

# **Towards an International Rainbow Coalition**

**The road map to Global LGBT Human Rights**

**Report of the conference organised by Hivos  
Peace Palace The Hague, Friday June 19<sup>th</sup> 2009**



## Introduction

*Towards an International Rainbow Coalition* was the title of the conference that Hivos in collaboration with the local LGBT organisation COC Haaglanden on the 19<sup>th</sup> of June in the 'Pink Week'. More than hundred participants discussed in the famous Hague Peace Palace with the keynote speakers and LGBT activists from six countries in the global south how to integrate gay, lesbian, bisexual and transgender rights in the international human rights agenda. The participants represented a wide variety of Dutch and international NGO's in the field of LGBT and human rights, academia and media.

## Welcome

**Manuela Monteiro**, executive director of Hivos, welcomed the speakers and the participants and explained in a few words Hivos' engagement with LGBT. *The right to diversity, to individual self-determination, including over one's body and sexuality, is the essence of humanism.* Hivos supports since 1991 organisations promoting rights for lesbians, gays, bisexuals and transgender people. By committing in 2008 over 4 million USD to 70 LGBT groups Hivos was the biggest donor worldwide for LGBT. Monteiro underlined that Hivos is already working with allies and partners, but seeing the enormous needs and the funding necessary to achieve lasting change it's clear more is needed. That is the topic of this conference: building a world-wide rainbow coalition to achieve global LGBT rights.

## Dutch government policies

The Dutch Human Rights Ambassador **Arjan Hamburger** congratulated Hivos for being one of the pioneers in the field of human rights and LGBT people. Hamburger was invited to talk about the Dutch foreign policy regarding human rights, sexual orientation and gender identity. In the view of the Dutch government criminalisation of homosexuality goes flatly against all the basics of international human rights law. That was or instance why the Netherlands protested against the recent criminalisation of homosexuality in Burundi. Criminalisation is however, according to Hamburger, not the only issue: it is also about intimidation, phobias and discrimination, even in countries where homosexuality is legally permitted.

The Netherlands government had made the promotion of the universality of human rights, including human dignity, privacy and non-discrimination one of the cornerstones of its foreign policy. Protection of the human rights of LGBT in the Netherlands and abroad is one of the policy priorities. Embassies support NGO's that fight discrimination based on sexual orientation and participate in Gay Pride demonstrations. Together with France the Netherlands organised a side event at the United Nations in December 2008 where 66 countries, coming from all regions, signed a declaration on human rights, sexual orientation and gender identity. The new American administration recently joined that declaration, which is applauded as a major step forward. In May 2009, with Norway as third host country, a follow-up conference took place in Paris, in which the specific problems regarding transgender people were acknowledged. A well thought step-by-step approach and an intensive lobby, eventually resulting in an instrument that human-rights organisations and others can use, seems in Hamburger' s view the wisest course of action. He called to join efforts: civil society, development organisations and governments working closely together toward a common goal of decriminalising homosexuality and combating discrimination based on sexual orientation and gender identity. In this context Hamburger underlined the importance to acknowledge the colonial heritage of the criminalisation of same-sex relations in many countries. Because of this historical background western countries have, in his view, a strong moral obligation to address this situation.

## Forging trans-national bonds

Judith Sargentini, new elected member of the European parliament for the Dutch Greens, started her keynote speech paraphrasing an African proverb. The road that eventually will lead to equal rights, respect and protection for lesbians, gays, bisexuals and transgenders, is no high speed motor way, but a bumpy and winding road. She challenged the humanists in the audience: it is too easy to conclude from the fact that religiousness is on the rise that more prejudice and bigotry and diminishing tolerance will follow. A religious country like Brazil hosted recently the biggest Gay Pride event in the world, with three million participants in Sao Paolo. A religious country like South Africa was the first to legalise same-sex marriages. Sargentini admitted that LGBT people in these countries still face violence, exclusion and

contempt, but added that even slow progress can have considerable impact, especially in such leading countries in their regions.

Even in the European Union the road seems long and winding. The quite recent Charter of Fundamental Rights (2005) contains an explicit and binding prohibition of discrimination on the basis of sexual orientation in the EU. The visibility of this prohibition is however diminished in the new Treaty of Lisbon, which was negotiated (watered down) after the defeat of the European Constitution. Sargentini pointed also at another weakness with respect to LGBT in the European policies of the Dutch government: the asylum policy. Under the Dublin Declaration refugees have to apply for a residence status in the EU country of entrance, they are not allowed to try it again in another EU-country. Not all EU countries however do recognise prosecution of LGBT as a ground for asylum – the Netherlands does, but Greece, for instance, not.

Sargentini challenged Hivos and other Dutch development NGO's to rethink their views on labour migration – no brain drain - taking the LGBT perspective into account. Like in the Netherlands itself, many LGBT people leave their place of birth to live in the city, where they can find greater freedom and a more exciting life. LGBT people in developing countries can dream to live in a more tolerant place in Western Europe and some manage to get there, as a labour migrant. Why denying them the possibility to live out their dreams?

## Workshops

### **LBT women in the wider women's movement, broadening the coalition?**

**Radenka Grubacic** explained about the origin of **Labris** (Serbia). Feminist lesbians decided in 1999 to split from the gay & lesbian organisation Arcadia, which existed since 1990.

Lesbians were invisible in the male dominated Arcadia. They identified the need for a safe space for lesbians. The activists from Labris were involved in the women's peace movement as well. The feminist identity of Labris certainly helped them to ally with the women's movement. But this was not enough, since the majority of women is still raised in a homophobic society. Radenka developed a micro level coming-out strategy at violence against women events - you need a personal relation to take away lesbophobia. This strategy paid off: lesbians gained visibility in the women's movement and feminists joined in the Pride event – to be beaten as well by the hooligans that wanted to stop the Gay Pride in 2001! The positive effect of this sad event was that the feminists got the feeling of the violence against lesbians and gays, which motivated them even more to support the LGBT-struggle.

**Aswat** (Israel/Palestine) started in 2003 as a project within a feminist project. According to **Ghadir** the keyword is multi-repression: being a lesbian in the homophobic Arab community in Israel, plus being a woman in a male dominated society, plus being a Palestine in Israel. The Jewish LGBT organisation did not include Palestinians and the Palestine women's organisation did not include lesbian women. Aswat is offering a safe space for women who are not out at work and in their families. The strategy of Aswat is networking and alliance building, both with human rights organisations and with women's organisations. That is not always easy, because of the taboo on lesbianism at many human rights events and the conservatism in the Palestine women's movement. More visibility helps as well as avoiding negative provocation.

The **Institut Pelangi Perempuan (IPP)** is a safe space for young lesbians, who in Jakarta (Indonesia) experience a multi-identity vulnerability – being young, female, sexual diverse (i.g. lesbian) and often economically depending on their families. In **Kamilia Manaf's** view IPP is a lesbian feminist organisation with a strategy to ally and not to be exclusively lesbian. They feel that by the support and inclusion of heterosexual women IPP can achieve a greater visibility and more impact.

IPP has mixed experiences with the women's movement: some pushed them to be out in public, not understanding that young lesbians need time to come out. In the coalition against the pornography law however the conservative muslim women wanted them out of the coalition.

Some conclusions: lesbophobia is a serious problem both in the women's movement as well in human rights organisations. Female leadership in those organisations might be of help, but is not a guarantee for inclusion of lesbians and their issues. Relatively safe spaces, including dance and sports clubs are enhancing individual coming out, but it takes time anyway. Sometimes it is easier to form alliances when having a common enemy.

Being part of the international rainbow coalition is important, because of the empowering effect. It is a source of inspiration, needed to being able to continue the struggle for visibility at home. And, to conclude, the capacity development training pays off.

### **Transgenders in the LGBT movement: a forced coalition?**

First **Victor Mukasa** from the **International Gay and Lesbian Human Rights Commission (IGLHRC)** presented the facts on trans gender organizing in Africa. The trans in Africa are slowly getting organized. In a couple of countries, there are now transgender organizations. Like in South Africa, GenderDynamix. Most groups are very young and vulnerable. In East Africa, a break through was the transgender declaration during the “Changing Spaces” conference in September 2007. This declaration called East African transgenders on to organize them-selves and stand for their rights. But still, it is a struggle and it is only now, that trans issues are getting attention and on the radar of everybody. Victor told also his story in Uganda.

After that **Silvan Agius** introduced **ILGA Europe**, the European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, an umbrella organization representing nearly 300 organisations. He formulated possible criticisms to the title of the workshop. Some people think that sexual orientation is something entirely different from gender identity and consequently should be advocated by entirely separate organisations. Others think trans people are better on their own. This might be influenced by a third approach: LGBT organisations are in fact LGB(t). There are also people who ask why LGB’s would want to do T anyway.

ILGA Europe’s approach is to include and to cooperate. TransGender Europe, founded in 2005 on the first Trans Gender Council in Vienna, is a key partner. This is a European network of local and national transgender organisations in more than 20 countries. In 2008 ILGA Europe published in conjunction with Transgender Europe a legal survey, with a focus on the Transgender experience of healthcare. ‘Destination >> Equality TransEuropa was another publication in 2008, while a study about transgender persons’ rights emanating from EU legislation and ECJ-case law is forthcoming. Other ‘trans’ activities of ILGA Europe, often in collaboration with TransGender Europe, are advocacy at EU level, training and capacity building, sharing of good practices. Last but not least: a continued effort to mainstream gender in the organisation.

The discussion with the audience was centred on the question whether trans are forced in LGBT groups and organisations. All participants felt that this is not the case. Trans do have a space in LGBT organisations as the issues of stigma, discrimination and exclusion are the same. On the other hand, transgenders are getting impatient for not being heard or not getting the attention needed within LGBT organisations and community. Therefore now separate transgender organisations are coming into existence.

The conclusion was that we should not talk about a forced coalition, but rather a necessary and fruitful joint venture between transgenders and LGB’s!

### **Decriminalisation & LGBT Rights: what is the influence on movement building?**

**Kees Waaldijk**, lecturer at the **Law School of Leiden University**, presented a general legal outline, apologising for mainly studying decriminalisation and same-sex partner rights not so much about transgender. He emphasised the fact that decriminalisation is not a black and white issue. There are countries in which homosexuality is a criminal offence and countries in which it is not, but in both groups there are countries that persecute and prosecute and countries that do not prosecute. Many countries that decriminalised homosexual sexual acts still have other laws that treats same sex relations different compared to heterosexual relations – for instance the age of consent. On the other hand sometimes it is more effective not to start advocacy for decriminalisation in the first place, but put more emphasis to basic human rights like freedom of association, freedom of expression, anti-discrimination etc. Waaldijk gave the example of case law from the Human Rights Committee: Colombia granted unmarried heterosexual couples pension rights and the HRC thought same sex couples deserved that on equal footing.

In Sri Lanka decriminalisation is still far away, according to **Rosanna Flamer-Caldera** representing **Equal Ground**. That male homosexuality is considered a criminal offence was a colonial heritage, but in 1955 sex between women was included in the penal code. Because of the fact that the country has been in war for 26 years human rights violations do happen at a massive scale. Next to the Tamil population LGBT people are the most vulnerable group. In

general there is not much support for human rights groups. Human rights often are considered as a western concept and homosexuality is viewed as import from the West. Because of the rising Buddhist extremism and the rising nationalism LGBT people feel they are the first groups to be targeted. Rosanna explains that the risk to be charged with a criminal offence is not the main fear of homosexuals, but the fact that the clause in the penal code is legitimising blackmail, harassment and violence.

Equal Ground aims for equality for all sexual orientations and therefore the organisation promotes membership of straight people as well. "Being exclusively LGBT does not feel very inclusive."

**Renato Sabbadini, co-general secretary of ILGA World** welcomed the signing of the declaration on human rights, sexual orientation and gender identity by 66 countries. It was a concrete signal of hope, very important from a symbolic point of view. In ILGA's view campaigning for decriminalisation is a useful tool, also at the UN level, but Sabbadini agreed with Waaldijk that decriminalisation not necessarily mean equal rights. In his view the first item on the LGBT-agenda ought to be addressing the myth of homosexuality as a Western import. Second is to find a way to communicate that the LGBT community focuses on family and marriage. The third priority should be to broaden the scope of human rights.

In the discussion some additional strategies came forward. Like a strategy to deal with people on their own terms: the Koran does not allow gay bashing. Or promoting that LGBT people are just as normal as everyone else, enjoying local sports and events.

It became clear that a mix of strategies often is the best and that the local context can differ quite. In some countries, for instance in the Americas, it does work to point at the developments in Western Europe – giving the impression of being underdeveloped. In other countries more emphasis to the local roots works better. There was however consensus about the need for more funding, calling western governments and NGO's not to shy away because of the accusation of imposing western standards.

The fact that often funding is only available for HIV/AIDS related activities – for instance targeted at Men having Sex with Men – is a problem for quite a few of the LGBT NGO's.

In the panel discussion **Building a worldwide Rainbow Coalition** all panellists agreed on two conclusions: the rainbow coalition does not start from scratch, but there is still a long way to go in the international arena. Each player in the coalition - governments, (I)NGO's, civil society - has to contribute to that challenge at its own level. We are all part of the international rainbow coalition, so get ownership, was the plea of former ILGA co-general secretary Rosanna Flamer-Caldera, now representing Equal Ground (Sri Lanka). The worldwide rainbow coalition inspires local LGBT-NGO's, according to Rosanna and Radenka (Labris Serbia). Sometimes coalitions with other NGO's are difficult to achieve: Kamilia Manaf from IPP Indonesia shared her frustrating experiences in the campaign against the so-called anti-pornography bill also in the plenary. It proved slightly easier to cooperate with human rights NGO's than with women's organisations.

Radenka Grubacic had an opposite experience following a human rights course in Canada. So she warned against cultural relativism. Ghadir from Aswat pleaded to address the different needs of the different groups.

Sometimes it is not only the other who should be blamed for lack of cooperation: both Aswat (Israel/Palestina) and Equal Ground (Sri Lanka) promote successfully participation of heterosexuals in their activities. "Be inclusive" should be the motto of LGBT activists according to Ghadir and Rosanna.

Victor Mukasa from Uganda called for another form of international solidarity. The LGBT's in Uganda suffer from the "coalition of religious leaders against homosexuality", which are financed by rich Christian fundamentalist organisations from the US and Europe. Mukasa called to fight those fundi's in their own country. He also pleaded to help local LGBT-organisations to be consulted when a Universal Period Review is conducted with a certain country in the UN Human Rights Commission.

In fact this was a fine example of the need for more and consistent support for LGBT-organisations worldwide. That international solidarity requires more funding was obvious. Participants agreed that the international rainbow coalition could use another boost. Certainly there are barriers to be overcome, but on the other hand the momentum seems to be there to build further. By joining forces of civil society, NGO's, governments, activists, trade unions and companies the global rainbow coalition can become more effective in making LGBT-rights a reality.

### **Changing our Realities in the US**

Some closing thoughts about changing realities came from **Michael Guest**, the first openly gay US-ambassador (Romania 2001-2004) who worked on Obama's presidential campaign and was member of Obama's State Department transition team. He is now senior advisor to the **Council for Global Equality**, a coalition of mainstream human rights organisations and LGBT human rights NGO's.

Until recently America's progressive political leaders have lacked the courage to tackle the negative obsession of the dominant religious and social conservatives with respect to LGBT-related issues. Guest was pleasantly surprised that Obama as presidential candidate America's thinking on these issues challenged. Even more important is that it did not stop after the election. In the five months since President Obama took office much has happened to advance LGBT concerns. Guest referred to the declaration in the UN and the follow-up in Paris at which the State Department representative said: *Together, we must uphold and protect the human rights of lesbian, gay, bisexual and transgender individuals, as part of our commitment to upholding the universality of human rights*. Moreover the US Administration issued statements to celebrate LGBT Pride and instructed the US embassies to monitor abuses against LGBT individuals abroad. The domestic picture is bleaker, only a few small steps have been taken and still a lot needs to be addressed. According to Guest this stalemate is a sad signal that both The White House and Congress still think of LGBT civil rights in terms of politics rather than of principle.

The good news however is that the attitudes towards LGBT Americans are changing as becomes clear from recent polls. Grassroots efforts are springing up to demand equality now. So more and more people are stepping up the Obama's challenge during his campaign to hold him and themselves accountable for the change he and them committed to. Guest called the participants to hold themselves and each other accountable as well, by working in their own circles of influence to change attitudes, to help create the conditions in which real and lasting change can be anchored. *These are human rights and they belong to all of us!*

### **Closing**

Deputy mayor of The Hague **Frits Huffnagel** gave in his closing speech an overview of a few landmarks in Dutch LGBT-history, like thirty year of celebrating Pink Saturday – this year in The Hague. As a local councillor he had been present at the first same-sex marriage ceremonies the mayor of Amsterdam conducted in the night of April 1<sup>st</sup> 2001. He proudly explained the symbolism of the little sister of the famous Amsterdam Homomonument: the Gay Monument in the middle of the city The Hague. It is a metal ribbon with halfway a knot (signifying the conflict) and with three colours flowing into each other: blue for the basic awareness, green as the community colour, and the pink end of the ribbon pointing upwards as a symbol for liberation.

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