



Chapter Four

Key impacts on the international human rights system

This is one chapter of
Rights at Risk: Observatory on the Universality of Rights Trends Report 2017
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Background

Anti-rights actors' discourses and strategies have had a substantive impact on our human rights framework and the progressive interpretation of human rights standards, and especially rights related to gender and sexuality.

Over 2015 and 2016, we have witnessed the watering down of existing agreements and commitments; deadlock and conservatism in negotiations; sustained undermining of UN agencies, treaty monitoring bodies, and special procedures; and success in pushing through regressive language in international human rights documents.

When it comes to the impact of conservative actors in international policy spaces, the overall picture today is of stasis and regression. Agreed conclusions and resolutions are embattled, the rhetorical and/or financial weakening of progressive UN mechanisms continues apace, and a rejuvenated and coordinated set of traditionalists are undermining human rights protections for all through new language in the human rights framework.

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At the same time, progressive activists continue to respond to these attacks on the universality of rights. Language on intimate partner violence; comprehensive sexuality education; domestic violence; child, early and forced marriage; and violence against women is continually challenged, but have also advanced due to their efforts.

1. Commission on the Status of Women

The Commission on the Status of Women (CSW) is the principal intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women, supported by UN Women. The CSW issues Agreed Conclusions—reached by consensus—on a priority theme each year to further the implementation of the Beijing Platform for Action.

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However, the CSW and the CEDAW Committee have long been two of the most contested and active sites in the UN system for anti-rights actors—following on from a history of conservative engagement at conferences and their symbolic value as “women’s rights” spaces.


2015

In March 2015, the Commission on the Status of Women conducted its 20-year review of implementation of the Beijing Platform for Action, adopting a Political Declaration and Working Methods resolution⁴⁶⁸. Markedly, even before negotiations and events began, the impact of anti-rights actors was apparent in the decision not to use this opportunity for a follow-up Fifth World Conference on Women, because of fears of erosion of the commitments made in the Fourth World Conference held in Beijing over two decades ago.

The outcomes of the 2015 Commission were undermined early on, as UN Women made the decision to hold negotiations (conducted by mission staff) on the Declaration in the weeks before the CSW, prior to the arrival of national delegations. This process was a particularly striking example of the overall trend of shrinking space for civil society at the UN. The Declaration was issued on the first day of the conference, to substantial critique from feminist groups and civil society.

The context of these unique negotiations exacerbated conservative regressions in the text, with women's rights activists largely shut out of any engagement with the process. The first draft of the Declaration was a pallid and unambitious text, at best reaffirming existing commitments from Beijing, and its language was undermined further in the days leading to the CSW. The newly formed Group of Friends of the Family⁴⁶⁹ coordinated in large part with the Holy See, CARICOM, and the African Group⁴⁷⁰ to exclude references in the text to the human rights basis of the international framework on gender equality and women's empowerment. On the CSO side, C-Fam, the UN Family Rights Caucus, the International Youth Coalition, and Family Watch International were active in lobbying.

In the end, very few references to States' international human rights commitments and principles remained in the Declaration. Russian delegates argued for the removal of references to human rights in the text altogether. The OIC made a statement trying to limit the universal applicability of human rights standards, arguing in one instance that "human rights for all women and girls," should be amended to remove "all." The Holy See, using a tactic it uses on several fronts, continued to suggest that the word fundamental be placed before any mention of human rights. In this way, as explored above, it aimed to delimit the sphere of applicable human rights standards and undermine the principles of universality and indivisibility.



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Several State representatives admitted to activists that they were loathe to support direct references to human rights in the Declaration because anti-rights efforts have convinced them that *any* citation of human rights reflects a subtle attempt on the part of other States to imply sexual and reproductive health and rights in the agreement. Most references to human rights were thus culled, both from objections to those included in the original draft, as well as language brought forward by some States during closed-door negotiations. In the end, human rights were mentioned only three times in the Declaration (in the preambular section and in reference to previous agreements), with no affirmation of human rights as the basis of the gender equality and women's empowerment agenda in the operational paragraphs.⁴⁷¹

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Anti-rights actors at the session were also successful in removing references to feminist organizations—which had featured in the Beijing Platform—and Women Human Rights Defenders from the final text. The African Group played a key role in their removal, and the OIC also made a push against this language, stating, “We don't know what feminist groups might get up to or what they do.”

Ultimately, references to decent work for women; grassroots groups; an inclusive definition of women and girls ‘in all their diversity’; almost all references to gender-based violence; and specific protected grounds for discrimination, including disability and HIV status, made their way off the table. The Declaration makes no reference at all to women's sexual and reproductive

health and rights. Anti-rights delegations moved against its inclusion, arguing that SRHR language would connote support for sexual orientation and gender identity, which they opposed.

Several State missions, including the United States, worked to water down language on gender and the post-2015 development agenda significantly. This was part of a theme of resistance by several global North States during the talks to links between development and human rights, and to inclusion of economic, social and cultural rights language overall.

The majority of negotiations on the Working Methods resolution at Beijing + 20⁴⁷² also took place prior to the CSW, and were finalized in the second week of the Commission. That Member States considered it appropriate to develop the future mechanisms and processes of the Commission without real input from civil society, including women's rights, and feminist groups, underlines the impact of anti-rights actors' work.⁴⁷³ At the end of negotiations, language on civil society engagement at the Commission was limited, with no reference to women's and feminist group's involvement in negotiations at the CSW.

2016

The 60th Commission on the Status of Women, in March 2016, again issued a watered down Agreed Conclusions text after intensive negotiations.

Conservative impact was again evident at an early stage. Before the formal opening of the Commission, UN Women hosted a Youth Caucus for activists below the age of thirty. It was the first event in what is intended to become a regular track at the Commission. In an example of the penetration of anti-rights activists into multiple levels of the work of the CSW, participants and organizers at the Caucus were taken by surprise by the presence of a vocal anti-abortion and anti-SRHR presence.

Progressive youth organizations reported being outnumbered at the events, and encountered blocking and intimidation tactics, with some teams shouted down by anti-rights actors in attendance. The World Youth Alliance had prioritized the Youth Caucus as a new space in which to make inroads. As a focus on youth engagement is expected to be a continuing interest for UN Women at the CSW, it is useful to call attention to the ways in which anti-rights actors are treating this emerging space as an opportunity for their advocacy.

Conservative actors had a number of direct impacts on the Agreed Conclusions at CSW 60. Direct references to comprehensive sexuality education were ultimately deleted from the text, and also from the HIV/AIDS resolution issued by the Commission. References to sexual and reproductive health and rights did not make their way through to the final draft, and despite strong organizing amongst feminist civil society, references to sexual orientation and gender identity were also removed.

The final draft included language affirming several States' push for national relativism. The Agreed Conclusions stated that implementation of the 2030 Agenda for Sustainable Development should take into account "different national realities, capacities and levels of development" and "respecting national policy space."

Finally, in a regression ecstatically hailed by Christian Right NGOs, the final draft of the Agreed Conclusions included a reference to 'the family'. Historically, proposed references to the unitary (and implicitly traditional and natural) family have been removed during the course of negotiations at the CSW. This year, however, the alternative text of "various forms of the family" brought forward in an amendment did not make it to consensus. States agreed to delete "various forms" in return for a deletion of "sustainable" before development in the following clause: "recognize the family as a contributor to development, including in the achievement of the internationally agreed development goals for women and girls."



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This reference to 'the family' was subsequently cited as agreed language in the 2016 Protection of the Family resolution at the 32nd session of the Human Rights Council in June.

2. Human Rights Council

The Human Rights Council has been the scene of several high-profile anti-rights moves at the international policy level in recent years. As the intergovernmental body responsible for the promotion and protection of human rights around the globe, the mechanism is a key entry point for conservative actors in their campaigns to erode and shape human rights protections. At the same time, in recent years the HRC has been the site of the most overall progress on SRHR.

June 2015: 29th session of the HRC

Several resolutions and reports from Special Procedures during the June/July sessions of the Human Rights Council focus on rights related to gender and sexuality. These include a resolution on the elimination of discrimination against women, which is sponsored annually by Colombia and Mexico in relation to the work of the UN Working Group on Discrimination against Women in law and practice.

The 2015 *resolution on discrimination against women*⁴⁷⁴ focused on discrimination against women in cultural and family life, based on the bold thematic report of the Working Group⁴⁷⁵ issued at the same session. The report received significant and pointed criticism from several States during the session, particularly from Member States of the Organization of Islamic Cooperation led by Egypt. During negotiations several States again strongly criticized the Working Group report and clauses from the resolution, alleging they were offensive with respect to

culture and religion. The draft text of the resolution was shaped by this opposition: as part of a general trend, the resolution merely 'notes' the report from the Working Group.

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The discrimination against women resolution was adopted by consensus and was co-sponsored by 60 countries. Ultimately, the text included some strong language in support of the right to equality and against forced marriage. However, key provisions from the Working Group's report and the initial draft of the resolution were removed, including: women's and girls' right to have control over their sexuality, sexual and reproductive health, and reproductive rights; the need to repeal laws which perpetuate the patriarchal oppression of women and girls in families, those criminalizing adultery or pardoning marital rape; and the importance of comprehensive sexuality education in addressing gender inequalities.

Following negotiations, the final text of resolution 29/4 was a significantly watered down version of the Working Group's report. The resolution did not call for equal division of family property in the event of divorce or widowhood, or equality for women and girls in inheritance rights. Nor did the resolution call on States to enshrine women's right to equality in constitutions and laws of any kind, applying to every area of life and with primacy over all customary or religious laws, norms, codes, and rules; or call for the elimination of early, forced, polygamous, and temporary marriages. However, references to intimate partner violence and comprehensive sexuality education were ultimately

included in the text – for the first time in a UN resolution - as well as the promotion and protection of reproductive rights, and the right to have control over and decide freely and responsibly on matters related to sexuality. The final version of the text also urged States to support civil society initiatives aimed at promoting gender equality and addressing domestic violence, including those undertaken by women’s organizations and women human rights defenders.

The second HRC *resolution on family* was also issued at the 29th session. The resolution, entitled “Protection of the family: contribution of the family to the realization of the right to an adequate standard of living for its members, particularly through its role in poverty eradication and achieving sustainable development,” was brought forward by a core group of 12 States, including Egypt, Bangladesh, Belarus, China, Cote d’Ivoire, El Salvador, Mauritania, Morocco, Qatar, the Russian Federation, Saudi Arabia, and Tunisia. This was the first substantive resolution on the theme—elaborating on norms and standards—following the largely procedural 2014 resolution on protection of the family⁴⁷⁶, and the OHCHR discussion and report⁴⁷⁷ called for in that resolution.

This resolution was marked by the harmful rhetoric and language noted above in the section on protection of the family. During negotiations, the core group continuously refused to include language highlighting the human rights of individual family members, including their rights to safety from abuse, violence, and discrimination, and their rights to bodily autonomy. The core group also refused to include language from multiple human rights sources stating that around the world, various forms of the family exist, continually referring to a unitary conception of the family and its protection as an institution.



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Given this deadlock, several States tabled amendments to the text.⁴⁷⁸ Pakistan brought forward a hostile amendment that sought to insert a new paragraph in the resolution to read, “[r]ecognizes that men and women of full age...have the rights to marry and to found a family, bearing in mind that marriage is a union between a man and a woman.”⁴⁷⁹ Once a proposal on diversity of family forms was voted down, Pakistan withdrew the amendment.

The resolution, with much of its problematic language intact, ultimately was voted in with 29 in favour

Brazil, Chile, South Africa and Uruguay brought another amendment seeking to insert a new paragraph recognizing “that in different cultural, political and social systems, various forms of the family exist.”⁴⁸⁰ A no-action motion was called, which passed by one vote⁴⁸¹; consequently, no further discussion could take place on the content of this amendment.

An amendment from Albania, Ireland, and Norway suggested the deletion of “the family plays a crucial role in the preservation of cultural identity, traditions, morals, heritage and value system of the society” from the text.⁴⁸² However, this amendment failed when put to a vote.⁴⁸³ An amendment from Belgium, Luxembourg, and Uruguay⁴⁸⁴ with improvements on language related to the rights of the child was accepted by the core group, but a subsequent amendment brought forward by Albania, Denmark, and Norway which called for inserting “and its members” after “family” through the resolution, and for deletion of the family as “the natural and fundamental group unit of society” was defeated by a vote.⁴⁸⁵ The resolution, with much of its problematic language intact, ultimately was voted in with 29 in favour, 14 against, and four abstentions.

March 2016: 31st session of the HRC

Anti-rights actors hoping to further limit civil society space mobilized against a resolution on human rights defenders at the 31st session of the Human Rights Council. However, in this case their efficacy was limited, due in part to a strong mobilization of progressive human rights activists.

The *resolution on ‘Protecting human rights defenders addressing economic, social and cultural rights’*⁴⁸⁶ was adopted by a vote in March 2016. Following contentious negotiations, a group of States led by Russia, China, Egypt, Cuba, and Pakistan proposed 30 different amendments in an attempt to deeply undermine the language and objectives of the resolution. The amendments called to remove any reference in the text to the term ‘human rights defenders,’ to deny the legitimacy of the work of human rights defenders, and to both dilute and regress from language and terminology from past human rights defenders resolutions.

The amendments attempted to weaken protections against, and accountability for intimidation and reprisals against human rights defenders

It is striking that, in the immediate wake of the murder of indigenous Woman Human Rights Defender Berta Caceres, the amendments attempted to weaken protections against, and accountability for intimidation and reprisals against human rights defenders; to remove acknowledgement of the specific risks and violations faced by women, indigenous, and land and environmental rights defenders, their families, and communities; and to refuse to condemn the assassination of human rights defenders.

The amendments proposed by the hostile States⁴⁸⁷ can

be seen as linked to the context of systematic efforts currently underway in a number of these States and others to restrict and criminalize the dangerous and important work of human rights defenders in violation of human rights protections. Several of the States sponsoring the hostile amendments are also active in intimidation and blocking of NGO engagement at the United Nations, and were named in allegations of intimidation or reprisals in both the UN Secretary-General's report and the joint communications report of Special Procedures on this subject.

A group of 180 CSOs worldwide issued a call to action, urging Member States to vote against the hostile amendments and support the resolution.⁴⁸⁸ All 30 amendments were rejected upon voting, and the resolution passed with 33 in support, six against, and eight abstentions. States that voted no on this resolution were Burundi, China, Cuba, Nigeria, Russia, and Venezuela. Abstentions were lodged by Bolivia, El Salvador, Kenya, Namibia, Qatar, Saudi Arabia, the UAE, and Vietnam.

June–July 2016: 32nd session of the HRC

The June–July 2016 Human Rights Council session was particularly contentious and the site of a number of struggles over human rights language. In large part, this was due to the unusually high number of resolutions proposed both in general and focusing on rights related to gender and sexuality.

Among other resolutions, the 32nd session adopted texts on youth and human rights,⁴⁸⁹ trafficking in persons,⁴⁹⁰ civil society space,⁴⁹¹ elimination of female genital mutilation,⁴⁹² protection of the family,⁴⁹³ women's equal nationality rights,⁴⁹⁴ elimination of discrimination against women,⁴⁹⁵ protection against violence and discrimination based on SOGI,⁴⁹⁶ the impact of racism on the human rights of girls,⁴⁹⁷ and the elimination of violence against women, including



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indigenous women and girls.⁴⁹⁸ As is standard during the June session of the HRC, a number of reports were also adopted, including those of the Special Rapporteur on Violence against Women and the Working Group on Discrimination against Women, and the thematic report of the Special Rapporteur on freedom of assembly and association on fundamentalisms and their impact.⁴⁹⁹

The final draft of the HRC's *resolution on violence against women*, an annual resolution led by Canada, contained some good language, including references to comprehensive sexuality education⁵⁰⁰, intimate partner violence⁵⁰¹, women human rights defenders, and women's rights to have control over all matters related to their sexuality. Push-back from several States during negotiations - and a lack of significant consultation with indigenous women's groups prior to the first draft - resulted in a final draft with more limited language reflecting the specific contexts and rights violations experienced by indigenous women and girls, and structural changes needed.

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The resolution was ultimately adopted by consensus. However, Russia introduced 11 hostile amendments to the text, seven of which it withdrew before voting. The amendments sought to remove a reference to the Security Council,⁵⁰² delete language referring to intimate partner violence,⁵⁰³ remove the reference to human rights defenders,⁵⁰⁴ and delete the reference to comprehensive sexuality education.⁵⁰⁵ On a positive note, the final four amendments were defeated in the vote. Several countries then noted their reservations to the text, including Paraguay, Saudi Arabia (on behalf of the Gulf Cooperation Council), Togo, and China.

The *annual resolution on discrimination against women in law and practice*⁵⁰⁶, linked to the Working Group's (WG) thematic report, was also adopted at the Council during the 32nd session. The resolution focused on the theme of the WG's report, on the right to health and safety. The final resolution contained robust language on sexual and reproductive health and rights, financial and social barriers to women's health, and women's rights to bodily autonomy. However, the human rights language and recommendations of the Working Group report were significantly diluted in both the first draft of the resolution and the final negotiated draft, including the role of the instrumentalization of women in denial of health and safety rights.

One of the objectives of the resolution was to renew the mandate of the Working Group for another three years, which became a site of conflict and a bargaining chip in negotiations. Several States argued against renewal and stronger human rights language was eroded in the search for consensus. Once again, despite the resolution's integral connection to the WG's report, several States refused to welcome the report on health and safety, with the final draft merely noting the text, signifying their disapproval and attempting to distance the resolution from the content of the report.

The final draft of this resolution was adopted by consensus, and included a renewal of the Working Group's mandate. Russia, again, introduced hostile amendments to the text, calling to remove references to human rights defenders,⁵⁰⁷ the Security Council,⁵⁰⁸ and a human rights based approach.⁵⁰⁹ These amendments were ultimately defeated in the vote. Several States again noted reservations to this resolution⁵¹⁰, including Ecuador, Paraguay, El Salvador, Russia, Saudi Arabia, and China.

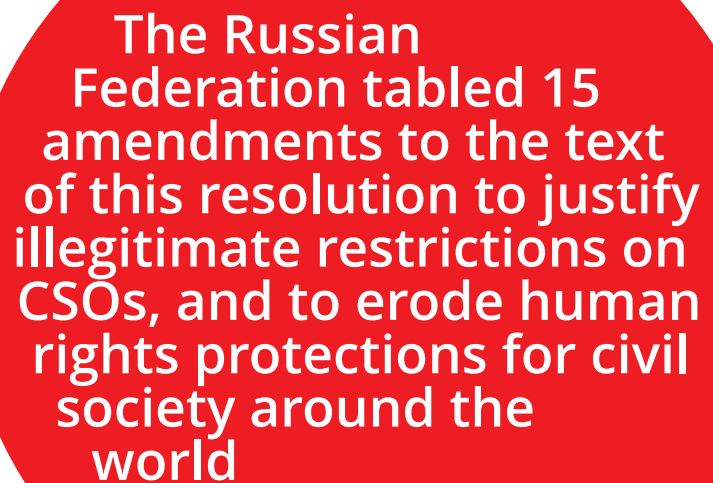
The *annual resolution on civil society space*,⁵¹¹ based in 2016 on the UN High Commissioner's recent report on the same subject, was sponsored by a core group of States, including Chile, Ireland, Japan, Sierra Leone, and

Tunisia. Despite strong facilitation from the core group, the text of the resolution and its protections and calls for positive measures to promote and protect civic space, came under sustained assault by States, such as India, South Africa, Russia, Egypt, and Iran. The resolution is historically adopted by consensus, but a vote on the draft was called by Russia and China.

The Russian Federation tabled 15 amendments to the text of this resolution in an effort to drastically undermine its object and purpose, to justify illegitimate restrictions on CSOs, and to erode human rights protections for civil society around the world. Among other moves, the amendments sought to remove reference to human rights defenders (HRD) and previous HRC language supporting their human rights; to the gravity of threats faced today by civil society, including restrictions to their rights to freedom of expression, association, and peaceful association, and reprisals against those HRDs seeking to engage with the UN and other international human rights bodies; remove or limit civil society's right to access resources for its work and to be free of arbitrary registration and reporting requirements that seek to hinder this work; and reject the recommendations of the UN High Commissioner for States to ensure a supportive legal framework for civil society, including full access to justice, a supportive public and political environment, access to information, human rights education, and public participation of civil society actors.

Two hundred forty-four progressive CSOs issued a letter to all Member States of the Council with respect to the threats entailed by these amendments.⁵¹² It is heartening that all of Russia's hostile amendments lost the vote at the HRC, and the resolution was subsequently adopted by 31 in favour, nine against, and seven abstentions.

The 32nd session of the Council also brought forward a *resolution on 'protection against violence and discrimination on the basis of SOGI,*⁵¹³ presented by Mexico, Argentina,



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Brazil, Uruguay, and Colombia. The resolution sought to establish a new Independent Expert on sexual orientation and gender identity, i.e. to assess the status of implementation of international human rights law to overcome violence and discrimination on the basis of SOGI, research and report to the Council on the root causes of violence and discrimination on this basis, and to engage with States and other stakeholders on this issue. This resolution was the focus of substantial conversation and debate, organizing, and opposition before, during, and following the Council session.

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Negotiations on the resolution were marked by a lack of debate, as several States—including Russia, most African States, and all Member States of the Organization of Islamic Cooperation aside from Albania—chose to boycott the process. Instead, these actors focused on different strategies to attempt to block and/or undermine the text of the resolution and its goal of establishing an Independent Expert. Saudi Arabia put forward a no-action motion on the whole resolution, which was defeated in a vote. Russia, and Pakistan on behalf of the OIC (aside from Albania), then put forward a set of 11 hostile amendments to change the focus of the resolution from SOGI, insert culturally and religiously relativist language, make harmful references to sovereignty to erode State accountability, and to strike out the mandate of the Independent Expert.

The nature and content of these amendments are discussed in more detail above.⁵¹⁴ While the establishment of the new mandate holder was upheld by the HRC, seven hostile amendments were ultimately passed, such that the (preambular) text of the SOGI

resolution now includes language undermining the universality of rights, upholding national exceptions and relativism.⁵¹⁵

Finally, anti-rights actors focused much of their attention again on a third *'protection of the family' resolution*⁵¹⁶ at the Human Rights Council. This year's resolution purported to focus on "the role of the family in supporting the protection and promotion of human rights of persons with disabilities," although as aforementioned the resolution sponsors did not engage in any significant way with disability rights groups, or consult with the treaty monitoring bodies or Special Procedures with a focus on the rights of persons with disabilities.

The text was presented by a core group consisting of Egypt, Bangladesh, Belarus, China, Cote d'Ivoire, El Salvador, Mauritania, Morocco, Qatar, the Russian Federation, Saudi Arabia, Tunisia, and Uganda. The resolution repeated the same problematic themes as in previous years. The text again sought to elevate the family at the expense of the human rights of individual family members, did not recognize the diversity of families or that families can be the site of oppression and violence for vulnerable individuals and groups, including persons with disabilities.

During the course of negotiations, the core group once again was unwilling to accept any changes to key weaknesses in the text. In a move towards future and deeper embedding of the family discourse in the human rights framework and in State responsibilities, the 2016 resolution called for a one-day intersessional seminar on the role of the family in supporting the protection and promotion of the rights of persons with disabilities and to discuss challenges and best practices.

Unfortunately, the 2016 resolution on protection of the family received less push-back during negotiations from States supportive of human rights protections—although Switzerland and Norway, for example, were outspoken opponents to the regressive language outlined above. It

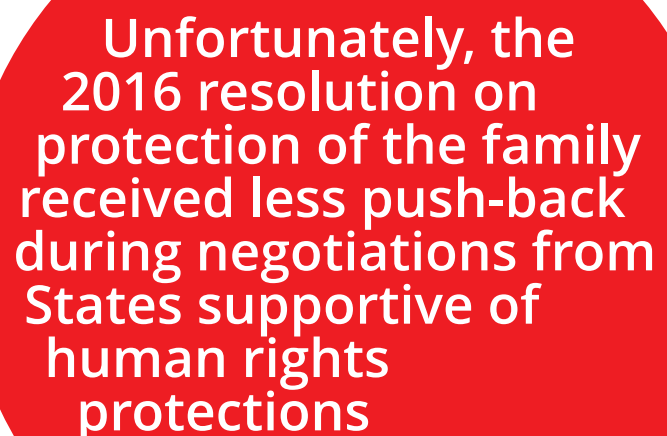
appears that the concentrated focus on the embattled SOGI resolution diverted both State⁵¹⁷ and progressive CSO attention, organizing, and coalition-building away from engagement with the family resolution this session.

In an attempt to improve the text, three amendments were put forward by the United Kingdom and one amendment by Switzerland and Norway, calling for inclusion of ‘various forms of the family’,⁵¹⁸ a change in language from ‘family’ to ‘families’ in the main text of the draft resolution⁵¹⁹, the addition of “supporting members of the family,”⁵²⁰ and the addition of ‘families’ to the title of the resolution.⁵²¹ All of these amendments were defeated in a vote, and the resolution as a whole was adopted by a vote of 32 in favour, 12 against, and three abstentions. As such, the 2016 protection of the family resolution passed by a greater majority than previous resolutions, increasing its yes vote count by three countries since 2015.

This Council session concluded with a filibuster and controversy led by Russia on the appointment of Special Procedures mandate holders. The Russian Federation objected to the appointment of the nominee for the extrajudicial executions mandate; while Russia’s human rights record had been criticized previously by this nominee, Russia refused to be explicit about the basis for its objections at the Council. Amidst comments about the divisiveness of the Human Rights Council, this led to the adoption of the entire list of new mandate holders being blocked. Following hours of debate, the 32nd session of the Human Rights Council was adjourned without reaching a decision, to be resumed at a later stage.

September 2016: 33rd session of the HRC

The September 2016 session of Human Rights Council indicated an increasing interest in the work of the HRC on the part of anti-rights actors, now focusing on the theme of maternal mortality and morbidity.



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The Council adopted its biannual *resolution on preventable maternal mortality and morbidity*, which was the subject of an unprecedented level of opposition. While the final draft of the resolution included some advances on women's and girls' rights, negotiations were tense, with Russia bringing forward 14 amendments to undermine the protections in the text significantly, five of which went to a vote.

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The amendments attempted to remove references to General Comment 22 on the right to sexual and reproductive health⁵²² from the Committee on the Covenant on Economic, Cultural, and Social Rights⁵²³, the treaty monitoring body for the binding international covenant. The General Comment discusses States' obligations to prevent unsafe abortion and provide post-abortion care without listing exceptions or limitations to specific circumstances.⁵²⁴ They also attempted to delete references to General Comment 3⁵²⁵ on women and girls with disabilities—which includes progressive language on the sexual and reproductive health of women with disabilities—from the Committee on the Rights of Persons with Disabilities (CRPD),⁵²⁶ which monitors implementation of the Convention on the Rights of Persons of Disabilities. States also proposed amendments that targeted the resolution's call for States to remove third party authorization for health services. This proposed deletion was of language that had been agreed upon in the June 2016 resolution on discrimination against women.

The five amendments brought to a vote by Russia were passed by a majority of States in the Council.

3. Human Rights Committee

Anti-rights actors at the United Nations are proactively seeking new spaces in which to attempt to further their subversion of fundamental human rights. In 2015, a number of religious right organizations targeted the Human Rights Committee in an attempt to cement their misleading 'right to life' discourse into human rights language.

The UN Human Rights Committee,⁵²⁷ which is the treaty monitoring body for the International Covenant on Civil and Political Rights,⁵²⁸ regularly reviews States Parties' compliance with the treaty. It also reviews individual complaints and issues jurisprudence with respect to States which have ratified the First Optional Protocol,⁵²⁹ and issues General Comments as part of its expert role in interpreting the content of the binding human rights provisions protected under the Covenant.

In 2015, a number of religious right organizations targeted the Human Rights Committee in an attempt to cement their misleading 'right to life' discourse into human rights language

Historically, anti-rights actors active in international policy spaces have been highly critical of the work of the Human Rights Committee and other treaty monitoring bodies, particularly the CEDAW Committee. Conservative groups have repeatedly attempted to undermine and invalidate the work of the treaty monitoring bodies, as mentioned above, characterizing their authoritative interpretations of binding human rights language as biased or activist.

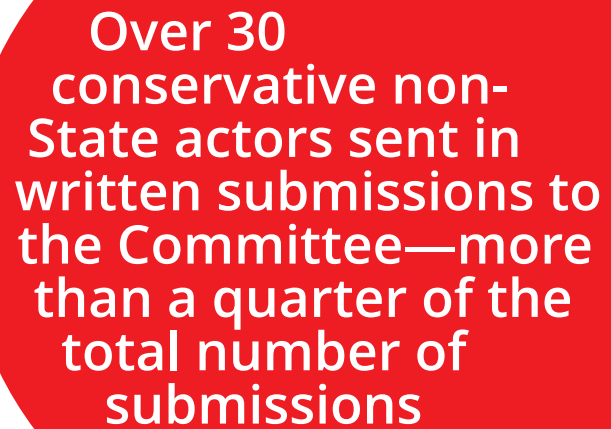
It was thus an interesting shift in approach—or more likely, evidence of a newly multi-layered strategy—when

a number of conservative actors descended upon the Committee following its public announcement that it would be developing a new General Comment (GC) interpreting the right to life in article 6 of the ICCPR.⁵³⁰ The purpose of this GC will be to “provide appropriate and authoritative guidance” to States Parties and other actors on the measures necessary to “ensure full compliance with the rights protected under this provision.”⁵³¹

The Committee held a half-day of general discussion, as per its standard procedure, in preparation for the GC during its 114th session in July 2015. In advance of the meeting, the Human Rights Committee issued an invitation to interested civil society, national human rights institutions (NHRIs), and academia to participate in person and/or provide written information on the subject. Over 30 conservative non-State actors sent in written submissions to the Committee⁵³²—more than a quarter of the total number of submissions received—articulating and advocating the anti-abortion right to life discourse (i.e. that life begins at conception) for inclusion in the Committee’s interpretation of article 6. If successful, this would provide support for an anti-abortion stance under one of the key binding international human rights treaties.

On the half-day of discussion, anti-abortion actors again turned out in force to participate actively in the conversation. Representatives from the Society for the Protection of Unborn Children, the Association of the Catholic Doctors of Bucharest, C-Fam, Autistic Minority International, Priests for Life, Canada Silent No More, Family & Life, WOOMB International, ADF International, and the National Right to Life Educational Trust Fund were present, as well as a coalition of anti-abortion Latin American NGOs⁵³³.

Two members of the Committee subsequently shared the first draft of the General Comment,⁵³⁴ and have been engaged in regular discussions to develop the GC in subsequent sessions. Following the significant focus at the half-day of discussion, abortion continues to receive



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submissions**

significant attention - the first draft, for example, states that, “the Covenant does not explicitly refer to the rights of unborn children, including their right to life.”⁵³⁵

The first draft GC also notes that any legal restrictions on the ability of women to seek abortion must not jeopardize their lives or subject them to “severe physical or mental pain or suffering.” The GC goes on to state that where abortion is currently illegal, the government must maintain legal exceptions for therapeutic abortion, and must not regulate pregnancy or abortion in a manner that would “compel women to seek clandestine illegal abortions that could endanger their lives.”⁵³⁶ The first draft GC also states that, “the duty to protect the lives of women against the health risks associated with the termination” of pregnancies requires States to “provide women, and, in particular, adolescents, with information about reproductive options, with access to contraception” and with “access to adequate prenatal health care.”⁵³⁷

However, the first draft makes reference to regional language that does mention life beginning at conception. It goes on to say, “States Parties may choose to adopt measures to protect the life, potential for human life or dignity of unborn children, including through recognition of their capacity to exercise the right to life,”⁵³⁸—albeit only when this does not result in violation of other rights under the Covenant, such as the right to life of pregnant mothers and the prohibition against exposing them to cruel, inhuman or degrading punishment.

The Human Rights Committee continues to discuss and develop the draft Comment, while some past conversations within the Committee around the provisions on abortion and the right to life have been mixed.⁵³⁹

4. Sustainable Development Goals negotiations and agenda 2030

The Sustainable Development Goals (SDGs), which include a set of goals, indicators, and targets, were determined through a series of intergovernmental negotiations, culminating in the adoption of 17 goals as Agenda 2030 in September 2015. The Goals replace the previous Millennium Development Goals and seek to frame the agendas of Member States to meet the urgent environmental, political, and economic challenges facing the world today.

Conservative actors then pivoted to another strategy, making reservations to the Goals

Anti-rights actors were involved in lobbying towards the development of the new Sustainable Development Goals through fall 2015. The Group of Friends of the Family continues to be active at the General Assembly, but was first launched by Belarus and Qatar with the goal of mainstreaming the family in the SDGs, and pushing for a stand-alone goal on the family.

Conservative actors focused on rights related to gender and sexuality received less traction and success in influencing Agenda 2030 than in several other UN spaces. Their cornerstone ask of a stand-alone family goal did not come to fruition, and no regressive references to the family made it into the final text.

However, in the end, the Goals did not move the line with regards to abortion. The final draft outcome does not specifically call for an end to all forms of violence and discrimination on the basis of sexual orientation and gender identity worldwide. The final draft of the Goals did not include references to sexual rights, with “sexual and

reproductive health and rights” falling off the table during negotiations, and failed to include comprehensive sexuality education.

Anti-rights actors had some impact on the affirmation of human rights in the Agenda. An earlier draft of paragraph 19 of the Political Declaration included a strong recognition that the realization of all human rights is a principal aim of sustainable development, and a clear commitment to non-discrimination for all.⁵⁴⁰ The paragraph stated that “this is an Agenda which seeks to respect, protect and fulfill all human rights” and that it would “work to ensure that human rights and fundamental freedoms are enjoyed by all without discrimination” on multiple grounds, including social origin and “other status.”

The African Group and the Arab Group raised robust objections to this phrasing and called for the removal of “other status” in the anti-discrimination clause, and dilution of the call to hold States fully accountable to all of their human rights commitments. Several Member States also objected to the phrase “all social and economic groups” elsewhere in the document, apparently to block reference to and protections for people who are non-conforming with respect to sexual orientation and gender identity.

In the end, the Declaration adopted a paragraph from the Rio+20 outcome document with weaker language, swapping “respect, protect and *fulfill all* human rights” with “respect, protect and *promote* human rights” — softening State responsibilities, and by excluding ‘all’, undermining the universality of rights—and narrowing the list of subjects of the non-discrimination clause.⁵⁴¹

Conservative actors then pivoted to another strategy, making reservations to the Goals. As noted above, several States issued reservations at the end of the Open Working Group process, upon finalization of the draft SDGs in August 2015. Then, at the September



The Group of Friends of the Family continues to be active at the General Assembly, but was first launched by Belarus and Qatar with the goal of mainstreaming the family in the SDGs

2015 session, the General Assembly convened to formally adopt the resolution pertaining to the Agenda in advance of the Summit.

Amongst the above, Qatar made reservations to the term “early marriage,” or the marriage of children, and made reservations to all points in the document dealing with reproductive health, which “might run contrary to sharia law.” Qatar also stated that any use of the term gender in the Agenda designated a man or a woman. Senegal stated that it did not consider the term “other status,” which remained in paragraph 19 of the Declaration, as relating to LGBT persons. On behalf of the African Group, Senegal stated, “The African States would therefore implement the goals in line with the cultural and religious values of its countries.” Senegal also made reservations indicating that the term ‘family’ refers only to a man and a woman, and against any right to abortion.

Iran also made reservations, stating that, “nothing in the document should override national priorities,” which includes “national understandings on the terms ‘other status,’ ‘other groups,’ ‘sexual and reproductive health and rights’ and ‘the family.’” Ecuador made reservations to the text on the basis that the Constitution of Ecuador “recognized that life began at conception.” Egypt reserved, stating that the content of the Agenda “must be implemented in line with national legislation and priorities, as well as with cultural and religious values.” It went on to state that education should be chosen by parents, and that “references to sexual health and services did not imply any right for adolescents to access services not in line with national laws and values.”

Sudan also issued reservations, stating among them that “no ideas or concepts should be imposed upon States which ran counter to their cultural values.” Chad reserved, arguing that “some of the issues in the outcome document” are not “in line with universally recognized international laws.” Chad also stated that the provisions of the Agenda must not “undermine the responsibility of parents in educating children, and the reference to sexual

education should not necessarily lead to the right to abortion.” The country also echoed other reservations claiming that marriage is a union between a man and a woman.

Egypt reserved, stating that the content of the Agenda “must be implemented in line with national legislation and priorities, as well as with cultural and religious values”

The Holy See also issued reservations, and stated that it was “confident that the related pledge ‘no one will be left behind’ would serve as the perspective through which the entire Agenda would be read” in order to protect “the right to life of the person, from conception until natural death.” The Holy See also stated that use of the term gender in the agreement was “grounded in the biological sexual identity that was male or female” and that any reference to sexual and reproductive health or reproductive rights in the Goals did not refer to abortion.

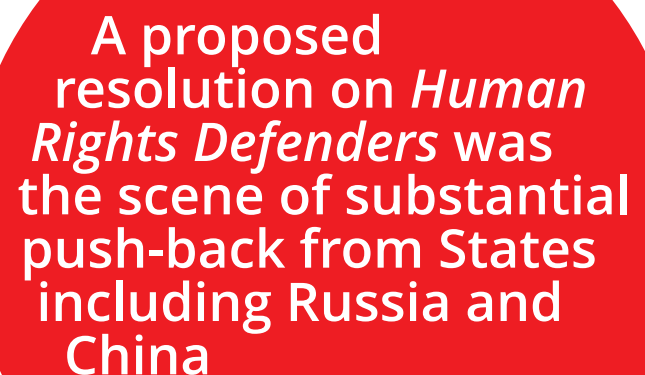
Some States went a step further. In October 2015, Saudi Arabia’s foreign minister declared that the country would not follow any international rules relating to the Sustainable Development Goals that reference sexual orientation or gender identity,⁵⁴² describing them as running “counter to Islamic law.” Direct references to individuals with non-conforming gender identity or sexual conduct being removed from the text during negotiations notwithstanding, the Minister expressed concern that “sexual health” could be used to read in this language, and stated that “mentioning sex in the text, to us, means exactly male and female” and that family “means consisting of a married man and woman.”⁵⁴³

5. General Assembly

Anti-rights actors also increasingly engage with and have made headway at the UN General Assembly (GA), particularly in the Third Committee. While the GA as a whole is a key deliberative, policymaking, and representative organ of the United Nations, the Third Committee of the GA deals with agenda items relating to a range of social, humanitarian affairs, and human rights issues. Each year it discusses and issues resolutions on issues including the advancement of women, the protection of children, family, and youth.

In November 2015, at the 70th session of the GA, a proposed *resolution on Human Rights Defenders*⁵⁴⁴ was the scene of substantial push-back from States including Russia and China. Kenya, Nigeria, South Africa, and Myanmar also opposed the resolution, and a record of 39 hostile amendments to the text were proposed by the African Group. These amendments aimed to remove references to the legitimacy of the work of human rights defenders, and to weaken or remove language citing the need for their protection.⁵⁴⁵ Opponents of the text also proposed deletion of a call for the release of defenders who are arbitrarily detained or imprisoned for the exercise of their human rights and fundamental freedoms, and to eliminate language on adequate procedural safeguards in judicial proceedings for HRDs and the need to combat impunity for human rights violations against independent civil society.

Instead of being agreed upon by consensus, as has been the history of human rights defenders resolutions at the General Assembly over the past 16 years, a vote was called on the resolution. While Nigeria stated that they saw “no need” for the resolution, China argued in advance of the vote that it had “no choice” but a vote against since allegedly “certain Western countries” employ the protection of defenders to “interfere in the internal affairs of developing countries and disrupt their social stability.”



A proposed resolution on *Human Rights Defenders* was the scene of substantial push-back from States including Russia and China

The text ultimately passed with 114 votes for, 14 countries against,⁵⁴⁶ and 40 States abstaining. While the amendments from the African Group were ultimately withdrawn, the final text was weakened in attempts to negotiate a consensus document. Among other concessions, a reference to the responsibility of business enterprises to respect the rights of HRDs to life, liberty, and security of person was deleted; and the call for States to respond favourably to visit requests of the Special Rapporteur on HRDs was limited.

In 2016, the General Assembly was the scene of feverish anti-rights organizing in opposition to the new mandate holder created by the Human Rights Council resolution on sexual orientation and gender identity in June 2016

At the 71st session in 2016, the General Assembly—in the Third Committee, the plenary of the GA, and the Fifth Committee, which is responsible for administration and budgetary matters—was the scene of feverish anti-rights organizing in opposition to the new mandate holder created by the Human Rights Council resolution on sexual orientation and gender identity in June 2016: the Independent Expert on SOGI. Four separate attempts were made at the General Assembly to block the mandate.

In November 2016—after the Independent Expert on SOGI had been appointed by the Human Rights Council, following the creation of the new mandate through resolution 32/2 at the Council in June 2016—the African Group introduced a hostile resolution at the Third Committee seeking to undermine the SOGI mandate.⁵⁴⁷ The resolution attempted to “defer consideration of and action on” the HRC resolution that created the mandate, “in order to allow time for further consultations to

determine the legal basis upon which the mandate of the special procedure established therein will be defined.”⁵⁴⁸ In essence, the General Assembly resolution⁵⁴⁹ sought to indefinitely defer the new mandate in the same manner as a no-action motion, even though the HRC had previously rejected a no-action motion brought by Saudi Arabia on resolution 32/2.

Several Latin American and Caribbean countries introduced an amendment to the Third Committee resolution requesting deletion of the paragraph requesting deferral of the SOGI mandate. The amendment ultimately passed narrowly, with 84 in favour of the amendment, 77 against, and 17 abstentions. Organizing next shifted to the General Assembly plenary, where the African Group and State supporters sought to again introduce the clause on deferral of the HRC SOGI resolution. This resolution was also narrowly defeated, with a final vote count of 77 for, 84 against, and 16 abstentions.

Anti-rights actors aimed to directly target the autonomy and powers of the Human Rights Council, in an effort to undermine its authority

The attempts in the General Assembly to retroactively block the creation of a mandate brought forward by the Human Rights Council represented a new and troubling tactic. The Council is not a subsidiary body of the Third Committee, it makes decisions rather than recommendations, and the creation of special procedures mandates falls within the jurisdiction of the Human Rights Council.⁵⁵⁰ Anti-rights actors aimed to directly target the autonomy and powers of the Human Rights Council, which is the primary UN body charged with the protection and promotion of human rights, in an effort to undermine its authority respective to the General Assembly.

A third vote was held on this issue at the Fifth Committee, where in an unprecedented move a number of States, including China, Russia, and Belarus, attempted to block the funding of UN human rights experts⁵⁵¹, including the new Independent Expert (IE) on sexual orientation and gender identity, through a resolution dealing with finance and budgetary issues. This novel attempt to cripple the work of the Human Rights Council (and IE on SOGI) was defeated but maintained significant support, the resolution failing with 82 against, 65 in favour, and 16 abstentions. Finally, the proposal to defund the work of the new mandate was raised in the General Assembly plenary, where it was defeated with 81 against, 65 in favour, and 16 abstentions.

While these multiple efforts were unsuccessful in administratively blocking the creation and continuation of the new mandate, the significant support they received, the novel strategizing employed, and the strong alliances built and fostered along regional lines through negotiations point to difficulties ahead.

6. Other UN spaces and mechanisms

In another recent example of the impact of anti-rights State actors in excluding some civil society from international human rights spaces, in advance of the *UN High Level Meeting on Ending AIDS* in June 2016, a group of States, including Russia, Cameroon, Tanzania, and 51 Member States of the Organization of Islamic Cooperation, attempted to block participation of 39 organizations in total.

Egypt, writing to the General Assembly President on behalf of the OIC, first objected to the inclusion of 11 non-governmental organizations at the meeting.⁵⁵² Tanzania and Cameroon pushed to reject nine NGOs working with LGBTQ individuals in some capacity in their



Tanzania and Cameroon pushed to reject nine NGOs working with LGBTQ individuals in some capacity in their respective countries

respective countries. Russia blocked two Russian groups who work with drug users and advocate harm reduction methods like needle exchange.

Any General Assembly member country currently has the ability to veto the participation of any non-governmental organization in the three-day meeting at the GA without providing a reason.⁵⁵³ The group of excluded CSOs, many of whom work towards LGBTQ rights, appealed to the President of the General Assembly.

President Lykketoft (of Denmark) of the General Assembly stated that his office had negotiated with Member States to remove other objections, reducing the number of groups blocked from the conference from 39 to the final tally of 22.⁵⁵⁴ He expressed his regret at the exclusion, stating that “we have done whatever we can within and outside our actual authority,” and that under the current General Assembly rules and procedures “we have no possibility to overrule the objections in spite of the fact that I personally regret them.”⁵⁵⁵

Despite strong lobbying from States and State blocs—such as the European Union, Canada and the United States—and civil society, these organizations remained barred from participation in the formal events, although some excluded NGO staff could attend when registered by other organizations.

Anti-rights actors were also active and influential at another UN conference in 2016. Organizations like Family Watch International, United Families International, and Big Ocean have been engaged in lobbying Member States towards negotiations on the United Nations’ New Urban Agenda.

The Agenda, an agreement that aims to address the challenges of growing cities globally and which sets out guidelines for sustainable urban development over the next 20 years,⁵⁵⁶ was adopted at the *Habitat III conference* in Quito in October 2016. United Families International and Big Ocean sent delegates to the meeting.

Over the past year, several delegations—including Mexico, Argentina, Canada, the European Union, the United States, and Colombia—had pushed for the inclusion of LGBTQ people in the anti-discrimination and anti-violence clause of the Agenda, under the list of “vulnerable groups.” However, a group of 17 countries led by Belarus effectively blocked this language,⁵⁵⁷ removing the reference to individuals who engage in same-sex sexual conduct. The blocking group of States included Russia, Egypt, Qatar, Indonesia, Pakistan, Bangladesh, Malaysia, Nigeria, Saudi Arabia, Somalia, and Iran.

Conclusion

As we have seen, the universality of human rights is under attack by an increasingly coordinated and agile set of anti-rights actors operating in the international human rights sphere. This mirrors trends at the national and regional levels.

In recent years, feminists and other progressive activists have taken bold action to hold our ground and to push back against these hostile initiatives in order to protect and further our rights. Important progressions in human rights norms and language - including on rights related to gender and sexuality - have occurred in recent years as a result of this sustained action.

The OURs initiative aims through this report (the first of a yearly series) to further our collective advocacy as we go forward through a sharper understanding of the anti-rights actors, discourses, strategies and impacts that aim to chip away at and appropriate our human rights. We hope that by building on this knowledge, we can organize creatively and strategically together to maintain and continue developing human rights standards to reclaim our rights, hold our governments accountable for their rights violations, and protect the fundamental principle that human rights are universal, inalienable, indivisible, interdependent, and interrelated.

Feminists and other progressive activists have taken bold action to hold our ground and to push back against these hostile initiatives

We hope that by building on this knowledge, we can protect the fundamental principle that human rights are universal, inalienable, indivisible, interdependent, and interrelated

- 468 The future organization and methods of work of the Commission on the Status of Women, E/CN.6/2015/L.
- 469 The Group of Friends of the Family was launched in 2015, as above, and includes Belarus, Egypt, Qatar, Bangladesh, Comoros, Indonesia, Iran, Iraq, Kuwait, Kyrgyzstan, Libya, Malaysia, Nigeria, Oman, Pakistan, the Russian Federation, Saudi Arabia, Somalia, Sudan, Tajikistan, Turkmenistan, Yemen, Uganda, and Zimbabwe.
- 470 Anne Marie Goetz, *The New Cold War on Women's Rights*, United Nations Research Institute for Social Development, 22 June 2015.
- 471 Preambular paragraphs are situated at the beginning of the Agreed Conclusions and resolutions, and state background reasons to address the issue at hand and relevant past international action on the issue. Operational paragraphs follow and are numbered, and are action-oriented in response to the background issues.
- 472 The 2015 session of the Commission on the Status of Women was both the 59th session of CSW and the 20th anniversary of the Fourth World Conference on Women, which took place in Beijing.
- 473 Anne Marie Goetz, *The New Cold War on Women's Rights*, United Nations Research Institute for Social Development, 22 June 2015.
- 474 Human Rights Council Resolution 29/4, A/HRC/29/L.7/Rev.1, July/1/2015, available at <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G15/141/09/PDF/G1514109.pdf>.
- 475 UN Human Rights Council, Report of the Working Group on the issue of discrimination against women in law and in practice, 2 April 2015, A/HRC/29/40. The report is available at http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A_HRC_29_40_en.doc
- 476 16 July 2014, A/HRC/RES/26/11, 'Protection of the Family', available at <http://www.refworld.org/docid/559f7ac24.html>. The first resolution called for a panel discussion "on the protection of the family and its members" and requested the High Commissioner for Human Rights to prepare a report on the panel discussion for the Council.
- 477 As noted above, the OHCHR report did not support an anti-rights perspective.
- 478 Resolutions are sponsored by states or groups of states at the HRC. They can be finalized by consensus or by calling a vote. Once the text of a resolution is tabled, states may propose amendments prior to the vote on the resolution.
- 479 Amendment L41.
- 480 Amendment L37.
- 481 The tally was 22 for, 21 against, and three abstentions.
- 482 Amendment L38.
- 483 With 18 for, 23 against, and five abstentions.
- 484 Amendment L39.
- 485 With 19 for, 23 against, and four abstentions.
- 486 The resolution is available at http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/31/L.28 (United Nations Human Rights Council (UNHRC), 'Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights,' Resolution, 21 March 2016, UN Document A/HRC/31/L.28).
- 487 As mentioned above, at the Human Rights Council, States or groups of States may propose amendments to the tabled resolution text to influence the final text prior to the vote.
- 488 The civil society letter to Member States of the Human Rights Council, dated March 22, 2016, is online at http://www.ishr.ch/sites/default/files/article/files/letter_to_member_states_of_the_unhrc_hrds_04_04_16_0.pdf
- 489 Human Rights Council, Thirty-second session, *Youth and human rights*, June/27/2016, A/HRC/32/L.1, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/L.1
- 490 Human Rights Council, Draft Resolution, Thirty-second session, June/29/2016, A/HRC/32/L.6 - *Trafficking in persons, especially women and children*, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/L.6
- 491 Human Rights Council, Thirty-second session, *Civil Society Space*, June/27/2016, A/HRC/32/L.29, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/L.29
- 492 Human Rights Council, Thirty-second session, *Elimination of female genital mutilation*, June/27/2016, A/HRC/32/L.31/Rev.1, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/L.31/Rev.1
- 493 Human Rights Council, Thirty-second session, *Protection of the family*, June/27/2016, A/HRC/32/L.35, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/L.35
- 494 Human Rights Council, Thirty-second session, *The right to a nationality*, June/28/2016, A/HRC/32/L.12, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/L.12
- 495 Human Rights Council, Thirty-second session, *Elimination of discrimination against women*, June/29/2016, A/HRC/32/L.7/Rev.1, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/L.7/Rev.1
- 496 Human Rights Council, Thirty-second session, *Protection against violence and discrimination based on sexual orientation and gender identity*, June/28/2016, A/HRC/32/L.2/Rev.1, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/L.2/Rev.1
- 497 Human Rights Council, Thirty-second session, *Addressing the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls*, June/28/2016, A/HRC/32/L.25,, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/L.25

- 498 Human Rights Council, Thirty-second session, *Accelerating efforts to eliminate violence against women: preventing and responding to violence against women and girls, including indigenous women and girls*, June/30/2016, A/HRC/32/L.28/Rev.1, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/L.28/Rev.1
- 499 Among other key reports from Special Procedures was the report of the Special Rapporteur on health. All reports from the session are available at <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session32/Pages/ListReports.aspx>
- 500 The reference to CSE in the 2016 VAW resolution was the second overall, and first included without a footnote.
- 501 States such as Egypt and Pakistan attempted to remove references to CSE and IPV during negotiations, e.g. arguing that there is “no such thing” as intimate partners in those national contexts as these relations only occur between husbands and wives. Ultimately both terms remained in the final text.
- 502 Amendment L36 – 12 yes, 22 no, 13 abstentions.
- 503 Amendment L37 – 15 yes, 22 no, nine abstentions.
- 504 Amendment L42 – 14 yes, 23 no, 10 abstentions.
- 505 Amendment L43 – 10 yes, 24 no, 12 abstentions.
- 506 Human Rights Council, Thirty-second session, Elimination of discrimination against women, June/24/2016, A/HRC/32/L.7, http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/32/L.7
- 507 Amendment L70 – 14 yes, 23 no, 9 abstentions.
- 508 Amendment L67 – 16 yes, 20 no, 11 abstentions.
- 509 Amendment L69 – 16 yes, 21 no, 9 abstentions.
- 510 While this wording didn't make it to the final text, Egypt proposed that the resolution “note” the report “with concern.”
- 511 The resolution is available at http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/32/L.29
- 512 The letter, dated June 26, 2016, is available online at https://www.ishr.ch/sites/default/files/article/files/css_hrc32_open_letter_to_member_states_unhrc_final_0.pdf
- 513 This was the third HRC resolution to focus on SOGI. The 2016 resolution is available at http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/32/L.2
- 514 For additional and detailed analysis of the hostile amendments, please see ARC International, <http://arc-international.net/global-advocacy/human-rights-council/32nd-session-of-the-human-rights-council/appointing-an-independent-expert-on-sexual-orientation-and-gender-identity-an-analysis-of-process-results-and-implications/iii-understanding-the-sogi-resolution-2016/an-analysis-of-the-hostile-amendments/>
- 515 The resolution in this form was adopted by a vote of 23 in favour, 18 against, and six abstentions.
- 516 The resolution is available at http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/32/L.35
- 517 Although anti-rights States continued to be very involved in the ‘protection of the family’ negotiations and process while developing their multiple campaigns against the SOGI resolution.
- 518 Amendment L82 – 16 yes, 25 no, four abstentions.
- 519 Amendment L83 – 13 yes, 27 no, five abstentions.
- 520 Amendment L84 – 14 yes, 27 no, four abstentions.
- 521 Amendment L89 – 14 yes, 27 no, four abstentions.
- 522 The General Comment, which interprets article 12 (right to health) of the Covenant, is available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2fGC%2f22&Lang=en
- 523 Committee on Economic, Social and Cultural Rights (CESCR Committee), <http://ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx>
- 524 General Comment 22 goes on to frame the right to sexual and reproductive health in terms of individual autonomy and free, voluntary and informed decision-making; orders states to prohibit procedural barriers to health services, including regulation of conscientious objection; and calls upon states to ensure that “all individuals have access to justice and to meaningful and effective remedy in instances in which the right to sexual and reproductive health is violated.”
- 525 General Comment 3 provides an authoritative interpretation of article 6 of the Convention, and is available at <http://www.ohchr.org/Documents/HRBodies/CRPD/GC/Women/CRPD-C-GC-3.doc>
- 526 Committee on the Rights of Persons with Disabilities (CRPD Committee), <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>
- 527 Human Rights Committee, <http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx>
- 528 UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>
- 529 UN General Assembly, *Optional Protocol to the International Covenant on Civil and Political Rights*, 19 December 1966, United Nations, Treaty Series, vol. 999, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCCPR1.aspx>
- 530 See the section on the ‘right to life’ discourse above for the full text of article 6.
- 531 <http://www.ohchr.org/EN/HRBodies/CCPR/Pages/GC36-Article6Righttolife.aspx>
- 532 All written submissions received by the Committee are posted at <http://www.ohchr.org/EN/HRBodies/CCPR/Pages/WCRightToLife.aspx>

- 533 For a summary of the conversation, please see *Human Rights Committee discusses draft General Comment on the right to life*, July 2015, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16234&LangID=E>
- 534 Human Rights Committee, 115th session, *Draft general comment No. 36*, Article 6, Sep/2/2015, CCPR/C/GC/R.36/Rev.2, http://www.ohchr.org/Documents/HRBodies/CCPR/Draft_GC_115thsession.doc
- 535 Draft General Comment 36, para 7.
- 536 The draft GC gives specific examples, stating that States Parties “should not criminalize pregnancies by unmarried women or apply criminal sanctions against women undergoing abortion or against physicians assisting them in doing so. Nor should States Parties introduce excessively burdensome or humiliating requirements for seeking permission to undergo abortion, including the introduction of lengthy mandatory waiting periods before a legal abortion can be carried out.”
- 537 Ibid.
- 538 Ibid.
- 539 Centre for Civil and Political Rights, *Draft General Comment on the Right to Life, Issue of abortion provokes intense discussions within Committee*, <http://ccprcentre.org/ccprpages/draft-general-comment-on-the-right-to-life-provokes-intense-discussions-within-committee-on-issue-of-abortion>
- 540 <http://cesr.org/article.php?id=1758>
- 541 Deleting ethnicity, age, and migration status, but not the reference to “other status.” Opponents of this language met a challenge in that the Rio+20 phrase was agreed language from a foundational text for the post-2015 process.
- 542 Associated Press, *Saudi Arabia Protests Inclusion of Gay Rights in UN Development Agenda*, Huffington Post, October 2015, http://www.huffingtonpost.com/entry/saudi-arabia-protests-inclusion-of-gay-rights-in-un-development-agenda_us_560841bbe4b0af3706dcaafe
- 543 Ibid.
- 544 General Assembly, Seventieth session, Third Committee, *Recognizing the role of human rights defenders and the need for their protection*, Nov/18/2015, A/C.3/70/L.46/Rev.1, https://www.un.org/ga/search/view_doc.asp?symbol=A/C.3/70/L.46/Rev.1
- 545 See further International Service for Human Rights, *General Assembly adopts important resolution on human rights defenders in face of opposition from China and Russia*, November 2015, <http://www.ishr.ch/news/general-assembly-adopts-important-resolution-human-rights-defenders-face-opposition-china-and>
- 546 These countries included China, Iran, Burundi, Korea, Kenya, Myanmar, Nigeria, Pakistan, Russia, Saudi Arabia, South Africa, Sudan, Syria, and Zimbabwe.
- 547 At each General Assembly session, the resolutions adopted by the Human Rights Council are brought to the attention of the GA through a report; it has been regular practice of the African Group to introduce a resolution at the Third Committee merely taking note of the report, rather than seeking to question or influence the effect of HRC resolutions.
- 548 For additional background on the proposed resolution, please see http://www.ishr.ch/sites/default/files/article/files/backgrounder-hrc_report_sogi_expert-final.pdf and <http://arc-international.net/research-and-publications/new-arc-reports/a-success-in-2016-the-first-un-independent-expert-on-sexual-orientation-and-gender-identity/>
- 549 The Third Committee resolution was sponsored by the African Group, Pakistan, Qatar, Russia, Saudi Arabia, UAE, and Yemen.
- 550 The Council and its predecessor, the Human Rights Commission, have established 57 mandates.
- 551 While UN Special Procedures experts (i.e. Special Rapporteurs, Working Group members and Independent Experts) themselves work pro bono, some funds are generally allocated to facilitate country visits on the invitation of the national government, and support staff.
- 552 Samuel Oakford, *Islamic Countries Are Blocking LGBT Groups From a UN Meeting on AIDS*, Vice News, May 2016, <https://news.vice.com/article/islamic-countries-are-blocking-lgbt-groups-from-a-global-meeting-on-aids>
- 553 Associated Press, *Excluded Groups Say They Should be Part of UN AIDS Meeting*, June 2016, <http://www.nbcnews.com/feature/nbc-out/update-excluded-groups-say-they-should-be-part-un-aids-n588166>
- 554 Ibid.
- 555 Samuel Oakford, *Islamic Countries Are Blocking LGBT Groups From a UN Meeting on AIDS*, Vice News, May 2016, <https://news.vice.com/article/islamic-countries-are-blocking-lgbt-groups-from-a-global-meeting-on-aids>
- 556 Paola Totaro, *Belarus leads group of about 17 nations to block LGBT rights in U.N. cities plan*, Reuters, Oct/11/2016, <http://www.reuters.com/article/us-un-habitat-lgbt-idUSKCN12C03B?il=0>
- 557 However, the same group had been unsuccessful in pushing through language referencing the traditional family in earlier negotiations.

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