States to repeal any law allowing intrusive and irreversible treatments, including forced genital-normalizing surgery, involuntary sterilization, unethical experimentation, medical display, 'reparative therapies' or 'conversion therapies', when enforced or administered without the free and informed consent of the person concerned. He also calls upon them to outlaw forced or coerced sterilization in all circumstances and provide special protection to individuals belonging to marginalized groups".³⁶ **Special Rapporteur on Torture on torture and ill/treatment in health-care settings, 2013**

I Example

In 2012 the Special Rapporteur on the human right to safe drinking water and sanitation published a report on stigma. She highlighted that trans and intersex people are routinely subjected to harassment and abuse in public bathrooms.

"40. [...] The use of public bathrooms, which are often sex-segregated, has been associated with exclusion, denial of access, verbal harassment, physical abuse and sometimes even the arrest of transgender and intersex individuals. More broadly, they are at risk of exposure, violence and harassment in seeking access to services such as water and sanitation when those are in common areas, or where privacy is unavailable or compromised".³⁷ **Special Rapporteur on stigma and the human right to safe drinking water and sanitation, 2012**

OHCHR³⁸

The Human Rights Council can ask OHCHR to produce thematic reports. In 2011 and 2015, OHCHR published two reports on violence and discrimination based on sexual orientation and gender identity. The 2011 report was a huge step forward for SOGII advocacy, because this was the first time that the Council had called for such a focused documentation on the situation of LGBTI people worldwide.³⁹ Four years later, the 2015 report expanded on trans issues in much greater depth.⁴⁰

Thematic spotlight – Human rights violations against trans and gender-diverse people amounting to persecution⁴¹

The 2015 OHCHR report outlines a number of abuses against trans and gender-diverse people. Some of them are so serious that they may form the basis of an asylum claim by a trans or gender-diverse person who has fled their country. These violations include:

- Murders, including “honour killings” where transphobia was a motive
- Torture or other ill-treatment at the hands of State or non-State actors
- Criminalisation (and imprisonment as a result) of trans status, and/or real or perceived engagement in consensual sexual conduct, e.g. sex work or same-sex sexual contact
- “Rehabilitation clinics” where trans and gender-diverse youths are forcibly detained with family collusion and subjected to torture, including sexual abuse
- Coerced gender reassignment

These reports can be really useful for your advocacy work, because OHCHR acknowledges human rights violations of trans and gender-diverse people in them and also makes recommendations to States, national human rights institutions (NHRIs), and other UN bodies. If your issues are flagged by OHCHR, you can use this as a solid reference point in your future advocacy both at the UN and at home.

Example

In 2015 OHCHR made several recommendations to States relevant for trans and gender-diverse people, including: “78(a). Enacting hate crime laws that establish homophobia and transphobia as aggravating factors for purposes of sentencing;

(b) Conducting prompt, thorough investigations of incidents of hate motivated violence against and torture of LGBT persons, holding perpetrators to account, and providing redress to victims; [...]

79(c) Ensuring that anti-discrimination legislation includes sexual orientation and gender identity among prohibited grounds, and also protects intersex persons from discrimination; [...]

(i) Issuing legal identity documents, upon request, that reflect preferred gender, eliminating abusive preconditions, such as sterilization, forced treatment and divorce”.⁴²
OHCHR report on Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, 2015

Make sure to submit detailed documentation of violations to OHCHR when it is preparing such a report. The Office will be open to NGO input.

Follow OHCHR’s work on its websites ▶ <http://www.ohchr.org> and ▶ <http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBT.aspx>. You can contact OHCHR’s unit on LGBTI issues via ▶ LGBTHumanRights@un.org.

Treaty bodies⁴³

Treaty bodies do not publish thematic reports, but they issue so called General Comments or General Recommendations. A Treaty body will use these to discuss topics that are relevant for its work, for instance by clarifying how it interprets an article in its treaty. General Comments are usually written when a Committee wants to explain or update its standards - civil society is often invited to make a submission or participate in a consultation as part of this process. As most Treaty bodies are still in the process of establishing their positions on trans issues, these processes are great opportunities for activists to help improve UN standards.

The General Comments of each Treaty body are listed on their respective web pages.

Example

“38. States parties should interpret the definition of a refugee in the 1951 Convention relating to the Status of Refugees in line with obligations of non-discrimination and equality; fully integrate a gender-sensitive approach while interpreting all legally recognized grounds; classify gender-related claims under the ground of membership of a particular social group, where necessary; and consider adding sex and/or gender, as well as the reason of being lesbian, bisexual or transgender, and other status to the list of grounds for refugee status in their national asylum legislation.”⁴⁴ **General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, CEDAW, 2014**

V. In-country presence, visits and consultations

Some UN bodies can make visits to countries to see if the government is respecting human rights. During these visits, they can meet members of ministries, the NHRI, NGOs, and activists. They can also visit places that are important for their mission, for instance detention facilities, refugee camps, hospitals, etc. The following bodies can do country missions:

- **Special Procedures**
- **Treaty bodies.**

The following bodies are also present in many countries:

- **OHCHR**
- **Other UN agencies (e.g. UNICEF, UNHCR).**

Special Procedures⁴⁵

Special Procedures usually undertake to visit a range of countries during their mandates – this may be because they have specific concerns about human rights violations in a particular country, or for other reasons.⁴⁶ They certainly do not have the resources or capacity to visit every country where abuses take place, so they always have to prioritise. When they want to conduct a country mission, they will contact the government to request a formal invitation. Some States invite Special Procedures for specific purposes, but others have **standing invitation** for all of them, which means that in theory they can do a country visit anytime, though they still require for the government to agree dates for a visit. There have been instances, however, when States with a standing invitation have not facilitated the visit at all.

I Resource

You can see if your country has a standing invitation for Special Procedures on this website ► http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/StandingInvitations.aspx.

I Example

A Special Rapporteur may ask several times to visit a country but not receive a response. In such instances, they can include such information in their annual report presented to the Council. In special cases, the Rapporteur will undertake a country report anyway, but without visiting. In this case, they would acquire information from outside the country, via Skype if necessary.

During a visit, they can meet the government and raise law and policy concerns. They are always very keen to meet the NHRI and **civil society**, because otherwise their only source of information is the government. Once you know that Special Procedures are visiting your country, you should contact them to outline the key issues they should keep in mind and help organise for them to meet local civil society. Visits are usually scheduled a few months in advance, so you have some time to prepare. Still, meeting with them may require you to make quick decisions as to how this fits into your domestic advocacy.

Tip | In some countries, it is unsafe for trans or LGBTI activists to participate in civil society meetings. You can contact the Special Procedures separately and ask for a separate meeting.

At the end of a visit, they usually hold a press conference or issue a press statement, later followed by the full report on the visit. These reports always contain recommendations, and you should use them for your advocacy work.

I Resource

See the list of planned visits of Special Procedures here ► http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/Forthcomingcountryvisits.aspx.

I Example

“LGBT persons face important barriers in their full enjoyment of their right to physical and mental health mostly due to deeply entrenched discriminatory attitudes in society at large, which generate stigma, violence and abuse. The situation of those living outside main urban areas is of particular concern as they are isolated from the main networks of support and live and work in very difficult environments.

LGBT persons face discrimination from healthcare personnel and lack of integral health services tailored to their needs. Moreover, confidentiality in health services is not always guaranteed. I could assess that many of them do not use health services for fear of stigma and rejection which can drive many health issues underground with negative consequences for their health and that of society at large.”⁴⁷ CCountry visit in Paraguay by the Special Rapporteur on Health, 2015

Treaty bodies⁴⁹

Few Treaty bodies can make visits to countries. They can do this if they have an inquiry procedure (e.g. CEDAW),⁵⁰ but this has rarely been used to date. The Subcommittee on Prevention of Torture (SPT) is currently the only Treaty body that regularly makes country visits. It can only visit States if they ratified the Optional Protocol to the Convention against Torture (OPCAT). The SPT can go to your country to visit places of detention, for instance prisons or psychiatric hospitals. It can also make a visit to support your government in setting up its own monitoring body, a so-called National Preventive Mechanism (NPM).

Example

*** This example contains explicit descriptions of physical and sexual abuse.

*“214. The SPT heard consistent accounts of transvestites detained at Tacumbú being frequently obliged to perform sex scenes in the courtyards in front of other inmates and guards, who paid to watch. It was reported that one transvestite died in 2008 as a result of a guard inserting a club into his anus. The SPT reminds the State party that it is responsible for guaranteeing the safety of the persons under its custody. The SPT strongly condemns the episodes of sexual violence described, which constitute a form of torture”.*⁵¹ **Report of the SPT on its visit to Paraguay, 2010**

If transgender detainees are subjected to violence and abuse in your country, make sure to submit information to the Subcommittee before its visit. You can describe these violations, but also recommend places it should visit.

The SPT always announces ahead of time which countries it will visit in each calendar year. You can check this list here ► <http://www.ohchr.org/EN/HRBodies/OPCAT/Pages/OPCATIndex.aspx>. You may not be able to know the exact time of the visits, however, as some of them are surprise visits.

OHCHR⁵²

OHCHR does not do country-visits, but it has 64 field offices that you can consult in your country or region. These offices can monitor the human rights situation in your country and they can help your government better respect human rights. Some offices cover specific regions, so even if OHCHR does not have an office in your country, it may still be covered from the regional office. They can also facilitate dialogue between activists and the government. You can also turn to OHCHR if your organisation needs capacity building, they may be able to support you. OHCHR will often help governments, NHRIs and civil society organisations in engaging with the review of countries by Treaty bodies, the UPR, and also country visits by Special Procedures, and can be a useful contact if you are engaging in these processes on the rights of trans persons.

See which local OHCHR office you could work with here ► <http://www.ohchr.org/EN/Countries/Pages/MapOfficesIndex.aspx>.

Tip | You can also contact the OHCHR team working on the rights of LGBT and intersex persons, if you would like to engage with the OHCHR office in your country or region, as they can help facilitate this contact: lgbthumanrights@ohchr.org.

UN agencies⁵³

Many other UN agencies also work on the rights of trans persons, and may have offices in your country or at the regional level, also in many countries where OHCHR does not have a country presence.

In 2015, 12 UN agencies joined together to issue a joint statement on Ending violence and discrimination against LGBTI persons that contains specific recommendations on the rights of trans persons and many other recommendations that are also useful for your advocacy on the rights of trans persons:

“LGBTI people face widespread discrimination and exclusion in all contexts - including multiple forms of discrimination based on other factors such as sex, race, ethnicity, age, religion, poverty, migration, disability and health status. Children face bullying, discrimination or expulsion from schools on the basis of their actual or perceived sexual orientation or gender identity, or that of their parents. LGBTI youth rejected by their families experience disproportionate levels of suicide, homelessness and food insecurity. Discrimination and violence contribute to the marginalization of LGBTI people and their vulnerability to ill health including HIV infection, yet they face denial of care, discriminatory attitudes and pathologization in medical and other settings. Transgender people are frequently denied legal recognition of their preferred gender or face abusive requirements such as forced sterilization, treatment or divorce to obtain it, without which they suffer exclusion and marginalization. [...]

Our organizations stand ready to support and assist Member States and other stakeholders as they work to address the challenges outlined in this statement including through constitutional, legislative and policy changes, strengthening of national institutions, and education, training and other initiatives to respect, protect, promote and fulfil the human rights of all LGBTI people.”⁵⁴

There is also a summary of the work of different UN agencies on sexual orientation and gender identity with focal points for each agency, that can be useful to review if you are thinking of engaging with other UN organisations ► www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTUNSystem.aspx

VI. Legal opinions on a particular case

Some NGOs take individual cases to court in their home countries to challenge laws and practices that discriminate against trans and gender-diverse people. Some of these cases have the potential to have a positive impact on many trans and gender-diverse people's lives, because they can lead to changes in legislation.

It may happen that because of the laws in place in your country, you cannot even take the case to court. There may also be serious doubts about the independence of the judiciary in your country. In other cases you may find that the judgment you received at the domestic court in itself violates the human rights of trans persons. Once you have used all legal avenues possible in your home country, you may bring the case to **Treaty bodies**, who can issue a legal opinion.

- UN language: Decisions by Treaty bodies are called **views**.

Treaties will either have an article or a so-called **Optional or Additional Protocol** that allows them to receive cases. Protocols are like separate treaties: your government will have to ratify them separately. The following Treaty bodies can consider individual complaints:

- Human Rights Committee (on **civil and political rights**)
- Committee on **Economic, Social and Cultural Rights**
- Committee on Elimination of **Racial Discrimination**
- Committee on the Elimination of Discrimination against **Women**
- Committee against **Torture**
- Committee on the Rights of the **Child**
- Committee on the Rights of **Persons with Disabilities**

To date there has not been a trans-specific case brought to the Treaty bodies, but the Human Rights Committee and the Committee against Torture have issued a small number of decisions in cases about sexual orientation issues.

When can you bring cases to a Treaty body?

- If your State has ratified both the treaty and its Optional or Additional Protocol
- If the incident that happened to the victim violates a right in the treaty
- If you are the victim or an NGO representing the victim

For more information about how to take a case to Treaty bodies, you can check this UN website ► <http://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/IndividualCommunications.aspx>.

I Resources

ICJ: Sexual orientation and gender identity in international human rights law – The ICJ UN Compilation
► http://icj.wpenline.netdna-cdn.com/wp-content/uploads/2013/06/SOGI-UN-Compil_electronic-version.pdf
ICJ: UN SOGI References Database ► <http://www.icj.org/advanced-search-for-sogi-un-database/>
OHCHR case database ► <http://juris.ohchr.org/>

VII. Joint Statements and resolutions⁵⁵

You and your organisation may want to pursue long-term engagement with UN processes and focus on engagement with

- the **Human Rights Council**
- the **General Assembly**.

States within both these bodies can issue **Joint Statements** to show their support for LGBTI rights. These have often paved the way for a Council or General Assembly **resolution**, which is a formal declaration by these bodies on a particular matter, such as SOGI issues.

Activists have also used these two bodies to increase the visibility of and support for SOGI issues. You can choose from several tools to do this, for instance

- making oral interventions about trans rights during Council sessions
- organising side events on trans issues
- raising trans issues with OHCHR or the Special Procedures during Council sessions
- lobbying States to speak out on trans-specific human rights violations.

Tip | Urge your own country Mission to support SOGI issues at the Council and the General Assembly!

What is the Human Rights Council?

The Human Rights Council is a forum for States to discuss human rights issues. Its members are 47 UN States who are elected in a way that ensures regional balance. The Council meets in Geneva three times a year (September, March, and June), but can also host emergency sessions.

What is the General Assembly?

The General Assembly is made up of all UN Member States. It is in charge of making decisions on behalf of the UN. The GA has thematic committees: its Third Committee focuses on social, humanitarian affairs, and human rights issues. It is the most relevant for trans issues. The Assembly meets in New York once a year, but it can also convene special sessions.

Joint Statements

In both the Council and the Assembly States can issue **Joint Statements** to express their shared view on an important matter. States have spoken in support of SOGI issues through Joint Statements since 2005, which has been an extremely useful tool for LGBTI advocacy. The support for these Joint Statements at the Council has significantly increased over the years. The scope of the statements has also expanded from covering only sexual orientation to also including gender identity issues.

Resource

ARC's Guide to the Human Rights Council ► <http://arc-international.net/wp-content/uploads/2011/08/arc-guide-hrc.pdf>

Example

"9. We recognise our broader responsibility to end human rights violations against all those who are marginalised and take this opportunity to renew our commitment to addressing discrimination in all its forms;

*10. We call on States to take steps to end acts of violence, criminal sanctions and related human rights violations committed against individuals because of their sexual orientation or gender identity, encourage Special Procedures, treaty bodies and other stakeholders to continue to integrate these issues within their relevant mandates, and urge the Council to address these important human rights issues".⁵⁶ **Joint Statement of 85 States, Human Rights Council, 2011***

Resolutions

The Council and the Third Committee can also adopt resolutions as a formal expression of their opinion or will. It is usually a difficult and lengthy process to get a resolution passed, as these spaces are politicised and much will depend on the standpoint of States on a particular human rights issue. This often results in the language of a text being watered down – a strategy to avoid votes against it. However, once a resolution is passed, it is applicable to all Member States of the UN even if they voted against it. This is because all States have signed on to the UN Charter.

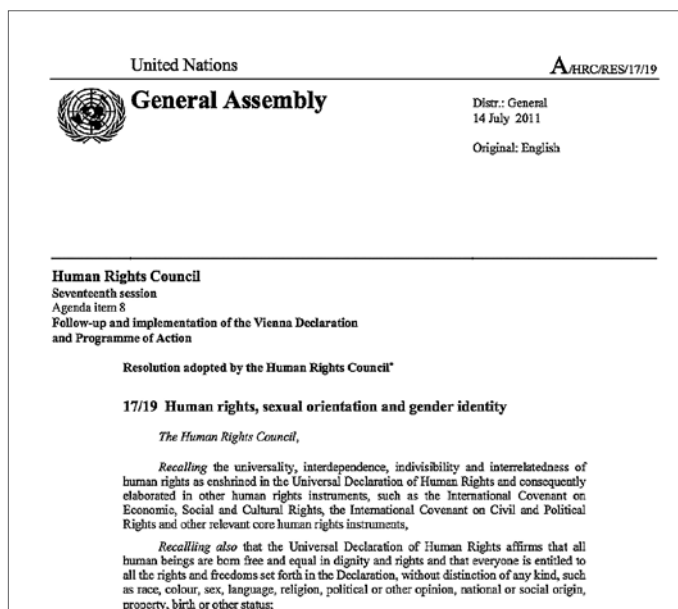
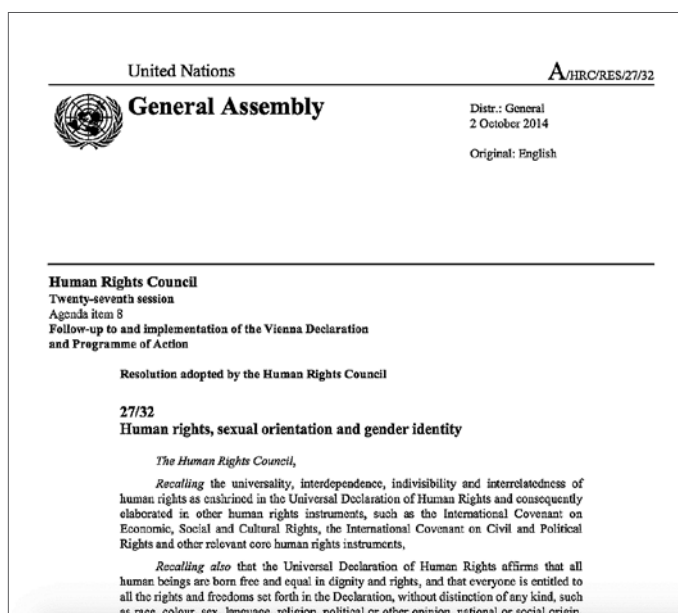
Examples

In 2011 and 2014, the Council adopted its SOGI resolutions, in which it requested OHCHR to produce reports on the discrimination and violence faced by LGBTI persons worldwide.⁵⁷

"The Human Rights Council [...]

1. Takes note with appreciation of the report of the United Nations High Commissioner for Human Rights entitled "Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity" (A/HRC/19/41) and of the panel discussion held at the nineteenth session of the Human Rights Council;

*2. Requests the High Commissioner to update the report (A/HRC/19/41) with a view to sharing good practices and ways to overcome violence and discrimination, in application of existing international human rights law and standards, and to present it to the Human Rights Council at its twenty-ninth session".⁵⁸ **Human Rights Council resolution on human rights, sexual orientation and gender identity, 2014***



Advocacy spotlight – Trans issues in the process of revision and reform of the International Classification of Diseases (ICD)⁵⁹

The ICD includes the diagnoses for all health conditions and is widely used worldwide by the medical profession. The ICD has ten different updated versions: States can choose which one they want to use. For instance, Ukraine uses ICD-2 and the US ICD-9. Some countries have also adapted the ICD and written their own version.

The latest version, **ICD-10** ▶ <http://apps.who.int/classifications/icd10>, was adopted in 1990. It includes trans-related categories under mental disorders and uses the term “Gender Identity Disorder”, which pathologises and stigmatises trans and gender-diverse people.⁶⁰

To change this, activists have been actively influencing the ongoing revision process, which is expected to end in 2018. The process is mandated by the World Health Assembly, which includes Health Ministers of all World Health Organization (WHO) Member States. The technical work is carried out by WHO-appointed expert Topic Advisory Groups, plus international professional associations, scientific societies, disease-based groups, and NGOs.

Activists have been pushing for better definitions, updated language, and narrower criteria. This would fundamentally improve the access of trans and gender-diverse people to healthcare and treatment.

Thanks to their continued advocacy work, the most recent **draft version of ICD-11** ▶ <http://apps.who.int/classifications/icd11> includes the trans-relevant sections under **Chapter V on Conditions related to sexual health** and uses much more trans-friendly terminology. Instead of “disorder”, it uses the term “**Gender Incongruence**”:

*“Gender incongruence is characterised by a marked and persistent incongruence between an individual’s experienced gender and the assigned sex”.*⁶¹

Gender incongruence definitely marks progress in how trans and gender-diverse people are viewed by the medical profession. First, it is much less stigmatising, because it no longer includes the term “disorder”. Second, gender identity disorder was identity focused, which meant that the only way to not have the disorder was to have a different identity, i.e. to be a different person.

What strategies should you use to participate in the ICD revision?

If you want to participate in the revision process, make sure to disaggregate the ICD revision and reform process from other forms of LGBTB activism at the UN to avoid backlash at the WHO.

You can also:

- **Get in touch** with those already coordinating efforts!
 - Stop Trans Pathologisation Campaign ▶ <http://www.stp2012.info/>
 - GATE ▶ <http://transactivists.org/>
 - TGEU ▶ www.tgeu.org
- **Provide technical input** through submissions on the ICD-11 Beta version online ▶ <http://apps.who.int/classifications/icd11/browse/l-m/en!>

Tip | Anyone can register and participate in the revision process until the end of 2016. Under each diagnosis, you can read the content proposals and make your own proposals. You can add content, propose deletions, or propose hierarchical orders. Your proposals will be visible to everyone. If you want to avoid that, you can also make a submission to the WHO without entering it on the website.

- **Create visibility** on the International Day of Action for Trans Depathologisation on 24 October!
- **Build** inter-movement alliances!
- **Build** alliances with health providers and researchers!
- **Write** expert papers that can be published in peer-reviewed journals!
- **Do research** on how ICD is used in your country!
- **Participate** in regional and international meetings, such as the WPATH and EPATH conferences!
- **Monitor** the process!



Annex I – Acronyms

| | |
|--------|---|
| ACHPR | African Commission on Human and People’s Rights |
| CAT | Committee against Torture |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| CRC | Committee on the Rights of the Child |
| CRPD | Committee on the Rights of Persons with Disabilities |
| ECHR | European Court of Human Rights |
| HRC | Human Rights Council |
| HRCtte | Human Rights Committee |
| IACHR | Inter-American Commission on Human Rights |
| ICD | International Classification of Diseases |
| NHRI | national human rights institution |
| OHCHR | Office of the High Commissioner for Human Rights |
| OPCAT | Optional Protocol to the Convention against Torture |
| SOGII | sexual orientation, gender identity, and intersex |
| SP | Special Procedures |
| SPT | Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment |
| UNHCR | UN High Commissioner for Refugees |
| UPR | Universal Periodic Review |
| WHO | World Health Organization |

Annex II – Resources

Resources on the UPR

- Universal Periodic Review: A Guide for Sexual Orientation and Gender Identity Advocates. ARC International. ► http://arc-international.net/global-advocacy/universal-periodic-review/upr-guide_en/
- Human Rights Council: Universal Periodic Review – Conclusions and/or Recommendations related to Sexual Orientation and Gender Identity. OutRight Action International. 2013. ► https://www.outrightinternational.org/sites/default/files/UPR_RefSOGI.pdf
- A Practical Guide for Civil Society: Universal Periodic Review. Office of the High Commissioner for Human Rights. 2014. ► <http://www.ohchr.org/EN/HRBodies/UPR/Documents/PracticalGuideCivilSociety.pdf>
- Beyond Promises: The impact of the UPR on the Ground. UPR-Info. 2014. ► http://www.upr-info.org/sites/default/files/general-document/pdf/2014_beyond_promises.pdf

Resources on Special Procedures

- The UN Special Procedures: A Guide for Advocates Working on Human Rights Relating to Sexual Orientation and Gender Identity. ARC International. 2011. ► <http://arc-international.net/wp-content/uploads/2011/08/ARC-Special-Procedures-Guide-2015.pdf>
- Sexual Orientation and Gender Identity in International Human Rights Law: The ICJ UN Compilation. International Commission of Jurists. 2013. ► <http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2013/06/SOGI-UN-Compilation-electronic-version.pdf>
- Special Procedures References to Sexual Orientation and Gender Identity (Special Rapporteurs, Special Representatives, Working Groups). OutRight Action International. 2013. ► https://www.outrightinternational.org/sites/default/files/UN%20Special%20Procedures_RefSOGI.pdf

Resources on Treaty bodies

- The Reporting Cycle of the Committee on the Rights of the Child: A Guide for NGOs and NHRIs. Child Rights Connect. 2014. ► http://www.childrightsconnect.org/wp-content/uploads/2015/07/EN_GuidetoCRCReportingCycle_ChildRightsConnect_2014.pdf
- ICERD and CERD: A Guide for Civil Society Actors. The International Movement against All Forms of Discrimination and Racism (IMADR). 2011. ► <http://www.ohchr.org/Documents/HRBodies/CERD/ICERDManual.pdf>

- Producing Shadow Reports to the CEDAW Committee: A Procedural Guide. International Womens' Rights Action Watch. 2008. ▶ <http://www1.umn.edu/humanrts/iwraw/proceduralguide-08.html#intro>
- The CRPD Committee. International Disability Alliance. ▶ <http://www.internationaldisabilityalliance.org/en/crpd-committee>
- UN Human Rights Committee: Participation in the Reporting Process – Guidelines for Non-Governmental Organisations (NGOs). Centre for Civil and Political Rights. 2010. ▶ http://ccprcentre.org/doc/CCPR/Handbook/CCPR_Guidelines%20for%20NGOs_en.pdf
- United Nations Treaty-based Bodies: CEDAW, Human Rights Committee, CESCR, CRC and CAT Concluding Observations, General Recommendations and General Comments Related to Sexual Orientation and Gender Identity. OutRight Action International. 2013. ▶ https://www.outrightinternational.org/sites/default/files/UNTreaty%20Bodies_RefSOGI.pdf
- Sexual Orientation and Gender Identity in International Human Rights Law: The ICJ UN Compilation. International Commission of Jurists. 2013. ▶ <http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2013/06/SOGI-UN-Compilation-electronic-version.pdf>
- Simple Guide to the UN Treaty Bodies. International Service for Human Rights. 2010. ▶ <http://www.ishr.ch/sites/default/files/article/files/ISHR%20Simple%20Guide%20to%20the%20UN%20Treaty%20Bodies.pdf>
- Working with the United Nations Human Rights Programme: A Handbook for Civil Society. Office of the High Commissioner for Human Rights. 2008. ▶ http://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf
- Speeches and Statements by UN Officials: References to Sexual Orientation and Gender Identity UN Secretary-General Ban Ki-Moon and UN High Commissioner for Human Rights Navi Pillay. OutRight Action International. 2013. ▶ https://www.outrightinternational.org/sites/default/files/UN%20Officials_RefSOGI.pdf
- How Far has SOGII 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. Dodo Karsay. ARC International. 2014. ▶ <http://arc-international.net/wp-content/uploads/2013/09/How-far-has-SOGII-for-web.pdf>
- The State of Trans* and Intersex Organizing: A Case for Increased Support for Growing but Under-funded Movements for Human Rights. Global Action for Trans* Equality, American Jewish World Service and Strength in Numbers. 2014. ▶ <https://globaltransaction.files.wordpress.com/2014/01/trans-intersex-funding-report.pdf>
- Monitoring Transphobic Incidents. Boglárka Fedorkó. Transgender Europe. 2014. ▶ http://tgeu.org/wp-content/uploads/2013/11/Monitoring_Transphobic_Incidents_final.pdf
- An Activist Guide to the Yogyakarta Principles. Sheila Quinn. 2010. ▶ https://www.outrightinternational.org/sites/default/files/Activists_Guide_Yogyakarta_Principles.pdf

Resources on the Human Rights Council

- The UN Human Rights Council: A Guide for Advocates Working on Human Rights Relating to Sexual Orientation and Gender Identity. ARC International. 2011. ▶ <http://arc-international.net/wp-content/uploads/2011/08/ARC-HRC-Guide-2015.pdf>
- Protection Manual for Human Rights Defenders. Enrique Eguren, Peace Brigades International, European Office (PBI BEO). Front Line Defenders. 2005. ▶ <https://www.frontlinedefenders.org/manuals/protection>
- Digital Security and Privacy for Human Rights Defenders. Dmitri Vitaliev. Front Line Defenders. 2007. ▶ <https://www.frontlinedefenders.org/eseaman/>

Other resources

- OHCHR Universal Human Rights Index. <http://uhri.ohchr.org/>
- UN SOGI References Database. International Commission of Jurists. <http://www.icj.org/advanced-search-for-sogi-un-database/>
- Born Free and Equal, Booklet by the UN OHCHR on Sexual Orientation and Gender Identity in International Human Rights Law. United Nations. 2012. ▶ https://www.outrightinternational.org/sites/default/files/BornFreeAndEqual_2012_OHCHR.pdf
- Guidelines on the Protection of Human Rights Defenders. OSCE Office for Democratic Institutions and Human Rights (ODIHR). 2014. ▶ <http://www.osce.org/odihr/119633?download=true>

Notes

- 1 This chapter builds on ARC International's presentation "Overview of UN system and entry points". Available at ► <http://tgeu.org/wp-content/uploads/2016/02/TGEU-ARC-UN-overview.pptx>.
- 2 For more information ► <http://www.ohchr.org/EN/Pages/WelcomePage.aspx> and ► <http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBT.aspx>
- 3 For more information ► <http://www.un.org/en/ga/>
- 4 For more information ► <http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTUNResolutions.aspx>
- 5 For more information ► <http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>
- 6 For more information ► <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>
- 7 For more information ► <http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>
- 8 For more information ► <http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>
- 9 You can see examples of the work of different UN entities related to the rights of LGBTI persons, including trans persons, in the following UN summary, that also has a list of focal points for each agency ► <http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTUNSystem.aspx>
- 10 Ending violence and discrimination against lesbian, gay, bisexual, transgender, and intersex people. ILO, OHCHR, UNAIDS Secretariat, UNDP, UNESCO, UNFPA, UNHCR, UNICEF, UNODC, UN Women, WFP and WHO. 29 September 2015. The joint statement is available in the 6 UN languages plus other translations here ► <http://www.ohchr.org/EN/Issues/Discrimination/Pages/JointLGBTIstatement.aspx>
- 11 ► <http://www.oas.org/en/iachr/>
- 12 ► <http://www.achpr.org/>
- 13 ► <http://www.coe.int/en/web/commissioner>
- 14 ► <http://www.echr.coe.int/>
- 15 The Asia Pacific does not currently have any regional human rights legal instrument, court, or other body such as a commission. In 2009, a South East Asian regional human rights body was established, called the ASEAN Intergovernmental Commission on Human Rights (AICHR). It is made up of representatives from the ten member states of the Association for Southeast Asian Nations (ASEAN). In 2012, it adopted an ASEAN human rights declaration, with a view to establishing a human rights mechanism in the future.
- 16 This table was prepared on the basis of ILGA-Europe's presentation on Treaty bodies and further developed by TGEU. Available at ► http://tgeu.org/wp-content/uploads/2016/02/TGEU_ARC-Treaty-Bodies-Training-2.pptx.
- 17 This section is based on ARC's presentation on "Overview of UN system and entry points", ILGA's presentation on Special Procedures, and John Fisher's session on "Making the UN work for you". Available at ► <http://tgeu.org/wp-content/uploads/2016/02/TGEU-ARC-UN-overview.pptx>; ► http://tgeu.org/wp-content/uploads/2016/03/TGEU-presentation-making_un_work_JF-3.ppt
- 18 Report submitted by the Special Representative of the Secretary-General on the situation of human rights defenders, Hina Jilani Addendum Summary of cases transmitted to Governments and replies received. A/HRC/7/28/Add.1 5 March 2008. ► <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/114/44/PDF/G0811444.pdf?OpenElement>
- 19 Mandates of the Working Group on the issue of discrimination against women in law and in practice and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. IRL 1/2015. 17 April 2015. ► [https://spdb.ohchr.org/hrdb/30th/public_-_AL_Ireland_17.04.15_\(1.2015\).pdf](https://spdb.ohchr.org/hrdb/30th/public_-_AL_Ireland_17.04.15_(1.2015).pdf)
- 20 This chapter is based on OHCHR's presentation "Office of the High Commissioner for Human Rights (OHCHR) – work on human rights and gender identity". Available at ► <http://tgeu.org/wp-content/uploads/2016/02/OHCHR-Presentationa-TGEU-22sep15-rev1.pptx>.
- 21 Press briefing note on Turkey, Israel / Occupied Palestinian Territory and Yemen. OHCHR. 14 July 2015. ► <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16233>
- 22 This chapter is based on ARC International's presentation "Overview of the UPR". Available at ► <http://tgeu.org/wp-content/uploads/2016/02/Trans-UPR-and-UN-Training.ppt>
- 23 The human rights situation of transgender people in the Philippines Submission of the Society of Transsexual Women of the Philippines (STRAP) to the 13th Session of the United Nations Human Rights Council Universal Periodic Review, 2012. ► http://lib.ohchr.org/HRBodies/UPR/Documents/session13/PH/STRAP_UPR_PHL_S13_2012_SocietyofTranssexualWomenofthePhilippines_E.pdf
- 24 Para 128.72, Report of the Working Group on the Universal Periodic Review on Costa Rica. ► http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A_HRC_27_12_ENG.doc, July 2014, Human Rights Council, A/HRC/27/12
- 25 Para 99.51, Report of the Working Group on the Universal Periodic Review on Fiji. ► http://www.upr-info.org/sites/default/files/document/fiji/session_20_-_october_2014/a_hrc_28_8_e.pdf, October 2014, Human Rights Council, A/HRC/28/8
- 26 NGO Oral Statement on UPR Intervention for The Netherlands by COC Netherlands, Transgender Network Netherlands and ILGA-Europe. April 2012, Geneva. ► <http://ilga.org/ngo-oral-statement-on-upr-intervention-for-the-netherlands/>
- 27 Speech by Agata Chaber. ILGA, Item:6 - Poland UPR Report Consideration, 24th Meeting Human Rights Council September 2012. ► <http://webtv.un.org/meetings-events/conferencessummits/3rd-international-conference-on-financing-for-development-addis-ababa-ethiopia-13%E2%80%9316-july-2015/press-conferences/watch/ilga-item6-poland-upr-report-consideration-24th-meeting-human-rights-council/1852739102001#full-text>
- 28 This section is based on TGEU's presentation "How to monitor transphobic hate violence and reports of murdered trans and gender diverse people". Available at ► <http://tgeu.org/wp-content/uploads/2016/02/TvT-Training-UN-Sep2015.ppt>.
- 29 For more information see ► <http://transrespect.org/en/>.
- 30 This section is based on ILGA's presentation "The UN Treaty Bodies". Available at ► http://tgeu.org/wp-content/uploads/2016/02/TGEU_ARC-Treaty-Bodies-Training-2.pptx.
- 31 List of Issues: Human Rights Violations against Transgender People in El Salvador. Submitted by the International Human Rights Clinic at the American University Washington College of Law,* in conjunction with Heartland Alliance, Ana Cisneros, Asociación Solidaria para Impulsar el Desarrollo Humano, Comunicando y Capacitando a Mujeres Trans Con VIH, y Generación de Hombres Trans de El Salvador – HT 503 (El Salvador Generation of Trans Men – HT 503). February 2015. ► http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SLV/INT_CCPR_ICS_SLV_19856_E.pdf

- 32 List of issues in relation to the initial report of Uganda, Committee on Economic, Social and Cultural Rights. E/C.12/UGA/Q/1. 22 December 2014. ▶ <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW5G053PYBmnHdAP9PQFOAonzfliQv1ynjssyoKZToCeQLl9ETHOnWGYzG%2B8Ac4xnq%2Bx7%2BKK8NSqviH7HradUBHTRJJPkXM8s%2FSUQntR03UeZ>
- 33 The Rights of LGBTI Children in The Netherlands: A shadow report to the UN Committee on the Rights of the Child. Submitted by COC Nederland (with ECOSOC consultative status), Transgender Network Netherlands, and Netherlands Network Intersex/DSD. August, 2014. ▶ http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/NLD/INT_CRC_NGO_NLD_20215_E.pdf
- 34 Concluding observations of the Committee on the Elimination of Discrimination against Women: Zimbabwe. CEDAW/C/ZWE/CO/2-5, March 2012. ▶ <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ZWE-CO-2-5.pdf>
- 35 As referenced above.
- 36 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez. A/HRC/22/53.1 February 2013. ▶ http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53_English.pdf
- 37 Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque: Stigma and the realization of the human rights to water and sanitation. A/HRC/21/42. 2 July 2012. ▶ http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-42_en.pdf
- 38 As referenced above.
- 39 Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity Report of the United Nations High Commissioner for Human Rights. A/HRC/19/41. 17 November 2011. ▶ http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/19/41
- 40 Discrimination and violence against individuals based on their sexual orientation and gender identity Report of the Office of the United Nations High Commissioner for Human Rights. A/HRC/29/23. 4 May 2015. ▶ http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/29/23&referer=/english/&Lang=E
- 41 This section is based ICJ's presentation on "International Protection of transgender refugees". Available at ▶ <http://tgeu.org/wp-content/uploads/2016/02/Transgender-refugees-training-PP-LZ-23-Sept-2015.pptx>.
- 42 paras 78 (a,b), 79 (c, i). Ibid.
- 43 As referenced above.
- 44 General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women. Committee on the Elimination of Discrimination against Women. CEDAW/C/GC/32. 14 November 2014. ▶ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/627/90/PDF/N1462790.pdf>
- 45 As referenced above.
- 46 For more information about Special Procedures conducting country visits, see ▶ <http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryandothervisitsSP.aspx>.
- 47 Country Visit to Paraguay, 23 September to 6 October 2015 by the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health Mr. Dainius Pūras. Preliminary observations. ▶ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16566&LangID=E#sthash.8lxQCLfl.dpuf>
- 48 Country Visit to Malaysia, 19 November to 2 December 2014 by the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health Mr. Dainius Pūras. Preliminary observations. ▶ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15370&LangID=E>
- 49 As referenced above.
- 50 CEDAW has made country visits to the Philippines, Mexico and Canada. For more information, see ▶ <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/InquiryProcedure.aspx>.
- 51 Para 214, Report on the visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to the Republic of Paraguay. CAT/OP/PRY/1. 7 June 2010. ▶ http://www2.ohchr.org/english/bodies/cat/opcat/docs/Paraguay_followup_en.doc
- 52 As referenced above.
- 53 As referenced above.
- 54 Ending violence and discrimination against lesbian, gay, bisexual, transgender, and intersex people. ILO, OHCHR, UNAIDS Secretariat, UNDP, UNESCO, UNFPA, UNHCR, UNICEF, UNODC, UN Women, WFP and WHO. 29 September 2015. ▶ <http://www.ohchr.org/EN/Issues/Discrimination/Pages/JointLGBTIstatement.aspx>
- 55 This Chapter is based on is based on ARC International's presentation "Overview of the UPR" and John Fisher's session on "Making the UN work for you". Available at ▶ <http://tgeu.org/wp-content/uploads/2016/02/Trans-UPR-and-UN-Training.ppt> and http://tgeu.org/wp-content/uploads/2016/03/TGEU-presentation-making_un_work_JF-3.ppt.
- 56 Joint Statement on Ending Acts of Violence and Related Human Rights Violations based on Sexual Orientation and Gender Identity, delivered by Colombia on behalf of 85 States, UN Human Rights Council, March 2011. ▶ http://www.ishr.ch/sites/default/files/article/files/Joint%20statement_FINAL.pdf
- 57 Resolution 17/19 and Resolution 27/32 adopted by the Human Rights Council on Human rights, sexual orientation and gender identity. Resolution 17/19, A/HRC/RES/17/19, 14 July 2011. ▶ http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/17/19. Resolution 27/32, A/HRC/RES/27/32, 2 October 2014. ▶ http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/27/32
- 58 Resolution 27/32.
- 59 This section is based on GATE's presentation on "Trans* issues in the process of revision and reform of the International classification of diseases". Available at ▶ <http://tgeu.org/wp-content/uploads/2016/02/TGEU-ICD-Training-Mauro-Cabral.pptx>.
- 60 See Chapter V, F60-F69. International Classification of Diseases 10. 1990. ▶ <http://apps.who.int/classifications/icd10/browse/2016/en#/F60-F69>
- 61 See Chapter V, 5A30-5A3Z. International Classification of Diseases 11 Beta Draft. ▶ <http://apps.who.int/classifications/icd11/browse/l-m/en>





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The „UN Training for Trans Activists“ organised jointly by TGEU and ARC International in Geneva on 22-24 September 2015 and this toolkit were funded by the Federal Foreign Office of Germany.

The present document was produced with the greatest care, but does not claim to be complete. Responsibility for the information set out in this toolkit lies entirely with Transgender Europe and ARC International. We welcome your feedback, comments, questions or suggestions for improvement, which you can email to tgeu@tgeu.org.