

## **THE COALITION OF LGBTTTI ORGANIZATIONS FROM 17 LATIN AMERICAN AND CARIBBEAN COUNTRIES WORKING WITHIN THE OAS SUPPORTS THE APPROVAL OF THE THIRD RESOLUTION ON HUMAN RIGHTS, SEXUAL ORIENTATION AND GENDER IDENTITY**

The Organization of American States (OAS), convened in its 40<sup>th</sup> General Assembly in Lima, Peru, approved today a resolution on human rights, sexual orientation and gender identity in the countries of the Americas.

This resolution is the result of the advocacy and coordination activities realized in the past four years by more than 20 LGBTTTI groups of 17 countries forming a Coalition of Latin America and the Caribbean, that meets every year before the General Assembly to coordinate its advocacy work within the OAS.

As usual, the coalition held a parallel event in preparation to the General Assembly to discuss strategies of involvement and advocacy within the OAS and more specifically during the 40<sup>th</sup> General Assembly. Guest participants at the event included Ambassador Santiago Canton, Executive Secretary of the Inter-American Commission on Human Rights who expressed the commitment of the body in monitoring human rights violations on the grounds of sexual orientation and gender identity and offered an overview of the remedies available for the LGBTTTI communities in the region; Dante Negro, director of the Department of International Law of the OAS, who offered a detailed legal analysis of the draft resolution "Human Rights, Sexual Orientation and Gender Identity" and highlighted the achievement obtained within the OAS on the issue; Irene Klinger, director of the Department of International Relations of the OAS, who highlighted the importance of the involvement of LGBTTTI civil society in all processes of the Organization, and particularly in its 40<sup>th</sup> General Assembly. A delegation of UNAIDS Peru also attended the meeting.

During the informal dialogue between the Secretary General of the OAS and the civil society in Lima, three delegates from the LGBTTTI coalition questioned Secretary General José Miguel Insulza on some of the most relevant human rights violations occurring in the hemisphere, such as: the existence of legislation criminalizing same sex conducts in the English-speaking Caribbean and the related human rights abuses; human rights violations committed against the travesti, transsexual and transgender communities, as well as the lack of legal recognition of gender identity, by most of the member states; the restrictive trend that Peru is taking on the issue, specifically by having repealed reference to sexual orientation and gender identity from antidiscrimination clauses of several pieces of legislation. Mr. Insulza, recently re-elected for a second mandate to lead the Organization, confirmed and reiterated his commitment and the commitment of the Organization to keep engaging with the aim of combating discrimination on grounds of sexual orientation and gender identity.

The day after, in the context of the dialogue between the heads of delegations of member states and the civil society, Sherlina Nageer, Guyanese activist and representative of the Society against Sexual Orientation Discrimination, read a statement as spokesperson of the coalition in which activists from Chile, Argentina, Colombia, Peru, Dominican Republic, Paraguay, Brazil, Ecuador, Haiti, Guyana, Jamaica, and Belize reiterated to the ministers of foreign affairs the concerns already discussed on the previous day, additionally requesting member states to amend their domestic violence legislation to include the issue of violence experienced by lesbian and trans women within their families.

The Ambassador of Brazil to the Organization of the American States focused his intervention on the fight against homophobia reminding of the initiative that president Lula of Brazil recently undertook by officially establishing May 17<sup>th</sup> as national day against homophobia.

Brazil also reminded of their sponsorship of the draft resolution "Human Rights, Sexual Orientation and Gender Identity".

During the Assembly, the delegates from the LGBTTTTI coalition had a chance to have a formal meeting with Felipe Gonzalez, current Chairperson of the Inter-American Commission on Human Rights to discuss human rights violations based on sexual orientation and gender identity in the hemisphere.

On June 8<sup>th</sup>, during the last plenary session, the Annual Report of the Permanent Council (2009-2010), which contains the resolutions approved by the Permanent Council itself was presented. Among those, the resolution AG/RES. 2600 (XL-O/10) "Human Rights, Sexual Orientation and Gender Identity" was adopted. Its text ratifies what was established in the previous years by the resolutions AG/RES.2435 (XXXVIII-O/08) and AG/RES. 2504 (XXXIX-O/09) entitled "Human Rights, Sexual Orientation and Gender Identity".

The new resolution, presented by Brazil and co-sponsored by Bolivia, not only condemns acts of violence and human rights violations perpetrated against individuals because of their sexual orientation and gender identity, and expresses its concern for violence against human rights defenders that work on related violations, but calls on member states to take all necessary measure to combat violations on grounds of sexual orientation and gender identity, ensuring full access to justice to the victims, and request the Inter-American Commission on Human Rights to consider the possibility of conducting a thematic study.

For the first time, the resolution includes the notion of discrimination on grounds of sexual orientation and gender identity, inviting the states to adopt measures against it.

As a Coalition, we celebrate the approval of this third resolution that we consider one of the tangible results of the advocacy work started in 2006 by Global Rights, Mulabi - Espacio Latinoamericano de Sexualidades y Derechos and IGLHRC - LAC, by coordinating the creation of this coalition that initially focused its work on the advocacy for the inclusion of sexual orientation, gender identity and expression in the draft Inter-American Convention against Racism and all Forms of Discrimination and Intolerance.

We thank Astraea Lesbian Foundation for Justice, the International Gay and Lesbian Human Rights Commission, and Global Rights for their support to make sure our participation to this General Assembly.

The participants of the Coalition of LGBTTTTI Organizations of Latin America and the Caribbean within the OAS were:

AIREANA - Camila Zabala - Paraguay, COLECTIVA MUJER y SALUD - Julie Betances - Dominican Republic, COLECTIVO "ANGEL AZUL"- RED LACTRANS - Jana Villaizán - Peru, COLECTIVO CONTRANATURAS - Paúl Flores Arroyo - Peru, CORPORACIÓN PROMOCIÓN DE LA MUJER - Tatiana Cordero - Ecuador, IGLHRC-LAC - Fernando D'Elio - Argentina, ASOCIACIÓN LIDERES EN ACCION - Germán Rincón Perfetti - Colombia, MOVIMIENTO HOMOSEXUAL DE LIMA - Giovanni Romero Infante - Peru, MOVIMIENTO MANUELA RAMOS - Eduardo Jesus Juarez Villafuerte - Peru, ORGANIZACIÓN DE TRANSEXUALES POR LA DIGNIDAD DE LA DIVERSIDAD - Franco Fuica - Chile, PROMSEX - George Liendo - Peru,

RED AFRO LGBTI - Edmilson Medeiros - Brazil, J-FLAG - Maurice Tomlinson - Jamaica, RED LACTRANS - Marcela Romero - Argentina, SENTIMOS DIVERSO - Zulma Quintero - Colombia, SEROVIE - Steeve Laguerre - Haiti, SOCIETY AGAINST SEXUAL ORIENTATION DISCRIMINATION- Sherlina Nageer - Guyana, UNIBAM - Devon Gabourel - Belize.

As Coalition partner: Stefano Fabeni - Global Rights

Lima, June 8<sup>th</sup>, 2010

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**LIMA DECLARATION OF THE COALITION OF LESBIANS, GAYS, BISEXUALS, TRAVESTI, TRANSEXUALS, TRANSGENDERS AND INTERSEX OF THE AMERICAS.**

Mister Secretary General, Ministers, Members of the Official Delegations, Civil Society Representatives,

We, the Lesbian, Gay, Bisexual, Travesti, Transsexual, Transgender and Intersex organizations, convened in Lima, Peru on June 3<sup>rd</sup> and 4<sup>th</sup>, 2010, in accordance with the directives established by the General Assembly of the OAS in its resolutions AG/RES.2092(XXXV-O/05); CP/RES.759(1217/99); 840(1361/03); AG/RES.1707(XXX-O/00) and AG/RES.1915(XXXIII-O/03), which determine a regulatory framework to enhance and strengthen civil society participation in OAS activities and in the Summit of the Americas process, highlighting the importance of the resolution AG/RES. 2504 (XXXIX-O/09)

Express our concern that the draft Declaration of Lima does not substantively link the notions of peace and security to the promotion of human rights and non-discriminatory policies, based on sexual orientation, gender identity and expression, nor for people of African descent, the indigenous, women, youth, migrants, the elderly, persons living with disabilities or in poverty.

Policies for economic and social development must be related to wellbeing and affirmation of human rights. We are therefore alarmed about the introduction of legislation that removes protection for individuals based on sexual orientation, gender identity and expression, as well as the breach of the principle of State secularism, particularly concerning institutional policies and practices.

We emphasize that neither peace nor security are possible if everyone does not have a right to develop a plan for their life, and enjoy fundamental rights and freedoms protected by states.

This is the case of lesbian women, blackmailed by their families and forcibly confined in "rehabilitation" clinics, threatened and raped as corrective practice, denied the right to education and economic independence, deprived of custody of their children, whom are also affected by prejudice and discrimination.

Similarly, colonial laws still in force in ten English-speaking Caribbean countries criminalizing cross-dressing, buggery, gross indecency, acts against the order of nature allow for violence, harassment, intimidation, brutality and other human rights violations by state and non-state actors. Examples include home invasions, expulsions from homes, communities, and school.

Also, transsexual, transgender, travesti and intersex persons are deprived of legal recognition of their gender identity, obliged to “normalize” their bodies, even through forced sterilization and mutilations, which may occur in early childhood. Their rights to health, housing, work, and education are thus jeopardized, as is their full enjoyment of citizenship.

Therefore, we demand:

- That member states of the English-speaking Caribbean repeal all legislation criminalizing relationships between same-sex consenting adults which limit the free development of their personalities;
- That all member states introduce legislation to protect, guarantee and promote equality of individuals regardless of their sexual orientation, gender identity and expression;
- That all member states revise their domestic violence legislation to include violence experienced by lesbian, transgender and transsexual women within their own families;
- That member states reform educational policies starting from primary school, in an effort to combat violence caused by gender stereotypes, which particularly affect transsexual, transgender, travesti and intersex individuals;
- That the General Assembly approves the draft Resolution AG/doc. 5091/10 “Human Rights, Sexual Orientation and Gender Identity” presented by the Brazilian Delegation, whose initiative we fully endorse;
- That the General Assembly approves the draft Resolution AG/doc. 5097/10 “Draft Inter-American Convention against Racism and all Forms of Discrimination and Intolerance” and that Member States finalize the negotiation of the draft accepting the progress achieved during the past years.

We call attention to the omission and inaction of states in guaranteeing our physical, psychological, sexual and reproductive integrity, our legal security and access to justice. States owe a debt to our communities: end impunity now!

Lima, June 6<sup>th</sup>, 2010

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AG/RES. 2600 (XL-O/10)

HUMAN RIGHTS, SEXUAL ORIENTATION, AND GENDER IDENTITY

(Adopted at the fourth plenary session, held on June 8, 2010)

THE GENERAL ASSEMBLY,

TAKING INTO ACCOUNT resolutions AG/RES. 2435 (XXXVIII-O/08) and AG/RES. 2504 (XXXIX-O/09), “Human Rights, Sexual Orientation, and Gender Identity”;

REAFFIRMING:

That the Universal Declaration of Human Rights affirms that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in that instrument, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status; and

That the American Declaration of the Rights and Duties of Man establishes that every human being has the right to life, liberty, and the security of the person;

CONSIDERING that the Charter of the Organization of American States proclaims that the historic mission of America is to offer to man a land of liberty and a favorable environment for the development of his personality and the realization of his just aspirations;

REAFFIRMING the principles of universality, indivisibility, and interdependence of human rights;

TAKING NOTE of the Declaration on Sexual Orientation and Gender Identity, presented to the United Nations General Assembly on December 18, 2008; and

NOTING WITH CONCERN the acts of violence and related human rights violations as well as discrimination practiced against persons because of their sexual orientation and gender identity,

RESOLVES:

1. To condemn acts of violence and human rights violations committed against persons because of their sexual orientation and gender identity; and to urge states to investigate these acts and violations and to ensure that their perpetrators are brought to justice.

2. To encourage states to take all necessary measures to ensure that acts of violence and related human rights violations are not committed against persons because of their sexual orientation, gender identity, and to ensure that the victims are given access to justice on an equal footing with other persons.

3. To encourage member states to consider ways to combat discrimination against persons because of their sexual orientation and gender identity.

4. To urge states to ensure adequate protection for human rights defenders who work on issues related to acts of violence, discrimination, and human rights violations committed against persons because of their sexual orientation and gender identity.

5. To request the Inter-American Commission on Human Rights to continue to pay due attention to this issue and to consider the possibility of conducting a thematic study of it at the hemispheric level.

6. To instruct the Committee on Juridical and Political Affairs (CAJP) to include on its agenda, before the forty-first regular session of the General Assembly, the topic of "Human rights, sexual orientation, and gender identity."

7. To request the Permanent Council to report to the General Assembly at its forty-first regular session on the implementation of this resolution. Execution of its activities shall be subject to the financial resources available in the program-budget of the Organization and other resources.