



I G L H R C

OUTSPOKEN

SUMMER 2012

INTERNATIONAL GAY & LESBIAN HUMAN RIGHTS COMMISSION
HUMAN RIGHTS FOR EVERYONE. EVERYWHERE.

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FOCUS ON AFRICA 2012

AFRICAN ACTIVISM ADVANCING

While there has been significant progress on lesbian, gay, bisexual and transgender (LGBT) rights globally, backlash against the increasing visibility and growing strength of African LGBT communities has led to persistent violence and discrimination. LGBT Africans endure discrimination in housing, education, employment and even the family. Too often, they also face arbitrary arrest, detention, and even death.

Thirty-eight African countries criminalize homosexuality in either explicit terms or in vague language related to morality and "offenses against the order of nature" which can be used to target anyone perceived to be different, including transgender and intersex Africans. To date, South Africa is the only African country to have decriminalized homosexuality, and in the last few years, efforts to impose or increase criminal penalties against LGBT individuals have emerged in Burundi, Nigeria, Rwanda, Cameroon, Malawi and Uganda.

Despite these seemingly daunting circumstances, the resilience of the LGBT communities is evidenced in a growing LGBT movement across Africa that is making change possible. 🌍

A LOOK AT AN IGLHRC FELLOW: VAL KALENDE, HUMAN RIGHTS DEFENDER, UGANDA



"Today I stand here with a message from the LGBT community in Uganda to let you know that things are getting better."

One year after the horrific murder of Ugandan LGBT activist David Kato, one activist insists that today things are getting better. Val Kalende is a survivor, a leader, and an inspiration. She helped launch **Freedom and Roam Uganda (FARUG)**, the only lesbian organization in Uganda, and is in the leadership of **Sexual Minorities Uganda (SMUG)**, a coalition of LGBT groups. Because of her activism, she has been jailed, attacked, and defamed; yet she continues to be a tenacious activist. She spoke in the United States at the National Conference on LGBT Equality: Creating Change about the inspiring resilience of African LGBT Activists. <http://bit.ly/PTFlpM> (See more on Paula Ettelbrick Interns and Fellows inside) 🌍

MALAWI: DECRIMINALIZATION IN PROGRESS

Last October, Malawians had a golden opportunity. The UN Human Rights Committee, a body of independent experts monitoring the implementation of the *International Covenant on Civil & Political Rights*, one of the seminal treaties of the United Nations, was scheduled to review the Government of Malawi.

Given that within the past few years, the human rights situation in Malawi had deteriorated significantly, activists seized upon this opportunity to talk about the policing of free speech in the classroom, the targeting of journalists, the killing of unarmed peaceful protestors, and the incarceration of at least one LGBT couple for their partnership.

In response, the Center for the Development of People (CEDEP) and the Center for Human Rights and Rehabilitation (CHRR), along with IGLHRC, documented the human rights situation in Malawi in a shadow report (explanation below) to the Human Rights Committee. LGBT rights violations were documented in an omnibus report about the full human rights situation, thus adding to their legitimacy. CEDEP, IGLHRC and activists from other organizations traveled to the session in Geneva to present the report.

The Government of Malawi, perhaps afraid of its own failings, refused to submit its mandated periodic report to the Committee. In response to outrage by CEDEP, IGLHRC, and other civil society groups, the Human Rights Committee made a landmark procedural change. It determined that countries that do not submit their mandated periodic reports will still be reviewed, the review shall be public, and the Committee's concluding observations (the Committee's equivalent of a judgment in a court of law) would be public. This was a historic change! <http://bit.ly/yjhoW9> 🌍

Good news: In May 2012, Malawi's newly elected president, Joyce Banda, announced her intention to decriminalize sodomy. The work of LGBT human rights defenders from Blantyre and Lilongwe who presented the shadow report to the UN Human Rights Committee contributed to a climate of international accountability that propelled this leap forward. <http://bit.ly/MQr7r2> 🌍



Photo Courtesy of Melanie Nathan & Gay Flag of South Africa

LGBT communities around the world marked the International Day Against Homophobia and Transphobia (IDAHO). In South Africa, where some conservative elected officials are calling for the removal of LGBT constitutional protections, LGBT activists marched in protest.



A MESSAGE FROM JESSICA STERN ACTING EXECUTIVE DIRECTOR

Friends,

In this issue of *Outspoken*, we welcome and introduce you to the International Gay and Lesbian Human Rights Commission's new Africa Regional Program Coordinator, Damian Ugwu. We dedicate our attention to Africa in this issue to celebrate Damian's new efforts and to bring attention to the vibrant work by local activists underway. You'll find articles about the challenges they face, the work we have done together, and the progress being made. We're proud to collaborate with African LGBT human rights defenders who are building stronger communities rooted in dignity, safety and liberation.

We also give you snapshots from the other three regions where we are most actively engaged: Asia and the Pacific Islands, Latin America and the Caribbean, and the Middle East and North Africa.

How are you strengthening your own LGBT community? How can we help? Let me know at iglhrc@iglhrc.org.

Thank you for your on-going friendship and support of the International Gay and Lesbian Human Rights Commission.

With warmth and solidarity,

Jessica Stern

Acting Executive Director

LIBERIA: WORKING TO PREVENT ANTI-LGBT LEGISLATION



PHOTO: Broad support for President Sirleaf, including flying the LGBT pride flag. <http://bit.ly/GXnEly>

When egregious anti-LGBT legislation which would prohibit and criminalize same-sex marriage as well as impinge on the rights of association, assembly and advocacy, was proposed in the West African nation of Liberia, IGLHRC convened 30 Liberian activists to develop an immediate strategy to protecting LGBT Liberians. That strategy was summarized in an op-editorial, "Securing a Safe Place for All Liberians," which called for President Sirleaf's support and appeared in Liberian and U.S. publications. Subsequently, President Sirleaf came forward with a statement clarifying her position on LGBT rights, including a pledge to "never condone discrimination against any group."

PARTICIPATE IN THE IGLHRC COMMUNITY:

<http://tiny.cc/actionalerts> <http://iglhrc.wordpress.com>

[fb.com/iglhrc](https://www.facebook.com/iglhrc)

[@iglhrc](https://twitter.com/iglhrc)



A MESSAGE FROM DAMIAN UGWU

It is with great enthusiasm that I present myself to the International Gay and Lesbian Human Rights Commission staff, activists and partners around the world. On May 1st, I joined the IGLHRC as Regional Program Coordinator for Africa. In a nutshell, my job is to drive the vision of IGLHRC in Africa. It is a job I wholeheartedly accept.

The LGBT rights advocacy landscape in Africa has changed considerably in the last few years. Change is happening at a fast pace. Despite the repressive climate, LGBT activists across the continent are getting bolder. In Nigeria, Liberia and Uganda, some parliamentarians are bent on reversing democratic gains by trying to further criminalise homosexuality and LGBT rights activism. In South Africa, a group is trying to roll back the hand of time by attempting to remove the term "sexual orientation" from the Constitution. Elsewhere across the continent - in Cameroon, Zimbabwe, and Ghana - the story is no different.

As a gale of homophobic and transphobic legislation spreads across the African continent, as politicians seek to divert the attention from socio-economic crises by inciting "moral panic," we are called to do everything we can, to resist oppression and discrimination in all of its ramifications.

These developments mean that more battles will be fought in the coming years. But we are prepared for it. As I join IGLHRC, I am convinced that our collective vision of creating a world free of discrimination and hate is possible.

SHADOW REPORT: ZIMBABWE

When the UN Committee for the Elimination of All Forms of Discrimination Against Women (CEDAW), the committee of independent experts charged with monitoring the UN convention by the same name, was scheduled to review the Government of Zimbabwe, the Gays and Lesbians of Zimbabwe (GALZ), assisted by IGLHRC, wrote and submitted a shadow report. *Discrimination against Women in Zimbabwe based on Sexual Orientation and Gender Identity* found that "Lesbian, bisexual and transgender (LBT) people living in Zimbabwe are confronted by systemic discrimination on a daily basis by the patriarchal hegemony that prevails within communities and primarily instituted by the State." With IGLHRC's support, two lesbian activists from GALZ traveled to the UN in January 2012 to present the report and hold their government accountable on the international stage. <http://bit.ly/yw8rE8>

What is a Shadow Report? International treaty bodies require state signatories to submit periodic reports about the implementation of the treaty's principles. Based on state reports and information gathered by committee experts, the treaty body Committee develops a list of questions regarding the status of rights in that country. State Parties often provide written response to those questions ahead of the official review session. The Committee accepts reports from civil society groups regarding the human rights situation in that country. These reports submitted by non governmental organizations (NGOs), such as IGLHRC and our colleagues, are known as shadow reports. <http://bit.ly/zgoOsV>

RESEARCH AND PUBLICATIONS



The IGLHRC anthology, *Nowhere to Turn: Blackmail and Extortion of LGBT*

People in Sub-Saharan Africa, investigates the problem of blackmail and extortion of LGBT people in Africa. The anthology illustrates how LGBT Africans are made vulnerable by the criminality of homosexuality and the stigma they face if their sexuality is revealed. *Nowhere to Turn* urges States to take concrete steps to reduce the rampant problem of blackmail and extortion of LGBT people by decriminalizing homosexuality and ensuring that all people are able to access the justice system. <http://bit.ly/i8L1yX>

UPDATE CAMEROON: THREAT OF VIOLENCE AGAINST LGBT COMMUNITY ON THE RISE



In recent months, there has been an escalating risk of violence against the LGBT community and human rights defenders in Cameroon. According to reports activists gave to Damian Ugwu, one such attack came during a gathering to mark this year's International Day Against Homophobia (IDAHO) celebrations in the capital of Yaoundé. The gathering was part of a week of events with the goal of providing a forum where young LGBT artists could "pass along a positive message to the community."

Eyewitnesses report that the gathering of LGBT organizations -- meant to be an occasion for a fashion show, awards, songs, presentations, and dances -- was interrupted by approximately 10 men from the Nkomo neighborhood who heard of what they termed "a gathering of fags." Chanting, "We must stop this. We don't want them here," they attacked the activists. News spread through the neighborhood and their numbers grew. One of the meeting organizers reported that, "nearly two dozen people were nearly beaten to death. The abusers themselves said they wanted to do away with them."

The organizers were afraid to contact the police. In the past, rather than taking steps to protect LGBT individuals, the police have encouraged violence and arbitrarily arrested (and charged) men with sodomy. This latest incident highlights the growing intolerance against the LGBT community in Cameroon and government unwillingness to address the problem.

Early in March, armed police broke up a planned three-day meeting on HIV/AIDS and so-called sexual minorities organized by the Association of Adolescents Against HIV/AIDS (Sid'Ado). A government official, Martin Locko Motassi, told the gathering, "[It is] a seminar on the rights of sexual minorities. We don't accept that here, go and do it elsewhere."

Homophobia in Cameroon is endemic and state sanctioned. Section 347a of the penal code states: "Whoever has sexual relations with a person of the same sex shall be punished with imprisonment from six months to five years and with a significant fine." For more see our co-authored report on homophobia in *Cameroon: Criminalizing Identities Rights Abuses in Cameroon based on Sexual Orientation and Gender Identity*. <http://bit.ly/98g9k9>

"Ebitwawula byebitugatta" – Luganda saying "our differences should not divide but unite us."

ARE YOU A BOY OR A GIRL?

Are you a boy or girl? The age-old question never saw the light of day at the *Trans Health and Advocacy Conference*, organized by Gender Dynamix and sponsored by IGLHRC.



The result of exhaustive planning, the conference took place November 25 – December 1, 2011 in Cape Town, South Africa. It brought together 144 delegates, including: researchers; doctors; plastic surgeons; sex workers; activists; the partners of transwomen and transmen; gender non-conforming persons; national, regional and international NGOs; South African government officials; as well as international development agencies and donors such as the World Health Organization (WHO) and UN Development Program (UNDP). Its themes were varied and included South African and international perspectives on transgender health, legal recognition, youth-specific needs, HIV-prevalence among transgender people, and indigenous knowledge systems of transgender Africans. The conference format created space for different

learning styles, including panel presentations, group discussions, and breakout workshops.

IGLHRC's contributions were diverse and included both technical support and a financial support. Some of the highlights include: facilitating the participation of 25 low-income South Africans through sponsorship; identifying and sponsoring the participation of transgender African activists from other countries: Namibia, Botswana, and Nigeria; planning pre- and post-conference community events in Soweto and Cape Town; and delivering a keynote address at the conference.

The conference created a space for information exchange and learning for transgender African activists. It helped inspire better organizing and new organizations. It excavated community histories that refute the argument that trans Africans are "new" or "Western." It sensitized the donors present to the needs of transgender African persons, including WHO and UNDP. It sensitized medical providers to think of transgender individuals in terms of complex and holistic needs. It helped build alliances with influential members of the South African government, for instance the Chief Director of the Maternal and Women's Health Division for the National Department of Health.

Through open discussions, the conference paved a path of hope and agency for transgender Africans. 🌈

PAULA ETTLEBRICK FELLOWSHIP AND INTERNSHIP FUND



The Paula Ettelbrick Fellows and Interns Fund was named in honor of the International Gay and Lesbian Human Rights Commission's third Executive Director who guided our ship from 2003 to 2009. On October 7th, 2011, our movement lost a friend, innovative thinker, LGBT advocate and leader to cancer. But Paula's legacy lives on.

The Inaugural Class: Throughout the summer Derek Demeri, Pedro Garcia, Catherine Hoge and Ginette Sims have worked side by side with IGLHRC staff, mentors and human rights defenders with whom we partner from the Asia and the Pacific Islands, Latin America and the Caribbean, and the Middle East and North Africa. They are learning by doing. Our goal is that being an Ettelbrick Fellow or Intern be a rewarding and unique opportunity; an experience with lasting impact.



Derek Demeri, just completed his first year at Rutgers University.



Pedro Garcia, is currently pursuing a master's degree in political science and communications at the Paris Institute of Political Studies.



Catherine Hoge, graduated from UC Berkeley and begins her second year at Harvard Law School in the fall.



Ginette Sims, is entering her senior year at Williams College where she studies Anthropology.

Complete bios at <http://bit.ly/L5Mvop> 🌈

LATIN AMERICA AND CARIBBEAN

Chile: In March, we witnessed a major victory: Chilean lesbian judge **Karen Atala** won her eight-year child custody battle with a precedent-setting decision by the Inter-American Court of Human Rights. We authored legal briefs to the Court as well as the Inter-American Commission for Human Rights that were co-signed by many fellow human rights organizations. Karen Atala's case established that the *American Convention on Human Rights* prohibits discrimination on the basis of sexual orientation or gender identity.



Karen Atala

In **Argentina**, human rights advocates celebrated the May 9th passage of the most progressive gender identity law in world history. The law gives self-identified transgender people access to critical services without the need for medical intervention. Jessica Stern said **"Argentina has set a new benchmark for protecting and recognizing the human rights of transgender individuals."**

In **Guyana**, *Human Rights Violations of Lesbian, Bisexual, and Transgender (LBT) People in Guyana*, a shadow report jointly drafted by Guyana RainBow Foundation (GuyBow), the International Gay and Lesbian Human Rights Commission (IGLHRC), and the Society Against Sexual Orientation Discrimination (SASOD) was presented before the Committee on the Elimination of Discrimination against Women ("CEDAW Committee") on July 9 by Guyanese



human rights defender **Sherlina Nageer**. <http://bit.ly/RX7rmu>

Sherlina Nageer

In **Guatemala**, we are focused on the need to improve the safety of transgender women.

According to some local activists, as many as 30 transgender individuals were killed from 2009 to 2010. We documented these conditions in a shadow report with Guatemalan partner organization Organización Trans Reinas de la Noche Organización (OTRANS), regional organization Red Latinoamericana y del Caribe de Personas Trans (RED LACTRANS), and two other American organizations. IGLHRC



Johana Ramirez

sponsored **Johana Esmeralda Ramirez** of OTRANS to travel to the United States to present the report to the international community at the 104th session of the UN Human Rights Committee. 🌈

ASIA AND PACIFIC REGION

In February 2012 in **Indonesia**, the IGLHRC website was banned and labeled "pornographic." Our response: **"Oppressive governments cannot stop the tide of LGBT voices—whether they be on the Internet, in the media or on the streets."**

Grace Poore, IGLHRC Regional Program



Grace Poore

Coordinator for Asia and the Pacific Islands, returned from **Thailand** in April with horrific news about fifteen killings of lesbians and trans that the Thai police dismissed over the past six years as "love gone sour." In

a **Huffington Post** commentary and press statement, we called for an immediate and transparent investigation. Working closely with local Thai human rights defenders, we documented the details of the violence these women faced in a letter to Thai government officials, saying "Signing treaties is not enough. Upholding human rights takes more."

IGLHRC, with partners in **five South East Asian countries**, is conducting a large-scale study of violence against lesbian, bisexual woman and transgender people. The issue, long a taboo subject, was addressed at a panel at the 56th session of the **United Nations Commission on the Status of Women** in March 2012. The panel, co-sponsored by IGLHRC, titled *"End Violence And Discrimination On Sexual Orientation And Gender Identity: Activism And Challenges,"* drew a standing room crowd. During the panel, activist Jay Kuru of Sri Lanka told the story of an 18-year-old girl whose parents abused her because they suspected she was having a relationship with another girl and another story of a masculine-identified transgender person who was "outed" to his employer and his parents when a doctor discovered he was biologically female. The panelists concurred on several points: there is too little information about LBT women within the UN system. Documentation of human rights violations is critical to progress. 🌈



Jay Kuru

MIDDLE EAST AND NORTH AFRICA

Iran: With the **Iranian Queer Organization (IRQO)** Hossein Alizadeh, IGLHRC Regional Program Coordinator for the Middle East and North Africa, and Iranian by birth, traveled to Geneva to present a joint shadow report to the 103rd session of the UN Human Rights Committee. <http://bit.ly/zgo0sV>. The Committee's concluding observations stated unequivocally to Iran that there are no excuses for denying people their human rights based on sexual orientation or sexual identity and called for the Iranian government to act to immediately eliminate systematic discrimination against LGBT people and repeal or amend discriminatory legislation. <http://bit.ly/pZmQ5V>

Other News:

Listen to Hossein Alizadeh at: <http://bit.ly/z7GHrc>; read more in *The Economist* (<http://www.economist.com/node/21546002>)

Turkey: IGLHRC Submits Shadow Report to the International Covenant on Civil and Political Rights <http://bit.ly/s1tQoz>

Iraq: IGLHRC Demands Iran Investigate 'Emo' Attacks <http://bit.ly/wiM6dD>



Hossein Alizadeh

Could the Arab Spring lead to increased LGBT Human Rights?

On December 10, 2011, in celebration of International Human Rights Day, IGLHRC, Human Rights Watch, and a group of LGBT-friendly missions to the UN organized a side event at the UN entitled, *Stop Bullying: Ending Violence and Discrimination on the Basis of SOGI*. A speaker from the Coalition of Sexual and Bodily Rights in Muslim Countries raised the issue of youth's role in the Arab spring and the future of LGBT rights, saying,

"The youth of the Arab world have been for the past year transforming states, toppling dictators, figuring out their visions of democracy. The question everywhere is how will these changes affect social justice, LGBT rights, women's rights, and human rights? Will there be space for new, young voices to come out or will the recent quests for democracy and human rights be taken over by ruling parties as conservative – or even more so – than the previous regimes? There may be more questions than answers, but we have some great opportunities that give us hope for the future." 🌈