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Diving Deeper: Key Issues in Funding Global LGBTQI Rights

Topic 2: Regional and International Advocacy on SOGI issues
July 14, 2014

2:15-3:45 pm

Facilitator:

- Adrian Coman, International Human Rights Program Director, Arcus Foundation

*Panelists***:**

- Jean Chong, Co-Founder, Sayoni
- Marianne Mollman, Director of Programs, International Gay and Lesbian Human Rights Commission
- Camila Zabala, Co-Coordinator, Aireana – *Grupo por los Derechos de las Lesbianas*

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Adrian Coman, International Human Rights Program Director of Arcus Foundation, introduced the session by asking panelists to focus on two main questions:

1. What is happening at the United Nations in terms of sexual identity being recognized as a human rights issue?
2. What advice do they have for funders?

Marianne Mollman, Director of Programs at the International Gay and Lesbian Human Rights Commission suggested that funders should focus on strategy. What kind of coalition work works? In terms of human rights at the UN, every UN entity has its own strategy. In terms of SOGI, there is support from different UN bodies (refer to attached chart). Additionally, there is a lot of development work being done at the UN. Within the framework of economic and social commissions (eg, Latin America and Asia Pacific), countries have to look at sexual identity for their human rights legislation to work. There is a need for addressing this issue. It's more comfortable to look at numbers rather than LGBTQI individuals. While it's easier to address human rights via numbers, statistics and effectiveness in terms of development, if issues of diversity are not addressed then human rights policies won't work.

Jean Chong, Co-Founder of Sayoni, shared her perspective of international advocacy on SOGI issues vis-à-vis her experience at the ASEAN Caucus. She shared the evident lack of transparency regarding the

development of SOGI issues within ASEAN. Civil society organizations were consulted, but no SOGI groups were included and there was no transparency as to which civil society organizations were consulted.

Three of the richest countries within the ASEAN Caucus have repeatedly blocked SOGI issues in their agreements. Jean is still unable to find a LGBT group in Brunai. Groups are afraid to organize there when gays are being stoned to death. There is a similar situation happening in Malaysia. In Singapore, the government is coordinating with the Christian right against gay people.

As a result, many civil society organizations see SOGI issues as contentious and worry about losing support in their own countries. Jean suggests promoting networks within civil society, by talking with NGOs about intersections and trying to persuade local groups to include SOGI issues within their frameworks.

Camila Zabala, Co-Coordinator of Aireana – *Grupo por los Derechos de las Lesbianas,* began by highlighting the case of Chilean judge, Carina Tala, whose daughters were taken out of her custody for 10 years because she was a lesbian. A 2013 court finally ruled in her favor 10 years after having lost custody and she eventually reunited with her children.

With this story as the backdrop, Camila explained why lesbians in Paraguay often follow a typically traditional route of marrying men and having children, oftentimes never coming out as lesbians for fear that the courts would take their children.

In 2013, the Organization of American States (OAS) passed an anti-discrimination resolution known as the Inter-American Convention against All Forms of Discrimination and Intolerance. 26 types of discrimination were included in that convention. Camila notes that such international conventions are very important because they support what is not included in local and national laws.

Camila shared that it is important to do advocacy with MercoSur. People from civil society have the opportunity to sit side-by-side with country representatives. In such cases, advocacy can be more direct. In this context, the civil society organizations hold the collective memory of SOGI issues within these processes because the delegates keep changing. She continued by stating that advocacy shouldn't only be about changing laws, but about changing society. "We have a cultural space, and through that we try to make changes."

Adrian followed up by noting that when it comes to recognition in the law, it has happened formally at the UN, but not yet in ASEAN. Additionally, since 2012, there have been advances in anti-gay fundamentalism showing up at such international meetings (ie ASEAN Caucus). So, he posed the following question to the panelists. "What advice do you have for us as donors?"

Jean responded by sharing her experience of attending CEDAW (The United Nations Committee on the Elimination of Discrimination against Women) as Co-Founder of Sayoni. It was the first time a Singapore-based LGBT organization tried to go to the UN. They reached out to funders for legal support and for seed money, which they used to participate. Participation in CEDAW allowed them to legitimize their claims, upon their return home, as civil society members who are using international mechanisms to advocate for change. While at CEDAW, they were able to strengthen their arguments against two constitutional challenges and the potential cascading effect of anti-gay laws in the region. Also, upon

their return home, they held discussions behind closed doors with the media about how to talk about LGBT issues. In Singapore, human rights discourse is not common.

In response to Adrian's prompt, Marianne recommended moving beyond the silos and moving within our movement. For example, is there employment, education and housing discrimination? Can we focus on SOGI issues within those contexts as opposed to stand-alone SOGI issues? It is also important to fund organizations to go to Geneva, for example, to participate in treaty monitoring body meetings and human rights committees. Most change comes from developing an actual relationship with a politician within that kind of context. Pursuing them at home is different than pursuing them at the UN. Getting commitments there and following through upon your return home is more productive than pursuing them at home, and it also allows us to move beyond the silos.

Marianne continued by sharing that the definition of success is planning, monitoring and evaluating. It's also not about one law. It is about changing the stereotypes and stigmas that result in an inability to enjoy equal rights. There is not enough being done about changing the stereotype – that is where the success lies.

Furthermore, Marianne talked about the early warning signals. The Uganda and Nigeria laws did not just pop up overnight. It's time to think about where to go in *before* things happen, and not just being reactionary. We should be able to fund early and squash it before it happens.

Camila added that what might be right in one country will not be right in another country, and to try not to impose agendas on other countries. Make sure funders are funding something that is relevant or pertinent at that moment within that country. If funders decide to support international advocacy, make sure it's continuous support because those involved will not know what is going on in just one year alone. She asks that funders don't just assume the work will be done by people supporting the initiative, but that it's equally important to support their rent, office space and operational costs. They need the consistency of continuous support because otherwise activists will have to leave in search of other employment and oftentimes may not have the ability to return back.

Adrian concluded with the following top 7 takeaways from the session:
- Provide seed funding
- See larger picture
- Focus on legal *and* social cultural change
- Prevent violations in early warning system
- Provide funding without gaps
- Do not impose agendas
- Support core costs, such as rent
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Question and Answer

One participant asked if organizations spend enough time preparing educational materials to affect the educational structure within that country. If so, in what space does that happen? School curriculum?

Marianne responded by pulling an example from a MENA program. In a culture where there isn't even a term for LGBT, producing glossaries for journalists on how to respectfully cover issues related to gender identities or perceived to be not gender conforming is extremely helpful. They have been successful in

changing the language, but as Marianne pointed out, "We didn't get from 'faggot' to 'LGBT' in one year!" It takes time to change language and culture.

Jean responded by suggesting to take a close look at the relationship between regional and international advocacy efforts in order to bring home the change. In her organization's case, the government responded to them within the legal framework when they were able to reference CEDAW and CRC as a challenge to their existing constitution. So, additional support for strategic litigation would be useful. Constitutional challenges are very expensive, costing $90,000 just to get into court. In their economically progressive yet socially regressive society, even just support to visit the United Nations is very useful.

Another participant asked the panelists to dive deeper. What are the early warning signs? Is it states becoming more conservative or pro-family groups becoming more effective? Or a combination of both?

Marianne responded that it is a combination of both states becoming more conservative and pro-family groups becoming more effective. She believes that groups are not doing enough to take advantage of their positioning at the United Nations and potential alliances, and that people are too worried that their initiatives will be blocked by Northern countries when they try to push for development policies that are reflective of diversity and inclusive of populations. For example, she commented on Cuba leaving the room during a voting session. This was not a deliberate act against LGBT because they don't want to lose their alliance with South Africa, but they also didn't want to piss off Russia. She suggests that within this dynamic, there is room for governments and groups to push for diverse family rights within a development framework.

In response to pro-family groups becoming more effective, Camila suggested that perhaps they are more organized and focused, whereas activists are a bit more disorganized and each work within varying fields. She also added that pro-family groups use social media a lot, and that they often lie. And lastly, what moves our community is human rights, but what moves their community is God's message.

Marianne added that within the Human Rights structure at the United Nations there exists the Universal Periodic Review as a venue for governments to receive criticism. Special rapporteurs are very accessible. They all have a mandate to receive individual complaints, including systematic complaints. So, they can be commissioned to enter in a dialogue with governments on specific cases. She also reiterated that being able to talk to your government official in Geneva, when they have nothing else to do, is extremely helpful. If they commit there, that's how you bring it home.

In regards to the Universal Periodic Review, the Human Rights Council will review the human rights record of every country. States and civil society members are able to send in information. Other countries within the council will ask questions of that country within this review process. For example, how do you plan to protect the rights to the highest standard of health when you're criminalizing men who have sex with men? That is an example of a recommendation that may be adopted by the council. The state then has the ability to accept some of the council's recommendations but not reject others.

Another participant asked if any public research was being done on strategies and their effectiveness, and Marianne shared that she would be worried those ideas would be co-opted by the "antis" and re-structured in their own vein. As such, sharing research on strategic effectiveness may cause more harm than good.