

## **ECOSOC opens the UN to LGBT voices, but takes disciplinary action against three other NGOs**

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On 19 July 2010, the UN's Economic and Social Council (ECOSOC) withdrew consultative status from one NGO (General Federation of Iraqi Women) and suspended two others (Interfaith International and Centre Europe-tiers monde or CETIM), each for two years. The action was taken as a result of individual complaints that member states had lodged with ECOSOC's Committee on NGOs,\* which is a subsidiary body of ECOSOC consisting of 19 states.

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However, the issue that dominated the ECOSOC meeting was a draft decision the US submitted, which sought to grant consultative status to the [International Gay and Lesbian Human Rights Commission](#) (IGLHRC). Statements in support of the US proposal dominated the lengthy discussion, with only Egypt and Russia speaking against it. At the request of Saudi Arabia, the US proposal went to a vote and was adopted by a comfortable margin (23 in favour, 13 opposed, 13 abstentions). As the [US Ambassador](#) commented at the end of the meeting, ECOSOC's decision sent a clear message to the NGO Committee and to the international community that LGBT voices will be heard at the UN, and eligible NGO applications for consultative status cannot be deferred indefinitely by the NGO Committee. The US President released [a statement](#) congratulating IGLHRC on becoming only the tenth LGBT organisation to be granted consultative status, and commented that this outcome brought 'the United Nations... closer to the ideals on which it was founded'.

\* The NGO Committee oversees the implementation of [ECOSOC Resolution 1996/31](#), which is the legal framework governing NGO participation in the work of the UN. It thus has the authority to approve or decline NGO applications for consultative status with the UN. Further, it can recommend (para. 57) that ECOSOC withdraw or suspend an NGO's consultative status if it determines that the NGO has not fully complied with the resolution. The Committee has not developed any interpretive guidelines or a set of practical instructions on how to implement *Resolution 1996/31*. Rather it considers complaints on a case by case basis. NGOs have long criticised the weak procedural safeguards the resolution affords them if they are the subject of a complaint by a member state, which are essentially limited to a right of reply within a limited time period. Although the documentation considered by the NGO Committee is only accessible by its 19 members, it has recently begun annexing the complaint lodged against an NGO to the reports of its [regular](#) and [resumed](#) sessions. The NGO responses to the complaints are not made public because they are not official UN documents, but responses were submitted by CETIM and Interfaith International, who refuted all allegations made against them.

\*\* IGLHRC applied for consultative status with the NGO Committee in May 2007, appeared before the Committee on two separate occasions to answer questions and responded to 44 questions in writing, only to have its application repeatedly deferred. In an effort to expedite the process, the US proposed that status be granted to IGLHRC at the resumed session of the NGO Committee in June 2010. However, this prompted Egypt (on behalf of the African Group) to use a deferral procedure known as a 'no-action' motion, which was adopted by the Committee. The UK described this as "a simple act of discrimination", a view that was echoed by the US, Columbia, Romania and a significant number of observer states that were present at [the meeting](#). IGLHRC developed [an online petition to ECOSOC members](#) to overturn the NGO Committee's draft decision,

which was signed by over 200 NGOs from around the world.

### **Summary of the ECOSOC meeting, 19 July 2010**

The 54 members of ECOSOC were represented at a high-level with most members who took the floor being acknowledged as Ambassadors or Permanent Representatives. NGOs were also well represented in the room, and several states welcomed their presence to monitor the proceedings.

The meeting began with a strong statement by Belgium (on behalf of the EU, plus Liechtenstein, Norway and Georgia) that was essentially an update of the [2009 EU statement](#) to ECOSOC on the same topic. The statement expressed concern with 'more and more deviations from the guiding principles of ECOSOC resolution 1996/31 in the handling of applications before, and in recommendations made by the NGO Committee. States are increasingly opposing consultative status for organisations which have been critical of their human rights record, or whose views a particular state does not agree with.' The statement went on to elaborate the EU's criticisms regarding the treatment of IGLHRC's application for consultative status.

Australia (on behalf of Canada and New Zealand) delivered a statement with a similar message, which also highlighted these states' "deep regret" over the no-action motion and concern that the Committee was deviating from 1996/31 by failing to grant applications that met all relevant criteria.

ECOSOC then proceeded to adopt the report of the Committee on NGOs - without any member taking the floor to comment on the draft decisions. It was a very rapid adoption of all draft decisions by consensus. This resulted in the withdrawal of status for the General Federation of Iraqi Women, and the suspension of CETIM and Interfaith International, both for two years.

The bulk of the meeting was devoted to consideration of the US draft proposal to grant IGLHRC status (E/2010/L.19). Brazil was the only state to join as a co-sponsor from the floor.

In introducing the text, the US profiled IGLHRC and its work; read out letters of praise for the work of IGLHRC from UN AIDS and UNDP; explained how IGLHRC met the three main criteria for achieving consultative status; mapped out the systematic nature of the discrimination LGBT NGOs had faced over the last 10 years at the hands of the Committee, citing 7 LGBT NGOs that had been denied status by the Committee and had these decisions overturned by ECOSOC; pointed to para 15 of *Resolution 1996/13* as providing ECOSOC the authority to step in to grant status to IGLHRC; and argued that if ECOSOC failed to step in to do so it would be curtailing its own oversight function of the NGO Committee.

Saudi Arabia then called for vote, arguing that the NGO Committee's no-action motion should have stood. It blamed 'a few members who have politicised the vote taken in the NGO Committee' and were trying to 'usurpe the Committee'. Supporting their proposal would 'undermine the collaborative basis on which the Committee makes decisions and undermine the authority that ECOSOC has vested in its subsidiary bodies.'

Supportive statements before the vote were made by Israel, Belgium (EU), Norway, UK, Canada, Australia, Argentina (voting in favour on an exceptional basis, namely that the Committee had been unable to formulate a draft decision on IGLHRC's application, when it was in a position to do so. Argentina did not support the misuse of procedure by the Committee).

Most supportive statements touched on: the need for equal treatment of all NGO applications and the principle of non-discrimination in *Resolution 1996/31*; concern over the systematic discrimination of applications from lesbian, gay, bisexual and transgender (LGBT) organisations; no matter what the views of NGOs, their applications should be approved if they satisfy the criteria set out in *Resolution 1996/31*; no evidence to indicate why IGLHRC should not be granted status had been presented; IGLHRC had answered all 44 questions in a constructive and respectful manner; the significant contribution IGLHRC would make to the UN, particularly on critical issues like gender, health, the MDGs, particularly the goal relating to HIV/AIDS; the UN can only benefit from partnering with NGOs and hearing their diverse and frank opinions; the damaging precedent that would be set if the no-action motion was not challenged and became accepted practice at the Committee.

The only negative statements before the vote were made by Egypt and Russia, both members of the NGO

Committee.

Egypt ran the argument that IGLHRC's application was receiving selective treatment. It pointed out there were 97 deferred applications before the Committee, some dating back to 1999, and to pull out one would upset the 'delicate balance' of the work of the Committee. It implied that this selective approach could be replicated in other UN organs, which would be unworkable. It also presented itself as supportive of the contribution of NGOs to the work of the UN, including on issues such as freedom of religion and freedom of expression, and said it had 'championed these principles' in various UN bodies. It was concerned that IGLHRC had 'evaded or failed to directly address questions on religious rights and freedom of expression' that the NGO Committee had posed, and should not get 'special or privileged treatment' at ECOSOC. It was critical of the fact that no information about IGLHRC was presented at ECOSOC so that members could inform themselves (a point also laboured by St. Lucia).

Russia said it opposed all forms of discrimination, including on the grounds of sexual orientation. But the US proposal went far beyond this to the very functioning of ECOSOC and the division of labour with its subsidiary bodies. Like Egypt, Russia was concerned by the 'extremely negative precedent' the US proposal would have on the functioning of the whole UN system. It had asked the Secretary of ECOSOC about the number of applications for consultative status before the Committee - a total of 530 new and deferred - and asked what would happen if ECOSOC had to consider them all? Finally, Russia argued the proposal was not consistent with the General Assembly's goal of system wide coherence.

Immediately before the vote, the Secretary pointed out this was the first time ECOSOC was voting on an issue in the UN's new North Lawn Building (which opened in January 2010). This created some technical challenges for member states that had no idea how to use the new equipment and was clearly intended to alert ECOSOC members that they were deviating from their established practice of deciding matters by consensus.

The vote to adopt the proposal was carried by a significant margin of 23 in favour, 13 against and 13 abstentions.

- **Against:** Bangladesh, China, Comoros, Egypt, Malaysia, Morocco, Namibia, Niger, Pakistan, Russia, Saudi Arabia, Venezuela, Zambia.
- **Abstaining:** Bahamas, Cote d'Ivoire, Ghana, India, Mauritius, Moldova, Mongolia, Mozambique, Philippines, Rwanda, St. Kitts, Turkey, Ukraine.
- **In favour:** US, EU, Canada, New Zealand, Norway, plus Argentina, Brazil, Chile, Guatemala, Peru, Uruguay, AND Republic of Korea, Japan.
- **Absent or not voting:** Congo, Cameroon, Guinea Bissau, Iraq, St. Lucia. [St. Lucia took the floor several times to point out its dilemma in not knowing anything about IGLHRC and posing questions about whether the organisation was trying to pass itself off as a standard-setting body because its title refers to it being a 'Human Rights Commission'. However it then failed to cast a vote on the grounds it lacked sufficient information to make an informed decision].

After the vote, Venezuela explained it had voted 'no' on purely procedural grounds and had no substantive objections about the nature of IGLHRC or its 'praiseworthy work'. It argued these matters should be decided by the NGO Committee, not ECOSOC, which lacked the information to make an informed decision about individual applications. This outcome created a negative precedent that delegitimised all subsidiary bodies of ECOSOC and opened them to politicisation.

China (a member of the NGO Committee) echoed Venezuela - in that it was voting on procedural grounds. ECOSOC's decision to by-pass the Committee set an unfavourable precedent that was 'harmful to the authority and credibility of the Committee'. However, China opposed all forms of discrimination, including on the grounds of sexual orientation.

Peru (a member of the NGO Committee) gave a thoughtful and constructive explanation of vote. It supported and respected the independence of the NGO Committee, however when an NGO satisfied the criteria for consultative status, it should be granted. It described IGLHRC's case as *sui generis* and said its vote did not establish a precedent for the NGO Committee or any other subsidiary body of ECOSOC to have its work overturned by ECOSOC. In its view, IGLHRC had met the criteria and had answered all questions posed by the

Committee, so there were no outstanding matters and therefore no basis for the Committee to defer the application. Hence Peru's 'yes' vote. Its vote should only serve to encourage the Committee to become more efficient in its work.

Japan also spoke, saying the no action motion was 'unfortunate' and any NGO that meets the criteria for consultative status should be granted it, regardless of its views or positions. Japan was concerned by the Committee's repeated deferral of applications.

The US concluded the discussion saying that ECOSOC had sent a clear message to the Committee and to the international community that LGBT voices will be heard at the UN. The vote today strengthened *Resolution 1996/31* because it assured eligible NGOs they will be granted status and reaffirmed that the principle of equal treatment should guide the future work of the NGO Committee.

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