



OUTRIGHT INTERNATIONAL

Questionnaire for Civil Society Organizations (CSOs) and human rights defenders, by the UN Special Rapporteur on the situation of human rights defenders Mary Lawlor, 2022

Introduction

Outright International (“Outright”) is pleased to submit input on the positive change achieved by human rights defenders in advance of the 25th anniversary of the adoption of the UN Declaration on Human Rights Defenders. Outright is dedicated to working with partners around the globe to strengthen the capacity of the LGBTIQ human rights movement, document and amplify human rights violations against LGBTIQ people, and advocate for inclusion and equality. Founded in 1990, with staff in over a dozen countries, Outright works with the United Nations, regional human rights monitoring bodies, and civil society partners. Outright holds consultative status at the United Nations, where it serves as the secretariat of the UN LGBTI Core Group.

Questions FOR CIVIL SOCIETY ORGANISATIONS and HUMAN RIGHTS DEFENDERS

1. Have you, or other human rights defenders, played a role in achieving a small victory and/or positive systemic change in your region/country which has led to sustained improvements in the human rights of others? If so, please provide examples.
 - On February 16, 2022, the Kuwaiti Constitutional Court overturned article 198 of the penal code, which arbitrarily criminalizes “imitating the opposite sex,” unconstitutional, because it violates article 30 of Kuwait’s Constitution, which guarantees personal freedom.
 - Several legal reforms were passed by the Sovereign Council of Sudan on July 2020, including banning female genital mutilation, flogging, and removal of an apostasy law that punished the abandonment of Islam with death by stoning. Sudan’s decision to lift the death penalty and flogging as punishment affected article 148, “Sodomy law,” which criminalizes same-sex relations.
 - The National Council of the Medical Order in Tunisia issued a statement on April 3, 2017, calling for doctors to cease conducting forced anal and genital examinations. The move is an important step toward ending degrading, discriminatory, and unscientific “testing” for evidence of homosexual conduct.
 - The Tunisian LGBTQ movement, during the Tunisian UPR process, worked on a recommendation to stop anal testing on homosexuals. In 2017, Tunisian Minister of Human Rights Mehdi Ben Gharbia accepted this recommendation and pledged that his country would no longer force gay people to take this test.

2. How did you or other human rights defenders achieve these improvements and what has been the impact on those whose rights were improved?

Through continuous work on advocacy and capacity building of LGBTIQ activists in the countries of the Middle East and North Africa, media campaigns, and networking and building partnerships with human rights activists and feminist and human rights organizations, a climate for social change and an appropriate environment has been created to improve legal or social conditions for LGBTIQ communities in some countries. For example, in the case of Tunisia, the success of the actions at the level of the United Nations is the result of a real construction of an alliance composed of the LGBT movement, feminists, and other different civil society organizations. The union of these components has therefore demonstrated their ability to change things for the positive.

3. Were you or other human rights defenders subjected to risk while working to bring about this change? Please state what kind of risk.

Activists working on sexual orientation and gender identity and expression "SOGIE" issues in the MENA region are constantly exposed to severe risks because of their work, first because of legal criminalization and second because of societal rejection. These risks may range from physical or moral violence, torture, kidnapping, persecution, discrimination, imprisonment, arbitrary arrests, family disowning, and murder, among other threats to their lives and bodily integrity.

In the MENA region, visibility is always a two-edged sword. Whenever LGBTIQ activists in the region openly make demands on SOGIE rights, they suffer violent attacks, including death threats, from authorities, society, and religious institutions.

4. Who (eg Government agencies, NHRIs, other NGOs, INGOs, international mechanisms, media) supported and protected you other human rights defenders in achieving this change? What did they do?

It's a case-by-case scenario; there are always agencies that assist activists working on issues of sexual orientation, gender identity, and expression in the Middle East and North African countries. In many cases, there is support provided by local, regional, and international human rights organizations. In other instances, friendly governments offer support through their foreign ministries or embassies in the region's countries. In other cases, journalists shed light on these issues, which contributes to improving the situation.

5. What actions do you suggest the Special Rapporteur can take to:
 - a. Assist human rights defenders to achieve successes similar to the ones you achieved or have seen?

- Urging the provision of financial support and capacity-building to human rights activists working on SOGIE issues plays a significant role in their ability to perform their work effectively.
- Provide support for holistic safety programs, including digital security, personal safety, and psychological well-being, and rapid support funds for LGBTIQ human rights activists,
- Providing spaces for networking and exchanging experiences between LGBTIQ human rights activists.
- Strengthen the technical capacities of local LGBTIQ activists on the documentation and reporting of violations because these documentations are an essential condition for the process of change towards obtaining rights

b. Encourage States and businesses to provide an environment to enable other human rights defenders to achieve successes similar to the ones you achieved or have seen?

- Urge governments to improve the human rights situations in the MENA countries.
- Collect information to investigate and write reports on human rights violations in the MENA countries and share them widely for accountability and advocacy.
- Encouraging companies and businesses to provide social responsibility programs that support LGBTIQ communities and human rights activists working on SOGI issues and their work programs
- Encourage relevant entities to create safe spaces for activists to reduce the risks these activists face.