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International Dialogue on Gender, Sexuality & Human Rights: an Overview

International Strategy Building on Sexual Orientation: *The UNCHR and Beyond*

Rio de Janeiro, Brazil, December 12-15, 2003

The following overview provides an outline of discussions at the First International Dialogue on Gender, Sexuality & Human Rights.

After a welcome by Sonia, ACPD and ARC on Friday night, Saturday began with participant introductions and a panel on the CHR involving Jan, Suki and Kate. Jan provided participants with a briefing about what happened last year, particularly with regard to gender identity, and what to expect in 2004. Suki outlined a variety of potential resolutions relevant to sexual orientation, including resolutions on violence against women, the right to health, the rights of the child, the right to education, access to medications, and extrajudicial, arbitrary and summary executions. Kate added further info about areas of focus for Amnesty, including violence against women, the death penalty, refugees, counterterrorism, general reform of the CHR and an Optional Protocol to the ICESCR.

Issues identified regarding the Brazilian resolution on sexual orientation included:

- whether the text might change;
- Brazil's position on gender identity;
- whether the resolution might be moved to a different agenda item than item 17 (human rights).

[These questions were all raised and responded to during the meeting with Brazilian government representatives on Monday].

General discussion covered a range of issues, including procedure at the CHR, the no action motion, regional voting blocs etc.

After lunch, Susana provided an overview of UN mechanisms and structures, and she and Brigid outlined the geopolitics of the UN/CHR, with a focus on regional voting blocs. Sonia explained from the Brazilian perspective how the sexual orientation resolution came to be, and the social evolution that preceded it. She emphasized the importance of building domestic support in Brazilian civil society and the need to resist external pressures. Geeta spoke of some of the domestic challenges she had faced in trying to build support in India, where many group and individuals perceive the CHR as a very distant entity with limited relevance to their day-to-day struggles.

This led into regional caucuses, at which participants worked through each country in their region, particularly those on the CHR, examining the country's voting record and identifying strategies for target countries most susceptible to being favourably influenced. The discussions are too detailed to reflect here, but we'll provide more info when we write up the notes. Caucuses reported back at the end of the day, and on Saturday evening Sonia moderated a very interesting panel at which Brazilian activists from a variety of backgrounds spoke about their domestic work, needs and priorities.

An International caucus met after the Brazilian panel to discuss strategies around the resolution, particularly whether changes to the text could trigger a further no action motion. Much of the discussion flowed into the general strategies plenary the following day.

On Sunday, Katherine walked us through the NGO accreditation process, and we began developing lists of which groups need accreditation and which may have slots to offer.

A very interesting panel then explored specific issues and challenges in responding to the OIC (Kamal), the Holy See (Gloria) and the USA (Cynthia). Many participants commented on the richness of this panel, which we'll outline in more detail in the conference report.

Regional caucuses on Sunday explored means of building mechanisms and networks to implement the regional strategies identified the previous day. Within the WEOG caucus, we began identifying what tools and actions were needed to maximize our impact at the CHR, who was currently planning on doing what, and the need for a coordinating structure to minimize duplication and ensure focused follow-up. Brazilian participants agreed to set up a Brazilian Committee to build and maintain domestic support for their government's efforts.

After lunch on Sunday, Karen facilitated a lively plenary which began with a general strategic discussion, and then focused on preparations for the meeting the following day with Brazilian government reps. Kursad and Scott introduced the session with brief presentations. Kursad spoke about ILGA's efforts to secure ECOSOC status, the need for strategies to be activist-oriented, ILGA's development of a resolution Webpage, and the possibility that local hosts in Geneva might be able to assist in finding accommodations for those participating in the CHR. Scott framed a number of questions for discussion, including the relationship between international NGOs and national/domestic organizations, the need to consider questions of both strategy and principle around the inclusion of gender identity, and issues related to other potential language.

After discussion, there seemed to be general agreement that while a variety of reformulations of the resolution might be possible, the current language already affirms the principles of equality and universality, and further changes to the language would increase the likelihood of another no action motion and require renegotiation with existing co-sponsors. Participants expressed support for the inclusion of gender identity in principle, although different views were expressed on how best to advance that goal strategically. It was agreed to raise the issue with the Brazilian government reps the next day, recognizing that Brazil might prefer to maintain the resolution in its current form, with gender identity forming the basis of a separate proposed amendment by a supportive country. The value of examining other resolutions and potential entry-points was underlined. Participants also emphasized the need to ensure an appropriately supportive tone during the Brazilian government meeting. A planning group agreed to meet that evening to identify specific questions, and who would ask them, in order to ensure a clear and coordinated approach during the government meeting.

On Monday, Kim and John facilitated a planning session, during which we worked through a list of follow-up activities that had been identified through the weekend, and participants indicated which activities they were willing to take on. Activities identified include domestic lobbying, media coordination, management of accreditations, building co-sponsorship support, development of documentation, fact sheets and briefing kits, coordination of NGO panels at the CHR, coordination of regional outreach, building listservs for dissemination of materials and action alerts, and lots more! A Steering Committee was struck to ensure appropriate follow-up with participants who had expressed interest in undertaking specific tasks, as well as identifying gaps and connecting with others not present at the consultation. Kim and John agreed to compile and distribute the follow-up list, and set up the electronic network to facilitate next steps. The Brazilian Committee agreed to identify a representative to participate in the Steering Committee, and the importance of documentation and communications in Portuguese (and other languages) was emphasized. There was some discussion about the need for international organizations to pool resources to meet translation, administration and other needs.

Kim then led participants in an exercise to identify international needs beyond the CHR. Although time constraints did not enable participants to identify priorities and implementation strategies, a broad range of international needs were identified (see attached), providing ample substance for future discussions! Jan also made a brief presentation on making more systematic use of Special Rapporteurs, and Ana Elena and Brigid spoke about the International Criminal Court.

That afternoon, Sonia moderated a detailed, open and productive meeting with Minister Frederico Meyer and Alexandre Ghisleni, representing the Brazilian government. (Note that they spoke to the consultation participants on the understanding that much of what they said was confidential so please respect their wishes that their comments not be widely circulated or referred to.)

Frederico and Alexandre explained the background to the resolution, how it had come about, which governments were most supportive and which required work. Both in their

presentations and in response to questions, they made clear that they see the effect of the one-year deferral vote last year as requiring the resolution to be raised in 2004 in its current form under the same agenda item. This does not preclude subsequent amendments. They do feel that it is essential the resolution pass, since they feel that the negative impact of the CHR pronouncing against sexual orientation as a human right would be severe. They therefore wish to maintain the title (which outlines the bare minimum position of sexual orientation as a human right) but are otherwise open to virtually any amendment from other supportive countries that will help to maximize support for the resolution and enable it to pass. For similar reasons, they support inclusion of gender identity in principle, but feel it is an additional hurdle to be overcome in future. They do however encourage us to lobby around the issue, particularly indicating that if Ireland does not oppose, then other countries that referred to and perhaps relied on Ireland's opposition, including Austria and Finland, could no longer rely upon Ireland's presumed lack of support. With sufficient support from other countries, they would be open to an amendment on the issue, although not necessarily during informals, since they see informals as preceding the introduction of a resolution and this resolution has already been introduced and simply carried over for a year.

Frederico and Alexandre also expressed their appreciation for the consultation, and how valuable it is to have participants from diverse countries speaking out, even when those participants' governments are unsupportive. They confirmed their position that the resolution is now in the hands not just of Brazil, but of the co-sponsors, and encouraged us all in our efforts to continue building support.

The consultation then concluded with general comments, an evaluation, and thanks to Sonia and Magaly, the interpreters, our Brazilian hosts and participants.

International Needs/Priorities Identification Exercise

The following goals and objectives were generated by about 35 international participants at a consultation in Rio de Janeiro (December 2003) with organizational representation from the a diversity of groups: LGBT, Human Rights, Sexual and Reproductive Rights, Youth, and Labour. ARC International has summarized, categorized, and arranged the needs. The categories listed below are somewhat fluid. There are objectives that can easily fall under several overall goals. Some objectives have specifically been cross-referenced to several goals, which are indicated by brackets at the end of the line.

1. Education and Training (Goal)

Objectives:

- International Criminal Court – training on how to use it effectively for LGBT issues
- Educate donors about LGBT priorities and the need for particular resources (Funding)
- More education within LGBT community to understand intersectionality of gender, sexuality and race
- Build capacity of LGBT organizations to document violence against women (Funding)

- General funding for public education documents aimed at: media, public, students (Funding)

2. Research (Goal)

Objectives:

- International Criminal Court – research how to use it effectively for LGBT issues
- Learn about and publish best practices for lesbians working with trans women
- Explore and report on different terms, rubrics and discourses throughout organizations worldwide on issues of sexual rights, sexuality, and LGBT issues
- Glossary of translated terms and concepts around sexual rights and LGBT issues
- Coordinated documentation and research in relation to violations/experiences of LGBT people during times of internal/civil war and armed conflict
- Investigate all international instruments that can be used as a tool for LGBT equality
- Investigate objectives of the millennium UN 2005

3. Alliance building (Goal)

Objectives:

- Coordinated participation in World Social Forum
- Mainstreaming LGBT/Sexual Rights and Health in the concerns of our allies
- Organizing for Beijing and ICPD +10
- Getting on the agenda of youth organizations that deal with sexual rights
- Strategic linkages with Reproductive Health orgs to increase their knowledge of LGBT issues
- Contact employers, organizations and unions to lobby ILO (International Labour Organization) (Advocacy)
- Global campaign for separation of church and state
- Encourage NGOs to incorporate sexual rights into reports to treaty bodies and special rapporteurs (Advocacy)
- Facilitating links between youth LBGT orgs and youth sexual rights orgs
- Meaningful implementation of the concept of sexual rights by Int'l human rights/health/other NGOs (Strategy)
- Strengthen connection between sexuality and reproductive rights (concepts and RR work) (Strategy)

4. Advocacy (Goal)

Objectives:

- Lobby for focal person on sexual rights within OHCHR
- Lobby for full time post for sexual minorities at OHCHR
- Organize communication with special rapporteurs
- Lobby major UN agencies (i.e., UNIFEM, UNAIDS) to take on sexual rights

- Lobby WHO for segregation of data and LGBT streamlining (e.g. suicide)
- Encourage more NGOs to seek ECOSOC status (domestic and international)
- Lobby USAID/US gov't to change foreign funding policies (Regional/Strategic)
- Contact employers, organizations and unions to lobby ILO (International Labour Organization) (Alliances)
- Link with regional human rights mechanisms (Euro Convention, African Charter, Inter-American convention)
- Encourage NGOs to incorporate sexual rights in to shadow reports to treaty bodies and communications to special rapporteurs (Alliance)
- Highlight LGBT rights through trade organizations and discussions
- Build on feminist analysis of unsafe migration to link issues of sexuality in to trafficking/unsafe migration debates at OHCHR (Strategy)
- Integrated work on the recognition of same-sex couples with respect to immigration (Infrastructure)
- Participate in CEDAW Minority Shadow Reporting

5. Infrastructure Development (Goal)

Objectives:

- Build and develop regional sexuality networks
- Build and international pink coalition for socio economic justice issues
- Supporting development of progressive interfaith networks
- Building diversity within faith-based organizations
- Better utilize the internet to facilitate our multilingual networks
- International LGBT network or information exchange on asylum cases and asylum law
- Establish an International Pool of Legal Resource People
- Strategic and permanent group to oversee passage and implementation of Brazilian Resolution (Strategy)
- Integrated work on the recognition of same-sex couples with respect to immigration (Advocacy)

6. Regional Focus (Goal)

Objectives:

- Build capacity of local groups (Funding)
- Comprehensive strategy to lobby USAID/US gov't to change foreign funding policies (Strategic/Advocacy)
- Stronger International NGO (LGBT and Allies) presence and support at local level (Funding)
- Resourcing and including Pacific Island Women in sexual rights movements (Funding)
- Empowering lesbian women in SE Asia to be more comfortable with issues of sexuality

7. Funding (Goal)

Objectives:

- Educate donors about LGBT priorities and the need for particular resources (Education)
- Build capacity of local groups (Regional)
- Resourcing and including Pacific Island Women in sexual rights movements (Regional)
- Build capacity of LGBT organizations to document violence against women (Education)
- Bring LGBT voices from global South to int'l HR bodies – counter “not in my culture” argument (Strategy)
- General funding for public education documents aimed at: media, public, students (Education)
- Stronger International NGO (LGBT and Allies) presence and support at local level (Regional)

Note: While many of the goals and objectives listed have funding implications, the ones listed here specifically speak to funding issues.

8. Strategic/Think Tank/Dialogue (Goal)

Objectives:

- Developing strategies for dealing with religious fundamentalism
- Re-framing sexuality away from disease and violence toward positive elements
- Strategic and permanent group to oversee passage and implementation of Brazilian Resolution (Infrastructure)
- Develop international media strategies
- Comprehensive strategy to lobby USAID/US gov't to change foreign funding policies (Regional/Advocacy)
- Develop strategy to build bridges with parts of the world considered unreachable (Muslim, communist)
- Develop litigation strategies for International Tribunals
- Identify areas most beneficial (politically) to develop our work at the UN level aside from UNCHR
- Bring voices from the South to international HR bodies – undermine “not in my culture” argument (Funding)
- Develop strategy to use Treaty Bodies for LGBT issues
- Building on feminist analysis of unsafe migration, link issues of sexuality with trafficking/unsafe migration debates at OHCHR (Advocacy)
- Build a framework for sexuality as a dimension of social issues
- Unpack sexual / rights from Sexual and Reproductive Health to provide more visibility for minority groups
- Meaningful implementation of the concept of sexual rights by Int'l human rights/health/other NGOs (Alliance)
- Strengthen connection between sexuality and reproductive rights (Alliance)

Next Steps:

1. Domestic groups need fact sheets, tools and resources to convince local/national/regional NGOs that the UN is important and relevant to their lives. (Scott, Cynthia)
2. Development of legal arguments and expertise that can be shared with countries like India to facilitate communication with government. (Jan-part of his tool covers this, Katherine and Karen also agreed to help out)
3. Need general fact sheets on sexual orientation and in particular, gender identity, so that delegates to the UN understand the issues and terminology. (Jan, Brigid, Ana Elena, Dmitri, Fredrik, Scott, Kate, Katherine, John)
4. Document needed on other resolutions of relevance coming up at CHR. (Suki, Cynthia)
5. Organize NGO panels during the CHR. (Jan, Scott, Susana, Kate, Kursad, Gloria, Dotty)
6. Security strategy needed for our conversations, the dissemination of information and the protection of actual delegates at the CHR. (Scott, Cynthia agreed to be involved in this but not take lead)
7. Coordinate a strategy to address issues about the resolution at the World Social Forum in Mumbai (IGLHRC, ILGA, AI, HRW, Youth Coalition, Aanchal, DAWN)
8. An international working group needs to discuss issues related to: logistics, securing accreditation for delegates, pooling and developing funding sources, developing political and international media strategy. (Gloria, Suki, Philipp, Kate, Karen, Brigid, Susana, John, Scott, Jan, a Brazilian rep to be identified)
9. Need a secure list to disseminate information and discuss strategy related to CHR. (ARC, ACPD can help with French translation, ILGA will help to disseminate public information through its web site for the resolution)
10. Need training and mentoring for new CHR delegates. (IGLHRC, HRW, AI, IRCSSM, ACPD, Gloria, Frederico in New York)
11. Attempt to identify what would be a critical time for delegates to be at the CHR. (Kate, Suki)
12. Develop domestic media strategies and share information with other domestic groups (all domestic groups agreed to take this on)
13. Need domestic network building around the CHR. (all all domestic groups agreed to take this on)

14. Need some key focus on countries that could be influential in the passing of this resolution and lobbied on others. Key ones named were: S. Africa, Ecuador, Argentina, Fiji. (Suki and Evert agreed to start some work on this)

Overall Strategy Principles emerging from the Consultation:

1. Will lobby governments NOT to tinker with the language of the resolution, except where it come to the inclusion of gender identity.
2. Important to involve domestic NGOs at the UNCHR and especially to ensure trans representation and participants from non-WEOG countries.
3. Important documents and discussions need to be accessible to Brazilian organisations in Portuguese.
4. Need transparency in the process for deciding how accreditation and funding decisions are made.

Appendix: Agenda



International Strategy Building on Sexual Orientation: *The UNCHR and Beyond*

NGO meeting

Hotel Plaza Copacabana
Ave Princesa Isabel 263
Rio de Janeiro, Brazil, December 12-15, 2003

Agenda

Friday, December 12

4:00 – 6:00 p.m. **Registration** – Hotel Plaza Copacabana
(Funded participants, please bring receipts, invoices, air tickets and

boarding passes with you to registration, to assist us in reimbursing you)

6:00 – 7:30 p.m. **Welcome** – Hotel Plaza Copacabana
– Welcome by Sonia Correa, ACPD, ARC

Participants will be responsible for their own dinner arrangements (with the option to eat together at a local restaurant).

Saturday, December 13

9:00 – 9:10 a.m. **Welcome, overview of consultation goals and guidelines**
Facilitators – Suki/Kim

9:10 – 10:30 a.m. **Participant introductions**
Facilitators – Evert
Roundtable and short summaries of domestic and international focus of each organization/individual – who's doing what?

10:30 – 10:45 a.m. **Break**

10:45 – 11:45 a.m. **The CHR: Briefing and general overview**
Facilitator – Philipp
Panellists: Jan, Suki, Kate (10 minutes each)
➤ Summary of the 59th CHR: strategies and challenges
➤ What to expect at the 60th CHR
➤ Other resolutions of relevance
General discussion (30 minutes)

11:45 – 12:45 p.m. **Domestic Mobilisation: Strategies and Challenges**
Facilitator – Fredrik
Panellists: Sonia, Geeta, Fadzai (10 minutes each)
➤ Building government support
➤ Mobilising civil society
General discussion (30 minutes)

12:45 – 2:00 p.m. **LUNCH (provided)**

2:00 – 2:40 p.m. **Geographic Considerations at the UN**
Facilitator – Dorothy
Panellists: Brigid, Susana (10 minutes each)
➤ Regional voting blocs at the CHR/World Conferences:
what they are, how they work
Questions & Answers (20 minutes)

2:40 – 4:00 p.m. **Regional Breakouts #1: Issues and Strategies**
Each group appoints a chair (if desired) and a rapporteur. Each group will consider the following questions related to the specificity of each country, important differences and similar themes:

1. Which countries in your region are on the CHR? (see handouts)
2. What has been the voting record of governments in your regions on sexual orientation issues at the UN? (see handouts)
3. What is your country's national policy position on sexual orientation and on sexual and reproductive rights generally (issue by issue if appropriate)?
4. Identify the specific concerns/obstacles/challenges and any important variables that affect your country/region's position on sexual orientation.
5. What processes/strategies have worked - or failed - in your country/region for advancing sexual orientation? Why?
6. What country(ies) does your country have influence on? How is this influence exercised?
7. What country (ies) has/have influence on your country? How is this influence exercised?
8. Are there other factors/bodies that influence your country's/region's position?
9. What resources do you know about/use that have been helpful in lobbying your government?
10. Which countries in your region co-sponsored the resolution last time? Which might be willing to co-sponsor it next time? How might they best be approached?

4:00 – 4:15 p.m. **Break**

4:15 – 5:15 p.m. **Report back**
Facilitator – Ana Elena

Saturday Night

6:30 – 8:30 p.m. Panel with Brazilian activists
Moderator – Sonia

Sunday, December 14

9:30 – 9:45 a.m. **The NGO Accreditation Process**
 Presenter - Katherine

9:45 – 10:45 a.m. **Challenges & Strategies for dealing with Major Geopolitical Influences at the CHR:**

Facilitator – Dmitri

- the Organization of Islamic Conferences: Kamal (10 minutes)
 - the Holy See: Gloria (10 minutes)
 - the USA: Cynthia (10 minutes)
- General Discussion (30 minutes)

10:45 – 11:00 a.m. **Break**

11:00 – 12:30 p.m. **Regional Breakouts #2: Developing Regional NGO strategies for the 60th CHR/Building Networks**
(Each group appoints a new rapporteur and chair, if a chair is desired)

1. What regional declarations and agreements exist that relate to sexual orientation?
2. Who/what is the main opposition you face in your country/region to advancing sexual orientation at the CHR? Generally?
3. What regional strategies have worked best to deal with the opposition? Who is most appropriate/best placed to deal with the opposition?
4. What regional processes/strategies have failed to advance sexual orientation? Why?
5. What resources would you find helpful to assist NGOs advocacy at the CHR?
6. Identify the key human rights, sexual and reproductive rights, youth, faith-based, labour etc NGOs in your country/region that might be approached to support the resolution on sexual orientation at the CHR and on sexual orientation issues generally? Do these organizations need education/training on sexual orientation, the CHR etc.? What are the main obstacles/challenges for forming these networks? What strategies can be used to overcome these obstacles?
7. Does your government respond to pressure from the media? Is domestic media pressure helpful? Is international media pressure helpful or harmful?
8. Do you plan to attend the CHR this year?
9. Does your organization have accreditation? If yes, do you have extra spaces that might be made available to other NGOs who do not. If not, develop a strategy for accessing accreditation

through another NGO.

10. What resources would you find helpful to assist your organization in advocacy at the CHR?

11. Identify mechanisms for compiling a list of key bureaucrats and elected politicians in your country/region who have responsibility for or influence on sexual orientation issues generally and the CHR specifically.

12:30 – 1:45 p.m.

LUNCH (provided)

1:45 – 2:45 p.m.

Report back

Facilitator – Chung

2:45 – 4:05 p.m.

General Strategic Discussion:

Facilitator – Karen

Panellists: Kate, Jan, Kursad, Scott (5 minutes each)

- Liaising with Special Rapporteurs
- Media strategies/NGO panels/NGO statements
- Gender identity inclusion

Roundtable discussion (60 minutes)

4:05 – 4:20 p.m.

Break

4:20 – 5:30 p.m.

Looking forward - Next steps:

Facilitator – Kim

- What needs to happen between now and the CHR?
- Who does what?
- By when?

☺ Evening free

Monday, December 15

Working Together Beyond the CHR: Broad Strategy-Building Session

Facilitators - Kim/John

9:00 – 9:10 a.m.

Introduction, Goals and Guidelines

9:10 – 10:50 a.m.

Brainstorming Session

Group Exercise:

- What is the work that needs to be done to advance LGBT rights

internationally? (65 minutes)

- What are some priorities for this work? (35 minutes)

10:50 – 11:05 a.m. **Break**

11:05 – 12:45 p.m. **Survey Presentation, Gap Analysis & Broader Strategy Discussion**

- Who is doing what right now? Who else needs to be consulted?
- Where are there obvious gaps or work that needs strengthening?
- How could we address the gaps and strengthen our current work?

12:45 – 2:00 p.m. **LUNCH (provided)**

2:00 – 4:00 p.m. **Government Panel: Brazilian Government Perspectives on the Resolution**

Moderators – Sonia/Suki

Meeting with Brazilian Officials:

Minister Frederico Meyer, Alexandre Ghisleni

4:00 – 4:15 p.m. **Break**

4:15 – 4:45 p.m. Consultation evaluation

Moderators - Suki/John

4:45 – 5:00 p.m. Summary and closing.

ARC and ACPD wish to thank our sponsors,
without whom this consultation would not have been possible:

The Canadian Department of Foreign Affairs and International Trade, the Canadian International Development Agency, the Ford Foundation (Human Rights Program, Sexuality Unit and Regional Desks), the Foreign Ministry of Sweden, the International Planned Parenthood Federation, the International Working Group on Sexuality and Social Policy, the Canadian Autoworkers Union, the Steelworkers Humanity Fund and all participants and your organisations who contributed time and money to help advance these important equality objectives.