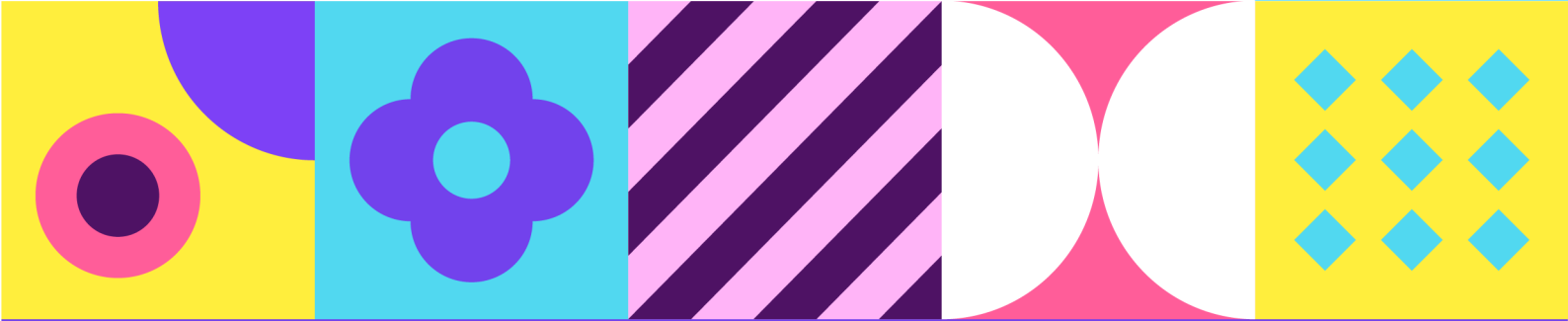
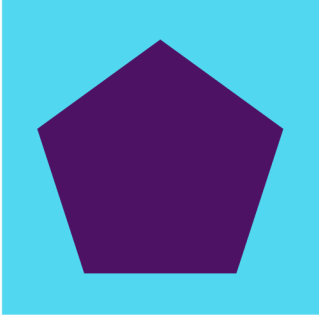
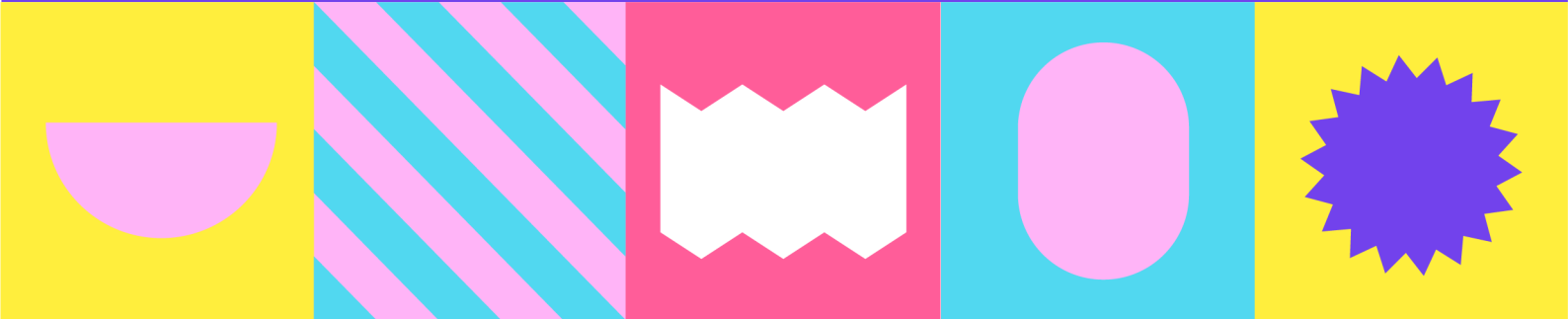


Regional Workshop

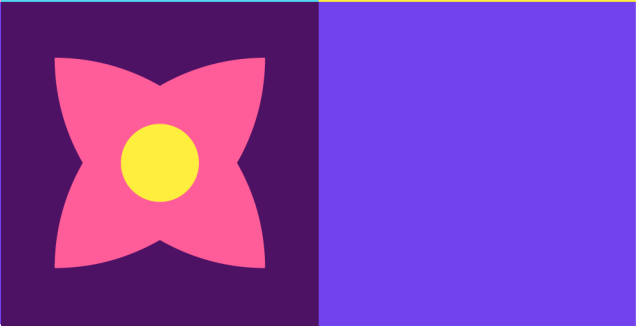
Sexual Rights Activism



April 26 and 27, 2023
Buenos Aires, Argentina.



Rapporteur's Report



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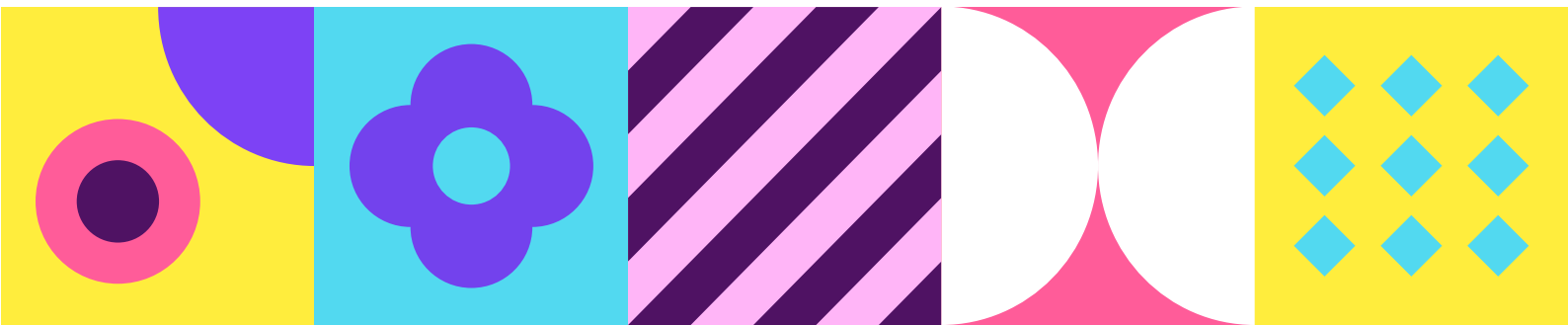
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Sexual Rights Activism



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Introduction

This report presents the Rapporteur's report of the "Regional Workshop on Sexual and Reproductive Rights Activism" that took place on April 26th and 27th, 2023 in Buenos Aires, Argentina.

The meeting was part of the project [Rights From the Start / Strengthening Sexual and Reproductive Health and in Latin America and the Caribbean](#) and had the following goals:

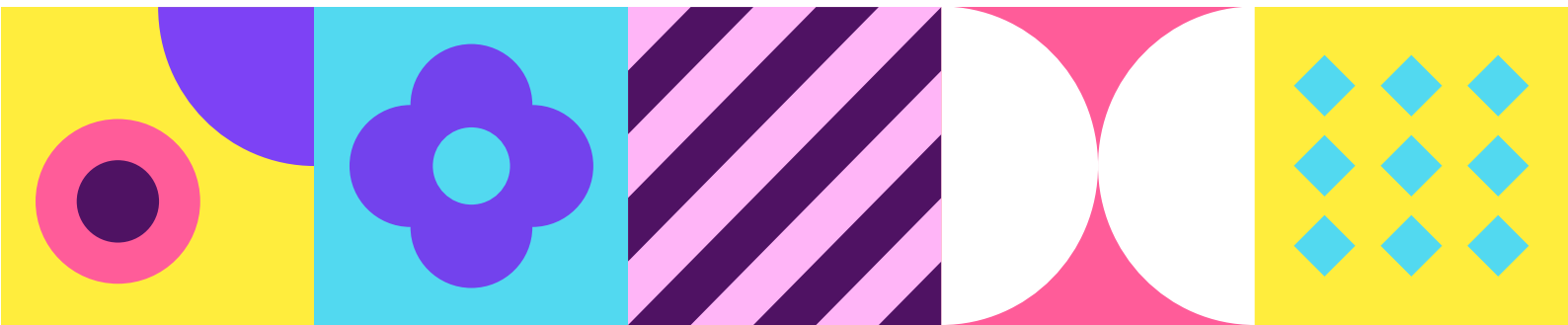
- To continue the integration process after the meeting in Bolivia in January 2023.
- To learn about the path of sexual and reproductive rights in the framework of the UN's recognition of Human Rights.
- To learn about the process of international human rights organizations.
- To share experiences in the use of UN mechanisms.

Fernando D'Elio, Rosa María Posa Guinea and Karina Trujillo, members of the Akãhatã team, coordinated the meeting while Edurne Cárdenas and Laura Malajovich were in charge of presenting specific topics on the working agenda.

First day of the meeting

After the welcoming and presentation of each participant, the following guidelines were agreed upon for the workshop's development: to keep the use of the cell phone limited to breaks, to respect punctuality, to respect work times and to respect each participant's right to speak. For the latter, two methodologies were used: one person is designated as the bubble maker when someone speaks too much, and only the person who is holding the world, represented by a plastic ball in the shape of a world map, can speak.

As a first activity, the coordinators invite each participant to add to the map of Latin America and the Caribbean displayed on the wall, one or two words that they consider reflect the current situation in their countries. At the end of this first part of the activity, participants are invited to go around the map and read all the words/sentences they have written down.



We share the words/sentences that were mentioned. Those of greater size, were mentioned more than once:



During the plenary, a participant reflects on the similar problems and situations that most of the countries in the region are going through, and expresses her concern regarding the arrival of conservative and anti-rights sectors to the executive power, which poses a threat to women's, children's and LGBTTIQ+ human rights.

Most people agree with this analysis, as reflected in the words of a participant from Ecuador "I was surprised to see that we coincided and that there are many similarities. I read what they have written in another country and it is as if it were my own. I agree that there is a serious problem of regression in the region and that what we thought were conquered rights are now being reviewed, they are being questioned." A participant from Nicaragua analyzes it this way "The truth is that I felt a little relieved to know that my country shares some problems with others, sometimes from our place in the world we feel that we are at the bottom of the sea, that the worst things happen to us and that we never move forward. Thanks to this dynamic, I observed that we have very similar problems, and that there is a correlation in our problems."

In addition, one participant commented: "With my compañeras, we read what they were writing in other countries and we could not believe it, we talked among ourselves and said that the same thing was happening in Peru. This exercise helped us to realize that there is a common thread in our region that has to do with corruption and the advance of conservative sectors."

Another participant from Peru points out “although there are positive issues to highlight in our country, they come only from organizations that work for women’s, children’s and LGBTTIQ+ human rights. The pressure from these organizations has slowed down the progress of certain processes. We have a political crisis that has strong repercussions on advocacy: the constant change of government hinders the progress of our actions, we make an agreement with a government and two months later we have a new one and we have to start from scratch.” A participant from the same country points out that “in the last three years, we have had a great flourishing of youth organizations that today are part of the battle, leading the agenda of the fight for Comprehensive Sexual Education. And also medical societies are having a little more openness to gender issues, CSE and Voluntary Interruption of Pregnancy; there is a demand for information on the implementation of the therapeutic abortion protocol.”

The participant who wrote “Lula” in Brazil, comments that she added it because of the impact it has on the whole region, and considers it strategic to keep in mind that “all these fundamentalist and conservative waves are a reaction to our progress, so maybe we should stop thinking of them as a wave, as an appearance from time to time, and rethink our strategies from another side, because it is not that we are reacting to them, it is they who are reacting to our progress. And that’s why the reaction is so harsh, because they are afraid that the progress that some countries are making will spread to others.”

The coordination team suggests adding to the analysis the role of the United States in the region, and its degree of participation/propulsion of the conservative and anti-rights wave described above.

In response, a participant from Ecuador commented “we cannot analyze the region without taking the US into account, because its actions and governments have an impact on our countries. We were even very afraid of the change that could happen in Ecuador after the Roe vs. Wade ruling. I think it is important to specify the actors: we are talking of the US government and also of the International Monetary Fund. For example, Ecuador is dollarized: this generates a strong dependence on the empire, and at the same time our economy is always related to insecurity. A few months ago a law on the use of weapons was passed, and that was the result of US interference informing us of possible attacks that were going to happen in our country.”

Broadening the analysis, another participant adds “coming from Mexico there is a relationship of dependence almost since our genesis as a nation. However, I think that this image we have of the U.S. as an ideal to achieve is being somewhat questioned, it is no longer presented as idyllic as it used to be. And in terms of sexual and reproductive rights, in some Latin American countries there is more legislative progress in women’s and LGBTTIQ+ rights than in the US. And I believe that from Latin America we do not value the power that our people have, how we go out to the streets, how we organize ourselves in our fight.”

Several participants from the Southern Cone commented on experiences in their countries in relation to extractivism managed by companies from Northern countries. Participants from Peru, Bolivia and Argentina, countries with large reserves of lithium and other minerals, agree in pointing to extractivism and open-pit mining as residues of colonialism/imperialism.

A participant comments on the process of US interference in her country of residence: "In Nicaragua before the Sandinista revolution in the 1980s, the avenues and streets all had gringo names: Roosevelt, Franklin, Lincoln, Las Vegas. With the 80's revolution, the streets changed their names, and we had ten years of internal guerrilla, where the U.S. financed the Contras. With the elections of the 90's, Violeta Chamorro took office, and the first thing she did was to sit down with the US to negotiate her government policies and this gave way to privatizations. It is interesting to know that in spite of her being a woman, that did not guarantee our rights, because we will always be at the bottom of the agenda".

In relation to the latter, a participant from Bolivia adds a reflection: "In our country from the diversity collective we have learned that having an authority belonging to the collective is not a guarantee for the advancement of rights or public policies. There are fascist or right-wing gays, lesbians and transgender people. If the person is a member of the movement, an activist, we usually see changes, but the mere fact of being LGTB in no way guarantees anything."

This participation generated an exchange on the place of SRRD in the agenda of governments. Most of the participants consider that they tend to occupy a place at the bottom of the governments' agenda and political parties, and are often used as "bargaining chips".

Everyone agreed in pointing out the progress of the feminist movement as the great positive aspect of the region, with a strong presence in the social and political debate. At the same time, the advances in the expansion of LGBTIQ+ rights are also noted as positive. In this line, a participant from Ecuador commented, "we have already had 6 years with a right-wing government, plagued by anti-rights people, who do not understand the magnitude of Human Rights. However, we cannot speak of a full setback, because the law on Voluntary Interruption of Pregnancy was passed, a good part of public policies are sustained, and there is greater openness in Congress for dialogue on these issues."

A consensus also emerged regarding the level of mobilization in the region: in the face of the violation of rights and the economic and political crises, people take to the streets, there is social mobilization. Likewise, the participants considered that exchanges such as this meeting should be strengthened in order to recover the lessons learned among the organizations of the different countries, as was shared in the following interventions:

“I come from Honduras and we have learned a lot from the countries of the south, just this year we obtained emergency contraception, but we have greatly studied the experiences and verdicts of Peru, Colombia and Argentina. Therefore, it is important to recover this knowledge, to look outside our borders and also to see what happened some time ago”... “I think it is important to analyze the situations that happen in other countries and how this can be a learning experience, but it can also have an impact on our agendas. Because what happens in other countries can push issues in my country. Undoubtedly, the debate on the gender identity law, paved the way for the issue to be discussed in other countries. Following this thread of learning from our struggles and articulating them, I think we learned great lessons from the process that was carried out in Argentina to achieve the legalization of abortion, it has given us an important experience, from which we learned many strategies: how they went first for social decriminalization, then they managed to change the axis of the debate, they conducted studies where they showed a large number of people who supported VTP in many situations and then by the political advocacy by the congress at a very small level.”

Finally, the coordination team maintains the importance of not losing sight of the fact that we are talking about situations that occur within the framework of a capitalist and patriarchal system, which has concrete effects on our lives at the economic, political, social and cultural levels. We tend not to situate debates in terms of their impact on subjectivity and sense-making and it is important to recover this in order to see the common threads and the matrix on which they operate.

International Human Rights System

Fernando D'Elio begins his presentation by returning to what was discussed in relation to the need to carry out political advocacy actions at the national level, in order to advance in the expansion and fulfillment of SRRD. In parallel, to accompany and strengthen national activism and also as a strategy against adverse local contexts, we develop activism at the international level in multilateral spaces that arise from the signing of treaties or conventions.

Regarding multilateral organizations, it is clarified that States participate in these spaces, which are responsible for decision-making, and some issues to be taken into account in this regard are highlighted:



The world political division of nation-state is used. They are generally used as synonyms, but they are not: a State may have several nations (such as Ecuador and Bolivia), while it is formed by an organizational structure with certain government characteristics.



Each country has one vote. Generally the decisions that are made are in the form of a concrete instrument and each country has one vote. This is strategic for our activism, because many times a smaller country in terms of territory or number of inhabitants can change a vote.

Now, how is the agenda organized in these spaces? For the issues of gender, diversity and sexual and reproductive health, all the advances that were made were the result of civil society activism, developed in the following spaces:



Panels in the framework of a meeting: For example, at the Human Rights Council, civil society can organize side events to invite country delegations and UN members.



Statements in a specific space: For example, prior to the beginning of the OAS Assembly, civil society participates in an interactive dialogue with heads of delegation.



Demonstrating in meeting spaces: For example, at the doors of the UN every day there are demonstrations depending on the topic discussed inside.



Bars, corridors, and elevators: These are usually strategic meeting places to approach and talk with delegations' members.

Another space for participation, more accessible in terms of resources and logistics, is to carry out activism at the national level through one of the following actions:



Shadow reports or alternative reports



Political lobbying prior to each event: These actions are carried out at embassies, at the Ministry of Foreign Affairs or with Ministry personnel participating in the event's delegation.



Meet with UN officials during their official visits to our country: For example, the Human Rights Council has special Rapporteurs who visit countries to investigate the situation in relation to the right that falls under their mandate. During these visits, they meet with members of the State and civil society organizations.



Political influence after each event: For example, to get the Legislative Branch of our country to ratify a certain Convention. This is a key process, because ratification by a State implies that it accepts the obligations imposed by that document, which means that it has to adopt internal measures to respond to those obligations. Furthermore, in some countries of our region, international law norms have constitutional rank and have had an impact on the expansion of rights.

This system of multilateral organizations as we know it was created after World War II, in 1945, and today retains some characteristics that complexify its operation:



Profound internal inequality: Although all countries have voting power, in the same space, colonizing/imperialist peoples coexist with their colonies, and this often has an impact on the vote of the colonized countries.



Imbalance of power relations: Linked to the above, power dynamics are established within the UN, linked to the economic and political power of countries, as reflected, for example, in unilateral economic sanctions against a given country.



Symbolic and socio-cultural hierarchy: This is expressed, among other things, in the use of the English language as an almost exclusive form of communication.



Interference of economic power in decision making: In the last 30 years, neoliberal capitalist expansion has led to the transnationalization of companies, which often have more economic power than some countries, and therefore have a great deal of influence on the States' decisions.

In order to realize that we are talking about colonialism, imperialism and how it operates in these organizations, activism has developed the concept of GLOBAL NORTH AND SOUTH, which aims to highlight the power dynamics at the political and economic level. In this sense, it is important not to lose sight of the fact that there are no progressive or conservative states, hence the importance of having a strategic view: a whole country cannot be my ally, I will only make alliances on a specific issue. For example, countries like Sweden or Finland have a very good policy of sustainable development and environmental protection on their territory, but they set up their industries that pollute and plunder resources in southern countries.

History of Sexual and Reproductive Rights at the United Nations

The purpose of this presentation, developed by Edurne Cárdenas, is to take a look at the history of SRHRD, starting by answering a basic question: What are we talking about when we talk about SRHRD at the international level?

Under international human rights law, all people have the right to exercise control over their sexuality and decide freely on matters related to it; to live their sexual lives free of violence, coercion or intimidation; to access sexual and reproductive health information, education and services; and to be protected against discrimination on the basis of their sexuality, reproduction and non-reproduction.

This means that all States in the world have an obligation to respect, protect and fulfill these fundamental human rights, based on three guiding principles:

- **Respect:** States must refrain from interfering with the exercise of HR.
- **Protect:** States must protect people from all human rights abuses.
- **Enforcement:** States must make every effort to enforce HR.

The SRHRD address a wide range of issues and often intersect with several other rights:

- ◆ Comprehensive sex education
- ◆ Criminalization and other restrictions on safe abortion
- ◆ Gender discrimination
- ◆ Early and forced marriage
- ◆ Female genital mutilation
- ◆ Gender violence
- ◆ Gender equality
- ◆ Gender identities and expressions
- ◆ HIV and AIDS
- ◆ Maternal morbidity and mortality
- ◆ Rights of intersex persons
- ◆ Sex workers' rights
- ◆ Sexual Orientation
- ◆ Sexual rights of young people

The FIRST and ONLY definition agreed upon and signed at the State level is the definition agreed upon at the First Regional Conference on Population and Development (2013): “Considering that sexual and reproductive rights are an integral part of human rights and their exercise is essential for the enjoyment of other fundamental rights and for achieving international development and poverty elimination goals”. This definition was a very important milestone, because it represents a political definition by the States at the political level.

To have arrived at this first definition of SRHRD, the story began many years earlier, and was the result of activism by civil society organizations. To think about the “origins” of the SRHRD we have to go back to the World Conferences on Population and Development, which in their beginnings were focused on the debate on population growth, where the issue was put on the international agenda with the **World Population Conference** in 1954 in Rome and in 1965 in Belgrade. The purpose of these conferences was to discuss the issue in general and more academic terms, not in terms of policy. Those who participated in the conferences were technical referents on the issues, because at that time the issues of population growth were discussed from the perspective of demography, without being linked to the idea of human rights.

In **1968** at the **International Conference on Human Rights** in Tehran, a resolution was adopted that marks the first time that population control was explicitly linked to the advancement of human rights.

In 1970, the **Budapest Conference took place** and a shift occurred: representatives of the Member States and members of civil society led the conference, and finally the discussion was more political than technical.

The 137 participating States agreed to adopt an Action Plan. The “least developed” countries participated actively and challenged the prevailing notion of the “population problem”: The discussion focused on the fact that population is a consequence, not a cause, of underdevelopment, and that the core of the problem is not the scarcity of resources, but their distribution.

As mentioned above, this conference developed an Action Plan. It introduces 3 changes in the paradigm of how we think about population:

1. **Population policies must be consistent with human rights** and require States, regardless of their overall demographic objectives, to “respect and ensure the right of individuals to decide freely, in an informed and responsible manner, the number and spacing of their children.”
2. **“ALL couples and individuals have the basic right to decide freely and responsibly the number and spacing of their children.”**
3. The Plan emphasizes the role of women and its interconnection with population policies: “Planning and improving the status of women in the family and in society can contribute to smaller families where desired, and the ability of women to plan births also improves their individual status.”

In 1975, the **Women’s Conference took place in Mexico**, where feminists criticized birth control policies and based the right to reproductive choice on a notion of bodily integrity.

In 1984, the **International Conference on Population met in Mexico city**; although it did not agree on a plan of action, adopted the Recommendations for the further implementation of the Action Plan, where States confirmed the importance of human rights in the field of “population control” but faced the controversy raised by the issues of abortion and the use of coercive practices in achieving demographic goals.

This conference revealed the gap between international commitments and political will to implement these rights: The United States (Reagan was president) and the Vatican expressed their position on abortion, setting the international agenda for the coming decades.

During the 1990s, major UN conferences took place:

- World Summit for Children - 1990
- Conference on Environment and Development - 1992
- Vienna Conference on Human Rights - 1993
- Cairo Conference on Population and Development - 1994
- Beijing Women's Conference - 1995

Among these conferences, those of Vienna (1993), Cairo (1994) and Beijing (1995) were milestones for the issues they put on the agenda and for the high degree of mobilization of civil society, so we propose to review the relevant issues addressed at each of these conferences.

Vienna Conference (1993)

- It endorsed the idea that ALL human rights are universal, indivisible, interdependent and interrelated.
- It urged States to ensure the full and equal enjoyment of all human rights and the eradication of all forms of discrimination against women.

- Women's rights activists and organizations carried the slogan "Women's Rights ARE Human Rights". As a political strategy, they stood up in the middle of the conference with posters with this message.
- In the area of SRHR, the Conference Programme of Action recognized the importance of women's access to the highest attainable standard of physical and mental health throughout their lives, and reaffirmed the right to the widest range of family planning services.

Cairo Population Conference (1994)

- It is one of the major milestones in the historical line for SRHR: In this Conference, the States anchor the discussion in the human rights framework, clearly, explicitly and without abstractions.
- For the first time, population control and planning are being incorporated into the agenda along with safe sex and pregnancy free of coercion, discrimination and violence.
- Definition of sexual and reproductive health, understood as the "general state of physical, mental and social well-being in all aspects related to the reproductive system".

The Cairo Programme of Action made it possible to strengthen the UN through the creation of technical bodies. We would like to point out some of the core issues in which this program played a key role:

-
- It establishes that the framework of population policies must be built on the pillars of human rights.
 - It adopted a series of definitions based on already recognized rights to interpret the concepts of sexual and reproductive health.
 - Provides state-agreed definitions of reproductive rights and reproductive health.

Beijing Conference (1995)

- States adopted the Beijing Declaration and Platform for Action, which recognizes that “the right of all women to control all aspects of their health, especially their fertility, is fundamental to their empowerment.”
- The conference reaffirmed the goals and standards on SRHR set out in the ICPD, but elaborated on the interests of women, stating that “equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behavior and its consequences.”

In the 2000s, actions focused on the review and follow-up of the Conference agreements of the previous decade and there were small advances in relation to:

- Recognition of the crucial role of SRHR in achieving gender equality and its inextricable link to sustainable development

- The adoption of measurable marker indicators with respect to SRHR (and some reduction of SRHR to quantifiable targets), and
- The work of the treaty monitoring bodies, as well as the standards and special procedures on the right to sexual and reproductive health. Here, the work of the Special Rapporteurs is discussed in more detail, where they specify some issues that deepen the dimensions of these rights.

Up to that point, all of the aforementioned conferences had spoken in binary and heteronormative terms, so it was necessary to develop a human rights perspective that included LGBTIQ+ people. This is how the Yogyakarta Principles were born, developed by human rights leaders from different countries who met in the city of Yogyakarta, Indonesia, between November 6 and 9, 2006. Their creation is considered a historic milestone in the field of human rights because it is the result of international work that highlights the importance of considering the LGBTIQ+ community as a particularly vulnerable group.

The text is composed of 29 principles, preceded by a preamble and followed by additional recommendations regarding their implementation. Although they are not a binding text, their importance lies in the fact that they were written by leading experts on the subject and have had repercussions in many countries. For example, the definition of gender identity in Argentina's Gender Identity Law is based on the definition of identity in the **Yogyakarta Principles**.

Continuing with diversity actions, at the Latin American level we can mention the **Rapporteurship on the Rights of Lesbian, Gay, Bisexual, Trans and Intersex Persons of the Inter-American Commission on Human Rights (IACHR)**.

The IACHR included in its Strategic Plan the [Plan of Action 4.6.i](#) specifically focused on LGBTIQ+ rights. In November 2011, it created a specialized unit on this issue within its Executive Secretariat.

The **Rapporteurship on the Rights of Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI) Persons** took office on February 1, 2014, giving continuity to the main lines of work of the LGBTI Unit.

In 2013, the **Regional Conference** known as the **Montevideo Consensus on Population and Development** was held, which is considered a milestone in the SRHR agenda at the regional and global level, for gathering the demands of civil society and reflecting an advanced position in this agenda.

Its central topic was the review of progress in the implementation of the Cairo Conference Programme of Action and, fundamentally, the main measures of the new population and development agenda in our region. Some of its results are shared:



It establishes a concrete regional agenda, a true road map with clear lines of action of just over 130 points, that recognizes the need to establish accountability and follow-up mechanisms, as well as definitions based on the international human rights obligations of the States.



It reaffirms the validity of the Cairo, Cairo +5 and previous goals and targets adopted by the ECLAC Ad Hoc Committee on Population and Development, and highlights the important linkages between the Cairo Programme of Action, human rights, the Millennium Development Goals and the post-2015 development agenda.



It provides the first definition of the concept of sexual rights in an intergovernmental document. This definition identifies the elements of these rights, echoes issues already agreed upon at other intergovernmental meetings (such as the 1995 Beijing Platform for Action), and moves forward with new elements, such as the explicit mention of sexual orientation and gender identity (paragraph 34): Promote policies that contribute to the enjoyment by people of their sexual rights, which include the right to full sexuality in safe conditions and the right to make free, informed, voluntary and responsible decisions about their sexuality, with respect for their sexual orientation and gender identity, free from coercion, discrimination and violence, and ensure the right to information and the means necessary for their sexual and reproductive health.



It also includes clear guidelines regarding: Access to friendly services, sexual orientation and gender identity, access to contraceptive methods, and states that the horizon is that countries where abortion is not legal, must ensure that it is safe.

This history of SRHR is the product of mobilizations and the work of organized movements, and they are not isolated; they must be read in the light of social, political and historical contexts, and they respond to and guide public policies and regulatory frameworks in our countries to guarantee human rights.

To close this presentation, a Timeline of legal milestones on sexual and reproductive rights in Latin America is shared:

<https://clacai.org/lineadetiempo/>

International human rights systems

The purpose of this presentation is:

- To understand the normative framework and main competencies of the international and regional mechanisms for the promotion and protection of human rights in our region.
- To identify the contributions of international systems for the promotion and protection of sexual and reproductive rights.
- To know the participation mechanisms for activism in these spaces.

The following international human rights systems currently exist:

- Universal human rights system, within the framework of the UN
- Inter-American human rights system, which is part of the OAS
- European system
- African system

This presentation focuses on the UN human rights system, which is made up of a set of mechanisms that coordinate to:

- Holding States accountable for how they are meeting their human rights obligations
- Discussing and acting on human rights concerns
- Setting standards, determining the scope and meaning of human rights

The UN human rights system emerged after World War II in 1945, when a new concept of “human rights” was agreed upon, in which the States are the guarantors of their fulfillment.

In 1948 the Universal Declaration of Human Rights was established, i.e., it is a commitment, not an obligation. And it was not until 1966 that the two founding treaties of the system were issued:



Covenant on Civil and Political Rights: Right to life, liberty, prohibition of slavery, servitude, torture and cruel, inhuman or degrading treatment or punishment, right to justice and guarantees of due process of law (presumption of innocence, right to defense, non-retroactivity of criminal law, arrest or detention by virtue of a written order of a competent authority, etc.).



Covenant on Economic, Social and Cultural Rights: Labor, social security, trade union rights, equitable remuneration, education, health, etc.

The universal human rights system recognizes two types of protection mechanisms:

1. Conventional mechanisms, derived from the 9 Conventions:



International Covenant on Civil and Political Rights (1976) – Human Rights Committee



International Covenant on Economic, Social and Cultural Rights (1976) - Committee on Economic, Social and Cultural Rights (CESCR)



Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (1987) - Committee against Torture



International Convention on the Elimination of All Forms of Racial Discrimination (1969) - Committee on the Elimination of Racial Discrimination (CERD)



Convention on the Elimination of All Forms of Discrimination Against Women (1979) - Committee on the Elimination of Discrimination Against Women (CEDAW)



Convention on the Rights of the Child (1990) - Committee on the Rights of the Child



International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2003) - Committee on the Protection of All Migrant Workers and Members of their Families



Optional Protocol to the Convention against Torture (2006) - Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPTD)



International Convention on the Rights of Persons with Disabilities (2008) - Committee on the Rights of Persons with Disabilities (CRPD)



International Convention for the Protection of All Persons from Enforced Disappearance (2010) - Committee on Enforced Disappearances (CED)

2. Non-conventional mechanisms, which are the mechanisms derived from the UN Charter:



Universal Periodic Review of the UN Human Rights Council: it is clarified that this mechanism will be addressed later in the session.



UN Treaty Bodies: These are committees of independent experts mandated to monitor the implementation of the core international human rights treaties. These individuals are nominated and elected by the States to serve fixed-term mandates, renewable every four years.



Special Procedures of the Human Rights Council: Human Rights experts mandated to report and advise from a thematic or country perspective. Appointments are for three years, with the possibility of one re-election for the same term. Their main functions include:



Country visits



They intervene in cases and situations by sending communications to the States and other stakeholders (inter-governmental organizations, businesses, military or security companies). In these letters, they report on

allegations of human rights violations they have received, concerns related to draft laws, regulations, policies or practices that do not comply with international human rights standards.



Contribute to the development of international human rights norms and standards.

Main UN mechanisms and their characteristics

Fernando D'Elio begins the presentation by commenting on the basic operating scheme of the UN, which can be summarized in 3 dimensions:



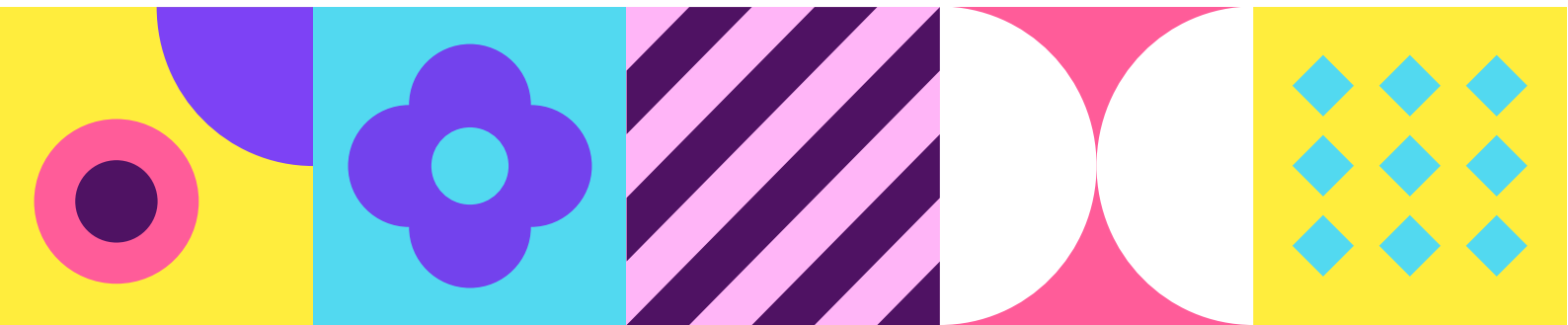
Multilateral human rights institutions and organizations: UN at the global level, OAS in our region, and sub-regional organizations such as Mercosur or the Inter-American Commission on Human Rights (IACHR).



Agreements made: Once the document is adopted, the States' accountability process begins through the periodic reviews that are established for each document.



Instruments: These are the documents that are adopted after the States reach an agreement or vote. They are of different nature and have different purposes and consequences.



Among the main types of instruments signed by the States we can mention:

- **Declaration:** Principles that States agree and commit to comply with, although they are not binding.
- **Covenants/Conventions:** Agreements between States are binding, i.e. countries that ratify them must abide by them. The creation of a follow-up and monitoring mechanism is included in the text of the covenant itself.
- **Protocol:** They are appendices to new rules of a convention.
- **Resolution:** This document is the result of a proposal by a group of countries that prepare a draft and present it at the beginning of the meeting. Although they are not binding once adopted, they put different issues on the agenda and include them in the agenda of the organization.

These documents usually consist of two parts. A first preambular part, which describes the background and foundations that give rise to the document, and a second operative part, which sets out the action to be taken.

In order for the States to adopt a treaty, the first step is signature, i.e., the executive branch of the supporting States must sign the document. Then, the second step is to request ratification by the legislative branch of each country. Ratification is important because:



At the international/regional level: The Convention enters into force when a minimum number of countries have ratified it.



At the country level, many constitutions give constitutional status to Covenants and Conventions.

Once these two steps have been completed, the document is deposited. This step is important because the depositary is responsible for ensuring the proper execution of all actions taken in relation to the document, e.g. the depositary for treaties adopted within the UN framework is usually the Secretary-General.

Once the above steps have been taken, the document will enter into force and states will have to move forward in fulfilling their commitments. Procedures/bodies will be established to oversee this process:

- ✓ Periodically review the country through an established process
- ✓ Interpret the decisions of the instruments
- ✓ Report on the human rights situation

Another existing mechanism at the UN level are the **thematic mandates**, which are elected by the Human Rights Council to analyze the situation of certain economic, social, cultural, civil and political rights or groups of rights, as specified in the relevant resolution. There are currently 44 thematic groups and 13 country groups.

Some of the thematic mandates are shared:

- Special Rapporteur on minority issues
- Special Rapporteur on the situation of human rights defenders

- Special Rapporteur on the rights to freedom of peaceful assembly and of association
- Special Rapporteur on the right to education
- Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
- Special Rapporteur on violence against women, its causes and consequences
- Special Rapporteur on the human rights of migrants
- Working Group on the issue of discrimination against women in law and practice
- Independent Expert on protection against violence and discrimination on the grounds of sexual orientation or gender identity

After sharing these thematic reports, participants are invited to analyze how each one relates to SRHRDs? What are the intersections with our activism themes? This exercise allows us to think about our agenda from a different angle, to add perspectives and also to expand the spaces for advocacy and alliances.

After this presentation, a dramatization of the UN Human Rights Council is performed. Each participant receives a script detailing the characteristics of his or her character and with whom he or she will interact.

After the dramatization, participants share a word that summarizes their feelings about this exercise: Learning, debate, academic, interruption, confrontation, knowledge, learning, argument, warmth, advocacy, competing agendas, frustration, compromise, power, confrontation,

enlightening, chaos, chaos, growth. And they also share their reflections on the dramatization:

“The dynamic that we created was very interesting and the way that everyone stepped into their role. I was stressed by the constant challenge from some countries and how they kept asking for a point of order, which made me unable to organize my speech. I realized that I have to keep my ideas simple, short and clear in order to transmit them, because it is very easy to get confused in this space.”

“I knew that in recent years countries have been using the footnote thing, that is, declaring against what is pointed out, and with this exercise I was able to understand how it works. And I was very surprised to see that countries that I consider progressive in their laws and policies have such conservative positions.”

“I think it is good to start from the experiences we have, to recover what we have learned. One of the feminist strategies that was used is to talk about voluntary interruption of pregnancy, instead of abortion, and I think that in this exercise it would have been key to recover that strategy.”

“For me, it was very complex because my character went against what I thought. I appreciate that this dynamic is similar to the UN models, it’s exactly how it was portrayed: they’re not always going to give you the floor and they’re not always going to listen to you.”

“My big doubt is to know if it is really like that, everything so rough, because the truth is that I found the attitude of some countries not to let people speak, to interrupt all the time, very violent. On the other hand,

I think that from the civil society we did not think much of a strategy, we were very scattered and our alliance went unnoticed.”

The coordinators commented that this exercise was very similar to what happens in certain international advocacy spaces, although there are not as many constant interruptions as in this one, much more diplomatic language is used, and many euphemisms are used to mask the misogyny and trans-homo-lesbianism, the dynamics reflect the main sectors and the roles and interests at stake.

In terms of advocacy, it is important to note:



The dynamics of these spaces: We have very few minutes to speak and then the microphone is cut off. It is therefore important to deliver our message in a few minutes and to build our presentation solidly.



Communication: Linked to the above, direct advocacy actions with a country's delegation are key.



Foreign policy of countries: There are many inconsistencies between internal/national and external/international policies. It often happens that a country that has an anti-rights policy at the domestic level, because of its international alliances, has a different position and can therefore be influenced in views of a document at the regional/international level.

Universal Periodic Review

This is a periodic review of the human rights of the 193 countries that make up the United Nations, conducted on a peer-to-peer basis, i.e. from State to State, without the intervention of independent experts. This process assesses the extent to which States are fulfilling their human rights obligations as set out in:

- The Charter of the United Nations
- The Universal Declaration of Human Rights
- Human rights instruments to which the State concerned has acceded
- Voluntary commitments made by the State

A total of 52 States are reviewed in one year (3 sessions January/May/November with 14 countries reviewed per session). As can be seen in the following chart shared during the presentation, each country UPR has a cycle:

At the HRC – Lasts 3.5 hours at the HRC Guatemala, January 2023. 43 session – 4th cycle

REVIEW

Reports are prepared and sent to be used as a source of information for the evaluation. Guatemala 30/07/22

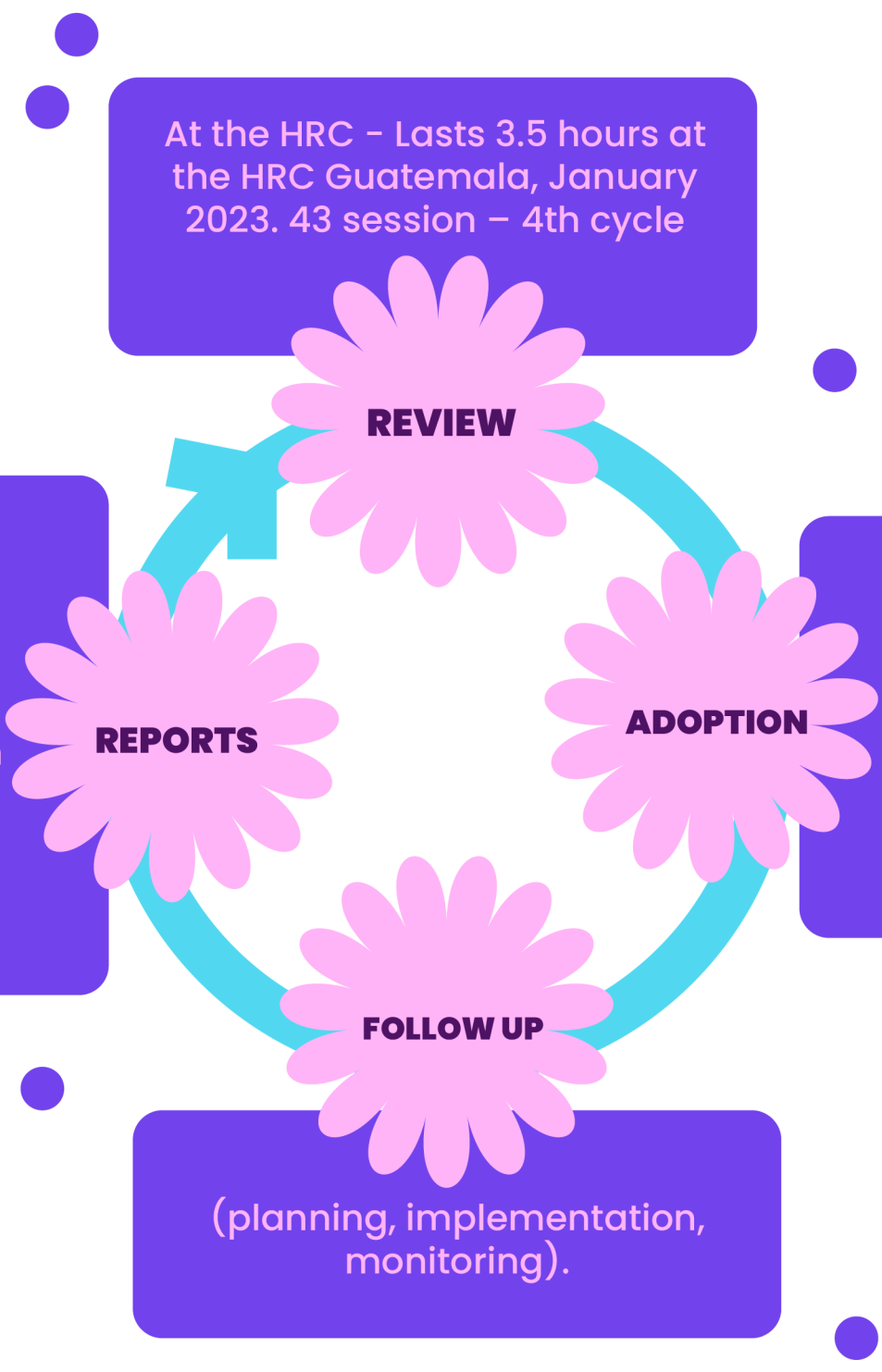
REPORTS

HRC session immediately following the review Guatemala, March 2023

ADOPTION

FOLLOW UP

(planning, implementation, monitoring).



The review process takes place in the city of Geneva in a 3.5-hour session called an interactive dialogue. To facilitate this process, for each review, three UN Member States (voting members of the Human Rights Council) are selected to act as a “troika” and work with the country, while the State under review has 70 minutes to make its presentation to the Working Group, which then has time to ask questions and make recommendations.

This process continues with the adoption session, which takes place in Geneva during the session of the Human Rights Council immediately following the review. At this session, the State under review must present its response to the deferred recommendations.

The review is followed by implementation and follow-up of the recommendations made. At mid-cycle, the State under review may submit a mid-term report on the implementation of the UPR recommendations. The group of “other stakeholders” is also encouraged to submit similar mid-term reports.

The following documents are used for the review process:

- Report developed by the State under review: 20 pages on the human rights situation in the country.
- Document prepared by the Office of the UN High Commissioner: 10 pages compiling the contributions of UN Agencies,
- Ten-page document prepared by the Office of the UN High Commissioner: 10 pages summarizing all the documents produced by civil society organizations.

The report prepared by civil society must contain updated information supported by sources and organize the content according to the following structure: cover page, introduction, key words and recommendations. In addition, the maximum length of the report must be respected:

- Organization report: 5 pages (2815 words)
- Coalition Report: 10 pages (5630 words)

In order to know which recommendations to request for the UPR of my country, it is essential to know the recommendations made in the previous cycle. For this purpose, Laura Malajovich presents a web page that systematizes information on the development, results and compliance with the recommendations of the Universal Periodic Review (UPR) to countries in Latin America and the Caribbean.

<https://epu2.comunidad.org.bo/index.php/monitoreo/recomendacion/o/p/codPais/52>

Shadow reports: 10 tips for a good report

Karina Trujillo began by pointing out that the submission of information to multilateral organizations is one of the most common forms of civil society participation and a great tool to consider, since it usually does not involve great costs for the organizations, while at the same time it is an opportunity to systematize and organize information on the issues on our agenda.

Depending on the mechanism to which the report is submitted, the length and format of the report will vary, but the content and information to be included will be similar, so we offer ten recommendations for preparing reports to be submitted to the various mechanisms mentioned above:



Unity is strength: Building a broad coalition is the best strategy to gain more legitimacy and attention from the authorities. Therefore, it is important to devote time and strategy to building alliances at the national level: it is much more powerful for several organizations to present a report on an issue than to do so separately, using different sources and types of information.



Tell me what you boast and I will tell you what you lack: As we have already mentioned, one of the main sources of verification is the information provided by the State itself. In general, it tends to provide information on the adoption of laws and public policies aimed at guaranteeing rights, minimizing or

making invisible the existing shortcomings and gaps in the implementation of these policies. For this reason, it is essential to begin by carefully reading the report prepared by the State in order to report on these shortcomings, gaps and rights violations.

In addition, in the case of reports to be submitted to the Committees, if the country to be studied has been previously analyzed, it is suggested that the following be read beforehand:

- Preliminary reports prepared by the Committees of the Organs on Concluding Observations and Recommendations issued to the State Parties
- General comments prepared by other Committees that are relevant / complementary to the articles of the treaty / convention.
- Thematic reports of the Rapporteurships
- Document containing general instructions or guidelines from the Committee secretariats for preparation and presentation.



The shortest, the better: It is essential to organize the information we want to provide, so it is recommended to make an initial outline of the report with the main topics to be addressed, and then determine the content of each topic and begin to assemble the report from there. It is also important not to duplicate articles or previous statements, and any

very extensive information, such as case testimonies, can be included in an appendix.



You made your bed, now sleep in it: It is important for civil society to introduce or reinforce the language and concepts that circulate in our activism, thus creating a discourse. Once a concept is introduced, it is gradually consolidated in different documents, and finally becomes part of the official documents of the UN system; it is included in recommendations, resolutions or reports of special rapporteurs.



Courtesy detracts not from bravery: it is important to avoid the use of adjectives or qualifications, this is a space where a more political language is used, where our goal is to make the violation of human rights visible, so the best strategy is to focus on the facts and support our statements with concrete information.



Better safe than sorry: Support all the information that is present in the report by incorporating the sources of the data. It can be a code, a law, a newspaper article, a copy of a complaint, a sociological research, a report from a government institution, a television interview, etc.

If there are no concrete sources to substantiate a violation of a right, it is better not to include it.

7

Don't bite more off than you can chew: Not every contribution needs to cover all human rights; the strategy is to select priority issues and focus on them. Therefore, in addition to reading the country report, the task is to prioritize the issues to be addressed.

8

Out of sight, out of mind: Information that is not provided does not exist. That is why it is important to make visible what States do not include in their reports, the violations that are left out. At the same time, the information that circulates in these spaces is often standardized, so it is essential that organizations include issues, perspectives and approaches that are not usually present in these spaces. In particular, it is important to base our document on an intersectional, feminist perspective that emphasizes the structural causes that lead States to fail to meet their obligations.

9

Two sides of the same coin: Civil society is also made up of conservative and anti-rights groups that also present their reports.

10

Last but not least: Respect the deadline and the word count. It is essential to guarantee an English translation of the document and to organize its contents in accordance with the following dimensions that must be present:

-
- Short description of the sender of the report
 - Brief context, which may swiftly describe the issues of the report, or the socio-political context of the country.
 - Organize the information by article/recommendation. In addition to a description of the population, we can add questions that we want to ask the States.
 - List the paragraphs
 - Explanation of abbreviations

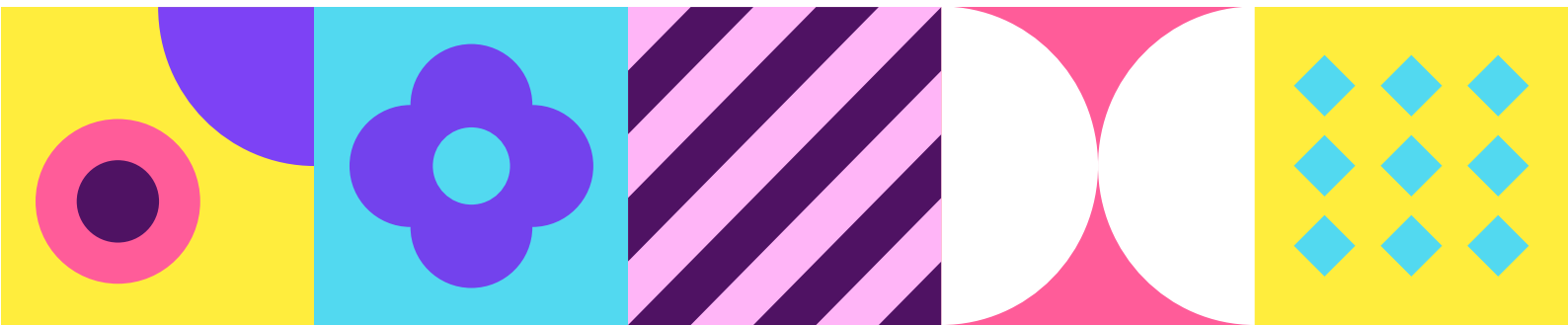
Evaluation of the meeting

The final activity was an evaluation of the two days of work, inviting participants to take stock, share their learning and make recommendations for future editions. This evaluation was carried out in a plenary session and also in writing.

From the comments made, we can group the responses into the following dimensions:

“It’s not something you can learn in books.”

Most participants appreciated the presentations on the functioning of the UN system, how it works, the different actors involved, and the different spaces and mechanisms in which civil society can participate. In this sense, they highlighted as an achievement that the presentations addressed operational aspects in addition to the conceptual approach. In the words of the participants:



“It is a very enriching experience. It is clear to me what advocacy is and what the steps are, and that we can do it on a national level, I had never made that connection before.”

“I think the best thing about the workshop is that almost all of them are activists working on the issue, and it shows. They told us about the theory, but also about how spaces work, how to generate strategies, what is good for us to do, and I really appreciated all of that because it is not something you can learn from books.”

“I come from a more urban activist background, I have recently been involved in organizational activism, and this workshop has allowed me to better understand the role that I and my organization can play in regional and international activism.”

“I appreciate the work of synthesis of all the processes that have been carried out. When I saw the agenda, I thought it was impossible for them to summarize all this content in two days, but it helped me a lot that in addition to the theoretical, they gave us tools on how to move in these places.”

“I was not aware of all the information related to the human rights system. The experience of how the Human Rights Council works was a very important experience for us to imagine ourselves in that space and to think about strategies for action.”

“The part on UPR and reporting tips came from people who are part of these processes, transmitting from their experience”.

“I was finally able to understand how the UN works.”

“Thank you, it was a very good workshop. In the afternoon of the first day it was very theoretical, but the dynamics managed to lift us up. It’s very different when it’s explained to you by an organization that does advocacy.”

“Deconstructing myths and prejudices about the UN.”

Most of the participants believe that the workshop helped them to dispel myths, prejudices and misinformation about the functioning of the UN system, as reflected in the following responses:

“What did the workshop give me? Knowledge about the UN, deconstructing myths and prejudices in relation to the UN, recharging energy for activism in our countries”.

“I learned about the history of the international human rights system, how it works and methodologies to share with adolescents and young people from other countries”.

“I had a lot of fears about the UN, I felt it was unreachable, and with this workshop I was able to understand how from my place I can do advocacy at the international level.”

“I realized that advocacy processes deserve much more time, but that progress pays off, that we have to be patient with long-term input and change, and participate in coalitions and networks in our countries as a better strategy.”

"I was able to understand how to develop activism at the regional and international level. I understood how from my country I could carry out advocacy through reporting."

"The instruments and tools we have to do advocacy at the regional and international level. I was not familiar with the UPR and I thought it was much more complex to participate, that it implied that I had to travel to Geneva or the USA."

"You have taken away my fear of working in advocacy with the UN. For those of us who are not in the field, it looks like something complex and unattainable, but you managed to make it accessible and possible for our organizations to do."

"To be, with others"

Most of the participants emphasized the importance of the opportunity the workshop gave them to get to know the reality of other countries and to feel accompanied in their activism and formation. In the words of the participants:

"When you set out in solitude to review the documents Oh, Jesus! Help! But in these two days I have learned so much more than from sitting for hours reading over these documents."

"I feel that I am leaving enriched, strengthened. Sometimes in Peru we feel very lonely because of the harsh reality we had to live through, and this has been an injection of energy."

“What I take from this meeting is how important it is to be with others, to meet with others, to leave aside working alone, because that is not how we are going to change things, never by ourselves. So I appreciate the collective and the learning that came out of it.”

“It was very important for me to see myself in other people and in other realities that are lived in other countries. Not only did I learn a lot about the processes that are lived in other countries, but it also helped me to understand that despite the differences, we are all going through similar processes.”

Recommendations for future editions focused on four dimensions:

- **Include more activities and less theoretical presentations:** the afternoon of the first day was considered by several people to be very complex on a theoretical level, and they suggest considering a less academic approach for a future meeting.
- **Extend the length of the workshop:** Several people suggested adding another day to the work agenda.
- **Sharing bibliography:** Several people suggested sending bibliography and audiovisuals from the coordination to deepen the training beyond the workshop space.
- **Granting a certificate:** Two people mentioned the importance of having a certificate from the workshop to add to their CVs.



