



COPEN HAGEN CATA LOGUE OF GOOD PRACT ICES



THE DANISH INSTITUTE
FOR HUMAN RIGHTS

INTERNATIONAL
CONFERENCE ON LGBT
HUMAN RIGHTS

COPENHAGEN 2009

worldOutgames

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Copenhagen Catalogue of Good Practices

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CATALOGUE
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ON LGBT
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**THE DANISH
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AND
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OUTGAMES
2009**

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FORE WORD BY CO-PRESI DENTS REBECA SEVILLA AND SVEND ROBIN SON

FREEDOM TO LOVE — LOVE OF FREEDOM

As the Co-Presidents of the 2009 International Conference on LGBT Human Rights, held as part of the World Outgames in Copenhagen, we are honoured to be able to celebrate the publication of this Copenhagen Catalogue of Good Practices.

On behalf of our International Advisory Group, we are proud to share with you this inspiring collection of stories of people who have joined together, at the local, national and international level, to make a difference in the lives of LGBT people around the world. We also want to express our deep appreciation to the Danish Institute for Human Rights for agreeing to coordinate the preparation of this catalogue.

Margaret Mead once famously said, “Never doubt that a small group of thoughtful, committed citizens can change the world...indeed, it’s the only thing that ever has”. The stories we share with you in these pages are stories of people who have helped to change their world, our world ... they are stories of courage, of resistance, of celebration, of dedication, of love, of anger, and above all, stories of hope. Because they give all of us the hope that if we work together, in our communities, in our work places, our schools and our homes, and in organizations big and small, we can make a difference. You will read in this catalogue stories of people who work in many different ways to change the lives of LGBT people ... in human rights and politics, in education, in the media and culture, in health care, family and relationships, sports, the labour movement, business, in transformative sexual ways, and in mainstream organizations. At the end of each story you will find information about how to contact the people involved, so you can follow up if necessary.

This catalogue takes us beyond just words and declarations. While these are also very important tools to advance equality...look at the UN Declaration of Human Rights, the Yogyakarta Principles, the Montreal Declaration for example...words are not enough. How many countries around the world signed the UN Declaration, but continue to imprison or deny equality to their LGBT citizens? So this catalogue seeks to help translate words into action...by giving concrete examples of actions that have worked in other places. It is a tool for you to use and to learn from, to inspire you to action. Share these stories with your friends, your family, your co-workers, fellow activists, politicians and empower people for change. Change our world...be part of that small group of thoughtful, committed citizens that Margaret Mead wrote about.

Finally, we especially want to thank all of the people whose stories are shared in this Copenhagen Catalogue of Good Practices...you are heroes of our movement for equality and justice around the world.

Yours in pride,
Rebeca Sevilla & Svend Robinson

FORE WORD BY JONAS CHRIST OFFERSEN DIRECTOR DANISH INSTITUTE FOR HUMAN RIGHTS

Dear Reader,

Knowledge and sharing of experiences are like a compass – they help us – on one hand to navigate through stormy seas to avoid shipwreck and on the other hand they help us sail to new places and havens, opening new venues of opportunity we maybe had no notion existed.

This catalogue is the compass – specially designed – to guide us and to inspire us on our journey to harbours from where we can combat discrimination on the ground of sexual orientation and gender identity and to promote the rights of the LGBT persons. The little research existing on the rights and situation of LGBT persons certainly makes it obvious that we need compasses to reach our ultimate goal: equal opportunities for all.

The Copenhagen Catalogue of Good Practices aims to be an inspirational guide – it is not a ranking or a greatest hits selection of LGBT good practices. The catalogue has distilled many good practices into 24 examples of inspirational activism and actions to improve the lives of LGBT persons.

The ambition has been to highlight good practices across all geographic regions and a diversity ranging from individual action, over community mobilisation to broader coalition building and international level action. The good practices are developed around the themes of the International Conference on LGBT Human Rights that form part of World Outgames 2009.

Therefore, the Copenhagen Catalogue of Good Practices is also more than a compass. As a documentation of practices aiming to promote and protect the rights of LGBT worldwide, it also reflects the face of LGBT activism, courage and dedication in today's world.

The Danish Institute for Human Rights is very proud to have had the opportunity to compile the Copenhagen Catalogue of Good Practices under the auspices of World Outgames 2009 in Copenhagen. We hope that you will find this catalogue insightful, moving, entertaining, educational and, above all, inspirational.

Jonas Christoffersen
Director, Danish Institute for Human Rights

1 — HUMAN RIGHTS AND POLITICS

In countries and regions around the world, people are subject to persistent human rights violations because of their sexual orientation and gender identity. Human rights violations against LGBT people take many forms, such as criminal sanctions; the death penalty; hate crimes including sexual violence; discrimination in housing, education, health and employment; banning of peaceful pride marches and right to freedom of assembly; and the denial of same-sex relationships and families. The aim should be to work towards a world where all people, regardless of sexual orientation or gender identity, can live, love and celebrate their identities with equal dignity and respect.

MCC: THE HUMAN RIGHTS CHURCH IN ASIA AND THE PACIFIC

Founded in 1968 by Rev. Troy Perry, the Metropolitan Community Church (MCC) has today more than 200 churches in over 20 countries. It is quickly growing in Latin America and Asia. Its work reaching out and advocating on behalf of the LGBT communities has earned MCC the reputation of being the “human rights church” worldwide.

MCC’s Asian Pacific Initiative was formed in 2007 to begin to guide the process of empowering communities of faith in Asia that are involved with social justice actions. There is no single model that fits every cultural context. The goal of this ministry is to maintain partnerships and to provide resources where needed so that local people can do the work they need to do in their own communities on a sustainable level.

MCC created its first Asian church in Makati, Manila in the Philippines 1991. The second church, MCC Quezon City, became officially affiliated in 2008. The Philippines is a predominantly Catholic country, with church leaders exerting a considerable amount of influence in civic life. Homosexuality is still viewed as a sin, but the two MCC churches in the Philippines are challenging this theological perspective publicly, calling the Catholic Church to open its doors to all people, regardless of sexual orientation or gender identity/expression.

The two MCC churches not only advocate for marriage equality on a national level, but are also involved locally by providing school supplies for children with severe disabilities. Because of their participation in gay pride events and visibility when it comes to social justice issues, MCC in the Philippines is experiencing growth in areas like Baguio, Davao, and Cebu City. The key to success in this country comes through leadership development, community building, and changing public policies.

A MCC leader visited Pakistan in 2008 to explore opportunities for partnership with existing groups in this predominantly Islamic country. LGBT people in Pakistan often live in fear that their lives would be in danger just by stepping outside the door. Fundamentalists frequently send “enforcers” to keep sexual minorities in the closet, or worst yet, “eliminate” them. It is not uncommon for a lesbian to be raped by the enforcers or for a gay man to be beaten and tortured. Consequently,

many gay men end up marrying women, or in some rare cases, gay men marry lesbians. Lesbians are often referred to as “those who wish not to marry” and are left with little economic alternatives in a patriarchal world.

MCC partnered up with CARE Pakistan to train women to become self-sufficient and to provide a safe environment for lesbians to learn a marketable trade. So far, enough funds have been raised to provide five lesbians with critical vocational training that could change their lives. The success story in this instance is providing hope for one person at a time. Just knowing that there are LGBT people of faith provides great comfort in a country that constantly faces despair.

FOR MORE INFORMATION:

— Reverend, Dr. Jonipher Kwong, e-mail: jonipherkwong@aol.com

THE 07-07-07 CAMPAIGN AGAINST HATE CRIMES AND IMPUNITY, SOUTH AFRICA

South Africa has one of the most progressive constitutions in the world. It is one of three constitutions globally which explicitly bars discrimination on grounds of sexual orientation and allows LGBTI people to have full rights under the Constitution.

The reality is, however, that important principles of law and LGBTI constitutional protections have not become part of everyday life in South Africa. Many activists have argued that the state needs to do more to protect LGBTI persons and ensure the fundamental right to security of person and bodily integrity. The gaps in state action are one reason that prejudice and violence continue unchecked.

The 07-07-07 Campaign to end hate against Lesbian, Gay, Bisexual, Transgendered and Inter-sexed persons was launched by the Joint Working Group – a national coalition of South African LGBTI, HIV/AIDS and women’s rights organizations. It was created in direct response to the brutal murders of two lesbians, Sizakele Sigasa and Salome Masooa, in Soweto on 07 July 2007. Reports indicate that they were raped, tortured and shot execution style.

The anger over the needless acts of violence against LGBTI persons was converted into a mass based campaign following these murders. The 07-07-07 Campaign aims to put the spotlight on gender based crimes and acts of hate towards LGBTI persons with a specific focus on marginalized black lesbians in rural communities and townships.

A series of public meetings and protests have taken place across South Africa to build awareness of the violence against LGBTI persons and to mobilize public opinion to put pressure on government officials to generate effective public actions to prevent, punish and eradicate such violence, including introducing hate crimes legislation and ending impunity for this violence. The campaign also puts the spotlight on the disparity between the progressive constitution and the lack of human rights implementation at the most basic level.

The 07-07-07 Campaign has prepared a memorandum to the South African Police Services calling for among other things, better witness protection schemes for vulnerable people and for police outreach to the local community to address issues related to hate crimes. The memorandum also calls for:

- Implementation of a system for registering hatecrimes and collecting statistics on hate crimes.
- A circular on hate crimes and special investigating procedures to be developed in collaboration with LGBTI and other experts and distributed throughout the Police Services.

The campaign has also called on government, civil society, religious and traditional leaders and the media to play a proactive role in combating all forms of gender based violence and incidents of hate.

FOR MORE INFORMATION:

- <http://www.jwg.org.za/content/view/94/74/>
- Emily Craven, the Joint Working Group,
e-mail: emily@jwg.org.za

GETTING NGO CONSULTATIVE STATUS WITH THE UN ECONOMIC AND SOCIAL COUNCIL

On December 11, 2006, the Economic and Social Council (ECOSOC) of the United Nations approved ILGA-Europe's application for consultative status. The consultative status was also granted to two organizations; the Danish National Association for Gays and Lesbians (LBL), and the Lesbian and Gay Federation in Germany (LSVD) both members of ILGA-Europe.

The official approval was a result of a long and hard process working to obtain this status. The reasons for wanting the accreditation were many. Among them the strong and evident need for international recognition of issues concerning LGBT people, and the need to do advocacy and to take debates on sexual orientation and gender identity to a higher international level and in a forum concerned with promoting human rights¹.

Several Asian LGBT organizations have subsequently submitted their applications to obtain ECOSOC Consultative status.

Consultative status is a specific type of affiliation between an NGO and the UN Economic and Social Council. With this status NGOs can work in cooperation with ECOSOC and its subsidiary bodies², by submitting reports and making recommendations. Organizations that qualify for status are also invited to attend international conferences called by the UN, General Assembly special sessions, and other intergovernmental bodies. The relationship is based on article 71 of the charter of the United Nations, and ECOSOC resolution 1996/31 now governs the consultative relationships between the council and NGOs³.

The experiences with the above mentioned application process resulted in a handbook made by the Danish National Association for Gays and Lesbians. The handbook is intended as a tool for the accredited organizations, concerning their work in the UN, describing how the UN system operates and what gives the best results. It is also to be used as a guide for LGBT NGOs that are new in terms of working in the international field. The information sharing aspect of the handbook is important, as most LGBT organizations are small and have limited resources available, especially when it comes to establishing themselves internationally.

FOR MORE INFORMATION:

- *The Handbook can be found by using the following link:*
[http://www.ilga-europe.org/content/download/10422/61760/file/UNaccreditation%20komb%20strategy%20\(2\).doc](http://www.ilga-europe.org/content/download/10422/61760/file/UNaccreditation%20komb%20strategy%20(2).doc)
- 1. http://www.ilga.org/news_results.asp?LanguageID=1&FileCategory=44&FileID=577
[http://www.ilga-europe.org/content/download/10422/61760/file/UNaccreditation%20komb%20strategy%20\(2\).doc](http://www.ilga-europe.org/content/download/10422/61760/file/UNaccreditation%20komb%20strategy%20(2).doc)
- 2. <http://www.un.org/esa/coordination/ngo/faq.htm>
- 3. ECOSOC resolution 1996/31, 56

SUPREME COURT VICTORY IN THE CASE OF NON-DIS CRIMINATION OF SEXUAL MINORITIES, NEPAL

Nepal has recently moved from a Hindu Kingdom to become a Federal Republic and a secular state. Along with these changes came a new Interim Constitution, which is the law of the country while the Constitutional Assembly is working on a new Constitution. Despite lobbying efforts by the Blue Diamond Society (BDS), Nepal's premier NGO supporting sexual minorities, anti-discrimination protection for sexual minorities was not included in the Interim Constitution. Until recently, homosexual relations between consenting adults in Nepal was a crime that could be punished with up to two years in prison. Fortunately, from 2007 the rules began to change.

The Supreme Court of Nepal can instruct the legislature to enact legislation. Due to that mandate BDS filed a petition in April 2007 in the Supreme Court seeking non-discrimination provisions for sexual minorities, full citizenship for the members of the third gender, the nullification of discriminatory laws against sexual minorities and the introduction of protective legislation.

In Court the lawyers of BDS supported by experts from the International Gay and Lesbian Human Rights Commission (IGLHRC), an international NGO, built their case upon the importance of having non-discrimination policies and laws based on gender identity and expression and not sexual orientation. They used international jurisprudence, soft international law (Yogyakarta Principles), and legislation from South Asian countries that recognize some sort of alternative gender identity.

In December 2007, in a summary decision, the Court ruled in favor of BDS ordering the government to create or amend laws that ensure that members of sexual minorities are able to enjoy their human rights without discrimination on the basis of sexual orientation or gender identity and that ensures that sexual minorities are able to live with full respect while enjoying protection.

The importance of this decision cannot be overstated. The use of international human rights law and international soft law by a national court shows the importance of human rights principles, namely the principle of non-discrimination and equal treatment, to the protection of the rights of minorities, not only in Nepal, but also in other South Asian countries. It enforces the concept of 'gender identity' which requires protection, contrary to 'sexual orientation' which is already protected by several jurisdictions.

In December 2008 the final decision was issued by the Supreme Court. It reiterated that all LGBTI persons are 'natural persons' entitled to equal rights of identity and expression and even the right to same-sex marriage.

Even though the legislature has yet to create the laws to enforce the decision of the Court, many of the effects of this decision can already be felt. According to Sunil Babu Pant, President of BDS and member of the Constituent Assembly, "Nepal has recognized the third gender as a separate gender. Passports and national identification cards have third gender mentioned". Moreover, Nepalese lesbians, especially those from remote provinces, and lesbians from neighboring Southeast Asian countries like India, Sri Lanka and Pakistan, are becoming increasingly optimistic that Nepal is a place where they can be safe, free from discrimination and violence.

FOR MORE INFORMATION:

— Blue Diamond Society, e-mail: bluediamondsociety@yahoo.com
— International Gay and Lesbian Human Rights Commission (IGLHRC) <http://www.iglhrc.org/cgi-bin/iowa/home/index.html>

2 — OUT FOR BUSINESS

Businesses have the potential to be pathfinders in ensuring the livelihood of LGBT people, which begins with the most basic right to be treated fairly and equally. By promoting diversity and non-discrimination in their practices and policies they can provide safe and inclusive workplaces and ensure that LGBT people are fully respected. Businesses can also be vehicles for change, reflecting upon society their internal ethics and engaging it as a promoter of corporate social responsibility and a wider range of rights for all.

INTERNATIONAL BUSINESS EQUALITY INDEX

In 2008, The International Gay and Lesbian Chamber of Commerce (IGLCC) created the International Business Equality Index. With this IGLCC aims to improve the socio-economic situation of the global LGBT community, raise awareness and challenge leading international corporations to improve their performance related to their LGBT practices and policies⁴.

The International Business Equality Index is an index that measures how companies integrate the main issues relevant to the LGBT community today in their business practices. The Index then helps to clarify where the policies and practices need to be improved and further developed.

The Index assesses how companies work with employees, suppliers and consumers. Simultaneously, the Index allows companies to evaluate how competitors in their own area are performing on LGBT issues. The online survey consists of 17 questions which have been divided into four main sections. These sections are:

- Diversity and Inclusion;
- Sexual Orientation and Gender Identity Policies and Practices;
- Supplier Diversity and Marketing, and;
- Community Involvement.

IGLCC will process the data from the online survey and publish the results annually in the International Business Equality Index.

Companies have been encouraged to complete the online survey available on the IGLCC website (deadline was 30 April, 2009) and the first results of the International Business Equality Index will be available during the World Outgames Conference in Copenhagen.

FOR MORE INFORMATION:

- <http://www.iglcc.org/en/index.php>
- Cesar Maschmann, Director of Communications & Member Services, e-mail: Cesar.maschmann@iglcc.org

4. <http://www.iglcc.org/en/index.php>

COMMITMENT TO DIVERSITY – IBM AND THEIR LGBT POLICIES

IBM continues to show commitment to diversity in their business and workplace practices and this is benefiting LGBT people worldwide.

IBM company policies aim to set a high standard for the way they conduct business from corporate and social responsibility to sound business ethics. The company has defined Conduct Principles that apply to all IBM employees and full compliance with these principles is expected by all IBM managers and employees.

The Corporate Policy states that: “*Business activities such as hiring, training, compensation, promotions, transfers, terminations, and IBM-sponsored social and recreational activities are conducted without discrimination based on grounds of race, color, religion, age, nationality, social or ethnic origin, sexual orientation, gender, gender identity or expression, marital status, pregnancy, political affiliation, or disability or veteran status.*” IBM also is committed to create a work environment free of discrimination based on all the above grounds.

In terms of LGBT specific policies and practices, IBM has LGBT diversity network groups in over 40 countries in all regions of the world; they provide Domestic Partner Benefits in most countries and transgender benefits are included in the Domestic Partner Benefits in the United States. They also have a LGBT indicator in place in most countries to monitor sexual orientation via voluntary self-identification.

IBM has also implemented a LGBT supplier diversity program where the focus is working towards diversity of companies in the IBM supply chain. Finally, IBM operates with a dedicated LGBT sales team that works to promote diversity in customer outreach and services.

The clear and non-discriminatory policies are in themselves an excellent example of good company practice. In a multi-national company with close to 400.000 employees in more than 170 countries the scope, outreach and potential impact of these policies are equally significant for protecting and promoting the rights of LGBT people.

FOR MORE INFORMATION:

- www.ibm.com
- Silvy Vluggen, Global Program Manager, GLBT & Cultural Adaptability, e-mail: silvy.vluggen@fr.ibm.com

3 — WORKERS OUT!

Trade Unions in many countries have made significant progress in overcoming job-related discrimination on the grounds of sexual orientation and gender identity. But even in countries where policies are improving, there are still huge practical gaps in achieving equal benefits for LGBT workers and their families. Challenges to ensure LGBT persons' rights in employment are found in areas like vocational training, promotion, leave, and/or health and social security as well as providing quality jobs and allowing everyone to live in dignity and celebrate diversity.

PARTNERSHIP FOR EQUALITY, SLOVENIA

Partnership for Equality was implemented in Slovenia from 2004-2007, funded by the European Union Equal programme. The goal of the project was to prevent discrimination and to stimulate the inclusion of social groups who were less privileged because of their sexual orientation. The lead organization was the NGO ŠKUC-LL. The activities focused on awareness raising, training and education of trade unions and employers.

Discrimination against sexual minorities is one of the most invisible forms of discrimination and very hard to prove. Traditionally, discrimination on the ground of sexual orientation on the labour market was not recognized by trade unions or employers' organisations.

To achieve greater equality in employment and on the labour market, key stakeholders, who were able to combat discrimination in their everyday practice, were identified. The target groups were the Trade Union Association (ZSSS) and the Employers' Association (ZDS) who also became project partners. Active engagement of trade unions and employers as partners was a strategy towards development and implementation of anti-discrimination policies that could consequently lead to an inclusive and safe work environment and equal opportunities for all employees regardless of personal circumstances.

The Partnership for Equality project developed a flexible model applicable for new target groups and for trade unions and employers beyond those involved in the project. It is applicable horizontally and could help combat discrimination on various grounds (gender, age, disability, ethnical background, etc.). The project also had the exchange of good practices with trans-national partners as a goal. This partnership (TRACE) was established with LGBT non-governmental organizations from different European countries – RFSL from Sweden, L'Autre Cercle from France and LGL from Lithuania.

The project developed two tool-kits, (i) Measures against discrimination in the workplace for employers and (ii) Measures against discrimination in the workplace for trade unions, and undertook research on the attitudes of trade unions and employers towards discrimination in the workplace. The TRACE trans-national collaboration produced the brochures *Open Up Your Workplace* and *Norms at Work* and TV commercials that were shown at least 150 times on national TV stations as well as 13 regional seminars for trade unions and employers.

The project has contributed greatly to raising awareness of discrimination and creating equal opportunity among the employment partners. Today, both the trade unions' and employers' organisations in Slovenia are open to cooperation with LGBT organisations and ready to implement anti-discrimination policies.

FOR MORE INFORMATION

- ŠKUC-LL, Metelkova 6, 1000 Ljubljana, Slovenia,
e-mail: sekcijaskuc@mail.ljudmila.org
- www.ljudmila.org/lesbo/ (see EQUAL: Partnerstvo za enakost)
- http://www.atviri.lt/index.php/about_trace_transnational_cooperation/about_trace/1277
- http://www.ljudmila.org/lesbo/EQUAL/pdf/Trace_zlozenka.pdf
(leaflet about TRACE)

TRADE UNIONISTS TOGETHER FOR LGBT RIGHTS

The two international trade unions Education International (EI) and Public Services International (PSI), which represent over 50 million workers in 950 trade unions around the world⁵, have given priority to working with LGBT equality in the workplace.

As a result of the joint work between the unions, *Working for Lesbian and Gay Members*, was published in 1999. It was a publication designed to raise awareness of LGBT issues among affiliates. In 2007, an updated manual, *Trade unionists together for LGBT rights*, was published replacing the earlier publication.

The overall purpose is for the affiliates to put LGBT issues on the unions' agendas. The manual aims at helping EI and PSI affiliates at national, regional and local levels to highlight LGBT issues and recruit and organize LGBT workers. The manual covers discrimination based on sexual orientation and gender identity.

In July 2004, the first joint EI/PSI International LGBT Forum was held in Porto Alegre, Brazil. This resulted in the "Porto Alegre Declaration" which contains recommendations for ILO, UNESCO, UNAIDS and other groups on promotion and awareness-raising on matters related to discrimination on the grounds of sexual orientation and gender identity.

One of the EI and PSI affiliating countries, Brazil, has actively made an effort for the promotion of LGBT rights. In 2003, Brazil drafted a resolution on human rights and sexual orientation for the United Nations Human Rights Council. The resolution was never debated, however it served as an aid in the mainstreaming of LGBT rights in the work of the UN Commission on Human Rights. Since then the Brazilian government has announced the program "Brazil without Homophobia" (2004) to combat discrimination and violence against LGBT people.

Trade unions in Brazil have been actively involved in the annual Gay Parade in São Paulo. They have cooperated with the organizers and participated in the parade and thus represented the interest of LGBT workers. Among the trade unions are the SEESP, Sindicato dos Enfermeiros do Estado de São Paulo (Sao Paulo Nurses' Union), CUT, Central Única dos Trabalhadores (the Workers Union) and APEOESP, Sindicato dos Professores do Estado de São Paulo (Sao Paulo Teachers' Union).

FOR MORE INFORMATION

- <http://lgbt.ei-ie.org/>
Education International (EI), e-mail: educint@ei-ie.org
- Public Services International (PSI), e-mail: equality@world-psi.org

5. http://www.world-psi.org/TemplateEn.cfm?Section=LGBT_Workers&Template=/TaggedPage/TaggedPageDisplay.cfm&TPLID=116&ContentID=12540

4 — CULTURE AND MEDIA

Culture and Media are powerful but often ignored weapons against homophobia in any society, especially where people are marginalised and ignored. Through film, theatre, literature, television, internet, art etc. we describe our lives, our differences, our history and our emotions and challenge our identities. The media has enormous outreach potential and is thus the most important source of information on topics related to LGBT people, as well as a provider of general visibility and access to LGBT communities and networks.

INTRODUCING HOMO-DISDISCOURSE: INCLUSIVE FOUNDATION, GEORGIA

Inclusive Foundation is the only openly LGBT organization in South Caucasus. The organization pushes to bring LGBT issues into the public debate in Georgia. The Foundation has pursued several avenues, including publication of its own media; supporting Georgian language internet community gateways; mainstreaming LGBT issues through friendly external media; and inviting external stakeholders to meetings with the LGBT community.

In 2006, Inclusive Foundation started the publication of “Me Magazine”. The quarterly magazine is the first periodical in Georgia addressing LGBT human rights issues. Along with increasing self-esteem and activism, a main objective of “Me Magazine” is to challenge societal myths and stereotypes.

The magazine has an academic approach and has covered topics focusing on issues of individual interest: coming out, homophobia, lesbian and bisexual women issues, transgender issues, HIV/AIDS and human rights, homosexuality in Georgia and the Soviet legacy, and global LGBT activism.

In 2007 the magazine became bilingual (Georgian and English). The Foundation had realized that “Me Magazine” could serve not only as a means to inform the LGBT community in Georgia, but also as an effective tool to put Georgia on the global LGBT map. Requests for information in English also came from different policy making bodies at the European level.

Now national policy makers can read interviews with key European human rights defenders, and the latter get information on how the Georgian state is dealing with homophobia in the country. The LGBT community is updated with the latest developments on the global LGBT front. Friendly mainstream media cover publication of each issue and the magazine provokes debates on homophobia.

Inclusive Foundation has witnessed the indirect impact that the magazine has provided: The Georgian church cannot afford bypassing the issue; gay, ge and lesbi.ge initiatives were born to complement the Foundation’s public awareness strategy; speakers visit Inclusive Foundation’s office to address issues raised in the magazine; and students of gender studies learn about available academic resources through the magazine and work in the Foundation’s resource centre.

FOR MORE INFORMATION:

- *Publisher of Me Magazine – Inclusive Foundation 17, G. Akhvlediani Str. 0108 Tbilisi, Georgia, info@inclusive-foundation.org, <http://www.inclusive-foundation.org/home>*
- *The previous five issues of the magazine are available at the Inclusive Foundation website: <http://inclusive-foundation.org/home/?page=publications&lang=en>*
- *For regular updates you can register on Me Magazine’s group on Facebook at: <http://www.facebook.com/inbox/?ref=mb#/group.php?gid=51376383001>*

Q! FILM FESTIVAL: USING FILMS AND ART TO CAMPAIGN FOR THE RIGHTS OF LGBTQ IN INDONESIA

The Q! Film Festival in Jakarta, Indonesia is the largest queer film festival in Asia. The week-long festival has provided impetus for the gay rights movement in Indonesia and has manifested itself as an artistic expression to address barriers posed by religion, traditional cultures and attitudes on the rights of all sexual minorities.

The Q! Film Festival started in 2002 and was organized by Q-munity – an organization originally setup by a group of freelance journalists and others involved in the arts community. Initially, the festival faced violent opposition from a conservative Islamic group that tried to block one of the Festival venues. These challenges were overcome and the Festival is its eight year and has inspired similar events in Yogyakarta and Bali. Entry into film showings and other events is free.

The Festival is the second largest international film festival in Indonesia and is the only queer film festival in the most populous Muslim country in the world. It prides itself in showcasing the best queer, gender, sexuality, fashion, human rights and HIV/AIDS films and videos from around the globe.

The Q! Film Festival has been inspirational in creating space for a new generation of activists to come forward and in the efforts to make Indonesian society more tolerant and appreciative of differences to sexual orientation.

FOR MORE INFORMATION:

— <http://www.qfilmfestival.org/>

5 — HEALTH

Everyone should have equal access to the highest attainable standard of physical and mental health, without discrimination on the grounds of sexual orientation or gender identity. LGBT health includes the physical, mental, psychological and emotional well being of LGBT people – the well being of mind, body and soul. In many parts of the world LGBT people lack access to relevant services, information, and health education. When accessing information LGBT persons can face penalties or repercussions that make seeking health services an uncomfortable or frightening experience.

MEN WHO HAVE SEX WITH MEN AND THE NATIONAL HIV RESPONSE, KENYA

The global HIV epidemic continues to be a great burden on individuals, families, communities and whole nations. In Africa, an estimated 22 million people were living with HIV at the end of 2007.

HIV severely affects several most-at-risk populations, including sex workers, injecting drug users and men who have sex with men or transgender

people. While some progress has been made to provide legal protection against discrimination of people living with HIV, the situation is very different for the most-at-risk populations who face criminalization, stigma and violent abuse.

The national HIV responses would benefit greatly from effective, non-discriminatory public health interventions with a particular focus on prevention programmes that are compliant with human rights standards. However, homosexuality is criminalized in many African countries and the willingness to work with men who have sex with men is largely absent from national HIV programmes due to their legal status, societal prejudice and discrimination.

Therefore, these countries do not develop HIV programmes for men who have sex with men. Furthermore, they rarely perform any epidemiological monitoring leading to a lack of good data on HIV among men who have sex with men. The stigma and discrimination drives the epidemic “underground”. The lack of data means that even leading public health officials have a limited understanding of how the epidemic is developing among men who have sex with men.

In Kenya, the situation is different due to leadership from the National AIDS Control Council (NACC), which is in charge of coordinating the national HIV response. The NACC has stated that although homosexuality is still outlawed in Kenya, the government has a responsibility to include men who have sex with men in the national response to HIV. As the Council, has stated, “The NACC cannot exclude the gay community in the war against HIV and AIDS”.⁶ The NACC has acknowledged that research and interventions in Kenya have largely focused on heterosexuals and have taken steps to remedy this. The NACC have made men who have sex with men a population of ‘epidemiologic importance’

In May 2008 Kenya’s National AIDS Control Council co-hosted a meeting that brought together researchers, advocates and national AIDS programme managers from other African countries to review the status of research and evidence around HIV and men who have sex with men in Africa.

Gay organizations in Kenya including ISHTAR and GAY KENYA have lauded NACC’s initiatives.

FOR MORE INFORMATION:

- http://www.unaids.org/en/KnowledgeCentre/Resources/FeatureStories/archive/2008/20080523_strengthening_work_msm_africa.asp
- 6. <http://www.mask.org.za/article.php?cat=health&id=2008>

SEX CHANGE SURGERY INCLUDED IN PUBLIC HEALTH SYSTEM'S LIST OF COVERED PROCEDURES, BRAZIL

On November 14, 2001, the Brazilian General Attorney's Office (Ministério Público Federal) began a legal procedure against the Federal Government in order to have sex change operations included in the list of medical procedures paid by the public health system.

The legal proceedings lasted more than five years but a favourable decision was reached in August 2007 when a Federal judge decided that the non-inclusion of sex change operations in the list of medical procedures covered by the public health system was a violation of fundamental rights recognized in the Brazilian Constitution.

The fact that transsexuals could not have the surgery done in the public health system represented, according to the decision by the Federal judge, a violation of the right to liberty, the right to privacy, the right to health and the principle of human dignity.

The decision includes an analysis of the two surgeries of sex change and their implication for the patients, for the Federal Budget and for the rights of transsexuals. The decision implies that the right of transsexuals to have the operation performed within the public health system represents a broader interpretation of the right to health. It is stated that the right to health has got to be understood as the physical, psychological and social well-being of the individual.

When analysing the right to liberty, the Federal judge declares that the only way to fully recognize the right to liberty is to recognize the individual's freedom of self-development and the right to sexual identity. The principle of non-discrimination is set forth in the broadest terms as the decision prohibits discrimination based on biological sex, gender, sexual orientation and gender identity.

As the repercussions to the Federal Budget are concerned, it was asserted that the sex change operation would not represent an extra cost to the nation. First, because the number of operations for transsexuals is very small, and second because the public health system already performs similar operations in the cases of restorative surgery of the genitalia.

The decision obligates the Federal Government to add sex change operations to the list of procedures covered by the public health system. The Federal Government appealed against the decision. The federal decision was suspended in the end of 2007 by the Supreme Court. The decision only entered into force in 2008.

On August 18, 2008, the Minister of Health signed a legal document (Internal Legislation No. 1.707) that included sex change operations on the list of medical procedures covered by the public health system.

FOR MORE INFORMATION:

- http://www.abgl.org.br/port/trav_trans.php
- Portaria 1707 de 18/08/2008 - Processo Transexualizador no SUS
- E-mail: ana.costa@saude.gov.br
- E-mail: simione.silva@saude.gov.br

6 — EDUCA TION

Education is a key tool in promoting human rights, social justice, democracy and cultural diversity. Tackling factors of discrimination is a common responsibility for all involved in education from authorities, to school administrators, teachers, staff, parents and students. The right to education is not limited to the pedagogic experience. Initiatives challenging homophobia are increasing the range of knowledge and ways to handle bullying, harassment, coming out, gender-identity based stigmas, LGBT behavior, students with same-sex parents and students' first same-sex love experience.

OUTREACH AND EDUCATION, BEIJING LGBT CENTER, CHINA

The Beijing LGBT Center was founded in February 2008 and has become the cultural and social centre for the LGBT community and activists in Beijing. The centre is also the model for organizing LGBT communities nationally. The aim is to improve the basic quality of life and self-awareness of LGBT groups in Beijing. The aim is also to show positive LGBT culture to the wider society through diverse activities, communication and care activities.

The Beijing LGBT Culture and Activity Center is the first activity center which is specifically targeted to and designed for sexual minorities in Beijing. It is a non-profit community founded by a coalition of leading LGBT organizations, including the Beijing Lesbian Group Common Language, Aibai Culture & Education Center, the national lesbian magazine *Les+ Journal*, and the Beijing Aizhixing Institute. This coalition represents important experience from working with LGBT rights in China and provides a strong platform for the Beijing LGBT Centre.

The Common Language groups have organized lesbian discussion groups and hotlines; national campaigns for lesbians, including for gay marriage; and national workshops on leadership capacity- building. Common Language also founded the *Les+ Journal*. The Aibai Center, formerly known as *GayChinese.net*, has worked with

LGBT self-acceptance information, health and law issues, including organizing grassroots workshops on safe sex and HIV prevention. Their website has more than 55,000 daily visits, from mainland China, Hong Kong, Taiwan, and elsewhere in Asia, Europe and the Americas. It has become one of the best known Chinese language web pages dedicated LGBT persons.

The activities of Beijing LGBT Centre that are mainly organized around two themes – a “Self-identity” discussion group and “LGBT Concern” care group – have helped many LGBT people in Beijing to live happier, braver, more confident lives. The centre is now increasing the number of activity groups in order to promote the diversity of LGBT cultural development in Beijing.

FOR MORE INFORMATION:

— *Yayuncun Post Office 63, Beijing 100101, China*

FROM EXCLUSION TO EMPOWERMENT: LABRYS, KYRGYZSTAN

“In Kyrgyzstan, we need to empower the LGBT communities. Our organisation wanted to do political advocacy around LGBT rights from the outset, but we realized it was not possible. Too many other needs had to be addressed first. Many LGBT people don’t even know they have rights, they are cut off from their families, they cannot get jobs and they struggle with poverty.”

Human rights education aims to build a universal culture of human rights through the sharing of knowledge, imparting of skills and moulding of attitudes. The work of Labrys in Kyrgyzstan illustrates how education and activism can be a mutually supportive strategy.

Community activists in Kyrgyzstan wanted to do political advocacy to challenge discrimination faced by the LGBT communities. However, it was hard to involve a community that was marginalised and excluded. The non-governmental organization Labrys has been instrumental in working for the empowerment of LGBT and in addressing discrimination, criminalization and violent abuse by authorities and individuals.

The first priority was to set up a community centre, a safe space for communication, create sports groups, make literature available, develop brochures, organize film screenings, and host support, coming-out and discussion groups. People who have used the community centre services are coming out, and are ready to volunteer and get involved in campaigns.

Through the efforts of Labrys many LGBT people have become more politically active, have challenged police harassment, and have brought Kyrgyzstan’s human rights record on LGBT issues to the attention of international monitoring bodies.

In 2008, Labrys prepared a shadow report to the UN Committee on the Elimination of Discrimination against Women (CEDAW) that was presented when Kyrgyzstan appeared before the Committee. The shadow report addressed the gaps in the official Kyrgyz report that made no mention of the conditions for lesbians, bisexual women and transgender people. The report documented serious violations of the CEDAW Convention. http://www.iwraw-ap.org/resources/pdf/42_shadow_reports/Kyrgyzstan_SR_Labrys.pdf

The UN Committee highlighted the concerns raised Labrys in its Concluding Observations and requested Kyrgyzstan: *“to take all appropriate measures to ensure that the Convention applies to all women without discrimination and to further take all necessary steps to protect them from all forms of discrimination and violence by public and private individuals.”*

In November 2008, Labrys was the first recipient of the Special Prize of the “Go Visible” Award for achievements in the promotion and protection of LGBT rights. The award was received at the 24th ILGA-World Conference in Vienna, Austria. The dedicated efforts and the recognition has had an important impact on the work of Labrys: *“When the police raided our offices for the fourth time, this time we were able to fight back and bring international pressure to bear.”*

FOR MORE INFORMATION:

— Anna Kirey, Labrys, e-mail: anna.kirey@gmail.com
<http://kyrgyzlabrys.wordpress.com/>

A NEW SOCIAL JUSTICE CURRICULUM FOR SECONDARY SCHOOLS, CANADA

Murray and Peter Corren, two gay men from Vancouver, successfully challenged the education practices in the Province of British Columbia. This led to the creation of a new curriculum on Social Justice for all secondary students that also includes LGBT equality issues and history.

The Correns believe that schooling serves two purposes: to provide a “mirror” by which students can see their realities reflected back to them, and to provide a “window” through which students can view the realities of others, who may be different from them in some way. When a school fails to provide that mirror and window to all who come through its doors, it does a great disservice to the whole community in which it is situated. Schools also have a responsibility to create safe, welcoming and inclusive spaces for everyone: students, educators, staff, and parents. When people do not feel safe, welcomed or included in a school, those charged with the task of creating a positive environment need to be made aware of it and held accountable.

In 1998, the British Columbia Teachers’ Federation (BCTF) annual meeting voted to take the federation’s social justice work in a new direction. It was decided that the Program Against Racism (operating since 1975) would be part of a larger umbrella covering a First Nations program and initiatives around homophobia, poverty, and the status of women. Before this initiative schools were silent about the realities of queer people and actively worked to suppress LGBT visibility and voices. Often, schools were places that did little or nothing to accommodate sexual minorities and their rights.

In 1999, the Correns filed a complaint against the Ministry of Education in British Columbia. It was done in response to the Minister’s refusal to include sexual orientation among the elements that education should consider when implementing the Social Justice curricula.

The case was settled in 2006. A new Social Justice course saw the light of day in 2007 after a comprehensive two years consultation and curriculum development process. The Correns were successful in their challenge, leading the British Columbia Ministry of Education to transform its curriculum to support and affirm the rightful place of LGBT people in the education system.

FOR MORE INFORMATION:

— Peter Corren, e-mail: petercorren@shaw.ca

7 — SPORT

Participation in both LGBT and mainstream sport is a physical and mental exercise, with social, political and economic implications. Engaging in sport can be a source of inclusion or exclusion and can foster the enforcement or transgression of social and cultural boundaries. As such, sport can be a site of contradiction where queer identities are alternately celebrated or challenged, contested or championed.

LGBT VISIBILITY IN THE LONG RUN, HELEM AND THE BEIRUT MARATHON, LEBANON

Helem is an organization that leads a peaceful struggle for the liberation of the LGBT community in Lebanon from all sorts of legal, social and cultural discrimination.

In 2006, Helem was eager to participate in the Beirut International Marathon and booked a stand at the popular Marathon Village. The village consisted of a 5-day expo of NGO's joined under the theme of "Cultures Mix 'n Match".⁷

Despite their message of tolerance and diversity, the Beirut Marathon Association decided to ban Helem from participating in the village even after they had signed a contract and paid all the relevant fees. Helem denounced their "blatant and unjust exclusion from the village" and encouraged individuals and organizations to contact the Beirut Marathon Association to express their dissatisfaction with the decision.

On the day of the marathon, a group of 15 activists from Helem took charge of the Ras Beirut Refreshment Station. The station was filled with rainbow flags, t-shirts for the volunteers, and huge banners with Anti Homophobia messages. This was effective in terms of visibility and outreach as 14.000 runners passed by the refreshment station.

At a post-marathon conference, the Beirut Marathon Association awarded Helem with a certificate for "Best Water Station," a unanimous decision by the organizers based on set-up, decoration, volunteers, and operation on Race Day.

FOR MORE INFORMATION:

— www.helem.net

7. *Helem Pride, Vol 1, Issue 2, Jan 2006.*

GAY AND STRAIGHT ALLIANCES, THE NETHERLANDS

In 2007 the Dutch government created the policy document 'Simply Gay'. The main objective was to promote the social acceptance of LGBT's among the Dutch population. The policy focuses on a wide range of areas of society including sport. It has led to the establishment of a Gay and Straight Alliance in the Netherlands between sport organisations and LGBT NGO's.

The purpose of the alliance is to promote diversity in sport, combat discrimination of LGBT's and to coordinate and mainstream initiatives in order to reach social acceptance of LGBT's in the world of sport. The alliance, which was launched in December 2008, consists of six organisations⁸ and is based on the idea that the integration and social acceptance of homosexuality is not only a responsibility of homosexuals but also of heterosexuals.

The alliance work for the implementation of the policy on areas outside the sport field as well, namely in the areas of media, education and city council policy-making. The alliance also facilitates a network for LGBT sports people, supporting them mentally and socially.

FOR MORE INFORMATION:

— <http://www.homosport.nl/professioneel/alliantie>

8. *NOC*NSF, Nederlandse Sport Alliantie, John Blankenstein Foundation, COC-Nederland, MOVISIE and stichting Homosport Nederland*

8 — FAMILY AND RE LATION SHIPS

Rainbow families and LGBT relationships that challenge the traditional hetero-normative ideals are highly controversial in many parts of the world. Only few countries in the world allow marriage or registered partnership for LGBT people and even fewer allow LGBT couples to have children. As a result, LGBT people in family settings have to struggle for acceptance and are faced with a variety of problems ranging from legislative restrictions and economic inequalities, to persecution and assault.

EQUAL RIGHTS TO SAME-SEX COUPLES: COLOMBIA DIVERSA, COLOMBIA

The Colombian NGO Colombia Diversa has since its founding in 2003 worked for the promotion and recognition of LGBT rights. This work has included awareness-raising campaigns, media work and most importantly, the achievement of equal rights for same-sex couples.

In 2006, Colombia Diversa had success putting LGBT issues on the agenda during the national elections through the project “Voto Gay 2006” (I vote gay). The aim of the project was to profile the positions of congressional candidates and for this purpose flyers were printed targeting LGBT voters. Colombia Diversa worked with the organizers of the presidential debates to ensure that the issue of rights for same-sex couples would be brought up during debates. As it turned out, the majority of the presidential candidates and many congressional candidates openly supported gay issues such as social security, health and inheritance rights for same-sex couples. LGBT issues were made visible on a national level for the first time in Colombia.

Colombia Diversa was one of the leading organizations behind the achievement of Equal rights to same-sex couples. The path that led to the Court’s recent ruling began with a lawsuit.

On April 28, 2008, Colombia Diversa, The Law, Justice and Society Study Center, and The Public Interest Rights Group of the University of Los Andes, filed a lawsuit seeking equal rights between permanent partners, heterosexual and homosexuals. The lawsuit was actively supported by a variety of human rights organizations, most of which do not represent LGBT rights exclusively. Among others was the International Gay and Lesbian Human Rights Commission who helped draft a testimony (amicus curiae) supporting the case.

On January 27, 2009, the Constitutional Court of Colombia ruled that same-sex couples are entitled to the same rights as unmarried, heterosexual couples in common law marriages. In a country where homophobic attitudes still exist among the public as well as in respectable public institutions, this legal recognition for homosexual rights represents a major victory for everyone who has decided not to deny their sexual orientation.

FOR MORE INFORMATION:

— Marcella Sánchez Buitrago, Colombia Diversa,
e-mail: msanchez@colombiadiversa.org
— <http://iglhr.wordpress.com/2009/02/24/congratulations-colombia>
— <http://colombiadiversa.com/>

FROM PARTNER TO SPOUSE, SWEDEN

Registered partnership was introduced in Sweden in 1995. This allowed two persons of the same sex to form a legally recognized partnership. In December 2008, the Swedish Government presented a bill to Parliament proposing legislative changes in the Marriage Code. The proposed bill was based on the question of whether or not the institution and the concept of marriage should be defined to include same-sex couples. On May 1, 2009, the Swedish Marriage Code and other regulations that concern spouses were made gender neutral and the Law on Registered Partnership was suspended.

The new changes allow for same-sex couples to marry and thus to obtain same rights as married, heterosexual couples. Same-sex marriage can be achieved either by civil marriage or through a religious community.

FOR MORE INFORMATION:

— Email: forbund@rfsi.se
— www.regeringen.se

RAINBOW FAMILIES: EVIDENCE-BASED POLICY DEVELOPMENT, DENMARK

Parenting among LGBT-persons has become common in Denmark. The parliament has debated and voted on numerous legislative proposals and Parliamentary Resolutions, but no empirical studies on the situation of the rainbow families had been carried out.

LBL, the Danish National Organisation for Gays and Lesbians organisation (LBL), runs a community for rainbow families. To obtain a solid foundation for policy development in this area, a study was conducted in 2008 among the community members who were asked to answer an extensive questionnaire. The questions were open-ended in order to avoid defining family structures and to allow the participants to self define. This showed to be a more inclusive method, and the results can be read as narratives providing real insights and empirical evidence rather than questionnaire filling.

The resulting report, *Rainbow Families 2008: An empirical investigation of Danish families with children*, where at least one of the parents is gay, lesbian, bisexual or a trans person, gives a detailed picture of the situation of the rainbow families in Denmark and their needs. The study shows that the rainbow families to some extent who are pioneers in the development of perceptions of families. It is important that society recognizes this increasing diversity and that legislation and policies follow to ensure the families have the best conditions and the children get the childhood they deserve.

The families face a number of problems based on legislative shortcomings. For example, if a foreign woman gives birth to a child in Denmark, the child gets Danish citizenship if her partner is a Danish man but not if her partner is a Danish woman. The study also showed that there are generally no problems with the professionals dealing with children, for instance in health care, public child care, or in schools. The diversity of rainbow families may, however, give rise to conflicts among different types of families such as internalization of hierarchies, e.g. between lesbian couples using anonymous sperm donation and gay-lesbian families with more parents: the parents keep evaluating their decisions on family structure when they watch other families.

Based on the findings from the study, LBL has now formulated policies that are being presented to the Parliament. These include policies on recognition of more diverse family definitions and mainstreaming of rainbow families in family law.

FOR FURTHER INFORMATION:

- http://www.lbl.dk/fileadmin/site/politik/familier/Rainbow_Families_2008.pdf
- Søren Laursen, e-mail: sla@lbl.dk

9 — SEXUALITY, PLEASURE AND BODY POLITICS

Discussing sexuality freely is one of the central rights for which LGBT people struggle. Within the movement, it is unequally enjoyed: women face particularly acute silencing when trying to talk about their desires, bodies, and pleasures; Transgender, disabled, and intersex people, as well as the elderly, are often thought to have no sexuality. Sexuality and desires continue to be taboo and linked to vulgarity in most countries due to heteronormative structures and religious and cultural norms. Human sexuality may be regarded as ‘private and personal’ but ironically it is here that control and self-censorship is exercised most.

CAMPAIGN FOR THE RESPECT OF SEXUAL ORIENTATION AND AGAINST HOMOPHOBIA, CUBA

The National Center for Sex Education (CENESEX) is an education and research institution. Its mission is to help implement the Cuban policy on sex education and to coordinate the participation of organizations and agencies involved in social communication, community work, education and counseling in order to help Cubans live their sexuality in a healthy and responsible way. According to CENESEX homophobia is still a pending issue in Cuba, as discussions on sexuality face a lot of opposition.

In March 2009 ‘The Campaign for the Respect of Sexual Orientation’ was launched and followed by “The Campaign Against Homophobia 2009”. The latter campaign was presented at a press conference where representatives from CENESEX, The National Centre for Prevention against STD/HIV/AIDS, The Union of Young Communists and the National Union of Writers and Artists were present. One of the main events was the commemoration of the World Day against Homophobia on 17 May 2009 (the third of its kind in Cuba).

In this context, CENESEX, with the support of various state institutions, the government, and civil society have called for the implementation of a program of educational and cultural activities aimed at combating all types of discrimination, including discrimination based on sexual orientation and gender. The main purpose has been to contribute to the education of the Cuban society, with emphasis on family and youth, and raise awareness of the right to a free sexuality. The campaigns took place in different parts of Havana City including The University of Havana where several debates on sexual diversity, sexual rights, homophobia and stigmatization, and HIV/AIDS were held. At another campaign venue free HIV tests were offered.

A major cultural gala which formed part of the Campaign for the Respect of Sexual Orientation attracted so much interest that the Astral Theatre where the event took place was unable to accommodate all who wanted to take part. CENESEX saw the great interest as evidence of the need for, and the success of, the campaign and expressed its gratitude for the support from the public in the fight against homophobia.

FOR MORE INFORMATION:

— <http://www.cenesex.sld.cu/webs/diversidad/diversidad.htm>
 — E-mail: aroqueg@infomed.sld.cu

TRANSGENDER, LESBIAN, AND GAY HUMAN RIGHTS UPHELD IN THE HIGH COURT OF UGANDA

Uganda is a country known for its restrictive policies concerning LGBTI persons. Homosexual conduct is considered a crime and carries a maximum penalty of life imprisonment under the Penal Code. Due to these discriminatory and limiting policies, the case of Mukasa and Oyoo is of paramount importance to the lives of LGBTI persons living in Uganda.

During the night of 20 July 2005, Victor Juliet Mukasa, a lesbian transgender President of the Sexual Minorities in Uganda (SMUG), an NGO advocating the rights of transgender, homosexuals and intersex persons, had her house searched by government officials who did not have a warrant to do so. Furthermore, the officials seized several documents relating to the association's activities and illegally arrested Victor's guest, Yvonne Oyoo, who is also a human rights defender. They were treated in an inhuman and degrading manner amounting to sexual harassment and indecent assault. Later, Oyoo was released without any charges.

After the Ugandan Government failed to investigate or take any action to remedy the wrongs that had occurred, Ms. Mukasa and Ms. Oyoo filed a private suit against the Attorney General in 2006. On 22 December 2008, the High Court of Uganda ruled that the Government had violated the rights of Victor Juliet Mukasa and Yvonne Oyoo, and declared that Ugandan constitutional rights apply to gay, lesbian, bisexual and transgender persons regardless of the fact that they are homosexuals or transgender. The judgment upheld the protection of personal liberty (Art. 23 of the Constitution), respect for human dignity, protection from torture or any other form of cruel or inhumane treatment (Art. 24), and the right to privacy (Art. 27). The Government of Uganda was ordered to pay damages to both Victor and Yvonne.

The judge in charge of the case declared: "Human rights must be respected. It has been found that the actions of the officials that molested Victor Mukasa and Yvonne Oyoo were unconstitutional, inhuman, and should be condemned." Justice Arach called upon the international conventions and emphasised that the Universal Declaration of Human Rights must be respected.

The case illustrates how a civil case concerning illegal arrest and search can be elevated to a paramount case making sure that the rights of LGBTI persons are respected by state authorities. The importance of this case resides in several facts: This was the first time that a gay or lesbian person brought the Ugandan authorities to court; it is a ruling that will limit the police intrusiveness into the private lives of human rights defenders; and, most importantly, it creates a precedent (crucial in Common Law systems in states like Uganda) concerning the enforcement of Ugandan constitutional rights and their application to all persons, including lesbian, gay, bisexual and transgender persons. Any other similar case brought to the High Court of Uganda will have to follow the same guidelines of this major precedent of Victor Mukasa and Yvonne Oyoo vs The Attorney General of Uganda.

FOR MORE INFORMATION:

- Victor Juliet Mukasa, e-mail: vmukasa@iglhr.org
- International Gay and Lesbian Human Rights Commission (IGLHRC) <http://www.iglhr.org/cgi-bin/iowa/home/index.html>

10 — MAIN STREAM ING

The importance of mainstreaming lies in the incorporation of LGBT perspectives in the development, improvement and evaluation of policy, new legislation, programmes and other activities. Mainstreaming is a tool to achieve equal opportunities for LGBT people. The ambition is to ensure that LGBT people are protected against discrimination and can claim their rights and become active and participating citizens in all aspects of societal life.

THE SWEDISH EQUALITY OMBUDSMAN AND GENDER IDENTITY, SWEDEN

The Swedish Equality Ombudsman (DO) is a governmental authority working against discrimination on the grounds of sex, gender identity, ethnicity, religion or belief, disability, sexual orientation and age. By extension, it works to promote equal rights and opportunities for all.

Initially there existed four different Ombudsman Institutions covering discrimination on the grounds of gender; ethnicity, religion or belief; disability; and sexual orientation. However, the parliament decided that as of 1 January 2009 the four former Ombudsman Institutions should be merged into one authority, the Swedish Equality Ombudsman, and the former Discrimination Acts were united into one.

The new law covers more areas than before, including protection of students, applicants to schools, participants at public events such as concerts or meetings and conscripts are also protected against discrimination. The new law also provides better conditions for compensation of victims of discrimination.

The change has also led to a prohibition against discrimination on the grounds of gender identity and expression that aims to protect transvestites, transgendered, intergendered or intersexual persons against discrimination.

The Swedish Equality Ombudsman is the only equal treatment body in Europe that works actively with gender identity. Furthermore, the Ombudsman has a horizontal approach which recognizes that the individual has several identities.

This recognition is significant because it serves as an important starting point to tackle the complex issue of multiple discrimination and the impact this has on individuals and groups.

FOR MORE INFORMATION:

— <http://do.se/>

HOMOSEXUAL EMANCIPATION POLICY, THE NETHERLANDS

In November 2007, the Dutch Government issued the policy paper “Simply Gay. The Dutch Government’s LGBT Policy document 2008-2011.” The main purpose of this policy is the promotion and advancement of social acceptance of LGBT people in the Netherlands. In issuing this policy paper the Dutch government committed itself to protecting and promoting equal rights of the LGBT citizens.

The policy highlights five themes which constitute the governments’ operational objectives. These are making homosexuality a topic for dialogue and debate in different population groups; combating violence against and intimidation of LGBTs; stimulating the establishment of social gay and straight alliances, both nationally and locally; contributing to a LGBT-friendly environment at school, at work and in sport; fulfilling an active international and European role.

FOR MORE INFORMATION:

— *Ministry for LGBT Policy, Ministry of Education, Culture and Science: www.minocw.nl/english*
 — <http://www.minocw.nl/documenten/08BK2008B014.pdf>

1 —
HUMAN
RIGHTS
AND
POLITICS

2 —
OUT FOR
BUSI
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3 —
WORK-
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4 —
CULTURE
AND
MEDIA

5 —
HEALTH

6 —
EDUCA
TION

7 —
SPORT

8 —
FAMILY
AND RE
LATION
SHIPS

9 —
SEXUALI
TY, PLEA
SURE AND
BODY
POLITICS

10 —
MAIN
STREAM
ING