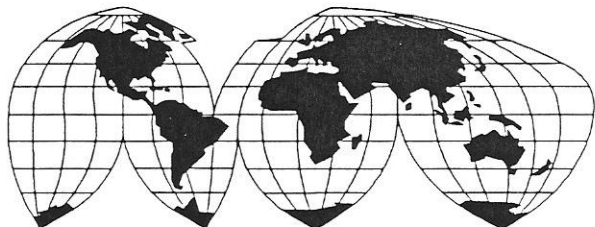


"THE START OF A PROCESS"

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THE INTERNATIONAL LESBIAN AND GAY ASSOCIATION AT THE UNITED NATIONS WORLD CONFERENCE ON HUMAN RIGHTS



Report of the ILGA Committee on the
UN World Conference on Human Rights
1 July 1993

THE WORLD CONFERENCE

In the years since 1945, the United Nations has developed a body of international human rights law. The work began with the Universal Declaration of Human Rights in 1948. It has continued with a series of declarations and covenants. Two of the most recent are the Covenant on the Rights of the Child of 1989 and the Declaration on the Rights of Minorities in 1992.

Human rights were an important theme in the cold war. The East-bloc criticized racism and economic inequality in the West; the West criticized the lack of political freedom and personal mobility in the East. The East criticized Guatemala and Chile. The West criticized Afghanistan and Cuba.

When the cold war ended it seemed possible that human rights could be depoliticized and made truly universal. In the jubilant period after the collapse of communism and the reunification of Germany, the decision was taken by the United Nations to hold a World Conference on Human Rights. The Conference met in Vienna, Austria, 14–25 June 1993.

By the time the Conference was held the international mood had changed. In part the change reflected the ethnic violence in Europe, most dramatically the fighting in the former Yugoslavia. Neither Europe nor the United Nations could halt the killings, rape, and ethnic cleansing. There were serious problems, as well, in parts of Asia and Africa.

Another change was the emergence of a North-South split on human rights, a split that had been largely hidden from sight during the years when the Northern superpowers controlled international politics in the name of the cold war. As United Nations Secretary General Boutros Boutros-Gali commented, the cold war had imposed "a certain discipline" on the countries of the third world.¹ When that externally imposed discipline ended, the South was free to express its own views on human rights, not simply side with the East or the West. In the lead-up to Vienna the South talked of "specificity" or "particularity." China argued that developing countries believe human rights

...must be considered in the context of different national and regional characteristics and various historical, cultural and religious backgrounds.²

This was the consensus view of government representatives at the Bangkok preparatory meeting two months before Vienna. It had two main components: a stress on an unconditional right to development and a view that there was a Western/Northern bias in current human rights discourse.

Given the changed mood, there were suggestions that the Conference be delayed. Amnesty International warned that universal human rights could be undermined at Vienna.³ The Western agenda was said to be "damage control." Heads of State avoided the Conference. Well over a hundred

heads of state went to the "Earth Summit" in Rio a year earlier. Only two were at Vienna.

With all its problems, the United Nations World Conference on Human Rights was held. It ended without calls for follow-up meetings.⁴ While the Conference may be best remembered for the controversies over the Dalai Lama and Bosnia-Herzegovina, it completed its work and adopted a final declaration.

The greatest success of the Conference was the participation of over a thousand Non-Governmental Organizations (NGOs). Over seven hundred NGO representatives were subsidized through the Austrian NGO, the Boltzmann Institute for Human Rights, with funds from the European Community, the Ford Foundation, the Agence de coopération culturelle et technique, and the governments of the Netherlands and Sweden.

NGOs have become an essential part of international human rights processes. Laurie Wiseberg of Human Rights Internet commented:

*...NGOs provide the essential fuel—information—on which the UN human rights system runs. Without the NGOs, there is no UN human rights system.*⁵

While this may sound like self-serving propaganda from an NGO, it is true. The United Nations human rights system is so under-funded and under-

staffed that it cannot do the necessary research and documentation to support institutions like the UN Human Rights Commission or treaty bodies like the Human Rights Committee. All UN commissions and treaty bodies now rely on information generated by NGOs. They have no choice. Not all NGOs are reliable, but a number have established solid reputations as sources of information.

There is another aspect to the role of NGOs. To a large extent NGOs now set the international human rights agenda. Amnesty International campaigned for years on the issue of torture. In 1984 the UN General Assembly adopted the text of the Convention against Torture. A group of NGOs lobbied for the Convention on the Rights of the Child. The Convention, adopted in 1989, is the first international human rights treaty to make provisions for the ongoing role of NGOs in the implementation of the treaty. Indigenous representatives lobbied at the United Nations for a decade before the Economic and Social Council established the UN Working Group on Indigenous Populations which is drafting a declaration on indigenous rights.

If the rights of lesbians and gay men come onto the international human rights agenda, it will be placed there by pioneering NGOs aided by a few governments.

That process began in Vienna.

THE PREPARATORY MEETINGS

The Vienna Conference was preceded by certain regional preparatory meetings. Some were inter-governmental, others organized by NGOs.

Lesbians and gay men had input at the regional NGO meetings in Bangkok and Quito. Working Papers prepared by Australian NGOs for the Bangkok Meeting called for recognition of lesbian and gay rights, but the Bangkok NGO declaration was silent.⁶ The Quito NGO declaration called for an express condemnation of discrimination on the basis of sexual orientation and the establishment of United Nations mechanisms to combat such discrimination.⁷

Regional inter-governmental meetings were held in Tunis, San José, and Bangkok. Rebeca Sevilla, the female Secretary General of the International Lesbian and Gay Association (ILGA) was accredited to the regional inter-governmental preparatory meeting in San José, Costa Rica.

The Declaration of the Bangkok inter-governmental preparatory meeting was the leading statement in the whole process supporting "cultural relativism," the leading attack on "universality."

Strong recognition of lesbian and gay rights came from the preparatory meeting held by the Council of Europe in Strasbourg, France, in January 1993. ILGA was accredited to Strasbourg and represented by Kurt Krickler and Alexandra Duda. The meeting was not an official preparatory meeting for it did not include all states within the Western UN region. The Strasbourg meeting featured independent human rights experts from different UN regions, including Andrew Clapham, co-author of the study "Homosexuality: A European Community Issue," funded by the European Human Rights Foundation and published just before the Vienna Conference. Three of six discussion group reports from the Strasbourg meeting supported lesbian and gay rights. One

report noted that the rights of homosexuals were "traditionally ignored":

...International law and action on human rights must be based on equality and the principle of universal application to all,

*regardless of economic status, race, gender, age, nationality, or sexual preference, must be strictly adhered to. Rights of groups traditionally ignored in the discourse on human rights, e.g. gay persons, should receive recognition.*⁸

THE VIENNA NGO FORUM

A three day NGO Forum was held in Vienna immediately before the World Conference, organized by the NGO Joint Planning Committee (JPC). NGOs, particularly from the South, were highly critical of the work of the JPC. There was bitterness that the JPC had agreed that individual countries would not be named as violators of human rights in NGO activities (a condition imposed by the United Nations Secretariat, which controlled the building where the Forum was held). A small but vocal group, mainly from Latin America, were angry that the JPC had invited a former President of the United States, Jimmy Carter, to address the final NGO plenary. Their shouting meant that Carter could not be heard.

An NGO generational change was taking place. The older international NGOs—the "Geneva mafia"—had done the pre-conference planning. But the most active NGOs in Vienna were local and national groups, many from Asia. They were new to the international scene and most were not formally accredited by the Economic and Social Council. The new generation dumped the NGO Joint Planning Committee and established the NGO Liaison Committee.⁹ The new committee functioned during the UN Conference and will continue after Vienna.

In spite of the problems with the NGO Forum, five workshops were held during the three days. The

workshops discussed different aspects of the international human rights agenda: evaluation of progress; indigenous peoples; women; the relationship between human rights, development, and democracy; and current trends in human rights violations. Additional workshops were established on military, children, forced eviction, the caste system, the disabled, and planning "beyond Vienna."

Representatives of the International Lesbian and Gay Association spoke in four of the five main workshops. The reports of three workshops specifically condemned discrimination against lesbians and gay men, and a fourth report spoke more generally about the need to protect vulnerable groups. The report of the additional workshop, "beyond Vienna," also specifically mentioned lesbian and gay rights. The support from other NGOs was strong. But when Manfred Nowak of the Boltzmann Institute presented his summation of the workshop reports to the final session of the NGO Forum, lesbians and gays had disappeared. No debate was permitted at the session, but intensive lobbying succeeded in making the simple point that lesbians and gays had been recognized in the workshops and should be in the final report. When Nowak presented the report of the NGO Forum to a Plenary session of the UN World Conference on 14 June, lesbians and gay men had reappeared.

LESBIAN AND GAY VISIBILITY AT THE UN CONFERENCE

Three organizations of lesbians and gay men were accredited to the United Nations Conference: the International Lesbian and Gay Association, the Australian Council for Lesbian and Gay Rights, and EGALE (Equality for Lesbians and Gays Everywhere) from Canada.

ILGA argued for accreditation on the basis that:

(a) Rebeca Sevilla, female Secretary General of ILGA, had been accredited to the San José inter-governmental preparatory meeting,

(b) ILGA had been accredited to the almost official European preparatory meeting in Strasbourg, and

(c) ILGA's application for consultative status had been approved by the committee on NGO status, though not yet by the Economic and Social Council itself.

Through some combination of merit and pushiness, ILGA was accredited to the Vienna Conference and allowed to have four

representatives (Kurt Krickler, Myrna Morales, Doug Sanders, and Rebeca Sevilla). But the rules kept changing. In the end ILGA had seven representatives wearing the pink conference identification badges, and the two other organizations were accredited. Individuals from six additional lesbian and gay organizations participated in the UN Conference under various accreditations: Atobá (Movimento de emancipação homossexual) from Brazil, Mobilization against AIDS (San Francisco), the International Gay and Lesbian Human Rights Commission (San Francisco), two organizations from Mexico, and an organization from Ecuador. As well, there was support from HOSI Wien, one of the local groups in Vienna.

A position paper, prepared by the ILGA United Nations Committee in New York was widely distributed. The document was revised to omit country-specific references, as required by the UN. In that laundered form it was approved by the UN Conference Secretariat for official distribution by the Secretariat to all government delegations. An ILGA literature table had documents from Brazil, the United States, Austria, and Canada.

While about six people did most of the lobbying and speaking, a core group of about twelve lesbians and gay men were in close contact during the UN Conference. Additional contacts were made with lesbians and gay men in other NGO delegations and in government delegations. A lesbian-gay caucus met seven times.

NGO "parallel activities" took place every day. An ILGA "briefing" on 16 June in the Austria Center drew about thirty-five people. A panel discussion that night, away from the Center, drew around fifty, a mix of conference delegates and local Vienna activists. The panel, chaired by ILGA male Secretary General John Clark, featured Aduino Belarmino Alves of the Brazilian organization Atobá, Antonia Burrows of the Feminist Network in Budapest, Rodney Croome of the Australian Council for Lesbian and Gay Rights, Julie Dorf of the San Francisco based International Gay and Lesbian Human Rights Commission, and Svend Robinson, the openly gay member of the Canadian Parliament. Myrna Morales of the ILGA UN Committee in New York spoke on Saturday, 19 June, at a public rally beginning the March of the Cultures to the Danube Island.

John Fisher of EGALE was active in the NGO Western caucus. Professor Douglas Sanders of ILGA chaired the caucus of International NGOs.

Myrna Morales and Rebeca Sevilla, both of ILGA, were active in the NGO women's caucus.

On 22 June Rodney Croome spoke on behalf of the Australian Council for Lesbian and Gay Rights in the Main Committee of the United Nations Conference.¹⁰ He argued that heterosexism was no less objectionable than "racial supremacy, religious intolerance or cultural and ethnic chauvinism," all topics being addressed at the Conference. He told of his personal experience in Tasmania:

When I speak to you of these human rights violations I am speaking from experience. I was arrested and detained four times in 1988 because I, along with others, staffed a stall in a public market that featured a petition calling for the removal of laws against homosexuality. For many gays and lesbians such heavy handed violations of basic democratic rights are the norm rather than the exception.

Professor Sanders followed Rodney Croome, speaking for ILGA. In brief comments, Sanders noted the repeal of anti-homosexual criminal laws in Lithuania one week earlier, following the lead of the Russian Federation. His written statement on behalf of ILGA was distributed to the government delegations, not read, to comply with the edict of the chair that the three lesbian and gay organizations combine their presentations.

On 23 June, John Fisher spoke in the Plenary on behalf of the Canadian group Equality for Gays and Lesbians Everywhere. He ended with a plea for governments to break their silence on lesbian and gay rights:

We call upon you to recognize in the final document that discrimination against lesbians and gays is not acceptable. We call for a special rapporteur on discrimination against gays and lesbians. But at the least, we call upon you to take a stand—here—publicly. Speak out in support of the human rights of lesbians and gays, just as many of you have spoken out in support of the equality rights of women. My people are suffering. Don't just look the other way.

Carole Ruthchild of the Australian Council for Lesbian and Gay Rights was scheduled to speak for ILGA in the Plenary on 25 June. Time ran out, for much of the previous day had been devoted to an emotional debate on Bosnia-Herzegovina. Copies of her statement were distributed to all government delegations. It concluded:

We are not asking for special rights. We seek only those rights which heterosexual people take for granted: the right to live with our loved ones without fear of interference or forced separation by the authorities, the right to work in all fields, including with children and in the armed forces, the right to form associations. Above all, the right to be treated with dignity and to live free from threats, intimidation and violence.

If Manfred Nowak's temporary omission of a reference to lesbians and gays in the report of the NGO Forum was an oversight that occurred as a result of the need to conserve time, there was a figure in the United Nations Conference whose actions could not be so easily explained away. Madam Halima Warzazi of Morocco had chaired the inter-governmental preparatory meetings and, in Vienna, chaired the meetings of the Main Committee. She was a controversial figure, widely criticized for her handling of the preparatory meetings.

The three accredited lesbian and gay organizations had placed their names on the list of speakers for the Main Committee. Madam Warzazi informed them that they must combine their statements. When John Fisher and Professor Douglas Sanders protested her decision, she said the problem was one of time. She did not respond to the argument that lesbian and gay rights involved a number of issues and that the statements to be made were not repetitive. She was aware that lesbian and gay organizations had not previously been accredited to UN meetings. Professor Sanders informed Madam Warzazi that he was aware that she had opposed his statement a year earlier to the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, of which she is a

member. She did not deny that opposition, saying she had "her own views" on the subject and Fisher and Sanders were fortunate that she did not express them in the Main Committee. The next morning, when the head of the Australian government delegation requested that more time be allocated to the lesbian and gay organizations, Madam Warzazi again argued problems of time, but added that she found it difficult to say the words "lesbian" and "gay."

As if to respond to her critics, Madam Warzazi presented a strong Main Committee report to the final Plenary on 25 June. She supported the controversial demand that indigenous groups be referred to as "peoples." And she made a positive reference to the human rights of "sexual minorities." It seemed that Madam Warzazi had overcome some of her problems with the subject.

Lesbians and gays were vocal and visible at the Vienna United Nations Conference. John Clark, male Secretary General of ILGA, commented with a smile:

Everyone knew lesbians and gays were at the conference. We could not be missed. We opened the UN closet at Vienna.

The visibility was new. Vienna was the first United Nations meeting of any kind to which lesbian and gay organizations had been accredited. For the first time there was a group of "out" lesbians and gays. A year earlier there had been only one voice when Professor Sanders made the first "out" speech at the United Nations, addressing the Sub-Commission on Prevention of Discrimination and Protection of Minorities in Geneva, a statement made in the name of Human Rights Advocates.

SUPPORT FROM OTHER NON-GOVERNMENTAL ORGANIZATIONS

Most of the speaking times for NGOs in the Plenary Sessions of the World Conference were allocated by a series of NGO caucuses established by the NGO Liaison Committee. John Fisher of EGALÉ drafted the Western NGO caucus' statement on the protection of vulnerable groups, stressing lesbian and gay rights. The statement was made to the Plenary by Louise Shaughnessy of the National Association of Women and the Law (Canada) on 24 June. The statement addressed systemic discrimination on grounds of sex and sexual orientation, adding:

A person's sexuality is a fundamental aspect of their personhood, and it is unacceptable to accord lesbians and gays anything less than full equality in all aspects of their lives. 1994 is International Year of the Family and we call upon the international community to give recognition to the family relationships of lesbians and gays so that we may recognize and celebrate the diversity of the many different family forms which make up our communities.

Professor Douglas Sanders of ILGA made a statement on lesbian and gay rights on 24 June in one of the six speaking times allotted to the caucus of international NGOs. Given the focus on the issue of "cultural relativism" in the Conference, he stressed that homosexuality was not a "Western" issue:

It is important to recognize that in all major religious and cultural traditions there have been periods of acceptance of homosexuality and periods of repression. This is not a "Western" issue: it is a test of our commitment to universality.

The statement was endorsed by seven major international NGOs: ILGA, the International Federation of Social Workers, the Women's International League for Peace and Freedom, the International Alliance of Women, the World Young Women's Christian Association, the Organizing Committee for the People's Decade of Human Rights Education, and the International Council of Jewish Women.

Lesbian issues were intensively discussed in the women's caucus. The NGO Women's Tribunal, a day of personal testimony by women, was the most influential NGO parallel activity. Rebeca Sevilla of Peru, female Secretary General of ILGA,

SUPPORT FROM GOVERNMENTS

On 15 June in the Plenary, Dr. Kooijmans, the Minister of Foreign Affairs of the Netherlands, referred to discrimination as "one of the central evils to be fought in our time," specifically including a reference to discrimination on the basis of "sexual orientation."

The Netherlands made two additional statements. Dr. Flinterman, an international law professor, addressed the Main Committee on 17 June:

But also smaller sections of society face this problem. I only have to refer to the persecution and discrimination of gays and lesbians. Their plight has not been adequately identified as a problem; therefore no solutions have been formulated. Lack of identification is indeed a relevant obstacle to realization of the human rights of these groups.

The third statement was made by Ms. De Bode-Olton on 21 June:

was one of the women who testified. The NGO women's caucus prepared detailed recommendations for the conference's final statement. The women's recommendations, delivered to the Conference Drafting Committee, called for an end to discrimination on the basis of sexual orientation.

A statement by the International Confederation of Free Trade Unions condemned the "continuing violation of human rights on the basis of sexual orientation," noting that the death penalty continued in some States.

A report by the Inter-Parliamentary Union on their preparatory meeting for Vienna was put forward which stated, in part:

In the context of the discussion on minorities, some delegations urged that the issue of equality for lesbians and gay men, including an end to criminal sanctions on adult homosexual activities, be addressed at the World Conference. One delegation opposed this suggestion.¹¹

Svend Robinson of Canada had raised the issue within the Inter-Parliamentary Union meeting. The one delegation to oppose was that of the Islamic Republic of Iran, which continues to execute homosexuals.

...the realization of deficiencies in the standard-setting as regards discrimination on the basis of sexual orientation must lead to revision in standard setting...

The second government to speak in Plenary on "sexual orientation" was Canada on 16 June, in a sentence under the heading "Rights of persons in vulnerable groups":

It is also unacceptable that anyone, because of sexual orientation or HIV infection, be denied fundamental human rights and freedoms.

Svend Robinson, a Canadian Member of Parliament, was the only fully "out" person in any government delegation. He had lobbied the Canadian government before Vienna to ensure that Canada would raise lesbian and gay issues. On Friday, 18 June, Canadian NGOs met with the Canadian government delegation. John Fisher and Professor Douglas Sanders, aided by Svend Robinson, secured a promise from the Canadian

delegation that they would move an amendment in the drafting committee to add "sexual orientation" to the final declaration of the World Conference. Canada made the motion on Saturday, 19 June. The Secretary General of the Conference, Ibrahim Fall, intervened, proposing new wording which eliminated the list of grounds of discrimination in favor of an "open-ended" statement at the beginning of paragraph 8:

Respect for human rights and for fundamental freedoms without distinction of any kind is a fundamental rule of international human rights law.

This replaced a "closed" statement listing specific grounds of discrimination which excluded lesbians and gay men.

On 18 June Ms. Johanna Dohnal, the Federal Minister for Women's Affairs of Austria made a statement in the Main Committee strongly endorsing the work and recommendations of the NGO Women's Tribunal. She specifically noted that in the Tribunal

...the persecution of women on the grounds of their sexual orientation was presented by examples of the personal experience of women affected...

On 23 June Australia expressed its concern in the Main Committee about the plight of all "vulnerable groups" including "those who suffer discrimination because of their sexual preference..." This concern was amplified later in the speech:

...one of the remaining areas of discrimination which is yet to receive serious and detailed attention within the United Nations system is that of sexual preference. While Australia recognizes that discussion of this issue is bound to be difficult given the diversity of political, cultural and religious traditions with which the international community is required to grapple, consideration of this issue from a human rights perspective is overdue, and I would hope that this Conference marks the start of a process of discussion and dialogue aimed at ensuring that individuals are not discriminated against because of their sexual preference. Australia supports such moves to proscribe discrimination on the grounds of sexual preference and HIV status.

When the Chair of the Main Committee required that the three lesbian and gay organizations on the

list of speakers combine their statements into one six-minute allocation, the head of the Australian government delegation, Ms. Penny Wensley, met with the chair to request that more time be allocated to the groups.

On 21 June Germany raised lesbian and gay issues in its statement in the Main Committee:

My Government fully agrees with the recommendations of the NGO-Forum of this World Conference which called for effective mechanisms "to counter discrimination against various disadvantaged groups such as men and women discriminated against for reasons of sexual orientation, people with disabilities, persons who are HIV positive or who live with AIDS, sexually exploited people, homeless children and children who are victims of armed conflicts and of child prostitution." In some respects the problems and discrimination these vulnerable groups suffer are similar to those many women face because of their gender. The United Nations human rights bodies have to devote more attention to human rights violations and discrimination both of women and of vulnerable groups.

Only one government made a negative reference to lesbians and gay men, the government of the prosperous puritanical city state of Singapore. The Singapore statement, pointedly called "The Real World of Human Rights," described most human rights as "still essentially contested concepts." The statement went on:

Singaporeans, and people in many other parts of the world do not agree, for instance, that pornography is an acceptable manifestation of free expression or that homosexual relationships is just a matter of lifestyle choice. Most of us will also maintain that the right to marry is confined to those of the opposite sex.

But the Singaporean delegate, in conversation, denied that the statement was anti-homosexual, noting that there were lesbians and gay men in Singapore. He was not sure whether criminal sanctions continued in the law in Singapore (they do), but he believed that people were not being arrested. He conceded that attitudes might change in Singapore. He was unaware that public lesbian and gay organizations had begun in neighboring Malaysia, Indonesia, and Thailand.

By the end of the World Conference, five government delegations had called for

international human rights law to address the issue of discrimination against lesbians and gay men. The number may seem unimpressive, but Vienna

was the first United Nations forum in which any government had made such a statement. Vienna, as Australia hoped, was a beginning.

LEARNING FROM VIENNA

There are lessons to be drawn from ILGA's experience at the Vienna Conference, lessons for future UN special conferences, such as the conference on women in Beijing in 1995, and for the annual meetings of the Human Rights Commission and the Sub-Commission.

It is usually more effective to begin lobbying governments at home before a conference than during the hectic days of an international meeting. Lesbians and gays had lobbied the governments of at least the Netherlands, Austria, and Canada in advance of Vienna. The Australian government delegation only decided to speak on lesbian and gay rights after they came to Vienna. They had a problem locating the Attorney General, who was traveling within Australia, to get approval for the statement.

Governments are concerned with visibility. While many governments want to have a progressive image internationally, they do not want to be

isolated on a controversial issue like lesbian and gay rights. The ice was broken in Vienna, with five governments supporting equality rights. At future meetings governments should be more relaxed, but they will need to be reminded of the positions already taken by other governments (and often of positions already taken by their own representatives at earlier meetings). Australia was correct in sensing that the process of recognizing the rights of lesbians and gay men has begun. But governments will continue to need reassurance that they are not alone in recognizing our rights.

While we need to continue to cultivate relations with other Non-Governmental Organizations, there is no substitute for lesbians and gay men openly participating in international conferences in the names of our own organizations. We must be present. Everyone must know we are present. When we are present and open, as in Vienna, we gain support from individuals, organizations, and governments.

LESBIAN AND GAY STATEMENTS FROM THE VIENNA UN WORLD CONFERENCE ON HUMAN RIGHTS

1) STATEMENT BY RODNEY CROOME ON 22 JUNE IN THE MAIN COMMITTEE ON BEHALF OF THE AUSTRALIAN COUNCIL FOR LESBIAN AND GAY RIGHTS

Madame Chair and Honorable Delegates.

A question that has arisen at this Conference is whether the rights of lesbian and gay people world-wide, North and South, should be recognized and protected.

Our answer to this question is "yes." We believe that the establishment of heterosexuality as more valid than homosexuality and the elevation of heterosexual people to a superior and more privileged status than gays and lesbians is no less objectionable than racial supremacy, religious intolerance, or cultural and ethnic chauvinism. In short, when our rights are not recognized and protected our dignity as human beings is denied.

We have several areas of particular concern we would like to address.

The right to life, liberty, and security of person.

Violence against lesbians and gay men is commonplace in many countries. In some cases it is perpetrated by state agents. In others violence committed by civilians is either ignored or sanctioned by the authorities.

Freedom of conscience.

In many jurisdictions consenting homosexual activity is considered a criminal offense, subject to imprisonment or even death. Even when these laws are not enforced they can be used to justify state activities which discriminate against, and

disadvantage, the lesbian and gay community. Amnesty International now recognizes people arrested for consenting homosexual activity as prisoners of conscience.

Freedom of expression and assembly.

Lesbian and gay publications are often unjustly subject to censorship laws. Foreign publications are often seized by customs officials. In some countries lesbian and gay bars are routinely raided by the police and gay and lesbian groups are often denied access to meeting places.

Freedom of movement.

Some countries deny entry to foreigners who are lesbian or gay or obstruct their movement. Immigration laws in all but five countries fail to recognize lesbian and gay relationships. This forces the separation of partners where one is a foreign national. I am glad to say that Australia has eliminated most forms of discrimination against lesbians and gays in immigration.

Discrimination.

Many countries afford no legal recourse to lesbians and gay men who are discriminated against in employment, housing and the provision of goods and services. In some countries exemptions from anti-discrimination laws are given to Defense Forces and schools. Where homosexuality is not totally illegal the age of consent for homosexuals is often higher than that for heterosexuals.

Finally, youth and health issues.

Lesbian and gay relationships have no official status in most countries, denying our partners the rights of heterosexual spouses. Lesbians and gay men are commonly denied custody of their children in the event of the breakdown of a previous heterosexual relationship.

Most lesbians and gays grow up experiencing hostility to, and ignorance about, their sexuality.

They are rarely given support by families, youth workers or school teachers. They have higher rates of suicide and homelessness than their heterosexual peers.

In some countries homosexuality is classed as a psychiatric disorder, even though this is no longer the position of the World Health Organization. This can result in forced institutionalization and psychiatric treatments. Few countries provide adequate health services for the special health needs of the gay and lesbian community.

When I speak to you of these human rights violations I am speaking from experience. I was arrested and detained four times in 1988 because I, along with others, staffed a stall in a public market that featured a petition calling for the removal of laws against homosexuality. For many gays and lesbians such heavy handed violations of basic democratic rights are the norm rather than the exception.

Explicit recognition and protection of lesbian and gay rights at an international level is inevitable. Early next year the United Nations Human Rights Committee will consider a case against Australia which alleges that laws against consenting, private, adult homosexual activity in the state of Tasmania violate the International Covenant on Civil and Political Rights. If the Committee accepts that a violation has occurred it will have established that international human rights agreements protect at least some of the rights of gays and lesbians.

But even with a favorable decision there is still a long way to go to establish protections for our rights at an international level. In its Final Statement this Conference must send out a clear message that discrimination on the grounds of sexual orientation is no longer acceptable. To this end we urge every government represented here today to respect and support our belief that lesbian and gay rights are human rights.

**2) STATEMENT BY PROFESSOR DOUGLAS SANDERS
DISTRIBUTED TO DELEGATES ON 22 JUNE IN THE MAIN COMMITTEE
ON BEHALF OF THE INTERNATIONAL LESBIAN AND GAY ASSOCIATION**

My name is Professor Douglas Sanders from Canada and I represent the International Lesbian and Gay Association, a federation of 400 lesbian and gay organizations in all regions of the world.

Homosexuality has become a major issue in arguments about universality and cultural relativism.

It is increasingly difficult for governments to defend discrimination against women on the basis of religious and cultural differences. Yet arguments based on religion and culture are commonly used against the recognition of the rights of lesbians and gay men. There are periodic suggestions that acceptance of lesbian and gay men as equal holders of individual rights is peculiarly "Western." There are occasional suggestions that Western views on human rights are culture bound or not universal, in part, because of the increasingly common recognition in the West of basic equality rights for lesbians and gay men. There have even been statements by government representatives, in the past, that the States they represent do not have lesbian and gay people.

I would like to comment directly on these issues.

(1) The Western Christian tradition, according to recent scholarship, was tolerant of homosexuality until the 13th century. When the Western Christian tradition began to persecute homosexuals it also persecuted other minorities, such as Jews and Muslims. The Nazi holocaust also murdered Jews, gypsies, anarchists and homosexuals. The Western tradition has been one of the least tolerant when looked at historically. There have been periods of much more extensive acceptance and recognition of homosexuality in other traditions in particular historical periods. All major religious and cultural traditions have had periods of tolerance and periods of intolerance of homosexuality. There are major new studies of this history in the traditions in a number of parts of Asia.

(2) Lesbian women and gay men do live in all parts of the world. We are within all religious and cultural traditions. In the last few years we have seen the growth of lesbian and gay organizations in all regions recognized by the United Nations. New groups have been established in the last couple of years in Argentina, China, Hong Kong, India, Indonesia, Latvia, Malaysia, Mexico,

Nigeria, Peru, the Russian Federation, South Africa, Thailand and the Ukraine. This is, I assure you, only a partial list of countries where organizations have recently been established.

(3) We are not asking for special rights, simply for equality and the right to live our lives in peace, safety and dignity. Many governments now recognize that they pay a high economic cost for the marginalization of women in their societies. In the same way there is an economic cost for States if they continue to marginalize lesbians and gay men. Increasingly States have come to understand that they must recognize and work with homosexuals in public health and public safety programs. There are practical reasons why homosexuals are now able to organize and gain recognition from governments. Those practical reasons are not "Western" in character.

We have developed certain specific proposals in relation to the draft final statement for this World Conference.

– We have identified three places in the draft text where there are lists of vulnerable groups whose rights to equality should be recognized: in the preamble, in paragraph 8 and paragraph 20. The words "sexual orientation" should be added to those parts of the text. We think, as well, that there should be an additional reference to "other vulnerable groups" in such lists.

– We seek a recognition that there has been a gap in the human rights work of the United Nations in relation to lesbians and gay men, a gap that should now be addressed. We suggest a paragraph, basically taken from the 1992 final report of Special Rapporteur Danilo Türk on the Realization of Economic, Social and Cultural Rights: "The World Conference supports the need to begin to devote increased attention to areas of discriminatory behavior generally ignored at the international level, including on grounds of sexual orientation, and calls for study of such areas."

– In the section dealing with the human rights of women, we suggest that one of the forms of discrimination that should be noted is discrimination against lesbians.

Basically we are seeking recognition that lesbian and gay rights are human rights. Nothing more. Nothing less.

3) STATEMENT BY JOHN FISHER ON 23 JUNE IN PLENARY ON BEHALF OF EGALE

Mr. President, distinguished delegates, I wish to speak to you about silence. My name is John Fisher; I represent EGALE, which stands for Equality for Gays and Lesbians Everywhere/Égalité pour les Gais et les Lesbiennes.

As you are probably aware, the human rights of lesbians and gays are being abused in many countries of the world. Some States retain the death penalty for lesbians and gays. A number of States put lesbians and gays in prison. In some, we are given electroshock therapy and other forms of torture in an attempt to destroy our sexual identity. In many countries we cannot even acknowledge our sexual orientation for fear of State reprisals, let alone form groups or advocate for law reform. I myself, like most lesbians and gays, could tell you what it is like to walk down a street and be verbally abused, or assaulted or spat upon. Suffice it to say, we routinely face abuse and violence that no human being should have to suffer at the hands of another.

At this conference, many States have expressed support for the principles of universality, objectivity and non-selectivity, and stated that, while we may respect cultural differences, human rights apply equally to all people. Yet only five States have thus far publicly taken the podium and called for an end to discrimination against lesbians and gays. We commend those States. For the rest, does your commitment to equality somehow evaporate when it comes to lesbians and gays? It is easy to talk about universality when addressing an issue you perceive to be popular. The true test of your commitment to universality is whether you will call for consistent application of the right to equality when dealing with a minority whose rights are not widely respected.

Other States fall back on cultural relativism in an attempt to excuse their treatment of lesbians and gays. To you I say: What cultural difference can possibly justify killing lesbians or gay men? What cultural difference can justify putting us in prison, torturing us, denying us equality?

Martin Luther King Jr. said: "It is not the actions of the bad people, but the silence of the good people that is the threat to our society."

Distinguished delegates, you know that these human rights abuses are occurring. Yet State after State remains silent on this issue because they are too embarrassed to say the words "lesbian" or "gay."

If you know that our human rights are being abused and you do nothing, then the message you send is very, very clear. You say to us: "You're just not worth it, We don't recognize you as equal human beings. In the end, we just don't care."

The question for this Conference is not whether lesbians and gays have rights. We know that we do. Article 1 of the Universal Declaration of Human Rights provides: "All human beings are born free and equal in dignity and rights." The International Bill of Rights makes it clear that all the rights are guaranteed equally to all human beings without discrimination of any kind. The only question which remains is whether this Conference will address the fact that our rights are not being respected.

Finally, I note that 1994 is International Year of the Family. What better opportunity to affirm that we too have family relationships; we too love. Our relationships are as real and as valid as those of heterosexuals. International Year of the Family must be a celebration of the reality that many people find fulfillment in a diversity of family forms.

Distinguished delegates, in some countries I could be arrested for saying what I have said today. Yet it is necessary to speak out and break the silence.

Lesbians and gays are tired to being treated as inferior; it's time to recognize us as the equals we are.

We call upon you to recognize in the final document that discrimination against lesbians and gays is just not acceptable. We call for a special rapporteur on discrimination against gays and lesbians. But at the least, we call upon you to take a stand—here—publicly. Speak out in support of the human rights of lesbians and gays, just as many of you have spoken out in support of the equality rights of women.

My people are suffering. Don't just look the other way.

4) STATEMENT BY PROFESSOR DOUGLAS SANDERS ON 24 JUNE IN PLENARY ON BEHALF OF THE INTERNATIONAL LESBIAN AND GAY ASSOCIATION AND OTHER INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

LESBIAN AND GAY RIGHTS

Statement endorsed by:

International Lesbian and Gay Association
International Federation of Social Workers
Women's International League for Peace and Freedom
International Alliance of Women
World Young Women's Christian Association
Organizing Committee, People's Decade of Human Rights Education
International Council of Jewish Women

My name is Professor Douglas Sanders of Canada and I represent the International Lesbian and Gay Association.

The rights of lesbians and gay men have received little attention in international human rights law. The United Nations World Conference on Human Rights may mark a turning point on these issues. This is the first United Nations' forum to which organizations of lesbians and gay men have been accredited. As well, certain States have condemned discrimination against lesbians and gay men in statements in the Plenary, the Main Committee and the Drafting Committee. Our rights have been supported as well in the statement of the NGO forum presented to the Plenary on 14 June.

There is still extensive discrimination against lesbians and gay men in many States, including criminal sanctions for private consenting homosexual activity. One State both retains the death penalty and continues to execute homosexuals solely on the basis of private consensual sexual activity. Non-governmental death squads have killed homosexuals within the last year in a number of States. There are also recent examples of State interference with the rights of homosexuals to freedom of association and freedom of expression.

Nevertheless there have been striking changes in attitudes in most parts of the world. This is reflected in developments at the State level, the regional level and at the United Nations.

Professor Danilo Türk in his final report as Special Rapporteur on the Realization of Economic, Social and Cultural Rights in 1992 supported the need for the United Nations to begin to "devote increased attention to areas of discriminatory behavior

generally ignored at the international level," specifically mentioning discrimination on the basis of "sexual orientation."

There has now been attention to discrimination against lesbians and gay men in the European Parliament, the Council of Europe and the Conference on Security and Cooperation in Europe. The European Court of Human Rights and the European Commission on Human Rights, in three major cases, have ruled that criminal laws against homosexual activity violate the European Convention on Human Rights.

A majority of States now have open, public lesbian and gay organizations. Organizations have been established recently in a number of States in Eastern Europe, Africa, Latin America and Asia. Certain governments that were previously hostile to the existence of such organizations have come to see cooperation with homosexual organizations as essential to their public health programs.

The changes are striking and they are not simply occurring in the "Western" region. It is important to recognize that in all major religious and cultural traditions there have been periods of acceptance of homosexuality and periods of repression. This is not a "Western" issue: it is a test of our commitment to universality. When lesbians and gay men have been subject to repression, other vulnerable groups have been targeted as well. We wear the pink triangle symbol because it was the symbol used for homosexuals in the Nazi death camps.

As we come to the end of the twentieth century, we all recognize that there have been striking advances in international human rights law, most clearly in the condemnation of racism and the recognition of women's rights. In this new atmosphere there is increasing recognition that lesbian and gay rights are human rights. It is primarily a generational change.

There are three sections of the draft final document of this conference which list grounds on which discrimination is unacceptable. Those lists occur in the preamble, in article 8 and article 20. In each of these places the words "sexual orientation" should be added as a ground on which equal rights must not be denied. We think the document should as well recognize that this is an area of discriminatory behavior that has been generally ignored at the

international level and one which requires attention and study. The provisions in the document on the rights of women should expressly condemn discrimination against women on the basis of sexual orientation, a double discrimination that is

unfortunately very common.

These changes would affirm a commitment to universality and recognize clearly that lesbian and gay rights are human rights.

5) STATEMENT OF LOUISE SHAUGHNESSY ON 24 JUNE IN PLENARY ON BEHALF OF THE WESTERN EUROPEAN AND OTHER GROUP OF NON-GOVERNMENTAL ORGANIZATIONS

I have been asked to speak to you today on behalf of NGOs from Western Europe, North America, Australia and New Zealand on the subject of vulnerable groups. We have decided to touch upon this topic precisely because the vulnerability of these groups is in large part due to their invisibility in United Nations fora.

The term "vulnerable" is used to put into one bundle all of those groups States find it convenient not to identify, including domestic workers, lesbians and gays, those with disabilities, the elderly, minorities and victims of religious intolerance. These are the groups without conventions to protect and promote their rights. There are others, such as women and migrant workers who, although having their rights entrenched in conventions, cannot rely on mechanisms to effectively enforce those rights.

All of these groups, all over the world, suffer discrimination, sometimes overt, but more often in very subtle ways through what is called systemic discrimination. Given the subtlety of the discrimination added to the invisibility of the victims of this discrimination, these injustices often go completely unnoticed by those in positions of privilege. As a result, ironically, those most oppressed are the least protected.

"Systemic discrimination" may be described as discrimination which is institutionalized in the policies, procedures, organizations and structures of society. It is particularly insidious in that once discrimination becomes deeply entrenched in laws and attitudes it becomes regarded as the "norm," the accepted and natural societal order. Moreover it can result in such an interlocking web of routinely discriminatory laws, policies and institutions that those who perpetuate the situation are frequently blind to the whole superstructure.

It may honestly not occur to those who do not experience this marginalization that women are equally competent in the workplace, that different cultural norms may be equally valid, that not every

relationship is heterosexual. In this way, the status quo is used to perpetuate existing inequalities. It is only those who are experiencing the discrimination who can see that this is simply an appeal to the discrimination of the past to justify the discrimination of the future.

For example, in the WEOG group, we recognize that the oppression of women is, to our shame, deeply rooted in our own societal structures. For centuries, women have been ascribed a particular, inferior role. Up until very recently, women were denied the right to vote, we were viewed as the property of our husbands upon marriage, we had no capacity to enter into contracts, we could not in law be raped by our husbands.

In order to redress discrimination, it is necessary to listen to the voices of those affected by it. Yet this can be difficult since it is often those most oppressed whose voice is the weakest, and thus, the least likely to be heard.

There are many at this Conference whose voices are not being heard—too many to name, and if we have time to identify but a few examples it should in no way detract from the just claims of all those not mentioned who look to the international community for recognition of their right to equality.

In the developing world, many migrant workers find themselves exploited, forced to work in unacceptable conditions, facing language barriers, discrimination and xenophobia, with inadequate redress or union support, and a lack of social services. Women migrant workers are multiply disadvantaged and face in addition sexual exploitation, abuse, and the risk that they will be forced into sex-trafficking rings.

Religious intolerance is another area which has not yet received adequate attention. Such intolerance has led and continues to lead to some of the most degrading violations of human rights. Intolerance is often founded on ignorance. Education is a key

element in building a more just society, and we therefore look to 1995 as International Year of Tolerance as a key step towards the goal of peace.

Another voice that has not been strongly heard at this conference is the voice of lesbians and gays. In many countries lesbians and gays are prohibited from forming organizations or speaking out, and are subject to criminal sanctions, torture or even the death penalty. As a result, those who face the worst abuses are not able to be here to tell their story, and are dependent upon the international community to ensure that they obtain recognition of the rights they are being denied. Lesbians and gays are constantly treated as inferior human beings, and many States refuse to even recognize that they are entitled to rely upon all human rights guarantees without discrimination. A person's sexuality is a fundamental aspect of their

personhood, and it is unacceptable to accord lesbians and gays anything less than full equality in all aspects of their lives. 1994 is International Year of the Family and we call upon the international community to give recognition to the family relationships of lesbians and gays so that we may recognize and celebrate the diversity of the many different family forms which make up our communities.

In addition, we affirm the need for strong implementation mechanisms to ensure that all people's rights are adequately respected.

The international community has a responsibility to address the needs of those who are disempowered in an effective way. We call upon you to listen to the voices of those vulnerable groups, and, for once and all, put an end to the silence that has made them invisible.

**6) STATEMENT BY CAROLE RUTHCHILD
DISTRIBUTED TO DELEGATES ON 25 JUNE IN PLENARY
ON BEHALF OF THE INTERNATIONAL LESBIAN AND GAY ASSOCIATION**

Mr. President and distinguished delegates. I wish to address the issue of the human rights of lesbians and gay men. My name is Carole Ruthchild and I represent the International Lesbian and Gay Association.

It is our observation that the issue of sexual orientation is not treated as seriously or viewed as importantly by the member States of the United Nations as are other areas of human rights. And yet if we look at the position of lesbians and gay men internationally, it is clear that, while specific situations vary enormously from State to State, there is not a single country where we have the exact same rights and status as heterosexual people.

Methods of persecution take a variety of forms, from criminal sanctions to psychiatric abuse to physical violence, from official denial of our existence to active discrimination, and cover all areas of life from employment and housing to personal relationships and parenting rights.

Our behavior, indeed our very existence, is seen as criminal, immoral or sick. We are an embarrassment to polite society and we are expected to attempt to change and try to become heterosexual, and if we cannot do so, we must lie and pretend to be "normal," even to the extent of marrying. Refusal to comply often results in punishment—

with prison, perhaps torture, even death in some countries. And if we protest, we are told that it is our own fault for being perverse.

Many States argue that homosexuality is not an issue for them and that they have no homosexuals in their countries. And indeed, even those countries in which there are no criminal penalties attached to homosexuality act as if we do not exist. Silence and invisibility surround our lives—in the media, in public policy, in the education system. This lack of recognition leads to feelings of isolation for many gays and lesbians, which may result in their undergoing painful and unnecessary psychiatric treatment, in the mistaken belief that they can be cured. Adolescent lesbians and gays are particularly vulnerable in this regard, as the lack of role-models and an awareness of society's hostility towards homosexuals at a time of developing sexuality often leads to severe depression and even suicide.

In societies where we are no longer totally invisible, we are commonly the butt of jokes, subject to public humiliation and vilification in the media and by religious and political leaders. We are harassed and assaulted on the street, often to the total indifference of the authorities. Myths abound that we are child-molesters and incapable of long-term and loving relationships. We are not allowed to work with children in many countries

and our own children may be taken away from us. Our relationships are invalidated and given no official blessing. We are not allowed to inherit our partner's property when they die or even visit them if they are seriously ill in hospital.

And why does all this happen to us? Why are we so hated, despised and ridiculed? Because we are seen as a threat to the patriarchal order which deems that women should be under the control of men, and thus requires that we be heterosexual. Lesbians and gay men dare to defy that so-called "natural" order, which requires that each man should have a wife to serve and service him. As such we must be punished and held up as examples of what will happen to others who choose to do likewise.

And yet, as women's issues are finally beginning to be taken seriously, as violence against women is no longer acceptable to the world community and there is a dawning recognition that women must at last be treated with the dignity and respect that men expect, we would argue that the oppression and persecution of lesbians and gay men must also

cease. The silence and invisibility which cloak our existence must end and we must be allowed our rightful place in the world. We do exist in all cultures and in all countries, and have so existed at all times in the world's history.

Mister President, we are not asking for special rights. We seek only those rights which heterosexual people take for granted: the right to live with our loved ones without fear of interference or forced separation by the authorities; the right to work in all fields, including with children and in the armed forces; the right to form associations. Above all, the right to be treated with dignity and to live free from threats, intimidation and violence.

I urge the delegates at this World Conference to speak up in support of the rights of their lesbian and gay citizens, and those of other nations, to recognize our existence in the Conference final document, and to assert that discrimination against us is not acceptable.

Above all, I urge you to acknowledge that lesbian and gay rights are human rights.

NOTES

¹ Interview with Boutros Boutros-Gali, I want to avoid being a scapegoat, *Terra Viva* (the independent daily newspaper of the World Conference), 15 June 1993, 5.

² China, *Terra Viva*, 16 June 1993, 11, quotation from a release by Xinhua News Agency.

³ UN conference subverted, Amnesty International says, *Globe and Mail* (Toronto), 2 June 1993, 7; Lewis, Splits may dampen rights conference; some standards don't apply to third world, it says, *New York Times*, 6 June 1993, 1.

⁴ The final statement called for periodic meetings of representatives of national institutions concerned with human rights, but the final statement was striking in the omission of calls for any broader kinds of follow-up meetings.

⁵ Wiseberg, You can't name names, *Terra Viva*, 11 June 1993, 13.

⁶ UN World Conference on Human Rights: The Challenge to Human Rights, Working Papers for Australian NGO Participants in Regional Preparatory Meetings, for Bangkok 25 March–2 April, 1993, page 13, paragraph 9.

⁷ Declaración de las Organizaciones No-gubernamentales de América Latina y El Caribe, Reunidas en Quito el 29 y 30 de mayo de 1993, Agencia Latinoamericana de Información, Quito, Ecuador, page 14, paragraph 37.

⁸ Council of Europe, Human Rights at the Dawn of the 21st Century, proceedings of the interregional meeting organized by the Council of Europe in advance of the World Conference on human rights, Palais de l'Europe, Strasbourg, 28–30 January, 1993, Council of Europe Press, 56.

⁹ One down, One to go, Where are we?, *Terra Viva*, 22 June 1993, 9.

¹⁰ The Main Committee had no obvious function, but provided a second forum for statements by governments and NGOs. The actual work of the Conference occurred in the Drafting Committee, which was closed to NGOs.

¹¹ Inter-Parliamentary Union, Summing-Up of the Deliberations by the President of the Inter-Parliamentary Symposium on "Parliament: Guardian of Human Rights," Budapest, 19–22 May 1993, paragraph 20.