



International Dialogue on Gender, Sexuality & HIV/AIDS:
Strengthening Human Rights Responses in Africa and around the globe

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Final Report



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ARC International (www.arc-international.net) is a project-driven organization designed to make a contribution to the development of a strategic international LGBT human rights agenda. ARC works cooperatively with existing domestic and international organizations active on LGBT and related issues to foster the development of networks, positive communications and access to international human rights mechanisms through the development of resources.

The Coalition of African Lesbians (CAL) is a network of organisations committed to African lesbian equality and visibility. CAL works to transform Africa into a place where all lesbians enjoy the full range of human rights, secure in the knowledge that they are recognised as full citizens, with rich and diverse cultures, and a significant and respected presence in all spheres of life, through personal and organisational growth. Their work is shaped by an African radical feminist understanding, informed by research, and strengthened by the claiming of social and economic power. The website of CAL is www.cal.org.za.

A. Overview

ARC International worked in direct partnership with the Coalition of African Lesbians (CAL) and also in collaboration with a number of local, domestic, and regional partners to successfully plan this Dialogue.

We hosted the Dialogue in South Africa for a number of reasons. At previous full dialogues and smaller meetings, held in Brasil, Switzerland, Canada and South Korea, a focus on Africa was an expressed desire among participants. South Africa, while having one of the most progressive constitutions in the world, was not necessarily the only option within the region and others were considered. However, a large amount of organizational support, at the local, domestic and regional level is located there. In addition, the Dialogue was seen as an opportunity to exert some political influence by highlighting the gaps between South Africa's progressive legal framework and the actions of the current administration, both in their international negotiations and their responses to systemic violence that occurs within the country.

The Dialogue was attended by 80 participants from 36 different countries, comprised of stakeholders in the international arena (NGOs, academics, activists etc) from all geographic regions, particularly those with some experience advancing human rights regionally and/or internationally. Building on previous consultations in Brasil, Switzerland, South Korea and Canada, and through a comprehensive dialogue with stakeholders within Africa, the goals of the Dialogue were to:

1. To strengthen regional organising and the continued development of the African LGBTI rights movement.
2. To develop strategies for effective engagement with regional and international mechanisms in support of LGBTI Rights. For example: African Commission of Human and Peoples' Rights, UN Human Rights Council, Yogyakarta Principles.
3. To advance the Millennium Development Goals of combating HIV/AIDS and promoting gender equality and the empowerment of women.
4. To focus on regional needs and priorities, whilst enabling activists to share experiences and best practices with those from other regions.

After the opening, the Dialogue began with an intense day-long focus on capacity-building and specifically provided participants with human rights training on domestic, regional and international mechanisms. The sessions were designed to give a general overview through a presentation and question and answer format, and then encourage small groups to consider particular topics, questions, case studies and priorities within their regions or groupings.

In the following days, regional caucuses allowed participants to focus on their distinct areas of need and priority, and a broad range of thematic discussions covered issues such as religion and sexuality, funding and resources, HIV/AIDS programming and planning, criminalization and organizational partnerships. Strategy discussions were woven throughout the Dialogue and were also the focus of most of the final day of the formal agenda.

The official opening of the conference featured an enriching program of speeches and cultural events organized by CAL. The evening began with a message from the Mayors Office, City of Johannesburg, showing solidarity and welcoming delegates to the city of Johannesburg. There was also a speech from Mr. Ngobeni from the South African Human Rights Commission, which highlighted issues of gender discrimination, HIV/AIDS and violence against women/hate crimes, citing the cases of Sizakele and Salome, two lesbians who were brutally killed on July 7, 2007. The evening also included an international gift exchange and a number of performances featuring traditional dancing, opera and inspirational poetry. In addition, tours were arranged to the Apartheid Museum, the Hector Peterson Memorial in Soweto, and Constitution Hill. A moving evening of mourning and celebration for women was organized by FEW (Forum for the Empowerment of Women) for Dialogue participants, in conjunction with the 14 Days of Activism Campaign. The event was held in the former women's prison facility that housed many political prisoners during the Apartheid regime.

A full day of political activities was held on December 10th, International Human Rights Day, beginning with a protest in Pretoria (organized by IGLHRC) outside of the Cameroon Embassy. This event highlighted a number of recent human rights violations in the country. Participants then attended launch activities (organized by FEW and the Joint Working Group) for the 07-07-07 campaign in South Africa highlighting violence and impunity in the country, particularly targeted at Black lesbian women.



B. The African Charter and the African Commission on Human and Peoples' Rights

This plenary presentation was designed to provide participants with an understanding of the treaties, structures and mechanisms of the African Charter on Human and People's Rights.

The African Charter on Human and People's Rights entered into force in 1986, and established the African Commission on Human and People's Rights (www.achpr.org) to seek to implement the rights set out in the Charter. The African Commission on Human and People's Rights is a judicial body tasked with promoting and protecting human rights and collective people's rights throughout the continent as well as interpreting the African Charter on Human and People's Rights and considering individual complaints of violations of the charter. The functions of the Commission include research and education, promoting and protecting human rights, and interpreting the Charter at the request of a State Party. It may also consider communications from States about Charter violations by another State, and can receive complaints from individuals and organisations provided all local remedies have been exhausted, unless it is obvious that the procedure would be unduly prolonged. The complainant must be identified, but need not be related to the victim of the abuse, who can request anonymity. The complaint must not be based exclusively on media reports, although information from more "reliable" sources such as the police can be a problem, given that police are often part of a system of State actors that violate LGBT human rights. The right to privacy is not included in the Charter, and the Charter does not explicitly address sexual orientation, but other rights, such as the right not to be arrested unjustly can be used as an entry point.

The African Court of Human and People's Rights was established upon the coming into force of an Additional Protocol in January 2004. The Court has an adjudicative and advisory role, and can receive cases from States, African intergovernmental organizations, individuals and NGOs with observer status before the Commission. However, complaints from individuals can only be received if the State has recognized the Court's competence to receive individual communications, and only Burkina Faso has provided such recognition.

The African Court of Justice was also set up as an organ of the African Union, with authority to interpret the Constitutive Act of the African Union (2001). A proposal to merge the African Court of Justice with the African Court of Human and People's Rights was adopted by a July 2004 resolution of the African Union, which has caused concern among NGOs given the differing mandates of the two Courts, and the fact that only States and other AU organs can bring cases to the African Court of Justice.

Some participants noted that the system is more geared towards inter-State rather than individual complaints. Even during and following the Rwandan genocide, no complaint was lodged by another State. Two relevant submissions to the Commission include a 1996 complaint following a ban on the participation of GALZ (Gays and Lesbians of Zimbabwe) in a 1995 book fair (this complaint was later withdrawn at the request of the organization), and a 2000 complaint from Gambia dealing with gender-based language, which is still pending.

Increasingly, African LGBT activists are looking to the African Commission as an opportunity for greater collaborations, visibility and awareness around sexual orientation and gender identity issues within the region.

Some recommendations for African LGBT groups included greater collaboration, cross-regional organizing and planning strategically about what kinds of complaints might have the greatest chance of success, advancing status-based complaints and identifying an appropriate complainant with a lot of local support, highlighting disparities between national laws and international human rights instruments signed by relevant States, ensuring good communications and media engagement, working with more established human rights organizations with status before the Commission, and setting up a Multicultural Committee

to work on a report exploring issues of sexuality within the different African cultural contexts.

At the domestic level, South Africa is the only African State to explicitly prohibit sexual orientation discrimination in its Constitution, and the South African Constitutional Court has delivered favourable decisions on issues such as same-sex immigration, partnership benefits, adoption and marriage. Despite this, however, South Africa has not yet supported international statements or resolutions on sexual orientation and human rights.

C. International Human Rights Mechanisms:

Representatives from the Office of the High Commissioner for Human Rights and the International Service for Human Rights (ISHR) gave an in-depth presentation on United Nations mechanisms for advancing human rights.

It was emphasised that the UN is not a world government, but an essentially political intergovernmental organisation made up of 191 member states, each committed to defending and protecting its own national interests and priorities. The challenge for progressive NGOs is to ensure that States see it as in their interests to advance human rights.

The other major weakness is the lack of enforcement mechanisms. Only the Security Council has the power to take enforcement action. Here, the challenge for NGOs is to have realistic expectations about the deficiencies of the system, but to nonetheless develop strategies to extract from the system the most that it can deliver.

Promoting human rights and fundamental freedoms is affirmed in the UN Charter as a principal purpose of the UN. This is done through both the **Charter-based** system and **treaty-based** system.

(a) Charter-based system:

The UN Charter creates 6 principal organs of the UN:

- the **General Assembly**: the GA is the main deliberative and decision-making body of the UN, consisting of all 191 member states, each with one vote. The GA carries out its work through 6 Committees – in particular, the Third Committee deals with “Social, Humanitarian and Cultural” issues;
- the **Security Council** (New York): all UN States must comply with resolutions of the Security Council, which is composed of 5 permanent members with a power of veto, and 10 regional members elected by the GA;
- the **Economic and Social Council** (Geneva and New York): it is under the Economic and Social Council that the Commission on Human Rights was formerly set up as one of the 6 functional ECOSOC Commissions. The Commission on Human Rights has now been replaced by the Council on Human Rights, created directly by GA Resolution 60/251.
- the **Secretariat** (Geneva, New York, Vienna, Nairobi, etc.): The Office of the High Commissioner for Human Rights, based in Geneva, forms part of the Secretariat, but has limited resources with less staff even than Amnesty International’s Secretariat;
- the **International Court of Justice** (The Hague): the Court deals only with cases between States (e.g. the wall being built by Israel), rather than with individual complaints;
- the **Trusteeship Council**.

The **Human Rights Council** has recently completed a phase of transition and reform. The key mechanisms and working methods of the Council have been established, and States and NGOs have been able to draw attention to sexual orientation and gender identity issues through interventions, joint statements, participation in panel discussions, interactive dialogues and general debate. Particularly noteworthy was a joint statement on sexual orientation, gender identity and human rights, delivered by Norway on behalf of 54 States on 1 December 2006.

The mandates of most **Special Procedures** of the Council have now been reviewed and renewed. The Special Procedures of the Council are its investigatory mechanisms. Their role is to provide a central point for studying and increasing understanding of a particular human rights matter, receiving information and reporting on particular human rights violations. All Special Procedures are either thematic or country-specific in their mandates, and are created by the Council through a resolution which will establish its mandate. Thematic mandates are usually for a 3 year period, but can be renewed. Country-specific mandates are usually for a 1 year period, but can be renewed.

A Special Procedure (Working Group, Special Rapporteur) will be empowered to:

- receive information from a wide variety of sources;
- receive individual communications (cases of violations);
- undertake country visits;
- transmit urgent appeals (either individually or jointly);
- report on the status of the rights related to its mandate and make recommendations about strengthening their implementation ;
- comment on information or communications received;
- analyse trends related to their mandate or to the information received;
- encourage co-operation with other procedures.

The Special Rapporteurs are volunteers, with only expenses, not time, covered by the UN.

The current thematic Special Procedures can be found at:

<http://www.ohchr.org/english/bodies/chr/special/themes.htm>.

The current country-specific Special Procedures can be found at:

<http://www.ohchr.org/english/bodies/chr/special/countries.htm>.

The **Universal Periodic Review** ("UPR") is a new mechanism of the United Nations Human Rights Council. Under the UPR, the human rights records of all 192 United Nations member States will be reviewed by the Council on an ongoing, regular basis. The UPR was set up as part of the reform of the UN human rights system. It was designed to respond to criticisms that consideration of countries' human rights records had become politicised and selective, focusing only on certain countries, while allowing more politically influential States to escape scrutiny. As a result, the UPR will ensure that the human rights records of all 192 member States will be regularly reviewed on a 4-year cycle. This means that 48 States will be reviewed per year, 16 at each of three sessions annually. The UPR is intended to be a cooperative mechanism, designed to assist States in fulfilling their international commitments and improving their human rights situation.

The UPR affords a unique opportunity to raise awareness of the many human rights violations experienced on the grounds of sexual orientation and gender identity. It gives NGOs an opportunity to highlight concerns, strengthen alliances, foster positive developments, build international support, and make concrete recommendations for change.

(b) Treaty-based system:

Treaty bodies have been established under the major human rights treaties in order to monitor their implementation by States parties. They are technical bodies composed of independent experts, rather than political bodies composed of State representatives.

The existing treaty monitoring bodies are:

- Committee on the Elimination of Racial Discrimination (CERD);
- Human Rights Committee (HRC);
- Committee on Economic, Social and Cultural Rights (CESCR);
- Committee on the Elimination of Discrimination Against Women (CEDAW);
- Committee Against Torture (CAT);
- Committee on the Rights of the Child (CRC);
- Committee on Migrant Workers (CMW).

Most treaty bodies meet twice a year for a three-week session; the Human Rights Committee and the Committee on the Rights of the Child meet three times per year. Key functions of the treaty bodies include:

Examination of State reports

States parties have an obligation to submit periodic reports to each treaty body, usually every 4 or 5 years, on their implementation of the relevant treaty obligations in the domestic legal system. After a report is submitted, the Committee examines it during a session where the State party concerned is invited to participate in a public dialogue aimed at highlighting areas needing improvement and suggesting steps to be taken.

Prior to the meeting, the Committee may send to the State party a list of issues and questions to which the Committee wishes to draw attention. The Committees also usually receive information from other sources, such as UN agencies, inter-governmental organisations and NGOs. If a State fails to provide a report, the Committee can conduct a review anyway, making NGO and other material even more valuable.

The outcome of this dialogue is represented by the concluding observations, a document which includes recommendations for future action. Treaty bodies have also started putting in place follow-up mechanisms to help monitor the implementation of the Committee's recommendations.

There are a number of ways in which NGOs can be involved in these processes. Increasingly, NGOs are engaging in producing alternative (or "shadow") reports to the treaty bodies in order to provide the Committee with additional information about the status of treaty compliance in their country.

Some Committees, such as the CESCR and CRC, have published guidelines for NGOs wishing to submit alternative reports. In general, with regard to all treaty bodies, NGOs should consider the following suggested guidelines when drafting a shadow report. The information should be:

- specific to the Covenant;
- objective, based on documentary sources and properly referenced (no mere opinions);
- concise and succinct;
- reliable and not abusive;
- not worded in an overly political tone;
- structured following the guidelines for State reports, in order to facilitate the comparative review of the information;
- clearly indicate the article(s) breached and in what way;
- preferably, submitted as a single consolidated report representing a broad consensus by a number of NGOs, rather than several reports by different organisations.

To maximise its effectiveness, it is also useful to include an executive summary and specific questions that Committee members could ask the delegation, as well as recommendations.

It should be noted that local NGOs may also interact with UN agencies involved in the country concerned, such as UNHCR or UNICEF local offices, which often provide treaty bodies with confidential comments, and thus influence their submissions. Finally, NGOs can also lobby their government to adopt a participatory approach to the drafting process of the State report, which has been consistently advocated by all Committees.

In addition, NGOs can meet informally with Committee members, or organise open meetings or presentations. Some Committees allow formal participation of NGOs in the Committee's work, in the plenary or during the meetings of pre-sessional working groups.

Finally, NGOs also have a role to play with regard to the follow-up procedure, collecting and submitting information on the implementation of concluding observations to the person in charge (country Rapporteur, follow-up coordinator or pre-sessional working group).

Individual complaint procedure

In the case of certain treaties (HRC, CERD, CAT & CEDAW), an individual may complain, under certain circumstances, to the relevant treaty body about alleged violations of their rights by a State party. Generally, the State must have accepted the competence of the Committee to receive individual complaints by ratifying an Optional Protocol or through either an opt-in or opt-out mechanism provided in the treaty itself.

For the complaint to be admissible the following conditions must be satisfied:

- the individual complaining must be the victim of a violation, or acting on behalf of a victim; in the latter case the consent of the victim is usually required;
- domestic remedies must have been exhausted, unless their application has been unreasonably prolonged or they are unlikely to bring effective relief;
- the complaint must not be anonymous, although it is possible to request that the victim's identity not be revealed to the State party;
- the complaint must not be abusive or incompatible with the provisions of the Convention;
- the same matter must not currently be pending before other international bodies (e.g. regional human rights systems);
- in some cases other conditions, such as time limits, may also apply.

Once a case is considered admissible, the State party concerned is invited to reply to the allegations and the complainant is given an opportunity to comment upon the State submission. If the Committee finds in favour of the complainant, the State party is requested to provide information within a fixed time on the steps taken to implement the decision, which may include compensation or other forms of restoration of the right(s) violated.

The complaints procedure was used to good effect in the case of *Toonen v. Australia*, decided by the Human Rights Committee, which ultimately resulted in the repeal of laws criminalising homosexuality in the State of Tasmania.

General Comments and Interpretation

One of the functions assigned by the treaties to the monitoring bodies is the discussion and adoption of General Comments, aimed at clarifying the scope and content of the provisions of the Conventions. In some cases, General Comments have addressed the situation and rights of specific groups, such as non-citizens, Roma or persons with disabilities. The Committee must however take care not to unduly expand the scope of a provision lest States challenge it for acting outside its mandate.

As part of the UN reform process, consideration is being given to merging treaty bodies or streamlining country reporting in order to avoid duplication and better manage resources.

In summary, a number of ways for NGOs to engage in UN human rights procedures were identified:

- Engage with Special Rapporteurs, providing them with information and encouraging them to conduct a country visit;
- Work with States to advance resolutions before the Human Rights Council or General Assembly;
- Advocacy and visibility through participation in international meetings, parallel events, oral and written statements;
- Engage with the Office of the High Commissioner for Human Rights, particularly in relation to country visits, field presences and regional offices;
- Submit shadow reports to treaty bodies;
- Bring individual complaints before the treaty bodies;
- Encourage the development of General Comments regarding recognition of sexual orientation and gender identity issues.

D. Regional and International Caucuses: Needs, priorities and common themes

Throughout the Dialogue, participants had the opportunity to discuss needs and priorities within regional caucuses. It was apparent that there is significant regional diversity in the needs and priorities identified, but also certain common themes that consistently emerged. This section summarizes those needs, priorities and common themes.

Thematic issues:

Many thematic priorities were identified by participants, while it was also emphasized that these priorities will inevitably vary from country to country and region to region. As a result, priorities must be set from the ground up, in accordance with the needs of the local community, rather than imposed through external processes. It follows that strengthening grassroots community organizations is the best means of ensuring the development of priorities that are responsive to the needs of the local community.

Specific thematic issues raised covered a broad variety of areas. In no particular order of priority, these include:

- **Decriminalization:** this is an issue of core concern. Not only do criminal prohibitions against homosexuality interfere with basic rights of safety and freedom, it is also difficult to address any of the other areas of need if community-members are treated as criminal and subject to the constant threat of arrest;
- **HIV/AIDS:** while HIV/AIDS education, prevention and treatment were felt to be significant priorities in their own right, and valuable entry-points to address issues relating to men who have sex with men, these issues were also felt by many to offer too restrictive a framework for broader initiatives. The commonly-experienced need to fit LGBTI advocacy within an HIV/MSM agenda to satisfy donor requirements can limit attention to the needs of women who have sex with women, distort the advocacy agenda and detract from groups' ability to address LGBTI issues directly;
- **LGBTI health needs:** a related concern was the importance of addressing LGBTI health needs beyond HIV. These may include counseling, and suicide prevention, addressing homophobia within the medical profession, sexual and reproductive health issues, disproportionately high rates of breast cancer among lesbians, access to sex reassignment surgery and hormone treatments for transgender people, rights to bodily integrity for intersex persons, etc;
- **Hate crimes, violence, police harassment:** these were common areas of concern. Many participants raised issues relating to personal safety, and felt that hostile attitudes towards homosexuality in society or hateful statements by politicians created an environment conducive to hate crimes. Police were frequently perceived as likely to engage in harassment or violence rather than offering protection to community-members, and arbitrary arrests or treatment of persons in detention was felt to be a serious problem. Some examples of successful sensitivity training, police-community partnerships or strengthening legal responses to violence and harassment were reported;
- **Freedom of expression, assembly and association:** these include harassment or banning of Pride events, film festivals, meetings and conferences, censorship of information and websites, and attempts to interfere with, raid or close NGOs working on sexual orientation or gender identity issues;
- **Economic, social and cultural rights:** these were often felt to receive insufficient attention but to be of significant importance, including discrimination and inadequate access to employment, accommodation (including factors giving rise to homelessness such as rejection by families and discrimination within shelters) and education (including youth issues, anti-bullying initiatives, and inclusive curricula);

- **Gender and women's issues:** although also fitting within many of the above categories, many participants expressed the view that issues of priority to lesbian, bisexual and transgender women are often subordinated to a male-dominated agenda.

For many, societal attempts to suppress lesbianism cannot be separated from control over women and women's sexualities more broadly. Hate crimes experienced by LGBTI people in public environments are of course a serious concern, but are more likely to receive attention and response than violence directed against women in the home, including rape, other violence or threats directed against lesbian, bisexual or transgender women in order to "cure" or punish them for their perceived "deviant" sexuality. In some societies, limited freedom relating to the choice of a partner, or expectations that women will marry a man and raise children, reduce the possibilities for lesbian or bisexual women to live in a safe and fulfilling same-sex relationship. Such relationships may need to be clandestine, with accompanying pressures and risk of family violence if discovered. Lesbian suicide in response to such pressures has been reported, but often goes undocumented.

Insufficient attention to the specific needs of women within LGBTI advocacy priorities can also reinforce a gender divide within existing movements: it is not uncommon for men to situate their advocacy within, for example, an HIV framework, while women may work within a broader sexual and reproductive rights framework, and situate their advocacy within women's organizations.

- **Transgender and intersex issues:** Transgender and intersex activists identified a range of needs and priorities, including access to adequate health care, surgeries and treatments, protection from medical abuse and forced surgeries, change of registration and other documentation to reflect their self-identified gender, and related difficulties in obtaining documents such as passports, access to social services, exclusionary gendered laws and policies, high levels of harassment and violence, and discrimination in employment and accommodation.

Transgender and intersex activists expressed frustration that these priority issues often receive no or insufficient attention from LGB organizations. It was felt that many such organizations add a "T" or "I" to their names for the sake of inclusiveness, but do not necessarily match such inclusiveness with a genuine commitment to integrate transgender or intersex issues within their programming or priorities. Lack of space for trans or intersex voices was identified as a concern; as one intersex activist noted: "we're great at being studied, but are often not involved in directing the research."

A diversity of possible responses was identified, including trans and intersex-led trainings of LGB activists, supporting (and challenging) LGBTI organizations to identify more concretely what they are doing around trans and intersex issues, and supporting trans and intersex-specific materials, convenings, services, scholarships and organizations.

- **Intersectionality:** it was also mentioned that those able to assume leadership positions in LGBTI organizations necessarily enjoy a certain degree of privilege, creating an accompanying responsibility to ensure that projects, programming and priorities take into account the needs of the most marginalized. Projects and approaches which explore the intersections between sexual orientation, gender identity, and issues of gender, class, poverty, race, culture, religion, disability etc were therefore felt to be of particular importance.
- **The Yogyakarta Principles:** It is worth noting that a number of the priorities identified by participants are also consistent with thematic areas addressed by the *Yogyakarta Principles on the application of International Human Rights Law in relation to Sexual Orientation and Gender Identity*. These Principles were launched in March 2007 following a meeting of international human rights experts (both mainstream

and LGBTI) in Yogyakarta, Indonesia. The Yogyakarta Principles address a broad array of rights related to sexual orientation and gender identity, while also identifying concrete actions required by States to ensure fulfillment of these rights. They have already proved a significant tool to support LGBTI advocacy efforts in different regions, and may assist funders and others in familiarizing themselves with actions and responses that may be taken to ensure equal treatment of LGBTI people across a range of thematic areas.

Tools and Approaches:

A variety of tools and approaches to carry forward this work were identified as effective by both funders and civil society. These include:

- **Networking and community development:** strengthening and empowering individuals, building support and response networks, and enabling peer-to-peer learning, were all seen as essential to the growth of healthy communities able to engage in social transformation.
- **Counseling, referrals and service provision:** particularly in hostile social environments and in the early stages of community development, many of the most immediate needs relate to providing a safe space to gather, and addressing a range of legal, health, support and other needs.
- **Research, resources and information:** Access to information is a critical need for many within LGBTI organizations and communities. Coming-out materials, information about legal rights, listings of community resources are all basic and necessary tools. In addition, the development of materials and guides outlining best practices, models for working in coalition, toolkits for documenting human rights violations, or for accessing regional and international human rights mechanisms, etc would enable many organizations to avoid “reinventing the wheel” as they seek to become established. A number of participants also emphasized the importance of producing materials which are regionally and culturally appropriate, and available in local languages.
- **Monitoring and documentation:** There is a significant gap when it comes to monitoring and documenting human rights violations. Although some, primarily mainstream, organizations focus their work in this area, many LGBTI groups lack the time, resources or capacity to do this work effectively, and as a result many violations go unreported. Yet all agree that such documentation is critical to demonstrating the scope of the problems and needs facing the LGBTI communities, and providing a basis for successful campaigning. Much of this information would also be invaluable to strengthening international responses. Guides and trainings are therefore needed to increase reliable reporting and ensure follow-up.
- **Political and Legal Advocacy:** There are of course many examples of successful advocacy campaigns to advance a broad range of initiatives, often resulting in legal reform and increased public awareness and visibility. An effective political campaign resulted in repeal of criminal prohibitions against homosexuality in Nicaragua, and strategic legal advocacy resulted in a favorable court decision in Nepal requiring equal treatment of métis (people born as men who identify as women) and others based on sexual orientation or gender identity. Particularly successful advocacy campaigns have integrated political, legal and public education strategies, such as the challenge to the criminal prohibitions in s. 377 of India’s *Penal Code*. Although primarily a court challenge, the coalition *Voices against 377* has brought together LGBTI, women’s, children’s rights and other civil society stakeholders to highlight the discriminatory impact of the law, increase public awareness, and engage with government, including in international fora.
- **Public Education:** Although changing attitudes is often challenging and long-term work, it is an essential part of securing lasting societal change. In both Eastern Europe and South Africa, participants suggested, public attitudes have not kept pace

with legal reform, resulting in displays of intolerance including violence and murder. In Russia, public attitudes towards homosexuality have even worsened in recent years, fuelled by a hostile media and high degree of negative political influence. There are no easy solutions to such challenges, but developing support networks within the LGBTI communities, engaging with mainstream allies, building positive media relationships, and awareness raising initiatives are all valuable tools. In South Africa, the *070707 Campaign* (named after two lesbians murdered on 7 July 2007) has mobilized significant community awareness and public support.

- **Emergency Interventions and Response Mechanisms:** With greater visibility comes greater backlash. A common theme throughout the discussions was the urgent need for strategies and emergency mechanisms to both minimize the backlash and respond when violence or repression occurs. Many felt that when engaging in public advocacy, there is often insufficient consideration given to possible hostile responses, including by funders and international NGOs working with local partners. There have been good examples of effective responses to crisis situations, but often this happens on an ad hoc basis. Strengthening safety considerations, emergency responses, access to qualified and LGBTI-sensitive lawyers, stronger regional networks, and more coordinated strategic responses among national, regional and international NGOs were felt to be crucial.

Capacity-building

One core priority, on which virtually all other initiatives depend, is the need to build the capacity of LGBTI individuals, organizations, and the movement as a whole. For a community which often faces invisibility, isolation and hostility, such support and development is essential to the process of advocating for change. As one African participant noted: “The leaders in our community could use a lot of support. I’m worried about their health. We have such dynamic young people, but they’re expected to do it all.”

- **Leadership development**

There is a need to support the leaders within nascent, emerging and even established organizations working in this area. Many participants commented on the strength, energy and dynamism of those in leadership positions within NGOs, who often work in difficult and challenging environments. At the same time, many such individuals are overstretched, expected to manage local efforts and campaigns, build their organizations, respond to inquiries, engage regionally, participate in international convenings etc. One participant in Africa expressed the view that there are “just too few” individuals in leadership positions.

Particular models of leadership development felt to be effective involved peer-to-peer skills-sharing, one-on-one training, pairings between new and more established organizations around common projects, and training institutes that involved follow-up and ongoing support.

- **Organizational development**

A key need identified was the importance of fostering the development of new and emerging organizations. These organizations face significant challenges and appropriate support to assist with volunteer development, strategic planning, organizational development, grant-writing, budgeting and finance, or governance structures would be helpful.

- **Community development**

While strengthening individuals and organizations is a necessary initial step, it is also important to recognize that these groups cannot fulfill their objectives in isolation, but must be connected to the longer-term strategy of strengthening both the development of the LGBTI movement as a whole, and its connection with the broader human rights community.

For many groups a certain level of community development is a necessary prerequisite to engaging in advocacy or advancing a specific agenda. In hostile environments, many members of the LGBTI communities may initially need a safe space to meet, the opportunity to connect with others, discussion groups or mutual support networks. These activities cannot be separated from advocacy, since advocacy requires a critical mass of individuals with the confidence and self-esteem necessary to engage in coordinated, strategic and often public initiatives.

Networks and Partnering:

Many successful LGBTI organizations have managed to engage mainstream support or situate their issues within broader campaigns for equality and social justice. Representatives of the Blue Diamond Society, for example, participated fully in the Nepali constitutional reform process, engaging actively with other stakeholders, including a broad cross-section of civil society organizations and members of all political parties. The main organization working on transgender rights in South Africa works closely with groups addressing diverse social justice issues, and suggests that they sometimes find greater support for transgender issues within such mainstream organizations than within organizations focusing on lesbian, gay and bisexual issues.

Mainstream organizations also offer a safe space, often have more established infrastructures, and greater political influence, thus enabling LGBTI issues to be advanced as part of a broader agenda, without exposing advocates to the same degree of risk as they may face within organizations with a specifically LGBTI mandate.

At the same time, it was recognized that many mainstream organizations are reluctant to take on LGBTI issues. The challenge, as one campaigner working within a mainstream organization noted, is to encourage such stakeholders to perceive a particular issue not as an exclusively LGBTI issue, but as (for example) a torture issue, or an issue of police violence, or of prisoners' rights, or violence against women, and thus situate sexual orientation and gender identity issues within their core human rights and social justice mandates.

Regional networks and advocacy:

There is no question that for many groups, particularly at the start-up phase or in hostile sociopolitical environments, the immediate priority is to address local needs, including building a sense of community, and addressing homophobia. As such groups become more established, they are also likely to become more aware of and connected with other groups doing similar work and find strength through solidarity. Such networks, particularly within a region, help to break through the sense of isolation that often characterizes early efforts to establish an organization, create a sense of connection, support, and enables peer-to-peer learning and sharing of best practices.

"Behind the Mask" is an excellent example of a regional Web-based network that provides invaluable resource information to activists across Africa. Very little exists in other regions in the Global South to provide activists with a cohesive awareness of resources, activities and developments.

Increasingly, groups are also engaging in advocacy at the regional levels. For example:

- In **Europe**, LGBTI groups, often spearheaded by ILGA Europe, have made significant use of European institutions such as the Council of Europe, the European Parliament, and the European Court of Human Rights. The Commissioner for Human Rights of the Council of Europe has also been an influential voice in recent debates around sexual orientation and gender identity issues.
- In **Central and Eastern Europe**, there is no regional LGBTI network, although many groups in the region are members or associated with ILGA Europe, and a number of such groups speak highly about the value of such partnership relations and projects.

Nonetheless, groups in Eastern Europe also emphasized the importance of organizations in the region being able to share and develop common strategies. As one participant from Eastern Europe/Central Asia noted: “We need more intraregional cooperation, networking and learning from each other. Materials in our own language and experience-sharing with others in the region are very valuable.”

- Within **Latin America**, a number of groups have sought to build upon the support of leading Mercosur countries to leverage positive responses from a broader range of States within the region. After participating in several Mercosur meetings, and addressing sexual orientation and gender identity issues within the agenda, these efforts led to a statement in support of sexual orientation and human rights by 10 Mercosur and Associated States at the United Nations Human Rights Council, and support within the region has continued to grow.
- In **Africa**, a gradual strengthening of regional networks has brought increasing focus to LGBTI advocacy efforts around the African Commission on Human and Peoples’ Rights, and its associated NGO Forum. The NGO Forum provides a significant opportunity for connecting with a broad range of other civil society organizations around LGBTI issues, and the African Commission is widely viewed as a venue for building awareness and support for LGBTI issues within an African regional context, thus limiting the often-heard allegation that issues of sexual orientation and gender identity reflect predominantly Western perspectives that are inconsistent with the cultural values of other regions. The full potential of the African Commission has yet to be fully explored, and it is therefore critical and timely to support strategic engagement in this area. In fact, regardless of the success of advocacy initiatives at such regional bodies, it might be argued that the process of engagement itself strengthens regional networks and collaborations and builds awareness and support with a broad range of stakeholders.
- In **Asia**, the absence of a regional human rights mechanism limits the opportunity for advocacy on a regional level, and also limits opportunities for strategic collaborations and network development across this very diverse region. Investing in alternative tools to support more cross-regional communications, information and resource development, and sharing of best practices would therefore be very worthwhile.

International networks and advocacy

At the international level, the United Nations human rights machinery serves as an important vehicle for setting international standards. The UN Human Rights Council has yet to adopt a resolution affirming sexual orientation and gender identity as legitimate human rights concerns, despite efforts by Brazil in 2003 to present such a resolution to the former Commission on Human Rights. Nonetheless, in 2005 New Zealand presented a joint statement in support of sexual orientation and human rights on behalf of 32 States, and in 2006, Norway presented a similar joint statement on behalf of 54 States, thus demonstrating a measurable increase in cross-regional support.

Groups working on sexual orientation and gender identity issues have persistently faced difficulty obtaining consultative status from the NGO Committee of the UN Economic and Social Council (ECOSOC). ECOSOC status governs whether NGOs can participate in UN activities, attend meetings and address UN bodies in their own name, submit written statements, organize parallel panel discussions – even enter the premises. In recent years, however, LGBTI NGOs have been successful in challenging and overturning initial rejections by the NGO Committee.

A new mechanism called the Universal Periodic Review (UPR) offers significant opportunities to engage with governments from around the world on LGBTI human rights issues, and also to connect activists from countries cross-regionally with the work of the UN. The UPR ensures that the human rights records of all 192 United Nations member States will be reviewed by the UN Human Rights Council on a regular 4-year cycle.

Participants identified a broad range of sexual orientation and gender identity issues that might be raised during the upcoming rounds of UPR review, including decriminalisation of homosexuality, ending impunity for killings based on sexual orientation and gender identity, ensuring that those who mistreat sexual minorities in detention are punished, including sexual orientation and gender identity in human rights legislation, developing HIV/AIDS programmes for men who have sex with men and improving access to retroviral treatments for vulnerable groups, respecting freedom of expression and association in the context of Pride parades, introducing sensitivity and awareness programmes, including for police and judges, providing LGBTI refugees with asylum if they face persecution in their country of origin, treating same-sex relationships equally, and using the *Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity* as a guide to government policy-making.

Many of these recommendations, and corresponding international attention to LGBTI issues, can only be strengthened by greater participation by national NGOs in the UPR in future. It would therefore be worthwhile supporting national-level NGOs to prepare submissions, frame sample recommendations, attend the review of their government in Geneva, and engage in follow-up advocacy.

States also have to present regular reports to relevant treaty bodies, tasked with scrutinizing States' compliance with international human rights treaties to which the State is a party, and individuals and groups can also submit complaints of human rights violations to, for example, the UN Human Rights Committee, if the State has ratified the relevant complaints mechanism. Although bringing such complaints to a conclusion can be a very long process, the Human Rights Committee has ruled that criminal laws against homosexuality violate international law, and that benefits available to opposite-sex unmarried couples cannot be denied to same-sex unmarried couples.

In addition, international mechanisms can bring significant support to human rights concerns at the national level. The UN Special Procedures are independent experts, tasked with receiving information about human rights violations in various areas (such as torture, killings, violence against women, arbitrary detention, freedom of expression, health, education and human rights defenders), following up with States to determine if allegations received are accurate, and reporting their findings to UN bodies. This international scrutiny can be invaluable in bringing pressure to bear on governments to correct abuses, particularly in conjunction with other international and national responses. The UN High Commissioner for Human Rights also has regional offices, which have supported various LGBTI initiatives at the local level. A Nigerian Bill that would have criminalized a broad array of same-sex expression and organizing did not proceed, as a result of a combination of international pressure (including a joint statement issued by four UN Special Procedures), and campaigning by international, regional and national NGOs, as well as supportive governments. Similarly, a number of people arrested in Senegal for attending a same-sex relationship celebration were released from prison following a coordinated campaign involving both international and regional support.

One Latin American participant noted: "We need to increase our international engagement. In the international human rights movement, we're always the guests. We need to break through the 'Victims are from the South, knowledge is from the North' mentality."

E. Accessing Resources: Dialogue with Funders

This plenary discussion explored relationships with funders, with a particular focus on to the **Global Fund to Fight AIDS, Tuberculosis and Malaria** ("the Global Fund"). Susana Fried explained that the Global Fund is the largest funder of HIV/AIDS programming, but is set up as a different kind of funding mechanism than most others, creating both opportunities and challenges.

The Global Fund is exclusively a funding mechanism, not organized around any particular centralized agenda. Instead, it derives its priorities from countries through the Country

Coordinating Mechanism (CCM). The CCM is a multi-stakeholder group, convened by the government, comprising various groups with interest in doing work around HIV/AIDS.

Funding is provided in rounds, with a call for proposals accompanying each round. The presenter has been involved in preparing an analysis of rounds 1-6, and round 7 has recently been completed. The CCM is put together by governments, and may not always be welcoming of same-sex issues, particularly (for example) in countries with criminal sanctions against homosexuality. At the same time, the Global Fund is intended to reach neglected communities, including men who have sex with men, sex workers, drug users, and – to a certain extent – the lesbian, gay, bisexual, transgender and intersex (LGBTI) communities.

Although the Global Fund affirms the crucial role of civil society in the struggle to prevent the spread of HIV/AIDS, LGBTI groups have generally been marginalized from participating in Global Fund processes at the country level (whether in Country Coordinating Mechanisms or grant implementation). The Global Fund itself acknowledges that:

“Although the Global Fund operates in the domain of HIV/AIDS, tuberculosis and malaria, some staff members of the Global Fund may never have worked with disease-affected communities, or have never been able to gain an in-depth knowledge of the factors and challenges involved in living with the diseases. HIV/AIDS in particular carries with it issues of stigma and discrimination as it involves in many countries individual from vulnerable and marginalized communities, such as men who have sex with men (MSM), injecting drug users (IDUs), commercial sex workers (CSW), migrant workers and women and children. Often the challenges associated with living with HIV are what shape the programs that the Global Fund finances.”

[\(http://www.theglobalfund.org/en/media_center/publications/evolvingpartnership/\)](http://www.theglobalfund.org/en/media_center/publications/evolvingpartnership/)

Some of the barriers to full participation by LGBT groups in Global Fund processes include:

- stigma, discrimination and legal and social marginalization;
- government control of Country Coordinating Mechanisms;
- groups not being tied into HIV networks in a particular country or lacking access to information about how to engage with Country Coordinating Mechanisms;
- lack of knowledge, capacity or support to prepare proposals;
- groups may not meet formal criteria to apply for funding (i.e. legal registration, length of years in existence).

The proposal process is complicated, and nor is it easy to become part of or influence the CCM. Nonetheless, some countries have a person on the CCM responsible for outreach to MSM and LGBTI communities. The presenters asked which participants might already have some experience in applying to the Global Fund, and were interested to note that a reasonably diverse cross-section of participants had some degree of exposure to the Fund, with some having been involved in CCMs.

Round 7 included, for the first time, an explicit call for proposals on lesbian, gay, bisexual and transgender issues, and round 8 will address intersections between violence against women and HIV. After much discussion, it was agreed at a board meeting to ensure a gender-sensitive approach, which will enhance future efforts to address the needs of women and sexual minorities.

Nguru Karugu then outlined the approach of the **Astraea Lesbian Foundation for Justice**. Astraea is the world’s only lesbian-led foundation focusing on lesbian issues. It is 30 years old, and was founded by a small group of women, bringing a multi-class and multicultural perspective to its funding directions, supporting in particular lesbian programs in Latin America and the Caribbean, Africa, Asia and Eastern Europe. As a foundation it is modest in size, having disbursed a total of USD 1.3 million to organizations in 42 countries in the 2005-2006 period, including many in the African region.

Astraea’s International Fund for Sexual Minorities maintains seven funding initiatives:

- **International Fund Panel Grants**, which supports organizations and projects addressing sexual orientation and gender identity and expression issues within eligible regions.
- **Social Change Opportunity Fund**, which offers greater levels of support to organizations with a proven track record of achieving social change. Applications are by invitation only, and are extended to organizations that have previously received International Fund Panel Grants. Funding levels vary, but may be in the vicinity of \$75,000 over a 3-year period.
- **International Emergency Fund**, which is designed as a rapid response mechanism to time-sensitive opportunities, crises and challenges. This fund is intended to address emergency situations, rather than to become a source of support for general programming work on a repeat basis.
- **International Movement Resource Fund**, which provides support for capacity-building and strengthening organizations working on progressive social change. Examples of previous initiatives including funding the development of strategic plans, travel scholarships to attend international conferences, and participation in antidiscrimination workshops.
- **International Collaborative Grants**, which support specific strategic alliances and partnerships.
- **International Philanthropic Grants**, which support Astraea's philanthropic partners.
- **Donor-Advised Grants**, which enable donors to support specific organizations or projects that match their particular funding interests and priorities.

At a recent meeting of funders in East Africa, it was apparent that some activists feel frustrated by a lack of awareness of a variety of foundations and their funding criteria. Nguru encouraged participants to conduct on-line research about funders' interests, priorities and criteria before submitting a proposal. Astraea, for example, is unlikely to prioritize an application addressing gay men's issues, but does focus on issues with a gender perspective, such as those addressing lesbian, trans and intersex needs.

Although many funders focus on programming and project support, Astraea is additionally willing to support operational costs, such as computers, phones and office space, particularly in order to assist new organizations with their start-up costs.

Grants are decided by a panel of activists, with input from an International Advisory Board consisting of representatives from different regions.

General Discussion:

A number of issues were then canvassed during general discussion, relating both to the Global Fund and to the Astraea Lesbian Foundation for Justice, as well as general approaches and strategies for fundraising.

Particular issues raised included the lack of support for transgender and intersex issues, and the fact that funding is often provided to LGBT organizations whose main priority is sexual orientation work with limited focus on gender identity and expression. There are many needs that the transgender and intersex communities have, not all of which are necessarily linked with HIV/AIDS, thus limiting the value of the Global Fund for these communities. It was further recommended that foundations ensure trans and intersex representation on their Boards and funding panels, and LGBTI people were encouraged to involve themselves in the mechanisms of the Global Fund.

In general, it was acknowledged that while the Global Fund has a specific focus on HIV/AIDS issues, for many within the LGBTI communities addressing HIV requires responding to a

broad range of societal obstacles, including discrimination, stigma and invisibility, and it is impossible to create an environment conducive to HIV education, prevention and treatment, without also addressing the many social and political factors that marginalize members of the LGBTI communities. In this way, HIV/AIDS initiatives and LGBTI social justice initiatives are inextricably linked. Funding is often restricted, however, specifically to health initiatives without addressing the broader determinants of health, and there is a need to educate funders who maintain a health or HIV focus, including the Global Fund, about these broader linkages.

It was also pointed out that many funders have legal or structural requirements that may disadvantage organizations working on sexual orientation and gender identity issues in more hostile environments. For example, official registration and bank accounts in the organization's legal name may be unavailable to groups working in countries with criminal sanctions against homosexuality, and many countries have laws restricting the activities of NGOs in certain areas. The Global Fund, in particular, is felt to have a legalistic and inaccessible application structure, and greater sensitivity is required to the needs and challenges faced by NGOs working in this area, especially within the African context.

Some concern was expressed by participants that the Global Fund is dominated by "straight men's programmes", without a sufficient commitment to gender issues. Others pointed out that experiences with the Global Fund are likely to vary dramatically from place to place, since so much of the decision-making authority rests with the Country Coordinating Mechanisms. This means that advocacy with each Country Coordinating Mechanism is required at the local level to encourage them to be more responsive to MSM and LGBTI concerns.

A number of participants welcomed Astraea's more supportive and flexible approach, indicating that the foundation had assisted smaller groups with less experience in fundraising, and commended this more participatory and inclusive approach as a useful model. Participants also mentioned that OSI has demonstrated a flexible and participatory approach in supporting groups throughout the application process.

Many small groups have to apply to several funders for contributions to support a particular project, but each foundation has different application and reporting criteria, requiring the same application to be redrafted several times. Given that it can take a week of staff time to adequately prepare an application, this can place significant demands on already under-resourced organizations. It was recommended that funders working in the same area could coordinate and liaise amongst themselves to develop standardized application and reporting requirements.

A further concern is that organizations often feel a need to tailor their programmes to the needs and priorities of funders, rather than funders setting their needs and priorities based on the experiences of those addressing human rights issues on the ground. It was recognized that some funders are more inclined than others to conceptualize the funding relationship as a genuine partnership, involving political exchange, mutual benefit and awareness-raising.

Some African participants expressed the concern that the relationship with funding is one of subjugation, and that groups can often feel as though they are begging, particularly when applying for support from outside the region. This can be a particular problem in Africa, where homosexuality is often portrayed by political leaders as a "Western import", a perception that can be reinforced if groups working in the area are seen to be financed by the West. Supporting the creation of accessible local funding mechanisms, developed and overseen by people within the region, is therefore an important priority.

While the decentralized structure of the Global Fund may give more control to each country to develop programmes that are responsive to the country situation, many LGBTI issues are systemically overlooked, and the decentralized structure can make it difficult to make progress without having to re-engage in the same battles in each country. The presenters mentioned that OSI is seeking to train women's groups to engage effectively in the Global Fund, although it was acknowledged that the challenges of participation are exacerbated for

groups that are particularly marginalized or invisible. It was suggested that those involved in CCMs need to be encouraged to be proactive in conducting outreach and participating in training and sensitization to the needs of marginalized and underrepresented populations. It was also mentioned that as part of a commitment to enhance transparency within the Global Fund, the names of those involved in Country Coordinating Mechanisms in each country are published on the relevant websites, which can assist with domestic advocacy efforts.

Additional information on the Global Fund is available at:
<http://www.theglobalfund.org>

F. HIV/AIDS programming: preparing for International AIDS Conference, Mexico City 2008

Global Forum on Men Who Have Sex with Men:

Presenters began by outlining the history of the Global Forum, and its work to develop an MSM Pre-Satellite to the International AIDS Conference.

The Global Forum on Men Who Have Sex with Men (MSM) and HIV was launched at the International AIDS Conference in Toronto, Canada in 2006. This initiative grew out of a shared concern that existing HIV/AIDS strategies do not adequately address MSM needs.

The Global Forum seeks to develop an integrated network of civil society groups, AIDS organizations, MSM groups and other agencies. It works at the global and national levels to advocate for improved HIV/AIDS programming for MSM, and to share information on best practices in HIV prevention, treatment and care and support for MSM.

A Steering Committee has been struck to help guide the process, including representatives from each of Francophone and Anglophone Africa, and four Africans participate on the Board of the Global Forum. Support for the initiative has been provided by UNAIDS, the Open Society Institute, and the AIDS Fund in the Netherlands.

The Forum is currently organizing to ensure visibility of MSM at the next International AIDS Conference, taking place in Mexico City in August 2008. There are representatives from different regions, who meet electronically and in person to develop plans and strategies for the Mexico conference.

It was explained that there will be three main types of fora through which these issues will be explored in Mexico City:

(i) International AIDS Conference:

The International AIDS Conference is the focal point of the international gathering, and therefore a crucial opportunity to bring awareness and attention to MSM issues. It was explained, however, that the sheer size of the International AIDS Conference can be alienating and very difficult to navigate. The scientific focus of many presentations often fails to speak to the realities of the LGBT communities, although recent years have seen a growing presence of MSM and of LGB people, as well as an increasing transgender presence.

(ii) Global Village:

By contrast, the Global Village is a more community-oriented space, which facilitates networking and grassroots community discussions.

(iii) MSM Pre-Satellite Conference:

Given that MSM are often "medicalized" or "pathologized" at international meetings, being the subject of discussion by doctors and psychologists, the MSM Pre-Satellite Conference will afford the space for MSM to provide their own perspectives in their

own voices, to address the experiences and challenges they face, and to strategize in preparation for the International AIDS Conference itself, with a view to bringing greater attention and visibility to MSM issues.

It was also noted that additional Satellites include violence against women and HIV, which provides a space for lesbians, transwomen and others to dialogue, share ideas and address HIV issues arising from violence against women.

Given the limited attention often paid to MSM issues at previous International AIDS Conferences and related fora, two priority objectives in preparation for Mexico City include seeking to ensure a speaker on MSM issues in the main conference forum and ensuring a strong program of activities for the MSM Pre-Satellite Conference. There will also be a plenary speaker on MSM issues at a preparatory meeting taking place in Dakar, Senegal, with a focus on HIV and MSM in Africa.

Another area of focus is to try to assist as many MSM as possible to attend the International AIDS Conference and Pre-Satellite Conference, and in particular to support greater participation of MSM from the South, including from the African region. Youth participation was also emphasized as important. It was recognized that for many attendees, participation in Mexico City will depend upon resource constraints, and also pointed out that available funding is likely to be prioritized for those who have submitted abstracts and proposals. Participants were informed of the February 19, 2008 deadline for submitting proposals.

HIV-MSM Prevalence Study

In addition, participants discussed the need for better research, with particular focus on an HIV prevalence study being funded in four Southern African countries. It is expected that a greater understanding of prevalence of HIV within LGBT and MSM communities will provide an evidentiary base to support increased funding for HIV prevention and AIDS outreach/treatment within these communities. This research is LGBTI led, and the research data will be analyzed and presented at the International AIDS conference in Mexico City.

The four countries selected for the research are Malawi, South Africa, Botswana and Namibia, each in collaboration with local partner organizations. The sample will comprise 800 men, 200 from each location. Men will be identified either through community venues or through introductions. Sampling is intended to be representative of diverse ethnic groups, and to be anonymous and confidential. A saliva swab will be used to conduct the test, although participants will not be informed about their test results, as there are insufficient resources for follow-up counseling. Confidentiality will be assured through a number code, and there will be no direct contact between the participant and the tester. A gratuity will be provided to all participants.

After the initial presentation, participants discussed a number of concerns. One participant expressed the view that using HIV as an entry-point for legal and social reform would be "taking us back 25 years" to a time when the only information available about our communities was as vectors for disease. While the research might lead to greater support to address MSM issues, there was concern that in some countries the perception might be that MSM are disproportionately responsible for spreading infection, and the data used to justify laws criminalizing same-sex activity. Participants expressed the need for a plan and strategy to control dissemination and use of the results and to prevent backlash when the results enter the public domain.

In response, another participant pointed out that we cannot fail to address the humanitarian crisis resulting from the impact of HIV upon our communities, and that lack of data impedes NGOs from doing prevention work or making condoms available to those who need them. It was also mentioned that OSISA employs someone who is responsible for regional strategy.

On balance, participants clarified that they were not suggesting that the research not be done, but some expressed the view that it was irresponsible to continue with the study unless there was confirmed funding and a clear strategy to deal with potential negative consequences, including plans for strong human rights engagement with mainstream allies

and policy-makers. It was felt important that this be built into the strategy from the outset, rather than attempting to respond reactively once the results become public. Organizers were also encouraged to explore greater resources for counseling and follow-up.

Presenters promised to keep participants informed of these and other initiatives as plans for Mexico City continue to develop.

Participants were encouraged to subscribe to an e-mail distribution list for the Global Forum on MSM and HIV, by e-mailing JBeck@APLA.ORG or eblast_english@msmandhiv.org (for information in English) or eblast_spanish@msmandhiv.org (for information in Spanish). The Global Forum e-mail list provides information about upcoming activities and deadlines for those planning to attend the International AIDS Conference and PreSatellite meeting. Participants were further encouraged to regularly consult the Webpage of the International AIDS Conference at www.aids2008.org and of the Global Forum on MSM and HIV at www.msmandhiv.org.

G. Evaluation

At the end of the Dialogue, participants were asked to complete an evaluation form. In total, we received responses from **50** participants representing all geographic regions. They are summarized below.

1. Participants were asked to rate (on a scale of 1-10 where 10=excellent and 1=very poor) how they evaluated the following:

Conference Site: Participants were uniformly impressed with the conference site itself, and the fact that the Dialogue took place in a central and accessible location. Some concerns were raised about the lack of internet access, which organizers tried to accommodate during the conference when it was raised. (median response: 8)

Accommodation: Generally, people found the hotel rooms comfortable. A small number of people commented on the lack of helpfulness and hospitality of some hotel staff. A couple of participants requested more consultation in the future regarding room-sharing assignments. (median response: 7)

Food: Participants felt that the food was generally acceptable, however a significant number noted that there was little variety in the lunch/dinner selections. This issue was raised with hotel food staff during the conference and there were some changes in menu options made toward the end of the Dialogue. (median response: 5)

Background Documents: It was clear that participants were impressed with the documents provided in the registration kits. (median response: 8)

Facilitation: It was noted throughout the evaluation forms that the facilitation, which was shared between organizers and selected participants, was excellent. While there were some issues with sticking to agenda times, this was generally attributed to the fullness of the agenda and not individual facilitators. (median response: 8)

Interpretation and translation: People felt that the services provided were professional and assisted in the conduct of the Dialogue in three languages. (median response: 9)

Social and cultural events: Everyone enjoyed the activities put together by the local hosts. They offered a nice blend of socializing, information sharing and cultural exchange (median response: 9)

Overall Coordination: People seemed genuinely impressed with the overall coordination, both by ARC and CAL (median response: 9)

"The logistics and coordination were very professionally handled (excellent)."

"The simultaneous interpretation was very well managed. I really appreciated being able to participate in the official language of my country."

"The conference as a whole went well, and the organisation was almost perfect."

2. Participants were asked an open-ended question about what **expectations they had for this Dialogue. The responses can be summarized in the following categories:**

- To learn about issues facing LGBTI people and organizing within Africa and worldwide;
- To develop clear international and regional priorities and strategies to advance LGBTI issues internationally;
- To meet other organizations, network, share country-specific experiences and build relationships cross-regionally;
- To increase knowledge about regional and international tools and mechanisms;
- To explore, debate and discuss thematic issues such as gender (including identity and expression) and HIV/AIDS

3. Participants were then asked to rate (on a scale of 1-10 where 10=excellent and 1=very poor) **how well this Dialogue met their expectations and explain their answer.**

Most participants commented that the Dialogue met or exceeded their expectations. (median response: 8)

"I was pleasantly surprised and encouraged by the participation of activists from other regions of the world – Latin America, Asia and Central Asia. There is a critical need for fostering a South to South dialogue on HR related concerns. Lessons learned in some regions are also applicable on the African continent." (Southern Africa)

"This is the first dialogue I am attending on LGBTI, and it has eluded my imaginations. I have learnt so much about LGBTI, which would help me in fighting for a continuous recognition of LGBTI rights in my country." (West Africa)

"This Dialogue has made me a Human Rights Defender with broader ideas on different issues of the LGBTI community and also has helped me and my organization build networks/relationships with other people and organization that we didn't have before attending the Dialogue." (East Africa)

"The Dialogue, the conversations, the analysis has permanently strengthened my convictions. (Latin America)

A majority of participants identified networking and learning (in particular about African struggles) as goals of the Dialogue, and felt there were many good formal and informal opportunities to facilitate this goal, both regionally and internationally.

"Fantastic in terms of getting together a wide range of activists and providing a learning environment, affirming the validity of our struggle and breaking the myth of isolation and silence." (Asia)

4. Using the same 1-10 scale above, participants were asked the following questions:

a) Did this Dialogue increase your knowledge and understanding of international and regional entry points for advancing human rights relating to gender, sexual orientation, HIV/AIDS and gender identity?

Participants definitely felt their knowledge and understanding increased, especially regarding entry points within Africa. (median response: 8)

"My knowledge increased significantly on the domestic situation across Africa." (Caribbean)

"I learned a lot about the African Commission and transgender/intersex issues." (Northern Africa)

"Better understanding the African Commission and the situation in other regions helps us bring a global perspective to our work in our own country and region." (Latin America)

"The Dialogue enabled us to identify priorities according to our realities within each region. There was also a synergy between LGBTI participants from Africa, Latin America and the North." (West Africa)

There were some mixed messages about the extent to which particular issues were discussed. Gender identity and HIV/AIDS were mentioned specifically.

"I was expecting it would be dominated by HIV/AIDS but all areas were treated very good." (West Africa)

"My interest in gender identity was sufficiently discussed allowing me the chance to be more enlightened." (East Africa)

"The Dialogue dwelled much on human rights. There is a need to come up with caucuses that will specifically talk of HIV/AIDS." (Southern Africa)

"I feel that there should be more information about Trans/Intersex." (Southern Africa)

b) How successful were the opportunities to identify priorities for advancing these issues at the regional and international levels?

Overall, participants felt that there was success in identifying priorities (median response: 8). The majority of responses acknowledged that, while the Dialogue afforded time to develop priorities and strategies, even more time was needed to develop concrete actions.

"With participants from Africa, Asia and Latin America, different experiences and ideas has helped so much for us to get many good priorities to address our issues." (East Africa)

"The final session of the breakaway group I was in came up with many concrete activities." (Southern Africa)

"For me, this was very successful, because the working groups were very effective." (Latin America)

"Priorities were identified and specific strategies developed." (Northern Africa)

c) How successful was this Dialogue in developing regional and international strategies to advance these priorities?

The median response was 8 out of 10 indicating a strong feeling of success around developing strategies. A number of participants affirmed that the regional and sub-regional strategy break-out groups were very important in this regard. Some also noted that even more time to develop strategies would have been helpful, especially for mapping out who could carry out the activities.

"Through the different caucuses, it was easy to get what each or different regions face and possible ways to address these challenges and how to advance these priorities to extend internationally" (East Africa)

"Thanks to the alliance of participants from different regions, I was able to see that many strategies and activities have already been developed in different contexts, and we can learn from each other". (West Africa)

"It was helpful to see how many common issues and struggles there are between Africa and Latin America. I hope our regions can work more closely together in future." (Latin America)

d) How successful were the opportunities to strengthen networks and support, particularly within Africa?

Participants agreed that the Dialogue was very successful in this regard. ARC and CAL collaborated with organizations such as ILGA to ensure that members of their new pan-African board attended the dialogue and were able to have their own networking meeting at the end of the Dialogue. CAL also held its own caucus with member organizations during the Dialogue in order to network and plan. (median response: 8)

"Representation from Africa was good, those attending were genuine groups, understood the issues, brought ideas and were committed and enthusiastic." (Southern Africa)

"I think we are at the beginning of a new – or renewed – interglobal dialogue." (Latin America)

5. Participants were asked to outline **any issues that were not adequately addressed** in the time available and how they would like to see those addressed in the future.

As stated in other sections, some participants felt there was not enough time to adequately address certain relevant and engaging topics, like religion, gender identity and HIV/AIDS. At least a few participants acknowledged that there simply was not time to focus on in-depth strategy-building regionally and internationally.

Arising from previous Dialogue evaluations, a session on fund-raising and accessing resources was incorporated as part of the program of this year's Dialogue. This session was very well-received by participants and funders alike, however one person noted that having more funders present would have been helpful.

An assortment of other issues were noted, such as human rights monitoring and supporting the mental health and well-being of activists.

6. Participants were asked how **useful and relevant the International Dialogue is to their work/activism**. They were also asked if they'd like to see it continue and with what focus in the future.

There was overwhelming and unanimous support for continuing to create the space for an International Dialogue. It is clear that the opportunity to discuss strategy across movements and regions is rare and unique. In addition, even talking about LGBT issues openly is difficult in many regions/countries.

"I have attended a lot of international conferences. I can say this is the best focused on the theme. I have high expectation that the conference, if it continues, will help bring changes to the many problems we are facing around the world." (West Africa)

Most of the suggestions for a future focus have already been articulated in previous answers, although hate crimes, issues of imprisonment, women's issues and feminism, and focus on best practices and success stories were also raised in answers to this question. A number of people noted that the discussions and themes already begun or opened require more time, and strategies need further and ongoing development.

"Yes, the initiative should continue. The LGBTI problems in Africa have not yet been tackled...we still have sodomy laws, hates crimes, homophobic church and media. We need the dialogue to follow up on the progress of these issues in most of the African countries." (Southern Africa).

*"The Dialogues are magnificent to get to know activists and articulate strategies."
(Latin America)*

7. To conclude, participants were invited to add **any further comments** about the Dialogue. These included:

"This is the best international conference for activists. It has helped me realize how I can network with our local resources."

"A tribute to the hard work, imagination and vision of the organizers. All panels were well thought out and planned for."

"You are great!! Thank you for all the work, my comments are not a criticism but a concern to have a better outcome for your exceptional work.."

"So much is learned in these spaces and understanding the work of many Human Rights Defenders. We need to start growing youth voices and young activists for the future."

"More conferences, training and dialogues are needed."

"It seems that the agenda was overly ambitious and some quality was lost for the quantity of topics."

"I'm just so grateful that I am at this dialogue and receiving good information, ideas and solution to the problems being faced by the LBGTI community."

"Great to see old faces! Great to see how Africa has woken up and that there is now real dialogue amongst us."

