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'THE LOUDER WE WILL SING'

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COOPERACION DE HOMOSEXUALES



PROGRAMA UNIVERSITARIO DE ESTUDIOS DE G...
"Centro de Información y Documentación"

Campaigning for lesbian and gay human rights

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4297

- 1 Lesbianismo*
- 2 Transgéneros*
- 3 Derechos Humanos*



amnesty international

Cover photographs: (main photograph) A police cordon crosses a rainbow flag, symbol of the lesbian and gay movement, laid out on the ground in London, United Kingdom, after an anti-gay nail bomb attack in April 1999 © AI

(from left to right) Gay men and lesbians wave rainbow flags during the first ever gay pride parade in Tel Aviv, Israel, in June 1998 © Reuters; Europride, Paris, France, 1997 © AI; Gay men and lesbians march through the streets of Tokyo, Japan, in August 1997, calling for an end to discrimination on the basis of sexual orientation © Reuters

(back cover from top to bottom) A poster to mark the 50th anniversary of the Universal Declaration of Human Rights, produced by gay and lesbian organizations in southern Africa; Protesting against the harassment of lesbian, gay, bisexual and transgendered people in Chiapas state, Mexico © AI

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ABOUT THIS HANDBOOK

This handbook is intended to enable Amnesty International (AI) members, groups and networks to get involved in promoting and defending the human rights of lesbian, gay, bisexual and transgendered people.

It should be used in conjunction with the *Amnesty International Campaigning Manual* which offers more practical advice and ideas on different aspects of campaigning.

By raising awareness within the AI movement about lesbian and gay human rights and how these relate to other aspects of AI's campaigning, this handbook will, we hope, play a part in leading to greater cooperation between AI and the movement for lesbian, gay, bisexual and transgender rights. We also hope it will help stimulate greater interest in lesbian and gay human rights among other organizations and movements working to fulfil the central promise of the Universal Declaration of Human Rights (UDHR) – the promise of a world where ALL human beings are free and equal in dignity and rights.

For more information

AI's campaigning is constantly developing and evolving. Its diversity and flexibility help make it effective. For more ideas and suggestions on all aspects of AI's campaigning you can consult the *Amnesty International Campaigning Manual* (AI Index: ACT 10/02/97). To find out about any current policy or to obtain advice about campaigning methods or particular actions, consult the appropriate body of AI.

If there is an AI Section or coordinating structure in your country, contact the Section office or the appropriate coordinator. If they cannot answer your question, they will forward it to the International Secretariat (IS) in London.

If there is no one to contact in your country, contact the IS directly at:

Campaigning Program,
Amnesty International,
International Secretariat,
1 Easton Street,
London WC1X 8DJ,
United Kingdom
Tel: 171 413 5500
Fax: 171 956 1157
e-mail: amnestyis@amnesty.org

"The higher you build your
barriers,
The taller we become...
The farther you take our rights
away,
The faster we will run...
The more you refuse to hear our
voice,
The louder we will sing...
You thought that our pride was
gone. Oh no.
There's something inside so
strong."

From "Something Inside So Strong", a song
about lesbian and gay pride by Labi Siffre
© Empire Music Ltd/Xavier Music Ltd/MCA
Music Publ.

A NOTE ON TERMINOLOGY

Language and terminology in the area of sexuality can be problematic. People's self-perceptions and self-identifications can vary widely from culture to culture, as well as within each culture.

Many women and men whose principal emotional-sexual attraction or conduct is towards people of the same sex will not necessarily identify as "lesbian" or "gay", for many reasons. Some may identify with other analogous terms which are more meaningful in their particular cultural context. Others may not see their sexuality as a basis on which to construct an identity, or may find it difficult to apply a fixed label to their sexuality.

In this handbook the terms "**lesbian**" and "**gay**" have been used because they are the English terms most commonly used in international human rights discourse. However, this is in no way intended to ignore the diversity of other terms and identities, nor to deny the cultural connotations attached to these two terms.

"**Sexual orientation**" is used here to denote the direction of emotional-sexual attraction or conduct. This can be towards people of the opposite sex (heterosexual orientation), towards people of both sexes (bisexual orientation) or towards people of the same sex (homosexual orientation).

The term "**transgendered**" refers to people who experience a psychological identification with the opposite biological sex which may be profound and compelling and which may lead some to seek "gender reassignment" through medical procedures.






This is generally regarded as an issue concerning a person's "**gender identity**" rather than their sexual orientation. However, patterns of discrimination and abuse against transgendered people are closely connected to those experienced by non-heterosexuals. Increasingly, lesbians, gay men, and bisexual and transgendered men and women are campaigning together as part of a single movement for lesbians, gay, bisexual and transgender rights, often referred to as LGBT rights or rights of sexual minorities. Some AI networks, particularly in English-speaking countries, use the acronym LGBT in their organizing.

In the interests of readability and in order to respect the wealth of terms, a variety of forms are used in this handbook, largely interchangeably. So, for example, the term "lesbian and gay human rights" should be read as shorthand for the human rights of lesbian, gay, bisexual and

"Labels are for filing. Labels are for clothing. Labels are not for people."

Martina Navratilova, tennis champion

KEY TO SYMBOLS AND ABBREVIATIONS

| | |
|---|---|
|  | A question (to answer to help devise strategy or to pose to others) |
|  | A point being highlighted |
|  | A sub-point being highlighted |
|  | A tip |
|  | A warning, or a particularly important point |

| | |
|---------|--|
| AI | Amnesty International |
| AI MLGC | AI Members for Lesbian and Gay Concerns |
| AIUK | Amnesty International's United Kingdom Section |
| AIUSA | Amnesty International's United States Section |
| GALZ | Gays and Lesbians of Zimbabwe |
| ICCPR | International Covenant on Civil and Political Rights |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| IGLHRC | International Gay and Lesbian Human Rights Commission |
| IGLYO | International Gay and Lesbian Youth Organization |
| ILGA | International Lesbian and Gay Association |
| IS | Amnesty International's International Secretariat |
| LGBT | Lesbian, gay, bisexual and transgender |
| NCGLE | National Coalition for Gay and Lesbian Equality |
| UDHR | Universal Declaration of Human Rights |
| UK | United Kingdom |
| UN | United Nations |
| UNHCR | UN High Commissioner for Refugees |
| USA | United States of America |
| WCC | World Council of Churches |

SECTION ONE:

Lesbian and gay rights as human rights



© Reuters

Lesbian participants in the first gay and lesbian parade held in the Philippines send out a clear message to onlookers in June 1996

CHAPTER 1

What are lesbian and gay rights?

Imagine...

... Your parents are so disapproving of your relationships that they arrange for you to be raped as a punishment and “cure”...

... You meet someone through a “lonely hearts” advertisement and you fall in love. Two months later, you and your partner are prosecuted because your private and consensual relationship is deemed to be a social danger. You are detained for two months, raped and beaten. On release, your work lives are ruined. Your partner commits suicide...

... You cannot find regular work – you don’t look “respectable enough” – so you are forced to make a living on the streets as a sex worker. The police demand that you pay them for their “protection”. You fall behind with your payments. The police come and find you – the last thing you see is the gun pointing at your head...

... You and your partner are forced to stop seeing each other by your parents. They arrange for you to be married against your will. Rather than allow the marriage to separate you from the person you love, you and your partner make a decision – to commit suicide...

... Your son goes out for the evening to a local bar where he has arranged to meet friends. He does not return home that night. The next day, police find the charred remains of a man bludgeoned to death and left to burn on a pyre made out of car tyres. They suspect a “hate crime”. You are asked to identify the body...

These nightmare scenarios are not fiction. These are true stories. They are the stories of Ciprian from Romania, Jose Miguel from Brazil, Tina from Zimbabwe, Gita and Kishori from India, and Billy Jack from the United States of America (USA).

What was their supposed “crime”? They dared to be themselves, to act on the most basic human impulse to seek affection, love and intimacy, and they defended the right of others to do the same. They are just some of the millions of people around the world at risk of violence, arrest, harassment and discrimination because of their sexual orientation.

The Universal Declaration of Human Rights (UDHR) opens with the simple but powerful statement that “all members of the human family” have equal and inalienable rights, an affirmation that should be seen as one of the most significant legacies of the 20th century.

Yet as the century draws to a close, a sizeable minority of the world’s population continues to be denied full membership of that “human family”. Governments around the world deploy an array of repressive laws and practices to deprive their lesbian, gay, bisexual and transgendered citizens of their dignity and to deny them their basic human rights. Lesbian and gay people are imprisoned under laws which police the bedroom and criminalize a kiss; they are tortured to extract confessions of “deviance” and raped to “cure” them of it; they are killed by “death squads” in societies which view them as “disposables”; they are executed by the state which portrays them as a threat to society.

These are violations of some of the fundamental rights which the UDHR seeks to protect and which AI campaigns to defend.

“All human beings are born free and equal in dignity and rights.”

Article 1 of the Universal Declaration of Human Rights

“I don’t believe they [homosexuals] have any rights at all”

Robert Mugabe, President of Zimbabwe

An equal right to life?

⇒ Six men convicted of “sodomy” in Afghanistan were sentenced to be crushed to death by having a stone wall demolished on top of them.

Afghanistan is one of several countries where same-sex relations can be punishable by death.

⇒ “Vanessa” was reportedly gunned down by a police officer in Chiapas state, Mexico, in 1993, after protesting against a spate of killings of gay men and transgendered people. Gay men and transgendered people have been among those targeted by “death squads” during “social cleansing” operations in Colombia.

Equal freedom from arbitrary arrest?

⇒ Mariana Cetiner was released in 1998 after two years in prison in Romania for “enticing or seducing a person to practice same sex acts”.

Dozens of states criminalize sexual relations between men, and in some cases, between women.

⇒ In other countries, people can be detained because of their sexual orientation or gender identity on vague charges such as “loitering” (Argentina) or “unruly behaviour” (China).

Equal freedom from torture and ill-treatment?

⇒ Twenty-three Philippine migrant workers were flogged and expelled from Saudi Arabia in 1996 for being at a party with other gay friends.

⇒ Peaceful protesters at a lesbian and gay rights demonstration in New York, USA, in October 1998 were reportedly subjected to police brutality and homophobic insults.

Equal freedom of expression and association?

⇒ Members of the lesbian and gay rights group Gays and Lesbians of Zimbabwe (GALZ) participating in the 1995 Harare International Book Fair were threatened and their stall was burned down; police refused to protect them. GALZ activist Keith Goddard was charged with “sodomy” in 1998, in what appeared to be an attempt to deter GALZ from continuing its work.

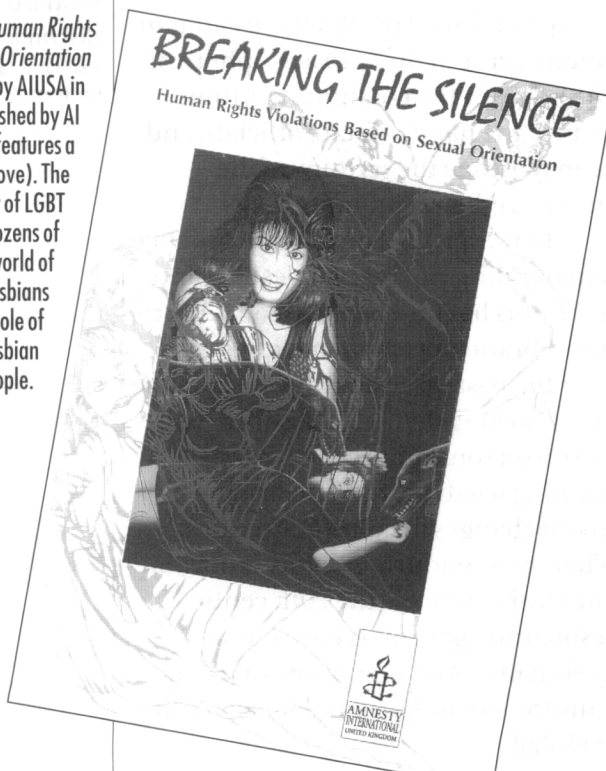
⇒ The *Nash Mir* Centre in Ukraine was denied official registration as a non-governmental organization in 1999 because of its gay and lesbian rights advocacy work. Although homosexuality was decriminalized in 1991 in Ukraine, members of *Nash Mir* risk imprisonment if they continue their human rights activities without official registration.

Equal before the law?

⇒ Many countries enshrine anti-gay discrimination in their criminal laws, for example some set the age of consent for homosexual relations higher than for heterosexual relations. In the United Kingdom (UK), a teenager, who was old enough to marry, was prosecuted in 1998 under such discriminatory consent laws for having consensual sex with men. The current UK government is reviewing criminal legislation with a view to eradicating discriminatory laws. It is also encouraging its overseas territories to do the same.

⇒ Legalized discrimination in the enjoyment of other civil, political, social and economic rights is widespread. In most parts of the world, lesbians and gay men are systematically

Breaking The Silence: Human Rights Violations Based on Sexual Orientation (right), originally produced by AIUSA in 1994, was updated and published by AI UK in 1997. The cover features a portrait of “Vanessa” (see above). The report provides an overview of LGBT human rights. It contains dozens of cases from all over the world of human rights abuses against lesbians and gay men and looks at the role of AI in protecting the rights of lesbian and gay people.



denied employment, housing and legal recognition of their partnerships. In practice, lesbian, gay, bisexual and transgendered people may often be denied access to the legal protections and remedies to which all are entitled. For example, official indifference may mean that homophobic killings and attacks are not properly investigated.

Equal in dignity and rights

At the close of the last century, the Irish playwright Oscar Wilde was sent to prison for what was euphemistically referred to as “the love that dare not speak its name”. Over the course of the 20th century, the taboos surrounding homosexuality have been challenged. Successive generations of ordinary individuals have refused to accept lives of self-negation, shame and invisibility; they have dared to speak out to their families, friends and communities.

Some have paid a very high price for their courage. While this century may have seen greater openness about sexual diversity, it has also witnessed some of the most virulent forms of anti-gay repression, including the mass persecution of gay men and lesbians during the Second World War. These human rights violations have rarely provoked outrage. In most cases, the facts may not even come to light, as abuses may not be reported for fear of reprisals.

Many of those targeted are from the poorest and most marginalized sectors of society and so may not be able to count on the usual remedies available to other victims of abuse.

Until recently, members of the broader human rights community colluded in that silence and indifference. While, thanks to organizations such as AI, the plight of imprisoned political dissidents gained public attention, those persecuted as sexual and emotional “dissidents” remained forgotten victims. This has been especially true of abuses against lesbians, which are hidden under a double layer of discrimination, based on gender as well as sexual orientation.



The United Nations (UN) Special Rapporteur on violence against women has stated that:

“women who choose options which are disapproved of by the community... or live out their sexuality in ways other than heterosexuality, are often subjected to violence and degrading treatment.”

That violence, which may take the form of rape or forced psychiatric treatment, often occurs in the “private” sphere of the home or the community, rather than at the hands of state officials, and so may escape the scrutiny of the human rights community.

However, the conspiracy of silence surrounding violations of lesbian and gay rights has now been broken. A vocal and vibrant movement has emerged over the past three decades to claim the rights so long denied. These activists have won some impressive victories, winning legal reforms and bringing about changes in cultural attitudes. Their most enduring victory is that, in the closing years of the 20th century, lesbian and gay rights have spoken their name. And they have done so in hundreds of tongues and in a voice that is global.

Participants in Pride in London, UK, in 1996, signing a mass petition against police brutality against lesbian and gay people in New York, USA. Petitions are one of the most used techniques in AI campaigning and can be a very effective way of drawing attention to issues and getting people involved.

“We’ve always been part of a larger movement and added our voice to the demands of women and indigenous people. It’s been very obvious to us that if we don’t want to be discriminated against, we have to fight against other kinds of discrimination.”

Patria Jiménez, member of the Mexican Congress, quoted in *New York Blade News*

"For lesbians, isolation and invisibility has meant the absence of collective identity. In the public domain there is no space for discussion of sexuality, leave alone women's sexuality. Culture, tradition, values and morals have consistently been used as tools of oppression and discrimination. Within this framework, one is marginalized as a woman and doubly so as a lesbian... Is it any wonder then that there are not many 'out' lesbians in India?"

Campaign for Lesbian Rights, India

'Less than human'

Why is it then that so many governments and individuals around the world still resist even acknowledging that lesbian and gay people are "equal in dignity and rights"?

In many parts of the world, being gay or lesbian is not seen as a right, but as a wrong. Homosexuality is considered a sin, or an illness, an ideological deviation or a betrayal of one's culture.

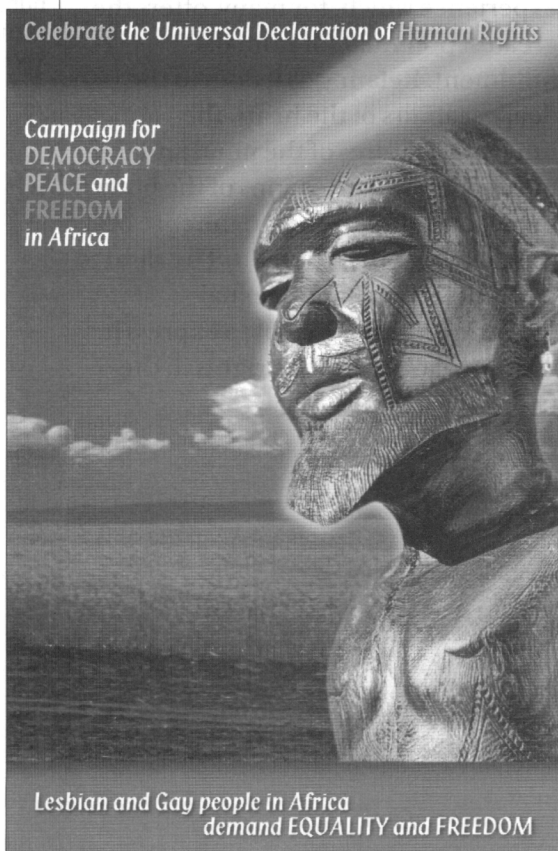
The repression that gay and lesbian people face is often passionately defended by governments or individuals in the name of religion, culture, morality or public health. Homosexuals are branded "perverts" and "paedophiles". AIDS is labelled a "gay plague" and homosexuality the "white man's disease". Same-sex relations are dubbed "unChristian", "unAfrican", "unIslamic", or a "bourgeois decadence". In the words of the Zimbabwean President, Robert Mugabe, lesbians and gay men are "worse than pigs" and "less than human".

By dehumanizing gay people and marginalizing them as "other", leaders

know that they are fostering a climate in which the public will not be concerned about the human rights of lesbian, gay, bisexual and transgendered people. After all, if they are less than human, why should they enjoy full human rights? When those in power brand members of certain groups as "less than human" solely because their identity separates "them" from "us", they pave the way for gross human rights abuses against such groups.

The boundaries of identity are not fixed or static in any culture; they are subject to political and social manipulation. Discrimination against a particular group can be stoked or inflamed for political purposes. In some countries, homophobic discrimination has been encouraged in order to enable those in power to suppress any challenge to their authority. In Malaysia, for example, dismissed Deputy Prime Minister Anwar Ibrahim was accused of "sodomy", amid attempts to orchestrate anti-gay sentiment to discredit him politically.

In other countries, lesbian, gay, bisexual and transgendered people have proved a convenient scapegoat for a range of social ills – a deteriorating economy, a perceived break-down of the family or a rise in crime. With the end of the Cold War, identity-based difference has increasingly come to the fore as a major context of human rights abuses. In many societies, the increasing gap between rich and poor has brought with it renewed attacks on the rights of minorities and those marginalized by society. The political manipulation of prejudice based on sexual difference is part of this pattern. In Colombia, for example, gay men and transgendered people have become a common target of police-backed "social cleansing" operations against those perceived as "social undesirables", such as sex workers and drug abusers. In a climate where they are perceived not as human beings endowed with fundamental rights but as "desechables" ("disposable garbage"), their killing provokes little or no public outrage.



A poster to mark the 50th anniversary of the Universal Declaration of Human Rights, produced by gay and lesbian organizations in southern Africa, including Gays and Lesbians of Zimbabwe; The Rainbow Project (Namibia); Lesbians, Gays and Bisexuals of Botswana; the National Coalition for Gay and Lesbian Equality (South Africa); and the Southern African Youth and Human Rights Network.

As the voices for women's rights and lesbian and gay rights gain in strength, they are increasingly coming under attack from those in power who believe that traditional notions of gender, sexuality and the family are under threat, or who stand to lose from the development of a strong civil society. This is especially true in parts of the world where vocal and visible lesbian and gay organizing has emerged more recently.

Campaigning for lesbian and gay human rights might be seen by some as a controversial arena of human rights activism. It is. But no more so than any other. All human rights activism is a bid to transform society. The promotion of the fundamental rights of lesbian, gay, bisexual and transgendered people belongs squarely on the human rights agenda.

Lesbian and gay rights belong on the human rights agenda because of the nature and scale of the abuses that people suffer. Unlawful killings, torture, arbitrary deprivation of liberty – these abuses have been central to the activities of the human rights movement for decades. Where these abuses constitute a widespread pattern of systematic persecution against a distinguishable sector of humanity, they become a paramount concern.

Lesbian and gay rights belong on the human rights agenda because in the words of Colombian human rights defender Juan Pablo Ordóñez,

“the defence of human rights of homosexuals solely by homosexuals is impossible – or at best, places them in imminent peril of their lives. The struggle must be taken up by outsiders,

gay or straight people, who are not themselves the victims of this hostile society.”

Lesbian and gay rights belong on the human rights agenda because if we tolerate the denial of rights to any minority, we undermine the whole protective framework of human rights by taking away its central plank – the equal rights and dignity of all human beings. When governments ignore their responsibility towards one sector of society, then no one's human rights are safe.

And, perhaps most centrally of all, lesbian and gay rights belong on the human rights agenda because sexual orientation, like, for example, gender or race, relates to fundamental aspects of human identity. As the opening words of the UDHR affirm, human rights are founded on the concept of respect for the inherent dignity and worth of the human person.

Laws and practices aimed at coercing individuals to alter or deny their sexual orientation attack a deeply rooted aspect of human personality. They inflict huge psychological – if not physical – violence because they force some people to forego an area of experience which, for many, offers the greatest potential for human fulfilment. Relating as it does to the deepest affairs of the heart, the innermost desires of the mind and the most intimate expressions of the body, sexual orientation goes to the core of what it means to be human. The right to freely determine one's sexual orientation and the right to express it without fear are human rights in the fullest sense.

“Why this sudden hatred of homosexuals? Because it has become a political identity. Governments are trying to suppress it because they see it as a socially disruptive force.”

Ashok Row Kavi, Indian gay rights activist

“If rights of sexual orientation appear revolutionary, that is due not to the “revolutionary” concept of sexual diversity (for divergent and transmutable sexual norms have been with us throughout time) but rather to the revolutionary character of human rights law itself.”

Eric Heinze, *Sexual Orientation: A Human Right*

CHAPTER 2

'Ours by law': lesbian and gay human rights and international standards

Max: Pink triangle? What's that for?

Horst: Queer. If you're queer that's what you wear. If you're a Jew, a yellow star. Political – a red triangle. Criminal – green. Pink's the lowest.

Conversation between Max and Horst, gay prisoners at Dachau, from Martin Sherman's play, *Bent*.

The Universal Declaration of Human Rights (UDHR) was adopted by the international community in 1948 in response to the atrocities of the Second World War.

Although gay men and lesbians were among the millions of people sent to their deaths in concentration camps, the language of the UDHR did not explicitly recognize this pattern of abuse. In fact, the comprehensive body of international standards developed over the past five decades to reinforce the protections enshrined in the UDHR does not contain a single reference to sexual orientation or identity. Efforts to address gender and race discrimination, the protection of ethnic and national minorities, and the rights of vulnerable groups such as migrant workers or indigenous people, have not been matched in the area of protection of lesbian and gay rights.

However, lesbian, gay, bisexual and transgendered people are entitled to the same protection under

international standards as every other human being. The UDHR proclaims that all are entitled to all the rights and freedoms it contains,

“without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

This list was intended to be illustrative rather than exhaustive.

The abuses against lesbian, gay, bisexual and transgendered people which AI has documented violate some of the basic rights protected under international standards such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic Social and Cultural Rights (ICESCR). The UN Convention on the Elimination of All Forms of Discrimination against Women also provides a useful framework for combating abuses, not just against lesbians and bisexual women but against gay men and transgendered people too. Article 5(a) obliges states to:

“modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”

© AI



Celebrating Pride in London, UK, in 1998. One of the marchers carries an AI placard celebrating the 50th anniversary of the UDHR.

The arrest and conviction of young people under age of consent laws which discriminate against lesbians and gay men, and effectively criminalize their sexual orientation, may also be in violation of the UN Convention on the Rights of the Child which protects against arbitrary deprivation of liberty, arbitrary interference with privacy and any kind of discrimination in the state's respect for the rights of the child.

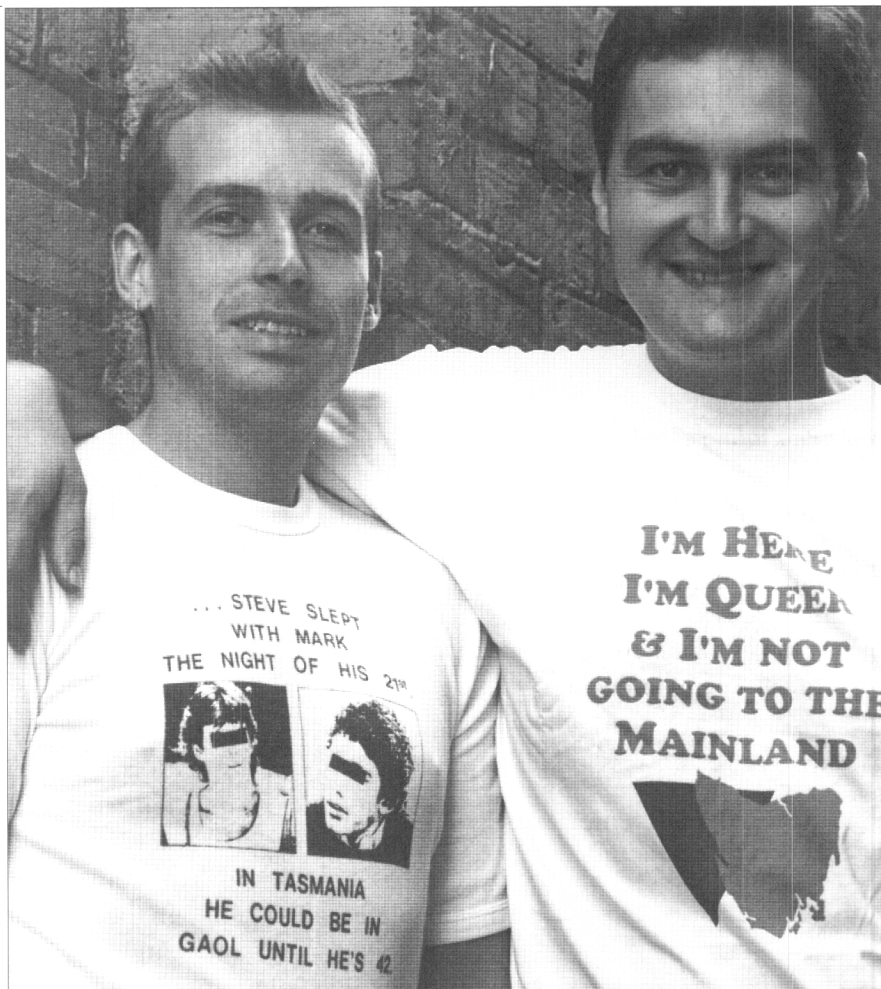
The UN High Commissioner for Refugees (UNHCR) has affirmed that lesbians and gay men who can show that they have a well-founded fear of persecution because of their sexual orientation may be considered members of a "particular social group" and fall within the definition of refugees as set out in the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol. Numerous states have granted asylum to homosexual and transgendered people on that basis.

Existing rights, new claims

Affirming lesbian and gay rights as human rights does not mean claiming new or "special" rights. It means demanding that everyone, regardless of sexual orientation, is guaranteed the fullest enjoyment of their civil, political, social, economic and cultural rights. Since the 1980s, lesbian, gay, bisexual and transgendered people have begun to use the mechanisms created under international and regional human rights standards to assert their claims.

Three separate complaints by gay men from Northern Ireland (1981), the Republic of Ireland (1988) and Cyprus (1993) led to rulings by the European Court of Human Rights that laws criminalizing consensual sex between adult men are in breach of the privacy protections of the European Convention on Human Rights.

In 1992 an Australian national, Nick Toonen, brought a complaint against a similar law in the Australian state of Tasmania before the UN Human Rights Committee which monitors states' compliance with the ICCPR. In 1994 the Committee found



Nick Toonen (left) and Rodney Croone (right) challenged Tasmania's laws before the UN Human Rights Committee. In 1994 the Committee ruled that legislation prohibiting consensual sex between adult men violated the right to privacy and was discriminatory.

that the law violated the right to privacy and to freedom from discrimination, as it "distinguishes between individuals in the exercise of the right to privacy on the basis of sexual activity, sexual orientation and sexual identity".

This landmark ruling recognized that discrimination on the basis of sexual orientation is itself a violation of international standards. The Committee added that the reference to "sex" in the non-discrimination clauses of the ICCPR – Articles 2(1) and 26 – should be taken as including "sexual orientation". In other words, the rights set out in the ICCPR cannot be denied to any individual because of their sexual orientation.

In April 1997 Tasmania abolished this discriminatory law.

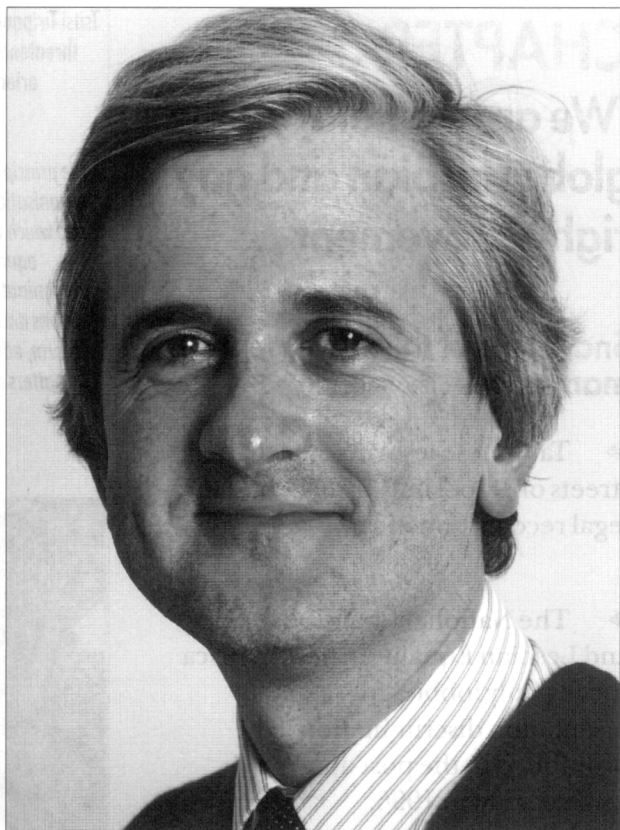
The global trend towards granting explicit protection against discrimination on the basis of sexual orientation

"Protection against sexual orientation discrimination under constitutional and international human rights law has begun. Its extension and completion is a matter of time."

Professor Robert Wintemute, *Sexual Orientation and Human Rights*

"Society should celebrate the rich diversity of cultures and lifestyle. True equality implies that respect for diversity should be accorded to homosexuals and lesbians as much as to anyone else"

From a 1997 Stonewall lecture by Peter Duffy



UK barrister Peter Duffy (right) was Chairperson of AI's International Executive Committee in 1991. In his work as a lawyer he was a staunch advocate for the protection of lesbian and gay human rights in international law. He died of cancer in 1999.

has become firmly established at national level. Canada, France, Ireland, Israel, Slovenia and Spain are just some of the countries where specific reference to sexual orientation is included in their anti-discrimination laws relating to areas such as employment, housing, public services and protection against defamation or hate-speech. In 1996 South Africa became the first country in the world to include sexual orientation as a category protected from discrimination in its Constitution. In 1998 the Constitutional Court in South Africa ruled that laws criminalizing "sodomy" (referring to consensual sex between men) were discriminatory and

unconstitutional. Since 1996 similar constitutional provisions against discrimination have been introduced in Ecuador and Fiji.

Greater protection against discrimination in domestic law and international standards will not in itself eradicate the prejudice and abuse that people face because of their sexual orientation. But it has enormous symbolic as well as practical value because it reaffirms that the right to be free from discrimination on grounds of sexual orientation is a basic human right. Consolidating that right will be a key task for human rights defenders – including AI – in the next century.

"The National Coalition for Gay and Lesbian Equality welcomes this decision as a beacon in the continuing struggle of all South Africans for a society founded on the recognition of the equal dignity of each and every one of us."
NCGLE statement on the 1998 Constitutional Court ruling in South Africa (see right)

CHAPTER 3

'We are planetary': the global lesbian and gay rights movement

Snapshots of the movement's many faces

⇒ Taiwanese lesbians take to the streets of Taipei in 1996 to demand legal recognition of same-sex marriage;

⇒ The National Coalition for Gay and Lesbian Equality in South Africa successfully lobbies for sexual orientation discrimination to be prohibited in the post-apartheid Constitution in 1996;

⇒ In March 1999 Argentine gay, lesbian and transgendered activists organize a mass demonstration in downtown Buenos Aires involving other social movements under the banner, "Against repression – Stop all persecution";

⇒ Lesbians in the UK abseil into the Houses of Parliament in protest at laws prohibiting the "promotion of homosexuality" in 1988;

⇒ Non-governmental organizations put lesbian rights on the agenda of the 1995 UN World Conference on Women which adopts the Beijing Declaration and Platform for Action affirming "the right to decide freely and responsibly on matters related to their sexuality... free of coercion, discrimination and violence";

⇒ Two million lesbian, gay, bisexual and transgendered people from countries around the world parade through the streets of New York, USA, in 1994 to commemorate the 25th anniversary of the Stonewall riots.

Tsitsi Tiripano and Keith Goddard (right) have been threatened and attacked because of their sexual orientation. Both are members of Gays and Lesbians of Zimbabwe (GALZ).

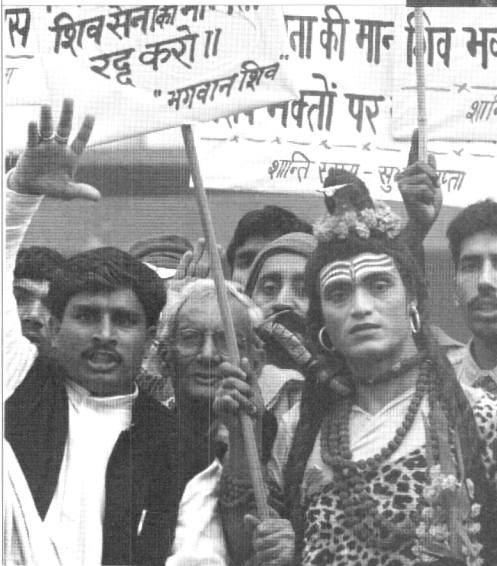
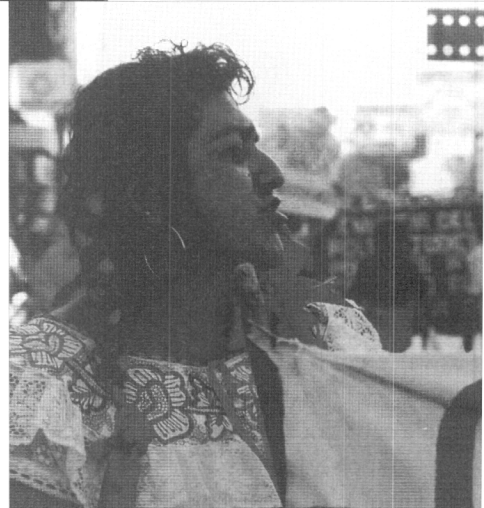
"The principal objective of GALZ shall be to build an organisation which is democratic and accountable and which will strive for the attainment of full and equal rights and the removal of all forms of discrimination in all aspects of life for all gay men, lesbians and bisexual people within Zimbabwe and to inform, educate, counsel and support such people in matters relative to their health and well being."



(Left) Delegates chat to one another during the inauguration ceremony of the first public centre for gays in Moscow, Russian Federation, in December 1995

© REUTERS

(Right) Protesting against the harassment of lesbian, gay, bisexual and transgendered people in Chiapas state, Mexico. A pattern has emerged in recent years of violence directed at the gay community in Chiapas. Lesbian and gay people are not the only targets of this type of abuse in Mexico, but they are often targeted solely on the basis of their sexual orientation.



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(Left) Demonstrating in New Delhi, India, in December 1998 in support of the Hindu film, Fire. The film, which depicts a lesbian relationship, was heavily criticized by some leading members of the Shiv Sena party

"We are truly international and we are truly a planetary minority... In large spaces in Africa and Asia what you have is an outburst of gay identity."

Ashok Row Kavi, Indian gay rights activist

"If at Stonewall we were able to confront the abusive power of the State, then we have the strength to continue fighting here and anywhere in the world for solidarity and against injustice."

Mujeres Prohibidas (Forbidden Women), lesbian website, Uruguay

The origins of the modern lesbian and gay rights movement are often traced back to the 1969 riots at the Stonewall bar in New York, USA, which erupted after a series of police raids and harassment of the gay and transgendered community. Stonewall has remained a powerful symbol of resistance to lesbian and gay people all over the world. However, the LGBT rights movement has diverse origins and influences. It owes a major debt to the women's movement which opened up issues of sexuality and sexual identity as legitimate areas of collective struggle.

In the 1980s the movement in many parts of the world was galvanized by the AIDS epidemic. In countries where no organized lesbian and gay movement existed, the AIDS crisis provided openings for public discussion about sexuality. In much of Latin America, for example, AIDS organizing was a catalyst for gay activism.

As well as mobilizing resources to care for the ill and campaign for prevention, lesbian and gay movements have had to confront the renewed wave of homophobic prejudice that the disease prompted in some parts of the world. HIV does not discriminate on the basis of sexual orientation, but society's response to the virus frequently has. Homophobia has been a major contributory factor to the

abuses faced by those campaigning for HIV/AIDS prevention.

Since Stonewall, LGBT organizing has taken a huge variety of forms, from celebratory street demonstrations such as annual Pride events, to lobbying at UN forums.

Today the LGBT movement represents one of

the most significant social movements of our time. Its diversity is striking. In fact it is difficult to speak of it as one uniform movement, as it spans such a variety of cultures, campaigning goals and "movements within a movement".

What are the features that bind such a diverse movement together?

- ⇒ it is **united** by a common language, the language of human rights;
- ⇒ it is a **youthful** movement, harnessing the innovation and energy of new generations;
- ⇒ it is **multifaceted**, consisting of networks of activists campaigning in multiple capacities – church-workers, lawyers, HIV/AIDS activists, artists, journalists, and so on;
- ⇒ it is a **multidimensional** movement, linked to other movements and struggles through temporary coalitions and shifting alliances;
- ⇒ it is an **international** movement in which communication networks made possible by technological changes provide new vehicles and forums for cooperation and solidarity.

Lesbian, gay, bisexual and transgendered people are everywhere. There are scores of organizations in Africa, Asia, Latin America and the Middle East working for LGBT rights. These LGBT movements are forging their own language to claim rights of sexual orientation. Their existence gives the lie to those who claim that homosexuality is "not part of our culture".

Lesbian, gay, bisexual and transgendered people have been active in local and national movements fighting to defend human rights all over the world. They have been part of the struggle for women's rights. They have been anti-apartheid activists. They have campaigned for the "disappeared" in Latin America and the former Yugoslavia. Just as lesbian and gay people have taken part in countless campaigns on a whole range of human rights issues, so too the struggle to protect the human rights of lesbian, gay, bisexual and transgendered people should be one that is waged by all.



"I was handcuffed, humiliated, dragged, treated like an animal"

Brazilian AIDS awareness activist Claudio Orlando Dos Santos in hospital after he was beaten up and harassed by military police officers in May 1994

Organizing internationally

International organizations have emerged to campaign specifically for the rights of lesbian, gay, bisexual and transgendered people.

The **International Gay and Lesbian Human Rights Commission (IGLHRC)** campaigns to prevent human rights violations based on sexual orientation, gender identity or HIV status. IGLHRC responds to such human rights violations around the world through documentation, advocacy, coalition building, public education, and technical assistance. IGLHRC runs an asylum program, an emergency response network, and publishes country specific reports. For more information contact: IGLHRC, 1360 Mission Street, Suite 200, San Francisco, CA 94103, USA. Tel: 415 255 8680. Fax: 415 255 8662. E-mail: iglhrc@iglhrc.org
Website: www.iglhrc.org

The **International Lesbian and Gay Association (ILGA)** is a worldwide federation of more than 350 LGBT rights organizations in over 70 countries in all continents. Founded in 1978, ILGA mobilizes international responses on individual cases of human rights violations and lobbies international organizations such as the United Nations and the Council of Europe. Its website – <http://www.ilga.org> – includes a survey of the legal and human rights situation of lesbian, gay, bisexual and transgendered people around the world. It holds an annual World Conference, which in 1999 will be hosted by organizations in South Africa. For more information contact: ILGA, 81 Kolenmarkt, B-1000 Brussels, Belgium. Tel/fax: 2 502 2471. E-mail: ilga@ilga.org

The **International Lesbian Information Service (ILIS)** is an international network based in the Netherlands dedicated to fostering lesbian rights organizing. Its newsletter includes reports and articles from around the globe. For more information contact: ILIS, c/o COC, Nieuwezijds Voorburgwal 68-70, 1012 SE Amsterdam, the Netherlands. Tel: 20 623 1192. Fax: 20 626 7795.

The **International Gay and Lesbian Youth Organization (IGLYO)** represents lesbian, gay, bisexual and transgendered youth and student groups from around the world. It works to end discrimination and abuse against young people because of their sexual orientation or gender identity. Based in the Netherlands, it includes an information and advice network, a pen-pal program and publishes the magazine *Speak Out*. For more information contact: IGLYO, POSTBUS 542, NL 1000 AM Amsterdam, the Netherlands. Tel/fax: 20 618 8172. E-mail: iglyo@wxs.nl

Al Fatiha, an international organization of gay, lesbian, bisexual, transgendered and questioning Muslims and their friends, was created in 1998. *Al Fatiha* began as an international e-mail discussion group via the Internet, and was formed after a retreat in Boston, USA, which brought together representatives from countries including Egypt, India, Lebanon, Maldives, Pakistan, Saudi Arabia and Syria. For more information contact: Al Fatiha Foundation, P.O. Box 300, Astor Station, Boston, MA 02123, USA. Tel: 617 685 4175.
E-mail: gaymuslims@yahoo.com Website: www.al-fatiha.org

Other international organizations, including international human rights groups, trade union federations, student bodies and religious organizations, have also played an important role in supporting the struggle for gay and lesbian rights. For example, following the 1998 World Council of Churches Conference in Zimbabwe, an Ecumenical Coalition for International Human Rights in regards to Sexual Orientation was formed as an informal grouping of religious organizations supporting better protection for gay men, lesbians, bisexuals and transgendered people within the framework of international human rights standards.

"Yesterday, transgendered people demonstrated surrounded by anarchists, immigrants, political activists, former political prisoners, and mothers and children of the 'disappeared' in a unity that must be widened and strengthened... We have many solidarities to knit. But that is precisely what we are doing."

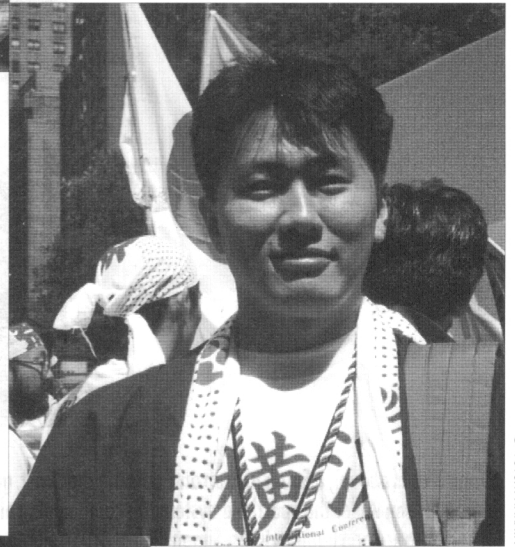
Alejandra Sardá, *Escrita en el Cuerpo*, Lesbian, Bisexual and Different Women's Archives and Library, Buenos Aires, Argentina



An AI member at the Pride celebration in Paris, France, in 1997 holds a poster drawing attention to human rights abuses against gays and lesbians, including police brutality, political killings and "disappearances"

© AI/NICKY WARDEN

Niimi Hiroshi, Executive Director of the Japanese gay rights group "Occur". Members of the group were among those who lobbied the AI International Council Meeting in Yokohama, Japan, in 1991 to extend AI's mandate on lesbian and gay prisoners of conscience.



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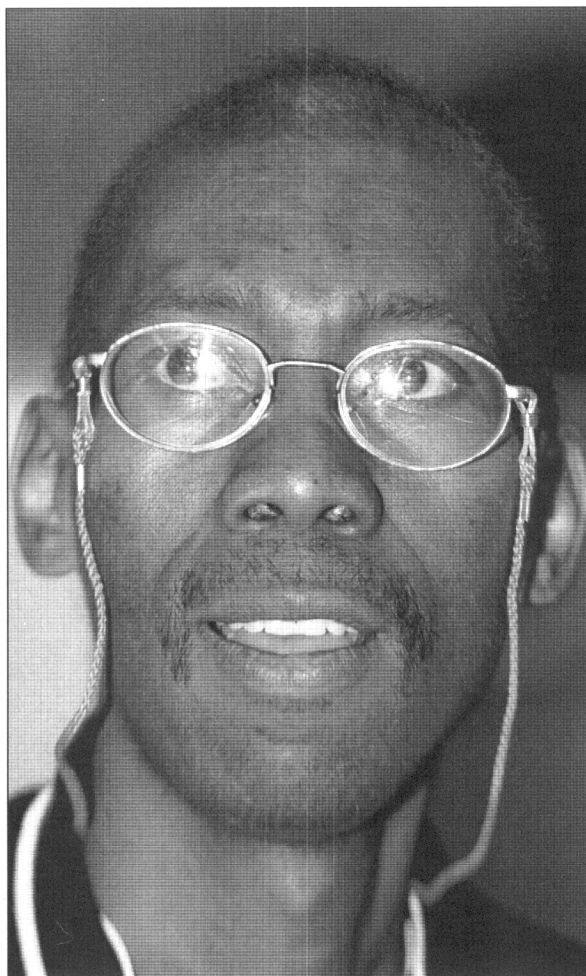
Indian gay rights activist Ashok Row Kavi (left) and Franz Mom, a member of the Dutch development organization HIVOS (centre), take part in a series of human rights workshops organized jointly by AI and HIVOS during the Gay Games in August 1998.

© ILVA VAN MARLE

Alejandra Sardá (far left), Argentine activist and chair of the International Lesbian and Gay Association's Women's Secretariat, and Pedro Montenegro (second from right), a Brazilian human rights activist, pictured here with two members of AI France. They were among human rights defenders from over 100 countries who attended the 1998 Paris Human Rights Defenders Summit. The Summit was organized jointly by four non-governmental organizations – AI, the *Fédération Internationale des Liges des Droits de l'Homme* (International Federation of Human Rights Leagues), *France Libertés* and *ATD Quart-Monde*.



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© ILYA VAN MARLE

Simon Nkoli (*above*), a South African anti-apartheid activist, gay and lesbian rights defender and HIV/AIDS activist, spent four years in prison under the apartheid system. His campaigning always highlighted the connections between different movements for social justice and human rights. Simon died of AIDS-related causes in November 1998. In May 1999 he was given an honorary posthumous award at the Felipa de Souza Awards Ceremony organized by the International Gay and Lesbian Human Rights Commission. The Ceremony also recognized the ground-breaking work of Aung Myo Min, director of the Thailand-based organization, Campaign for Lesbian Rights in Burma.

"There is a stormy horizon ahead for the gay and lesbian movements... yet if the experience of the last quarter of the century has any indicative value, the power of identity seems to become magic when touched by the power of love."

Manuel Castells, *The Power of Identity*



The ceremony brought together lesbian and gay activists from around the globe, including (*left and right*) Allen Lee and Lee Hae Il of *Chingu Sai* (Between Friends), a South Korean gay men's group; and (*centre*) Prudence Mabele, a South African lesbian and HIV/AIDS activist.

© IGLHRC

CHAPTER 4

A role for AI in the struggle for lesbian and gay human rights

As a grassroots international human rights organization, AI has a particular and useful role to play in locating gay and lesbian rights in the consideration of human rights generally, not as special rights, but as fundamental rights ensured to each and every member of society. AI has also provided valuable support to lesbian and gay human rights defenders, who are among those most under threat. They frequently operate in environments where the very right of their organizations to exist is denied by the law because what they are advocating – the right to love and live with who you want – is a criminal offence.

AI is uniquely placed to help consolidate this international movement by helping to provide safe spaces for discussion and networking, by helping to protect the space in which LGBT rights defenders can work, and by sharing its skills in research, campaigning and advocacy.

AI can offer the LGBT rights movement the support of its international activist membership, with its wide-ranging experience and skills in areas such as campaigning and lobbying the UN. It can also offer the benefits of its near-global presence, its capacity for sustained country monitoring, and its internationalist perspective.

First steps: coming out for LGBT rights

As far back as 1979, AI recognized that “the persecution of persons for their homosexuality is a violation of their fundamental human rights” (Decision 7 of its 1979 International Council Meeting). However, it was only in the early 1990s that AI began to campaign in earnest against this kind of persecution.

The intervening period was one of intense debate within the international movement about how far AI could go in defending the rights of lesbians and gay men, given the culturally diverse nature of the movement and the unclear scope of international human rights standards at that time.

After years of internal debate and sustained campaigning by the lesbian and gay rights movement and by many within the AI movement, a highly significant step forward was taken in 1991, when AI adopted a policy affirming that prosecuting people for their homosexuality was a form of persecution. Although other forms of anti-gay persecution were already covered in AI’s mandate – such as the torture or execution of gay people, or the arbitrary imprisonment of gay rights activists – AI now committed itself to campaigning for the release of anyone imprisoned solely because of their homosexuality, including those prosecuted for having sex in circumstances which would not be criminal for heterosexuals. Such people would be considered prisoners of conscience.

It was a powerful assertion of principle: homosexuality, like race or gender, is not an acceptable basis on which to imprison people.

Ground covered in the 1990s

Among the first lesbian, gay, bisexual or transgendered **prisoners of conscience** taken up by AI were Irene Petropoulou, a Greek lesbian journalist, and Vladimir Mironov, prosecuted in the Russian Federation in 1991 under laws punishing consensual sex between adult men.

Since then, AI has taken action against laws allowing for the imprisonment of prisoners of conscience on the basis of sexual orientation in dozens of countries – including Australia, the Commonwealth of Independent States, Cyprus, Nicaragua, Romania, the UK and Zimbabwe. In some, the law has criminalized any expression of homosexuality, in others

“One of the strongest reasons why I believe that I have not been harassed by police and other authorities is that these authorities are well aware that I am being watched by Amnesty and the international press.”

Keith Goddard, Gays and Lesbians of Zimbabwe (GALZ)

“It is absolutely crucial for gay and lesbian rights groups to make coalitions with diverse, broad-based human rights organizations to accomplish the hoped for goal. If those more diverse groups are genuinely committed to the essential principles of human dignity and rights, they should welcome a call for solidarity from their gay and lesbian comrades.”

Juan Pablo Ordonez, Colombian human rights defender

discriminatory laws regulating sexual behaviour create offences which only apply to same-sex relations.

Among the individuals convicted under such laws who have been adopted as prisoners of conscience by AI in recent years are Mariana Cetiner, who was released in 1998 after serving two years in prison in Romania; and Sukma Darmawan Sasmitaat Madja and Dr Munawar Anees, two associates of dismissed Deputy Prime Minister Anwar Ibrahim in Malaysia, who were sentenced to six months' imprisonment in 1998. Lawyers for the "Bolton 7" – seven men prosecuted under the UK's discriminatory "homosexual offences" laws – cited AI's intervention as crucial; the men received suspended sentences.

In reaching out to new contacts, including gay and lesbian activists from around the globe, AI has become more aware of a whole range of other systematic abuses which people face simply for being attracted to members of the same sex. This has turned the spotlight on sexual orientation as a basis for abuses spanning the whole of AI's mandate.

AI's 1998 campaign against human rights abuses in the USA highlighted reports of homophobic police brutality – an example of AI's campaigning against **torture and ill-treatment** motivated by the real or perceived sexual orientation of the detainee.

AI has also campaigned against the **extrajudicial execution** of lesbian, gay, bisexual and transgendered people by police in Brazil and Colombia. The 1998 campaign to mark the 50th anniversary of the UDHR featured Brazilian human rights defender Pedro Montenegro who received death threats for investigating the police killing of transgendered sex workers.

AI has denounced the stoning of men for "sodomy" by the *Taleban* in Afghanistan, one of several countries where having same sex relations can lead to the **death penalty**.

As part of its work to protect the human rights of **refugees**, AI has also supported the asylum claims of people

fearing persecution on the basis of their sexual orientation. AI has called for abuses based on sexual orientation to be recognized by receiving states as possible grounds for asylum under the terms of the UN Convention relating to the Status of Refugees.

This work has increasingly involved AI in public discussion, at the national and international level, on ways in which the human rights of lesbians and gay men can be better protected. An early example of this kind of **promotional work** was AI's statement during the 1993 UN World Conference on Human Rights, which affirmed that:

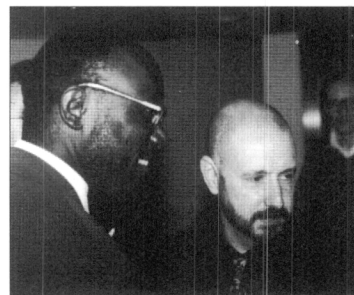
"Vulnerable groups which require greater attention within the human rights program include children, indigenous peoples, the disabled, religious, ethnic, sexual and linguistic minorities, and those affected by HIV and AIDS."

(See AI Index: IOR 41/16/92).

Since then, AI has worked with other organizations to get its concerns about anti-gay abuses onto the agendas of various UN mechanisms and other international forums. AI Sections have also been promoting awareness at the national level. In 1998 AIUSA joined with other human rights organizations to provide a briefing to members of the US Congress on abuses based on sexual identity.

AI has sought contacts with organizations working at the national and international level for the defence of sexual minority rights as part of its **outreach** work. For example, since 1992 AI has held workshops at the annual conferences of the International Lesbian and Gay Association.

Many AI sections have built fruitful alliances with the lesbian and gay rights movement in their countries and some have hosted international forums to reach out to lesbian, gay, bisexual and transgender rights defenders abroad (see Chapter 6).



The Secretary General of Amnesty International, Pierre Sané (left), and the co Secretary General of the International Lesbian and Gay Association, Jordi Petit (right), meet in Barcelona, Spain, in 1998 to discuss the future of lesbian and gay human rights activism

Making an impact

Imagination, coordination and determination were the hallmarks of the campaign to win the release of **Mariana Cetiner**, sentenced to three years' imprisonment in Romania solely for being lesbian. AI took up her case in December 1997, working in cooperation with the International Gay and Lesbian Human Rights Commission and Human Rights Watch.

AI's LGBT networks and other AI members around the world mounted a sustained campaign of letter-writing, demonstrations, public events and embassy visits. Good e-mail contacts allowed for swift feedback and strategic coordination of activities between LGBT networks in different AI sections. In Australia AI members held a demonstration and vigil outside Melbourne Town Hall on the night of the launch of the Queer Film Festival and presented a one-meter-high petition calling for the release of Mariana and other prisoners jailed in Romania under the same law, and for the repeal of this legislation. A delegation from AI in Canberra took the petition to the Romanian embassy, amid considerable television and radio coverage.

"Love is a basic human right", "Freedom for Mariana Cetiner" read the banners held by members of AI Argentina, who gathered in front of the Romanian embassy on 6 March. They talked to the Ambassador who said that the laws were what the Romanian people wanted. When asked about the ill-treatment Mariana had suffered in prison, he asserted that this happens all over the world. He promised to transmit AI's concerns to the authorities. AI delegates from the Netherlands, Sweden and the UK also met with Romanian officials in their countries.

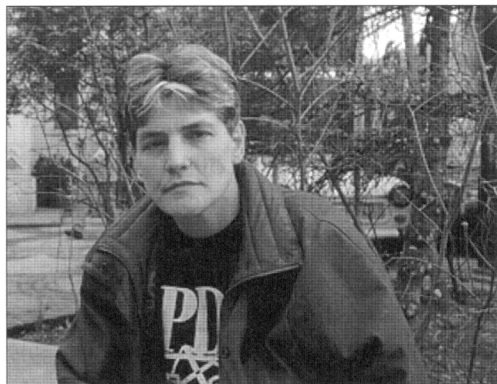
Mariana was finally released by presidential decree on 18 March 1998 and steps were announced to revise the relevant Penal Code provisions. On her release, the German Section network helped Mariana settle in Germany.

"Dear friends, I would like to thank all of you for being by my side... I was released from prison on 18 March 1998 and at present I do not have a house or a job. Due to the detention it is very difficult to find in general any sort of support here. It seems that being a lesbian in Romania is worse than being a criminal. The detention affected me a lot. The beatings, the treatment in prison affected me. The reality is tough but that's it... Please send my gratitude and this letter to others who stood beside me and whose addresses I do not know."

Letter from Mariana Cetiner to those who had campaigned for her release

"The RFSL [Swedish Federation for Gay and Lesbian Rights] welcomes Amnesty's initiative. Gay rights are human rights... The Cetiner case shows that international activism can give results."

Swedish Federation of Gay and Lesbian Rights, March 1988



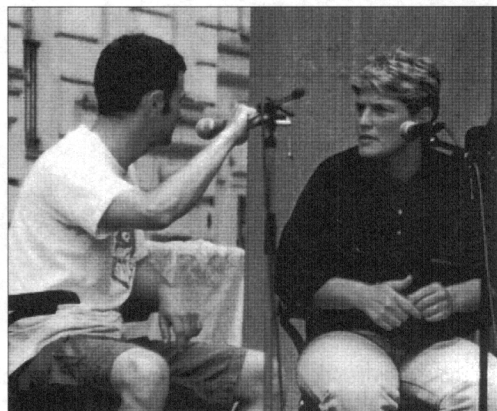
Mariana Cetiner



AI members at the Romanian embassy in London, UK, lobby for Mariana's release



AI members in Australia demonstrate for Mariana's release



Mariana is interviewed by AI members at Berlin's Gay and Lesbian Festival in Germany where she settled after her release from prison in 1998

The growth of LGBT activism within AI

The successful impact of AI's work in recent years is in large measure a result of the growth of a committed network of activists within the movement who have been at the forefront of this campaigning. LGBT networks and groups represent one of the most dynamic growth areas of AI activism in the 1990s. More than 20 AI Sections or pre-sections now have networks, groups or other structures focusing on LGBT concerns.

While working on the full range of human rights concerns covered by AI's mandate, these activists have played a central role in developing AI's capacity to combat violations based on sexual identity. They have assisted the IS with its research, coordinated actions nationally and globally, provided guidance to the movement on strategies for combating

violations, and forged links with the lesbian and gay rights movement. Their energy and commitment has had some impressive results.

Some Sections are organizing their workplans and staff structures in such a way as to facilitate action on behalf of lesbian and gay victims of human rights violations. For example, in 1998 AIUSA launched "OUTFRONT", a program on Human Rights and Sexual Identity, which is dedicated to international campaigning; increasing public awareness; and strengthening links between AI activists, other human rights groups and the LGBT community. In other AI Sections or structures, such as those in the Philippines, Ghana and South Africa, LGBT campaigning is not done through separate structures but as part of outreach or human rights education or training programs.



Delegates at an historic meeting of AI LGBT activists. The first international meeting of AI lesbian, gay, bisexual and transgender networks took place in London, UK, in March 1999. It was hosted by AIUK and attended by delegates from 25 countries in four continents. It discussed the role of the network in defending lesbian and gay human rights and in promoting the overall goals of the AI movement. The meeting agreed some strategic goals and a detailed workplan for the next few years. A report of the meeting can be obtained from AI's International Secretariat.

SECTION TWO:

Securing lesbian and gay rights
in the 21st century



© Reuters

Gay men and lesbians wave rainbow flags
during the first ever gay pride parade
in Tel Aviv, Israel, in June 1998

CHAPTER 5

Making links: an integrated approach to lesbian and gay rights campaigning

AI's work on LGBT rights has undoubtedly had an impact, both in protecting individuals against violations of their basic rights and promoting awareness of those rights. Over recent years AI has helped to articulate LGBT rights as human rights. It is now well placed to make a major contribution to securing those rights in the next century.

How successful AI is in fulfilling this role is not solely a question of resources or competing priorities. It is a question of vision and approach. It requires a holistic perspective which recognizes the key contribution that LGBT activism can make to the achievement of AI's overall mission to combat human rights violations.

This section looks at some of the general considerations which should be taken into account when developing strategies for LGBT campaigning within AI.

1. Don't isolate – integrate!

In setting its directions for the first four years of the new century, AI has committed itself to addressing some of the most pressing human rights challenges of our time. Some of the priority issues and themes are listed below. LGBT activism can make a significant contribution in all these areas. Integrating LGBT human rights into each of these strategies will bring the whole movement one step nearer to achieving its goals.

➔ AI's strengthened focus on **identity based discrimination** creates opportunities for making connections between human rights abuses on the basis of gender, sexual orientation, race and other forms of discrimination.

As issues of sexual orientation and gender are intimately linked, lesbian and gay campaigning can advance AI's work on women's human rights and promote a deeper understanding of gender-based abuses.

➔ Protecting LGBT rights defenders should be an intrinsic part of activities to support human rights defenders who are at risk. There may be scope for organizing forums for exchanging skills and experiences, or making available campaigning materials and resources which could be of use to LGBT rights defenders.



Europride, Paris, France, 1997. The placard draws attention to Section 377 of the Indian Penal Code which effectively bans adult consensual homosexual activity and allows for the imprisonment of people on the basis of their sexual orientation.

➤ Anti-gay “hate crimes” are increasingly occupying the attention of the human rights community. As with female genital mutilation, honour killings, racist violence and other abuses by “**non-state actors**” (that is, abuses by people who are not officials of the state), the challenge for AI is to devise effective strategies for holding governments to their obligation to prevent and punish such crimes diligently.

➤ Campaigning for lesbian and gay human rights can be a powerful means of affirming the **universality** of human rights – the concept that human rights are everyone’s birthright and cannot be denied to anyone in the name of culture or tradition.

2. LGBT campaigning is everyone’s business. Campaigning for lesbian and gay rights is an integral part of AI’s core work. It is, therefore, a legitimate and important task for all human rights activists. While AI’s LGBT networks are at the forefront of this work, everyone has a role to play, and the involvement of other key sectors within the movement is vital. Relegating LGBT campaigning into a separate ghetto would not only render it ineffective, it would be a rejection of AI’s fundamental principles of solidarity and diversity.

3. Make sure your approach and techniques are “LGBT-sensitive”. This may mean giving particular attention to these general AI principles:

➤ the need to be especially sensitive to cultural differences in the use of language – self-definitions and perceptions of sexuality vary between and within cultures;

➤ the need to integrate a gender perspective in all research and action strategies;

➤ ensuring respect for the wishes and needs of the victims is paramount when deciding on action techniques;

4. Be strategic!

A strategic approach to campaigning is key to AI’s effectiveness. This means not simply reacting to each case or issue as it comes up, but concentrating efforts on

a limited number of longer-term objectives and focusing the energies of different sectors of AI’s membership around these common goals.

Certain factors will determine the scope for action on lesbian and gay concerns, for example:

➤ the Section’s strategic plan, including its long-term goals for LGBT activism;

➤ AI’s mandate – AI will not be able to campaign on every LGBT rights issue; the mandate defines the particular contribution AI will make as part of the broader struggle for LGBT rights.

QUESTIONS

Questions to ask when identifying the goals of your LGBT strategy or program:

Q Which countries or international issues would it make sense to focus on? For example, does your country have particular economic, military or cultural links with others? Can an LGBT perspective be integrated into a particular theme or country campaign? Is your Section involved in any twinning projects which could be used to raise lesbian and gay concerns?

Q Which national or international issues are LGBT organizations in your country campaigning on? Is there scope for AI to work on these issues and what contribution could your Section make to the campaigns? How can you make sure AI’s role complements rather than undermines what others are already doing? Who should you consult?

Q What other specialist networks exist in your section? What are they working on? Can you coordinate your activities with other key activists and networks, for example those on women, trade unions, youth, students, lawyers and intergovernmental organizations?

Integration in action

Gay and lesbian rights were an essential component of AI's strategy around the Eighth **General Assembly of the World Council of Churches (WCC)** in Harare, Zimbabwe, in December 1998.

AI played a crucial role in providing protection for GALZ, who feared that they would be at risk for participating in human rights events around the WCC. It also indirectly influenced the WCC debate on issues of sexual diversity by helping to promote awareness of gay and lesbian rights as human rights. The WCC agreed to prepare a fuller discussion on human sexuality before its next General Assembly.

The action was successful largely because gay and lesbian concerns were an integral part of the broader strategy. Not only were these goals important in themselves, but they also helped AI achieve its overarching objectives: to foster closer cooperation with national councils of churches and to use the event to make a durable impact on the human rights situation in Zimbabwe. Gay and lesbian activism was combined with other themes: women, child soldiers and the death penalty, issues chosen because they were also relevant to the agenda of the WCC and to current debates in Zimbabwe.

Integration was the hallmark of the action in other ways. Different sectors of the membership – activists focusing on women, children, gays and lesbians, the death penalty or southern Africa – undertook different activities, from writing letters to the authorities to lobbying WCC delegates in their countries. Yet all came together around the same set of goals. This kind of multifaceted approach harnesses the energy and solidarity of the various specialized sectors of the membership, while avoiding a narrow single-issue focus, and weaves different strands of activism into a coherent and powerful whole.

Another successful element of the strategy was that it was prepared and implemented in close cooperation with other organizations, including GALZ, the National Coalition for Gay and Lesbian Equality (South Africa) and church organizations working for human rights. This ensured an integrated and coordinated approach to human rights issues at the WCC General Assembly.

"Every day gay and lesbian people face verbal abuse, physical harm and even death... The silence in the midst of this ugliness is deafening. I urge us all to break the silence. I urge the World Council of Churches and our member churches to work with Amnesty International, the International Gay and Lesbian Human Rights Commission, the United Nations and regional inter-governmental bodies to end this violation of body and soul."

Statement by Paul Sherry, President of the United Church of Christ, USA, at the final plenary of the WCC



Delegates at the eighth World Council of Churches General Assembly in Zimbabwe in 1998 hold a vigil in remembrance of all victims of hate and violence

CHAPTER 6

Developing lesbian and gay activism in AI

This chapter describes a number of possible elements of LGBT campaigning for your section or group, in addition to individual case work. These suggestions are not meant as a blueprint but as a menu of activities to choose from, add to, or adapt to a particular context. They are largely drawn from the experience of AI Sections, and are meant as general pointers when developing a program of LGBT activities, whether as part of a specialist LGBT structure or in any other AI capacity.

Developing LGBT specialist structures

Structures focusing on lesbian, gay, bisexual and transgender concerns exist in numerous AI Sections. They are very diverse in terms of size, composition, organization and profile within the Section. Some Sections or pre-sections have chosen not to organize an LGBT network or group, but to pursue LGBT work through different networks and campaigning structures. Others have chosen the title AI Members for Lesbian and Gay Concerns (AIMLGC) to make clear that AI members of all sexual orientations are involved. No one single model for LGBT organizing can be applicable to all. However, despite the variety, the networks or groups all aim to fulfil broadly the same roles:

- ⇒ they act as a research resource, channelling information to the International Secretariat (IS);
- ⇒ they coordinate actions, including decentralized global coordination;
- ⇒ they provide guidance to the movement on strategies for combating LGBT abuses;
- ⇒ they act as the interface between AI and the lesbian and gay community or movement.

The primary aim of any outreach structure is to make sure that outreach

to that sector is an integrated part of the campaigning work of the whole movement. Such structures need to be closely involved in the planning and implementation of all campaigns. They should not just look for cases within their subject area, but should contribute to all aspects of AI's campaigning, bringing their particular expertise and resources to bear.

TIPS

- LGBT groups and networks should consider in each case whether it is more effective to write in an AI LGBT capacity or not. Advice should be given in materials from the IS.
- Make sure that women are represented on groups and coordinating committees and that participation in all projects is as equal as possible.
- AI's International LGBT Network and the IS can provide advice and support if you are thinking of creating a new structure. You should contact the IS for details.

Outreach to organizations working on lesbian and gay rights

Very often our contact with other organizations is not planned, it comes about in an *ad hoc* way. However, building relations with any sector requires a strategy, based on identified outreach goals and an understanding of the movement we are reaching out to.

The LGBT movement is particularly diverse. You should bear in mind that lesbians, gay men, bisexuals and transgendered people may each have their own groups or organizations. Each will adopt a different strategy and stance. Some may be focusing on issues more closely related to AI's mandate than others. Capacity for international solidarity work will vary from one group to another. Some will adopt working methods and organizational principles which are more compatible with AI's than others.

When devising an outreach strategy, it is useful to expand your targets beyond those non-governmental organizations or individuals specializing in lesbian and gay rights. Allies of LGBT campaigning may be found among many sectors such as youth and student groups, women's organizations, religious groups and lawyer's organizations. At the time of writing, AI Philippines was organizing a forum for discussion on lesbian and gay rights involving different sectors outside AI which are working on the issue.

TIPS

Try to get an overview of the movement in your country and identify the range of organizations and issues. Be aware of any previous or existing contacts with AI (whether with the Section or the IS).

Identify your priority target groups and build contacts with them by explaining what you do. Exchange materials such as newsletters or actions. Be clear about the scope for work on domestic issues (see Working on your own country, p 31). Send copies of any

materials you receive relating to human rights violations in your country to your section for forwarding to the IS.

If you get requests to act on international cases from other organizations, get in touch with the relevant country coordinator in your Section or with the IS. If you want to take action before a case has been verified and issued by the IS, you should make sure you do so in a personal capacity.

Outreach to lesbian and women's groups should be a priority. Plan presentations to, or bring speakers from, such groups.

Larger scale initiatives, such as co-sponsoring public events, can be considered once a relationship of trust has been established.

Set up a regular system for sending AI actions and press releases to the **lesbian and gay media**. If possible, talk to the editor or staff about what kind of story they would run, either on an individual case or country or on a more general issue. It may be more difficult to interest the mainstream media in an individual case; a more general topical issue with background analysis may be more likely to get published.



AI members at Europride in Stockholm, Sweden, 1999

Melike Demir, a Turkish transsexual woman, an activist for transgender rights and a former prisoner of conscience, signs a pledge to uphold the rights enshrined in the UDHR at a theatre event organized by AIUK in May 1998



Raising awareness through public events

In many countries the LGBT movement organizes a Lesbian and Gay Pride demonstration or festival on a significant day each year, such as the commemoration on 27 June of the Stonewall riots.

Many Sections have raised AI's profile at LGBT Pride events in their countries by organizing stalls, panel discussions, petitions and outreach events. For example, the French and Swedish Sections ensured a strong AI presence at the Europride celebrations in Paris (1997) and in Stockholm (1998).

A number of Sections have organized or participated in cultural events, such as theatre productions and film festivals with a gay and lesbian rights theme. As part of the campaign to celebrate the 50th anniversary of the UDHR, AIUK staged three plays about gay and lesbian human rights written by Linda Wilkinson, a member of the Gay, Lesbian, Bisexual and Transgender Network. One of the plays was based on the life of Melike Demir, a Turkish activist for transgender rights and former prisoner of conscience, who attended the event and thanked AI for its groundbreaking work in uncovering abuses against transgendered people.

The 1998 Gay Games: outreach on a global scale

A series of Human Rights Workshops organized by AI Netherlands and the Dutch development organization HIVOS around the 1998 Gay Games in Amsterdam brought together 225 LGBT human rights defenders from all continents and helped AI make new contacts in "closed" countries such as Myanmar, the Gulf states and Kyrgyzstan. Fourteen workshops run by gay and lesbian activists from around the world covered issues including legal reform, gender and sexuality, refugees and asylum, and HIV/AIDS and human rights.

The workshops illustrate the unique role that AI can play in creating forums for dialogue and exchange of ideas with members of the global movement for lesbian and gay human rights.

Human rights education and awareness

Several Sections have devised learning materials for use in schools and youth groups integrating gay and lesbian human rights.

➔ AIUSA has produced a human rights education resource book on lesbian and gay rights (available from AIUSA). It includes classroom activities such as:

➔ going through newspaper articles relating to topical lesbian and gay issues (for example, a controversial film, an incident of gay “bashing”, a local initiative for or against gay rights) and analyzing them in the light of the Universal Declaration of Human Rights;

➔ a role-play where each student represents a different sector of society (for example, health authorities, the police, the teaching profession) in a debate about the (de)criminalization of homosexuality in their country;

➔ going through testimonies of young people growing up gay in their country and the discrimination they have experienced.

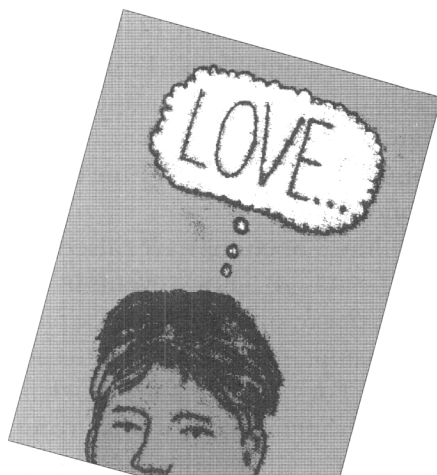
➔ AI Netherlands has produced two powerful documentaries on violations against gay men and lesbians: *Breaking the Silence*, and the more recent *Outlawed*, which was premiered at the 1998 Gay Games. *Outlawed* tells the story of lesbians and gay men in five countries (India, Nicaragua, South Africa, Romania and the USA) and is an excellent tool for raising awareness about discrimination and LGBT activism across cultures.

❗ It is important to integrate lesbian and gay rights within the broader context of human rights. In some contexts, lesbian and gay rights might be particularly controversial and care should be taken about how they are introduced.

As part of the “AI week” campaign in 1998, the IS produced some learning materials for use with young people to explore the broader issue of discrimination, the theme of “AI week” that year (AI Index: ACT 31/05/98). These materials are based on techniques such as role-playing and the use of cartoons and other accessible media.

Helping people draw analogies between homophobia and other forms of discrimination such as racism or sexism can be a very fruitful way of raising awareness and challenging the prejudices that may exist among the target audience.

The case of Mariana Cetiner was featured in a cartoon story book called *Love...* (right) and proved a very successful way of stimulating discussion among young people on what can be a sensitive issue.



RELEASED ?

AMNESTY INTERNATIONAL WAS INFORMED ON 5 MARCH 1998 BY THE ROMANIAN AMBASSADOR TO THE UNITED KINGDOM THAT MARIANA CETINER WAS RELEASED FROM PRISON BY PRESIDENTIAL DECREE. HOWEVER, MARIANA CETINER HAD NOT BEEN RELEASED FROM PRISON...

REALLY RELEASED

I was released from prison on 18th March 1998 and, at present, I do not have a house or a job. Due to the detention, it is very difficult to find, in general, any sort of support here. It seems that being a lesbian in Romania is worse than being a criminal. The detention affected me a lot. The beatings, the treatment in prison affected me. The reality is tough, but that's it... Please send my gratitude and this letter to others who stood beside me and whose addresses I do not know.

Sincerely,
Mariana

Educating ourselves

Raising awareness of LGBT issues within the AI movement is vital.

- ➔ You should publicize your activities and their impact within as well as outside AI. You can do this through the bulletins and magazines produced in your Section or by the IS.
- ➔ You can also volunteer to attend meetings of other specialist networks or other groups within your Section to discuss your activities and raise awareness about what you do.

Working on your own country

In defining your aims you need to strike a balance between international campaigning and work on your own country. You should take into account AI's strategy for your country and the role of the Section in that strategy. The following suggestions may help to explore the full scope of LGBT work on your own country.

➔ **Gathering information on the situation in your country**

Sections can channel information on the situation in their own country to the IS.

It is an important principle of AI's work that research into specific human rights violations is undertaken by the IS and not by citizens of the country concerned.

➔ **Campaigning for legislative change**

Your Section could undertake an analysis of the legal situation in your country, including which laws are used to regulate sexual relations and which are used to place restrictions on LGBT organizing.

This could be carried out in conjunction with other organizations in your country and with other members of your Section with relevant specializations (such as, the lawyers' network). For example, AI Australia participated actively in the campaign to decriminalize homosexuality in Tasmania.

The analysis should be carried out using the framework of international standards which your country is party

to, so as to identify areas where these obligations have not been enforced in practice.

Discuss within your section, or, if no section exists, in consultation with the IS, whether legislative lobbying would be appropriate. Are there possibilities for AI to support the efforts of other organizations campaigning for law reform?

➔ **Lobbying home governments**

AIUSA's Congressional briefing in 1998 is a good example of how LGBT networks can join forces with other human rights groups to lobby their own governments to protect the human rights of lesbians and gay men at home and internationally. In a landmark session, AI, IGLHRC and Human Rights Watch representatives urged US Congress and the US State Department to take an active role in monitoring and responding to these violations across the world.

➔ **Working for refugees**

Refugee work is an important area of LGBT activism, and one which fuses the international and domestic aspects of AI's work. One of the recommendations and demands of AI's 1997 campaign on refugees, "Human rights have no borders", was that governments should recognize that those persecuted for their sexual orientation should be given protection under the UN Convention relating to the Status of Refugees.

Within your own country, you can:

- ➔ lobby for this recommendation to be implemented by immigration authorities in your country;
- ➔ assist in specific cases by providing background documentation on the country or on protection for refugees;
- ➔ make contacts with other organizations in your own country working for lesbian and gay refugees;
- ➔ raise awareness among the broader LGBT community about the situation of refugees in your country who have fled persecution based on sexual orientation or gender identity.

You should carry out this work in close consultation with Refugee coordinators and other relevant members of your Section.

CHAPTER 7

Some common questions

“Why hasn’t AI taken action on many cases of abuses based on sexual orientation?”

AI has built up an impressive body of work in this area. Its campaigning has spanned dozens of countries and the full range of the AI mandate (See Chapter 4).

Whether AI can take action will always depend on a host of factors such as: whether the case falls within AI’s mandate, the availability of information, the strategic implications of taking action, the security and wishes of the victim, and competing priorities. In any case, giving due attention to sexual orientation issues does not necessarily mean working on more cases or allocating more resources. It is also a question of making better use of the resources we have to carry out more strategic and effective action for lesbian and gay people.

“Is LGBT campaigning only carried out by AI activists in the North?”

No. AI Sections in Latin America, Africa, Asia and the Middle East have been actively involved in LGBT campaigning and were represented at the international meeting of LGBT networks in March 1999. AI has always been aware that campaigning on the issue of sexual orientation may be particularly sensitive in some countries or cultures, hence the need to develop tools and training to overcome these obstacles.

“Are lesbian, gay, bisexual and transgender rights really universal?”

Lesbian, gay, bisexual and transgendered people are everywhere. Despite the diversity of LGBT experience, and for all the variations in their society’s attitude to them, there are basic commonalities in LGBT

experience of – and therefore in the means of fighting against – discrimination and abuse.

LGBT organizing in Africa, Asia, Latin America and the Middle East is not based on Western models, but is forging its own language to claim rights of sexual orientation.

One of the challenges of international LGBT rights activism is the need to view critically such concepts as “sexual orientation” and “lesbian and gay” which are the products of a particular culture and historical moment. Terms such as these, defined in the West in the course of the last century, may appear irrelevant or unworkable for societies that construct sexuality differently. Each culture has terms and language which better correspond to its context and experience.

LGBT rights are sometimes criticized as reflecting a Western, overly individualistic outlook. It is argued that promoting LGBT rights would be harmful to the community. But promoting LGBT rights does not mean promoting excessive individualism. Rather the opposite. It is about protecting rights of human beings to connect and associate. As with all rights, they must be exercised responsibly, with respect for the rights of others.

“Is AI promoting paedophilia and bestiality too?”

AI rejects this prejudiced association of homosexuality with sexual abuse.

AI’s work in this area concerns fundamental human rights which must not be denied to anyone because of their sexual orientation, including the the right to equal treatment before the law and the right not to be imprisoned solely for consensual sexual relations between adults in private.

AI’s guidelines for work in this area are also guided by the rights of the child. AI would normally consider an “adult” to be someone who has reached 18 years of age. AI may also take action on cases of imprisonment for sexual relations involving people younger

than 18 on a case by case basis, for example if homosexual relations are criminalized but heterosexual relations at the same age are legally permitted.

AI recognizes that states have a right to regulate any sexual activity – whether heterosexual or homosexual – which infringes the rights of others, for example coercive sex or sexual abuse of children. AI’s concern is that such limitations do not discriminate against lesbian and gay people and are in accordance with international standards.

APPENDIX

AI's recommendations for the protection of the human rights of lesbian, gay, bisexual and transgendered people¹

Amnesty International calls on governments to:

- Release all prisoners of conscience immediately and unconditionally, including anyone imprisoned solely for their real or perceived sexual orientation or gender identity; for same-sex consensual sexual relations in private; or for advocating the rights of lesbian, gay, bisexual and transgendered people (including in the context of HIV/AIDS education).
- Review all legislation, including "sodomy" laws and discriminatory age of consent legislation, which could result in the detention of people solely for their real or perceived sexual orientation or gender identity or for same-sex consensual sexual relations in private. Such laws should be repealed or amended so as to ensure that they do not allow for the imprisonment of prisoners of conscience.
- Stop the rape, sexual abuse and other torture and ill-treatment of all persons, including lesbian, gay, bisexual and transgendered people, by government agents or by those acting with the support or acquiescence of the authorities. Cruel, inhuman or degrading treatment of people in detention must be prohibited, including forcible "medical" treatment of lesbians or gay men in detention, purportedly to change their sexual orientation.
- Stop the "disappearance" and extrajudicial execution of lesbian, gay, bisexual or transgendered people. Governments must immediately work to halt these human rights violations by conducting prompt, thorough and impartial investigations into all reports of killings or "disappearances" targeted at lesbian, gay, bisexual and transgendered people, and bringing those responsible to justice.
- In those countries which have not already done so, abolish the death penalty for all crimes, including for offences relating to sexual orientation, gender identity or same-sex sexual relations.
- Review laws and practices to ensure that allegations of torture, political killings, death threats and other grave harassment on account of real or perceived sexual orientation or gender identity, are promptly and impartially investigated and those responsible brought to justice. Particular attention should be paid to ensuring the adequate protection of human rights defenders working to protect the rights of lesbian, gay, bisexual or transgendered people and those whose work in the context of HIV/AIDS education brings them under attack for their perceived sexual orientation.
- Ensure that information on the prohibition against torture, including rape and sexual abuse, is fully included in the training of all government agents, including law enforcement personnel, both civil and military; medical personnel; public officials and others involved in the, interrogation, arrest and detention or imprisonment of individuals, including refugees and asylum-seekers. Special attention should be given in all training programs to the protection of the right of lesbian, gay, bisexual and transgendered people to be free from torture.
- Review and revise (or repeal where necessary) all barriers, whether in law or administrative practice, to people seeking political asylum on the basis of persecution based on sexual orientation or gender identity. Such barriers to the internationally guaranteed right to seek asylum would include discriminatory or exclusionary laws targeted at homosexual orientation or linked to real or perceived HIV/AIDS status.
- Promote human rights education which emphasizes the need to protect the human rights of all people, including lesbian, gay, bisexual and transgendered people.

- ➔ Encourage national, regional and international participation of grassroots groups working to protect the human rights of lesbian and gay people.
- ➔ Work to ensure that the protection and promotion of the human rights of lesbian, gay, bisexual and transgendered people are effectively advanced at all relevant UN conferences and in the work of its thematic mechanisms.
- ➔ Demonstrate a commitment to protecting the human rights of all persons, including lesbian, gay, bisexual and transgendered people, by ratifying all international instruments for the protection of human rights without entering limiting reservations. These international instruments include:
 - ➔ the International Covenant on Civil and Political Rights,
 - ➔ the International Covenant on Economic, Social and Cultural Rights,
 - ➔ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
 - ➔ the Convention on the Elimination of All Forms of Discrimination against Women,
 - ➔ the International Convention on the Elimination of All Forms of Racial Discrimination,
 - ➔ the Convention on the Rights of the Child.
- ➔ When submitting reports to the appropriate international and regional treaty-monitoring bodies, governments should include information on: the ability of lesbian, gay, bisexual and transgendered people to enjoy the rights and freedoms protected under the relevant treaty; steps being taken at national and local levels to remove obstacles to the full enjoyment of rights and freedoms by lesbian and gay people; and provisions for their protection.

¹ These recommendations are based on those contained in the AIUK publication, *Breaking The Silence: Human Rights Violations Based on Sexual Orientation*