LESBIANS' EXPERIENCES OF HUMAN RIGHTS VIOLATIONS -
A GLOBAL PERSPECTIVE

by

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ABSTRACT

Since the passage of the United Nations (U.N.) Declaration on Human Rights (UNDHR) in 1948, the U.N. in tandem with member-nations have refused to acknowledge that lesbians are owed the same rights and protections accorded other individuals and groups within society. While many countries now have their own 'Charter of Rights and Freedoms' premised upon the U.N. Declaration lesbians continue to experience discrimination, intimidation and violence because of their sexual orientation.

A qualitative study was undertaken to explore lesbians' experiences of human rights violations with selected human rights workers and to learn whether they advocate on behalf of lesbians. Semi-structured interviews were conducted with five human rights workers. The results suggest that for the most part, this group of human rights workers are aware of and do advocate on behalf of lesbians who are experiencing human rights violations. Without minimizing the work that still needs doing and the obstacles that continue to exist, these workers believe that rights protections for lesbians are moving forward and in time lesbians will be included in all discussions concerning human rights. This study increases our knowledge and understanding of issues specific to lesbians. It also provides information of benefit to other human rights workers, host governments and the international community.
Dedicated to my life partner Sirkka Marjut Hannele Tossavainen

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CHAPTER I

INTRODUCTION

The United Nations Declaration on Human Rights (UNDHR) was passed by the General Assembly on December 10, 1948. In its most fundamental form it was intended as a reminder that all people everywhere and for all time are born free and equal in dignity and worth and that all people have certain inalienable rights ie, right to life, liberty and security of person by virtue of the fact that they are born into the human family. Member-nations felt a certain urgency when they drafted the original declaration. The atrocities of World War II coupled with the rapid and often brutal spread of Communism underscored the need for a new international system of human rights protection (Wilets, 1994 pp.4). In the ensuing years the contents of two important international covenants and numerous international conventions, declarations and treaties were added to the original list of rights and freedoms. Taken together these various instruments have come to define the scope of international human rights law today.

At the most recent United Nations (UN) World Conference on Human Rights held in Vienna, Austria, 1993 governments from around the world re-affirmed their commitment for the protection of all people's human rights, both civil and political, as well as economic, social and cultural. Member-nations also took steps to remedy the "historic neglect" of the human rights of various groups
within society, women being one such group (Amnesty International, 1994 pp.2). However, to the dismay of many the final document of the Vienna Conference, The Declaration and The Program of Action, failed to include protection for the human rights of lesbians and other 'sexual minorities' (Amnesty International, 1994 pp.11).

It is generally agreed that the persistence of women's rights advocates resulted in the ultimate inclusion of the women's rights agenda in official conference proceedings and the subsequent passage by the UN General Assembly of the Declaration on the Elimination of Violence Against Women, December 1993 and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, April 1994 (Rosenbloom, 1995 pp.v).

More recently, lesbian rights advocates were optimistic when, in preparation for the Fourth UN World Conference on Women to be held in Beijing, China, 1995 the draft Platform For Action included bracketed mention of "sexual orientation four times and in four separate paragraphs" (Anderson, 1995 pp.2). The draft Platform For Action represented a compilation of reports sent to the official conference coordinator by the various regional groups (there were five in all) which was then debated by government delegates to the official conference. The bracketing of words or phrases indicated

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1 The term 'sexual minorities' encompasses a range of sexualities i.e., lesbian, gay male, bisexual, transgender and transsexual. For the purposes of this study, I will focus on lesbians only. Keep in mind that not all women whose primary relationships are with other women identify with the word lesbian. It is but one of a number of ways to identify the range of woman-loving-woman relationships that exist (Card, 1995 pp.22).
that not all parties were in agreement. It nonetheless got carried forward in the hopes of eventual passage. The Final Platform was intended to help "shape the policies and programs of governments, development agencies, non-governmental organizations and funding-bodies well into the 21st century" with respect to women (Connexions, 1994 pp.10). However, as in Vienna, the final document to emerge from the Beijing Conference, The Declaration and The Platform For Action, once again failed to include lesbians.

While a number of countries (17 in all) present at Beijing did indicate their willingness to interpret those parts of The Platform For Action which prohibit discrimination on the grounds of "other status" to include sexual orientation there are no guarantees that the various countries will honour this pledge. Where specifics are lacking with respect to rights and protections for lesbians countries have tended to take a more piecemeal approach introducing a few rights at a time. Additionally, there is the tendency to grant lesbians certain 'rights' on humanitarian grounds rather than acknowledge any inadequacies in the law.²

Lesbians have been advocating for the inclusion of lesbian rights within the context of the women's rights agenda since the very first UN World Conference on Women was held in Mexico City in 1975 (Rosenbloom, 1995 pp.iii). Additionally, as women's rights advocates have lobbied for inclusion of the women's perspective

² See for example Canada's interpretation of its immigration policy when it comes to same-sex couples in Anderson, 1995 pp.22-23 and Battista, 1994 pp.11.
into other UN conferences and activities, not necessarily "woman specific," so too have lesbians' (Rosenbloom, 1995 pp.v). But as two of the more recent UN world conferences have shown, the political will needed to accord lesbians the same rights and protections guaranteed others is decidedly lacking.

Is there a place for lesbian rights within the context of the women's rights agenda? Additionally, is there a place for lesbian rights within existing international human rights law? Who are the supporters and who are the detractors of lesbian rights? What has occurred in the realm of rights and protections for lesbians at the local, national, regional and international level since the Universal Declaration on Human Rights was first proclaimed in 1948? Just who are the 'lesbians' and where are they to be found? These are the questions that are variously debated and discussed throughout much of the literature pertaining to lesbians' experiences of human rights violations.

\footnote{Some examples include the UN Conference on Human Rights, Vienna, Austria 1993 and the International Conference On Population and Development, Cairo, Egypt 1994.}
CHAPTER II

LITERATURE REVIEW

(1) Demographics

Anderson asserts that lesbians are present in every country of the world: "from the refugee camps of Mozambique, to the markets of Taiwan, to the universities of Saudi Arabia, to the indigenous communities in Peru, Indonesia, the Philippines and North America" (Anderson, 1995 pp.45). Witt, Thomas and Marcus similarly claim that lesbians belong to every "economic and social strata of society," every "racial, ethnic and religious grouping" (Witt, Thomas and Marcus, 1995 pp.2). While there is no official count of the numbers of lesbians world-wide (to my knowledge no countries statistics compiles personal information relating to sexual orientation) it has been variously estimated that lesbians comprise 8% to 10% of any given population.* (Davies, 1995 pp.26 and Lance, 1994 pp.423).

Much of the literature also posits the view that lesbians have been present in every society since the beginning of recorded history albeit with considerable variation in both attitude and

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* The Canada census report for 1996 did not include a category for either lesbian or gay male person(s)/couples. My partner and I have repeatedly added the category 'lesbian' when completing our census report. Thus far there has been no acknowledgement of this by Statistics Canada.
practice depending upon time and place (Hom and Ma, 1993 pp.42). Many indigenous communities are rooted in a tradition of inclusiveness with respect to female same-sex practice. Anderson and Wekker talk about the tradition of 'mati-ism' (the Sranan Tongo word for women who have sexual relations with other women) in Surinam, Africa which continues to the present day (Anderson, 1995 pp.33 and Wekker, 1993 pp.145). Similar traditions also continue to exist in over 33 different African cultures (Anderson, 1995 pp.33). Anderson does note that in many such instances women will have had and may continue to have relationships with men and may also have had children by them. Marriages between women were/are allowed in some cases specifically so women can raise children together (Anderson, 1995 pp.3). Rosenbloom similarly reminds us that the 'construction' of sexuality continues to vary both among and within regions, countries and communities and that adherence to the notion that sexual acts create sexual identities is primarily confined to the west (Rosenbloom, 1995 pp.xxiii).

Evidence available also suggests that until recently same-sex marriages were both recognized and valued in numbers of different Native American communities. According to Witt, Thomas and Marcus,

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5 The argument has been put forth by many non-western societies that 'homosexuality' is a western capitalist invention. This allows for the continued denial of 'its' existence while it also helps fuel present day hostilities. See (Zimbabwe) "President Attacks Lesbians and Gays" in Off Our Backs, 1995; "Indian Lesbianism Flowers" in Off Our Backs, 1994 and "Toward Lesbian Visibility," (Thailand) in Connexions, 1994.

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The History Project of Gay American Indians has documented these alternative roles in over 135 North American tribes (Witt, Thomas and Marcus, 1995 pp.237).

While it would seem that many different cultures can claim a history rich in "homosocial" tradition (Davies, 1995 pp.25, Manguel, 1995 pp.21, Murray, 1994 pp.22 and Sakhi Collective, 1994 pp.4) it seems equally true that over the last 150 years there has been a dramatic increase in hostility directed towards 'lesbians' the world over.

According to Wilets many historians and legal scholars now agree that much of the contemporary hostility experienced by lesbians is the direct result of "western colonialism, western capitalism, 20th century Judeo-Christian and Islamic 'homophobia' (fear and hatred of homosexuals) and Communist doctrine" (Wilets, 1994 pp.3). Manguel and Davies similarly argue that until the latter half of the 18th century the Judeo-Christian and Islamic traditions maintained fairly relaxed attitudes towards the practice of 'homosexuality' and that the concept of the 'homosexual person' and the subsequent categorization of homosexuality as 'sinful, sick and/or criminal' arose primarily in response to the dictates of western colonialism and western capitalism - late 18th early 19th

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* The French explorers gave the name 'berdache' to this practice (meaning females who specialized in the work of males and males who specialized in the work of females). The various tribal communities themselves referred to those individuals who engaged in such practice as 'two-spirited' people, the belief being they possessed both the female and the male spirit (Witt, Thomas and Marcus, 1995 pp.237). Many Native American women now prefer to be called 'two-spirited' (Anderson, 1995 pp.3).
century (Manguel, 1995 pp.30 and Davies, 1995 pp.27). This period also witnessed the explicit construction of 'heterosexual' sex ie, sex within marriage between a man and a woman for the purposes of procreation as the only 'normal' and 'acceptable' form of sexual expression/behaviour (Davies, 1995 pp.27) 'Compulsory heterosexuality' thus became the cornerstone of capitalism, colonialism and the patriarchal nation-state; further, it now seems to be the only acceptable form of sexual expression in many parts of the world. 

Evidence available supports the claim that as the hostility increased there occurred a corresponding decrease in lesbian visibility (Rosenbloom, 1995 pp.iv). Evidence available also supports the claim that "in and out of the closet" lesbians now suffer human rights violations because of their sexual orientation (Rosenbloom, 1995 pp.vii & x and Herek and Berrill, 1992 pp.201). Hence, the researcher interested in documenting the experiences of lesbians the world over must also look to expose those responsible

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The term 'closet' is metaphorical in its application to sexual minorities. It denotes hidden, out of sight, relegated to. While the term originated in the west it is now much more universal in its application.
for the continued hostility.

(ii) Lesbians' Experiences of Human Rights Violations

The literature focusing on lesbians' experiences of human rights violations tells us that every day and in nearly every part of the world women are subjected to various forms of discrimination, intimidation and violence for no other reason than because they are 'lesbians' (Rosenbloom, 1995 pp.ix, Amnesty International, 1994 pp.11 and Ramos, 1994 pp.xxv).

By way of example, in Canada it is still legal in the province of Alberta to fire someone, deny them housing, or the opportunity to start a family, either through artificial insemination or adoption, because they are lesbian. Recently (1994) Alberta's Court of the Queen's Bench ordered that province to include sexual orientation in its human rights code. 9 Ralph Klein's Conservative Government appealed with the support of MPP's (Municipal Member's of Parliament) from the Conservative, Liberal and Reform parties. Many MPP's indicated that they were acting on behalf of their local constituents (reportedly up to 97% in one riding). The most oft cited reason was religious conviction: the belief that "God just did not make two people that way" 10 (Morris, 1995 pp.A-19). On

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9 This ruling arose in response to the 1992 firing of Delwin Vriend from his job as an instructor at a Christian College because of his 'homosexuality.'

10 See Lois Sweet, "Pulpit Power," The Toronto Star, 1994 and Margaret Cerallo, "Hope and Terror," in Radical America, 1995 for more on the religious right/Christianities op-
February 23, 1996 the Alberta Court of Appeal struck down the lower court's ruling thereby allowing the discrimination to continue (Leslie, 1996 pp.16). It was the court's decision that because no protection is afforded heterosexuals within the legislation ie, 'The Individual Rights Protection Act', the same should hold true for homosexuals. 

In the United States (U.S.) a 1994 court ruling in Virginia denied a woman custody of her two-year old son because she is a lesbian (Amnesty International, 1994 pp.30). In early 1995, the Virginia Supreme Court upheld the lower court's ruling and ordered that her son be brought up by his maternal grandmother. In declaring the mother an 'unfit parent' the courts referred to that state's criminal sodomy law and the "moral climate" and "social condemnation" her son would experience due to his mother's position towards 'homosexuality.' See also Lois Sweet, "What The Bible Really Says About Homosexuality," The Toronto Star, 1994 and Theresa Murray and Michael McClure, "Gay and Lesbian Christian Apologetics," in Women Against Fundamentalism, 1995 for a counter argument to this opposition.

11 Not surprisingly a three month study conducted by the Albert Human Rights Commission (1992) uncovered more than a dozen instances of discriminatory behaviour against homosexuals where the same did not hold true for heterosexuals (Morris, 1995 pp.A-19). Unfortunately many courts now seem to be in agreement with the latest argument being waged by those who oppose gay rights, that the granting of rights to 'gays' confers upon one group 'special privileges' at the expense of all others. The religious right is now claiming reverse discrimination in an effort to block legislation meant to protect lesbians and gay men (Herrell, 1996 pp.281 and Phelan, 1996 pp.131). Klein has publicly stated that he will eliminate his province's entire human rights act before he will ever provide protection for lesbians and gay men (Findlay, 1994 pp.5).
lesbianism. ("Sharon Bottoms," Off Our Backs, 1995 pp.5)

Presently in the U.S. 22 states have still not repealed their criminal sodomy laws and in five of those 22 states the law is only being applied to 'homosexual acts' (Appendix A). In recent years, the U.S. Supreme Court has routinely upheld decisions regarding the criminality of homosexuality. 12 While admittedly there have been a number of landmark rulings as of late with respect to custody and adoption issues for lesbians (both inside and outside the United States), be it their children and/or their partner's children, the reality is, most legislators, judges, religious leaders and those in the general population continue to believe that "lesbianism and motherhood are an unacceptable combination" (Okin, 1996 pp.39 and Plummer, 1992 pp.98). Consequently many women continue to fear and rightly so that they will lose custody of their children should their lesbianism be discovered (Ramos, 1994 pp.xxvii). The National Centre For Lesbian Rights recently reported that five U.S. states have now ruled that 'homosexuality' is a reason to revoke custody ("Sharon Bottoms," Off our Backs, 1995 pp.5).

In many countries where 'homosexual acts' are not specifically criminalized laws regarding public behaviour and morality are often used as a way to target lesbians and other sexual minorities. 13


13 'Acts' can include rubbing, touching, kissing, oral and anal intercourse.
This is particularly so for lesbians as most countries have never had laws specifically prohibiting sexual relations between women, although this is more out of a refusal to acknowledge the existence of a female sexuality separate from and unaided by men than it is any acceptance of 'lesbianism' (Sakhi Collective, 1994 pp.4).

In Greece, the editor of the lesbian and gay magazine *Amphi* was sentenced in 1991 to five months in prison and fined 50,000 drachmas on a charge of "offending public feelings of decency and sexual morals." She had queried the numbers of heterosexual men offering lewd sexual proposals to lesbians "given they have nothing in common in bed" (Wilets, 1994 pp.33).

Similarly governments often refer to issues of "morality, public order and the general welfare of society" when denying lesbian organizations the right to register their group or open a bank account (Wilets, 1994 pp.6). The intent here is to limit a group's ability to establish a public presence and thereby participate fully in society. Turkey's first lesbian group, *l*-

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14 While this sentence was overturned on appeal in 1994, it should be noted that court appeals and challenges are costly, time consuming and extremely stressful with no guarantee of victory (Schneider and O'Neill, 1993 pp.26).

15 Several studies have shown that with more exposure to lesbians one’s perceptions can be altered in a positive way (Lance, 1994 pp.424 and Herek and Berrill, 1992 pp.158). Studies have also shown that positive attitudes towards lesbians are often associated with less traditional views concerning gender roles and less of a belief that lesbians 'act like men' (Okin, 1996 pp.38 and Simon, 1994 pp.92). There is a paradox here in that many of those who wish to maintain the status quo continue to deny the existence of lesbians while they simultaneously continue to vilify them. The media is frequently complicit in such actions. For example the Turkish newspaper *Bugun* was blamed
Venüs' ün Kizhardeśli (Sisters of Venus) which was established in July 1994, is but one example of the many lesbian groups throughout the world now experiencing this type of intimidation (Healey, 1995 pp.18, Rosenbloom, 1995 pp.211 and Gessen, 1994 pp.57).

An equally disturbing pattern of intimidation which continues to exist involves the repeal of laws which heretofore criminalized homosexual behaviour only to be followed by new and equally repressive legislation. Austria represents a case in point. In 1971, Austria repealed Section 129 of its criminal code outlawing homosexual acts. However, in response to an outcry from conservative and Christian (most Catholic) circles the government eventually introduced several new pieces of legislation. Of concern especially are articles 220 and 221. Taken together they prohibit the spreading of positive information about homosexuality and the establishment of and membership in lesbian/gay organizations 16 (Rosenbloom, 1995 pp.11).

While lesbian and gay male organizations continue to form despite these laws they do so at considerable risk. In Austria, contravening such laws can result in imprisonment - while there have been no attempts to date - they have been used to censor the

for halting a 1993 'pride day' event scheduled to be held in Istanbul through their slanderous attacks in the press. Their actions also led to the arrest of Turkish organizers and the expulsion of 28 visitors who were planning to participate (Rosenbloom, 1995 pp.211).

16 Similar type laws exist in many different parts of the world. Some examples include Britain, Romania and parts of the United States.
activities of both lesbian and gay men's organizations. In 1988 and again in 1990 material considered in violation of Article 220 was seized and subsequently banned from circulation or view. In the one instance it was a banner on display during a demonstration asking for recognition and compensation for those who had been imprisoned by the Nazis during World War II because of their homosexuality.  

According to the Austrian group HOSI Wien (Homosexual Initiative Vienna) the Austrian high court has repeatedly ruled in favour of Article 220 thereby giving its unconditional approval to the actions of the police which are often quite violent when breaking up demonstrations and seizing the material of lesbian and gay individuals/groups (Rosenbloom, 1995 pp.11).

More disturbing still are those instances where countries have actually reversed their laws with respect to lesbians. By way of example, in June of 1992 the government of Nicaragua under the

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17 It has been estimated that tens of thousands of gay men were incarcerated in concentration camps by the Nazis during World War II where they were made to wear the 'pink triangle' as a form of identification. The persecution of lesbians took a different form in that they, "along with sex workers, were arrested on charges of demoralization of the troops, asocial behaviour and criminality." Many were kept in brothels to 'service' the troops while others were sent to psychiatric hospitals. Some were also placed in concentration camps where together with sex workers they were made to wear the 'black triangle' as an identifying marker. Since that time lesbians and gay men have made the triangle a symbol of pride and courage (Rosenbloom, 1995 pp.10). (See Appendix B) A point of interest, which also speaks to the continued invisibility of lesbians, the pink triangle is most often displayed at marches and other events. Similarly, it is primarily the pink triangle that gets placed on clothing, jewellery etc.
leadership of Violeta Chamorro and with the urging of her 'right wing' supporters approved the amendment of its penal code to allow for the arrest and imprisonment of anyone caught engaging in homosexual acts including consensual acts between adults in private. Prison sentences range from one to three years. According to Amnesty International (AI) this law also allows for the arrest and imprisonment of individuals who engage in the promotion of homosexual rights " (Amnesty International, 1994 pp.25-26). While no such legislation previously existed vis-à-vis lesbians neither were they afforded any protection under the law.

Winegardner, Eibhyn and Matthews, Ramos and Rosenbloom remind us that Nicaraguan society like much of Latin American society has a long history of 'machismo' (exaggerated assertion of masculinity) and authoritarian rule. While in recent years there has been more of a drift towards democracy, more recognition of women's rights and more respect for diversity, overall lesbians continue to experience considerable hostility from most sectors of society (Winegardner, 1991 pp.12, Eibhyn and Matthews, 1992 pp. 21, Ramos, 1994 pp. xxvi and Rosenbloom, 1995 pp.136) Note the following report out of Mexico:

When I first became attracted to other women I told my parents; my father got extremely angry. Once he beat me so hard I had to go

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18 Similar legislation was introduced in Trinidad and Tobago (1986) and The Bahamas (1989) allowing for the imprisonment of any woman caught engaging in sexual relations with another woman for up to 5 years and 20 years respectively (Alexander, 1994 pp.5-8).
to the hospital. When I got out of the hospital a male friend went with me to make a formal complaint, we received no legal response. In high school I had a girlfriend, my family found out and my father sent three guys to rape me, so I got married. I separated after a year. Now I have a son and my family is still watching me. (Rosenbloom, 1995 pp.121).

Rosenbloom's 31 country report, which was published in 1995, contains other similar type stories.

There is also documented evidence that in many parts of the world lesbians are still being coerced to change their sexual orientation. In China, despite that country's relaxation of its laws pertaining to 'homosexuality' in 1992, there are reports indicating that lesbians continue to be sent to "re-education through labor camps." (Amnesty International, 1994 pp.31) Other reports indicate that numbers of different 'aversion therapies' are still being used including electro shock and the administering of psychotropic drugs.

Russian activist Gessen reports that lesbians face this type of treatment in the present day Russian Republic. According to Gessen the preferred treatment for lesbians, which dates back to the 1930's, is incarceration in a mental institution coupled with any number of aversion therapies; and while the criminal law banning gay male sex was repealed in 1993 (which previously saw gay men sent to labor camps) the "professional provisions that compel psychiatrists to 'treat' lesbians have remained unchanged" (Rosenbloom, 1995 pp.171 & 172). Admittedly it is now much more difficult to commit a person to a mental institution than it once
was; however, as Gessen tells us, it is not uncommon for many women, particularly those who have not yet reached legal age and/or are questioning of their sexual orientation to find themselves under the psychiatric gaze (Rosenbloom, 1995 pp.173).

Since the late 19th century, in the west, a number of different treatments have been used, most often without permission, in an effort to cure 'the homosexual,' some of which included: removal of a woman's ovaries/male castration to stem the sex drive and prevent others being born homosexual; aversion therapy in the form of electro shock to punish homosexual arousal; radiation treatment on the thymus gland to reduce urges; hormone therapy in an effort to 'femme' up women and 'butch' up men; lobotomy to eliminate homosexual drive; prostitution therapy (euphemism for rape) and/or a combination of psychoanalysis and religious therapy as a way to discover one's true self through God (Miller, Rosga and Satterthwaite, 1995 pp.431 and Witt, Thomas and Marcus, 1995 pp.227).

While admittedly there is now less of an emphasis on finding a cure for homosexuality owing in part to the American Psychiatric Association's removal of homosexuality from its list of diseases in 1973 and the World Health Organization's removal of homosexuality from its list of diseases in 1988, the American Medical Association continues to advise its doctors to at least mention to a patient who does 'come out' to them that therapies for 'reversal' do exist (Simkin, 1992 pp.42). Reports indicate that many women who identify as lesbians are still being 'referred' for psychiatric
assessment and treatment in an effort to 'cure' them (Rosenbloom, 1995 pp.16). The widespread use of such practices can and does effectively hinder both the 'coming out' process and the organizing ability of lesbians everywhere. A survey carried out by a group of Russian sociologists in 1992 reported that over 30% of the (Russian) population continued to favour the treatment of homosexuality. More disturbing still were the numbers (30%) who indicated a preference for the liquidation of all homosexuals (Jackson, 1992 pp.22).

According to the literature there are in fact several countries that currently enforce the death penalty against anyone caught engaging in any type of 'homosexual activity.' Wilets states that this presently occurs in those countries which follow a "highly rigid interpretation" of Islamic law (Wilets, 1994 pp.11). By way of example, after Iran's Islamic Revolution in 1978, Islamic Fundamentalists set about revising that country's constitution to better reflect their version of the Shari'a (set of Islamic laws which include 'hadd' offenses - offenses against 'divine will' many of which are punishable by death - acts of sodomy have long been included). By 1991 a new law 'Qisas' was added to the Shari'a specifically naming 'homosexuality' (both male and female) as a crime punishable by death. (Appendix C) According to Iranian authorities it had become necessary to 'purge' the

19 Other countries where homosexual acts are punishable by death include: Mauritania and The Republic of Yemen, (Amnesty International, 1994 pp.34).
country of those elements that threatened the well-being and the stability of the family and by extension the larger community. Reports out of Iran for the year 1992 indicated that over 330 people had been executed that year. While it remains unclear how many were linked to homosexuality, there are indications that for at least some of the 330 their only crime was their being homosexual (Amnesty International, 1994 pp.33).

Within western society the religious right's campaign against homosexuality similarly blames homosexuals for the erosion of both the family and the community (Okin, 1996 pp.37). In recent years they have intensified their campaign to the point where their anti-gay rhetoric is now blamed for the dramatic rise in anti-gay crimes ("Hate Crimes," Off Our Backs, 1995 pp.4 and Levin and McDevitt, 1993 pp.109-111).

At the present time it is extremely difficult in many/most countries where some form of fundamentalism/extreme conservatism holds sway for women to live openly as lesbians. Consequently there are no lesbian communities, no lesbian organizations and no lesbian services to speak of. Forced marriages are common and many girls are brought up believing there are no alternatives to heterosexuality. For those who refuse to acquiesce, many fall victim to beatings and/or lock-ups by families and entire communities. Many women commit suicide. As many others turn to alcohol or other drugs as a way to cope (Rosenbloom, 1995 pp.16, 93, 109-110 and 211 and Sakhi Collective, 1994 pp.4).

While the situation does appear bleak many are hopeful that
change will occur. Certainly demands are growing amongst many women's organizations for governments and human rights bodies to incorporate a gender perspective into government and human rights legislation and to pay special attention to the issue of violence against women in its many forms. With this comes the hope that concern over women's issues will increasingly include concern over lesbian issues (Anderson, 1995 pp. 43).

In some countries government sanctioned (often publicly supported) "death squads," many of which include members of both the armed forces and local police forces, routinely carry out extrajudicial executions of homosexuals (Anderson, 1994 pp.44 and Wilets, 1994 pp.14). According to the Grupo Gay da Bahia of Brazil, over 1200 lesbians, gay men and bisexuals have been killed, many by such "death squads" since 1980. A study carried out by a Brazilian newspaper found that on average one anti-gay killing occurs every four days in that country. According to Wilets a U.S. Department of State 1993 Human Rights Country Report for Brazil noted that the murder of 'sexual minorities' continues unabated. Homosexual rights groups in Brazil claim that those responsible for the murders continue to allude prosecution (Wilets, 1994 pp.13 and Amnesty International, 1994 pp.12 and 37).

In Colombia 'right-wing death squads' routinely target and kill homosexuals along with drug users, street children and left-wing politicians as part of that countries "social-cleansing" campaign, a campaign intended to rid society of the "undesirables." In recent years right-wing death squads have openly stated that
homosexuals are a "scourge" that need be wiped out (Wilets, 1994 pp.12 and Amnesty International, 1994 pp.12). It is now estimated that on average 1.8 persons a day are killed by death squads in that country; few death squad members have been arrested (less than 5%); fewer still have been punished (less than 1%) (Wilets, 1994 pp.12).

Reports out of Peru, Ecuador, Mexico, Chile and Argentina also tell of the disappearance and the murder of countless numbers of homosexuals. Lesbian and gay organizations along with various human rights groups say that while the authorities know who is responsible for much of the violence few arrests have been made. Government collusion is in fact suspected in many of the crimes committed against lesbians and gay men (Wilets, 1994 pp.12-14). While the majority of these crimes are committed against male homosexuals this is because of the continued denial and invisibility of 'lesbians' which as previously noted, takes its

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According to Wilets, while this practice occurs in many different parts of the world it does appear to be particularly pronounced throughout much of the region known as Central and South America. Clearly the all too familiar tactics of the military used during the years of the 'dirty wars' (mid '70's to mid '80's which included but were not limited to the disappearance, the detention, the torture and the murder of the 'subversives') is an equally favoured tactic of newly installed, democratically elected civilian governments in their 'war' against the 'undesirables'. While numbers of business leaders and politicians continue to be implicated in both, it would seem as suggested by Wilets that the Catholic Church continues to play a pivotal role in inciting the violence. Just recently Argentinean army chaplain Fr. Lobardero stated in a newspaper and television interview that the commandment 'Thou Shalt Not Kill' does not apply in the case of homosexuality and that in his view all homosexuals should be given the death penalty (Wilets, 1994 pp.12 and 14).
toll on women in other ways, for example, through forced marriages, kidnappings and lock-up by families and communities, suicide and alcohol/drug dependency.

Clearly discrimination, intimidation and violence are an everyday occurrence for lesbians in many/most places throughout the world. While admittedly the level of persecution continues to vary, it does appear to have heightened considerably most everywhere, in recent years. According to a 1992 U.S. Department of Justice report "violence motivated by homophobia and heterosexism represents the most frequent, visible, violent, culturally legitimated and rapidly growing type of hate crime" in the U.S. today (Jenness, 1993 pp.576). A 1996 hate crimes study commissioned by the Canadian Federal Justice Department reported similar findings ("Hate Crimes Common Study," The Toronto Star, 1996 pp.A-1). As an addendum to both reports the Southern Poverty Law Centre's Klanwatch Project in Montgomery, Alabama (U.S.A.) recently confirmed that the number of organized hate groups has grown significantly during the last few years and not just in the United States - Canada, England, South Africa and Australia have also reported an increase in both hate groups and hate crimes. Additionally The Klanwatch Project has confirmed that a significant proportion of these crimes are now being directed against homosexuals (Orwen, 1994 pp.A-4 and Levin and McDevitt, 1993 pp.70, 109-111 and 126). (Appendix D)

Wilets has argued that international human rights law with its various declarations, covenants, conventions and treaties provides
for the protection of 'all' people's human rights (Wilets, 1994 pp.2). Similarly it has been shown that since the U.N. Declaration on Human Rights was first proclaimed in 1948 governments from around the world have been encouraged, cajoled and/or pressured by the U.N. and other host governments to enact laws and develop policies in keeping with the stated principles and objectives of international human rights law ("Using Beijing To Move Forward," The Tribune, 1994 pp.13). Thus far, however, lesbians and other sexual minorities have been left out of the framework of international human rights protection (Amnesty International, 1994 pp.8). It is nonetheless true that there have been some significant improvements in the realm of lesbian/gay rights in recent years owing in large part to the work that has been carried out by the international lesbian and gay movement and the women's human rights movement. According to Rosenbloom, by integrating questions of sexual orientation and gender into international human rights law these two movements laid the groundwork for addressing human rights violations against lesbians and other sexual minorities (Rosenbloom, 1995 pp.xi).

(iii) Lesbian Rights Are Women's Rights are Human Rights
In recent years the International Lesbian and Gay Association (ILGA), the International Lesbian Information Service (ILIS) and the International Gay and Lesbian Human Rights Commission (IGLHRC) in tandem with numbers of local lesbian and gay groups have begun to pressure governments, institutions and other human rights
agencies (both national and international) to address human rights violations being perpetrated against lesbians and other sexual minorities (Rosenbloom, 1995 pp.xi).

The ILGA which formed in 1978 is committed to working for the liberation of lesbians and gay men throughout the world. There are now 450 groups/individuals from over 70 countries that belong to the ILGA. The ILIS which also began in 1978 is an international network of lesbians dedicated to "fostering lesbian organizing." They are most active in Asia, Europe and Latin America (Anderson, 1991 pp.10 and 11). The IGLHRC which formed in 1990 monitors, documents and mobilizes urgent responses to human rights violations against lesbians, gay men, bisexuals, transgendered people and people with HIV and AIDS world-wide (until recently these organizations focused much of their energy on those rights which fall under the purview of the International Covenant on Civil and Political Rights (ICCPR) ie, the right to privacy, the right to life, liberty and security of person, the right to be free from torture, the right to freedom of expression and information, the right to freedom of association, the right to asylum and the right to equal protection and non-discrimination). Their tactics include: letter-writing campaigns, legal challenges and peaceful demonstrations (Rosenbloom, 1995 pp.xi). Over the years they have also hosted world conferences and regional gatherings in an effort to organize and mobilize support for the rights of lesbians and other sexual minorities. While many organizations and countries have refused to acquiesce to their demands some notable changes and
some noteworthy victories have nonetheless occurred (Rosenbloom, 1995 pp.xi and xii).

In 1991 Amnesty International's highest governing body (the International Council) unanimously agreed to adopt as prisoners of conscience "persons who are imprisoned solely because of their homosexuality, including the practice of homosexual acts in private between consenting adults and to campaign for the repeal of laws that may lead to imprisonment for such." Prior to this AI had limited itself to campaigning for individuals imprisoned for advocating homosexual rights. In adopting this position AI was asserting that every individual has the right to privacy and to equal protection and non-discrimination before the law (Amnesty Bulletin, 1993 pp.2). It should be noted that it took 17 years of pressure by lesbian and gay activists (most notably the ILGA) for AI to expand its mandate. Subsequent to AI's shift in policy other human rights organizations also began advocating on behalf of individuals who were experiencing human rights violations because of their sexual orientation.

By way of example, The Romanian Helsinki Human Rights Committee has challenged the retention of anti-sodomy laws in that country along with the continued maintenance of 'pink lists' by the police of known homosexuals. While The Council of Europe made Romania's entry into the Council conditional upon the elimination of its anti-sodomy laws it should be noted that Romania has joined the Council and the law remains (Rosenbloom, 1995, pp.167 and Wilets, 1994 pp.29).
The Zimbabwe Human Rights Association has similarly spoken out against its government's continued harassment of lesbians and gay men, most notably their refusal to allow Gays and Lesbians of Zimbabwe (GALZ) to participate in the 1994 and 1995 annual bookfair. While a ruling by the Supreme Court overturned this edict for the 1996 bookfair a government sanctioned 'mob' ransacked the GALZ stand forcing members to vacate their table. The Zimbabwe Human Rights Association has charged the government with violating Zimbabwe's 'Declaration of Rights' with its guarantee of "freedom to hold opinions and to receive and impart ideas and information without interference." However, the government continues to publicly denigrate the group. Just recently there was a call to also criminalize 'lesbian acts'; male homosexual acts are currently illegal in Zimbabwe (IGLHRC Action Alert, Jan/Mar. 1996 pp.1 & 2 and ILIS, 1996 pp.3).

On the victory side, in 1992, the Isle of Man, after much pressure from within and outside the country agreed to repeal its anti-sodomy laws. The following year Ireland followed suit (Amnesty International, 1994 pp.30). Since then numbers of other countries have also repealed their anti-sodomy laws and in many places men imprisoned under such laws have been released (Rosenbloom, 1995 pp.xi).

Jurisdictions have also been pressured to bring age of consent laws for homosexuals into line with age of consent laws for heterosexuals. While many countries have yet to comply a significant number have recognized that a differing age of consent
law for homosexuals is in contravention of a person's fundamental right to privacy and to equal protection and non-discrimination. Consequently many countries have now changed their laws \(^{11}\) (Amnesty International, 1994 pp.10 and 30 and Wilets, 1994 pp.28).

Additionally legislation prohibiting discrimination on the basis of sexual orientation has been passed in many European countries as well as Israel and parts of the United States, Australia, Brazil and Canada (Rosenbloom, 1995 pp.xi). In early 1996 the Canadian Government amended its Human Rights Act to include sexual orientation thereby making it illegal to discriminate in areas of housing, employment, access to services and the like. In many of these same places employers, both public and private sector, have now begun to extend their benefit plans to the same-sex partners of their employees, although it needs to be said that despite the granting of employment benefits to the partners of same-sex employees many forgo making any such claims as they do not wish their sexual orientation to be known. Despite some legislative protection there continues to be widespread anti-lesbian/gay sentiment in many sectors of society \(^{12}\) (Rosenbloom,

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\(^{11}\) See Wilets, 1994 pp.28 and 29 wherein he identifies certain countries that have complied and others that have not.

\(^{12}\) It should also be noted that no legislation yet exists which allows same-sex couples the right to access survivor pension benefits; nor is there any country or jurisdiction that allows same-sex couples the right to marry (some jurisdictions allow civil unions) - this may soon change. In Hawaii a commission appointed by the governor has recommended that gay couples be allowed to marry. While the law has yet to change the Supreme Court of Hawaii recently ruled that denying marriage licenses to gay couples is unconstitutional unless the
On a positive note, in 1994 the United Nations Human Rights Committee ruled that Tasmania's anti-sodomy law violated the right to non-discrimination and the right to privacy as outlined in the ICCPR. Because the ICCPR is a treaty it is legally binding on all nations who have signed it. This particular ruling followed from a complaint filed in 1991 by a gay rights activist from Hobart Tasmania, under the 'Optional Protocol' to the ICCPR. (Amnesty International, 1994 pp.23 and Wilets, 1994 pp.6) The 'Optional Protocol' allows individuals to petition the Human Rights Committee (the adjudicator of the ICCPR) with allegations of human rights violations. It should, however, be noted that the 'Optional Protocol' does require separate ratification and that many countries who have signed the ICCPR have not yet ratified the 'Optional Protocol' (Wilets, 1994 pp.6)

Wilets nonetheless considers this ruling to be particularly significant in the fight for lesbian/gay rights in that it places all those countries with anti-sodomy laws in violation of their international obligations under the ICCPR (Wilets, 1994 pp.29). While Wilets is correct in assuming this, women's rights/lesbian rights advocates are equally correct in assuming that overall state can prove a "compelling interest" against this. The case is being argued by the state attorney general's office - a decision is expected soon ("Hawaii Panel Backs Lesbian, Gay Marriage," Off Our Backs, 1996 pp.6). In anticipation of a change to the law numbers of states are in the process of drafting anti-gay marriage legislation. (Appendix E)
contemporary mainstream human rights discourse still does not adequately address many of the human rights violations being perpetrated against both women and lesbians. In recent years the women's human rights movement has attempted to demonstrate just how and why this is so (Rosenbloom, 1995 pp.xii).

In the first instance women's rights advocates pointed out that the separation between the public and the private and the almost exclusive focus on the public when addressing human rights violations overlooks and/or ignores most women's experiences because they take place within the private realm of the home and the family. They challenged U.N. Officials and member-nations to recognize the artificiality of this divide arguing that its sole purpose is to maintain the status quo at the continued expense of most women's lives. To this end they also called upon the human rights community to put as much emphasis on economic, social and cultural rights (which are often the primary locus of women's oppression) as they do on civil and political rights.

According to Wilets it was the western nations that were most resistant to making economic, social and cultural rights binding upon nations. Hence at the outset two separate covenants got

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23 According to women's rights advocates, when asked to act upon many of the abuses perpetrated against women, U.N. Officials and member-states have consistently cited article 2.7 of the U.N. Charter which prohibits interference in 'personal problems' (Hamilton, 1993 pp.2), however, as noted by Heinze this is beginning to fade. Many nations accused of violating another's human rights now tend towards a defence of "it's not true" rather than the previous held stance which basically said "it's none of your business" (Heinze, 1995 pp.vii).
drafted - the ICCPR which as noted is considered a binding treaty and once signed must be implemented and the International Covenant On Economic, Social and Cultural Rights (ICESCR) which is not a binding treaty. Unlike signatories to the ICCPR, signatories to the ICESCR need only attempt to implement its contents "to the maximum of available resources." The contents of this covenant include: the right to work, the right to education, the right to health and the right to family (Wilets, 1994 pp.6).

Additionally the women's human rights movement demanded that the international community and host governments begin to recognize the "gender-specific nature of harms and other forms of persecution which get directed at women generally" (Minter, 1996 pp.16). In so doing, they provided for the inclusion of lesbian rights within the context of the women's rights agenda.

Following the Vienna Conference the international human rights community did make some rather significant commitments to the cause of women's human rights, namely, the UN Declaration on the Elimination of Violence Against Women (December 1993) and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (April 1994). Additionally in March of 1994 the UN Commission on Human Rights appointed for a three year term a special rapporteur on violence against women. It is her responsibility to "seek and receive information on violence against women" including "its causes and consequences" and to report all such findings to the commission on an annual basis. Theoretically it is possible to include lesbians in the various
discussions and initiatives that have been taken vis-a-vis women; however, critics fear that unless lesbians are specifically mentioned they will continue to fall through the cracks (Abeyesekera, 1995 pp.6 and Miller, Rosga and Satterthwaite, 1994 pp.434).

While admittedly the persecution of lesbians is somewhat different in that it is shaped by both gender and sexual orientation it has nonetheless been shown that "women's rights and lesbian rights are linked in substantive ways" (Minter, 1996 pp.11 and 25 and Rosenbloom, 1995 pp.iv). As argued by Anderson much of the oppression lesbians face is rooted in the very mechanisms - social, economic, political and cultural - designed to prevent all women's independence and freedom (Anderson, 1995 pp.4); and as noted by Rosenbloom, as with women generally, most violations directed against lesbians also occur within the 'private realm' of the home and the family. Additionally the silence that surrounds many of the abuses perpetrated against women is equally present for lesbians. Examples include: barriers to reporting and barriers to accessing services in cases of family violence and/or rape (Rosenbloom, 1995 pp.xiii). Where it may differ for lesbians is the extent to which a woman's lesbianism may actually serve to exacerbate both the abuse and the accompanying silence. For example, a woman may be raped not only because she is a woman, but also because she is a known lesbian. In this instance the action is intended to break down her sexual identity (Amnesty International, 1994 pp.3). Because there is still so much
prejudice and discrimination directed towards lesbians in most places throughout the world the majority of women refuse to report most instances of rape and other acts of violence and/or discrimination for fear that their sexual identity will be revealed, to their family, to their friends, to their community and to their workplace (Rosenbloom, 1995 pp.xiii and xiv).

Recently in Argentina (April, 1995) the police raided a lesbian disco on the pretext that some of the patrons were underage. While lesbianism is not illegal under Argentinean law it is illegal for a minor (18 and under) to be found in a nightclub. They arrested 10 of the youngest looking women and held them for over 3 hours. During their incarceration the women were subjected to constant verbal abuse and threatened with exposure to the press and to their families. The majority of the women arrested choose to remain silent (Rosenbloom, 1995 pp.3, 4 and 5).

Throughout the literature this theme of silencing, of making invisible lesbians and their concerns surfaces time and again, be it in the family, in the community, in the workplace, in education, in health care, in the law and/or in the work of human rights and many women's rights groups (Rosenbloom, 1995 pp.xiv). Minter has argued that while women's rights have gained increasing visibility and recognition at the local, national, regional and international level the majority of human rights advocates and many women's rights advocates rarely include lesbian issues in their analysis of human rights law or in their documentation of the abuses. Similarly those who advocate for the inclusion of protections for
sexual minorities within human rights law have tended to focus almost exclusively on abuses that fall under the purview of the ICCPR and which "characteristically target gay men" (Minter, 1996 pp. 14-16). Not surprisingly it was this theme of lesbian invisibility which lesbian rights advocates and some women's rights advocates most sought to counter as the world prepared for Beijing.

(iv) Lesbians and the Fourth United Nations World Conference On Women

Within the literature there is agreement that World Conferences on Women (WCW) and especially NGO Forums have provided women the opportunity to "organize, mobilize, advocate, educate, communicate and negotiate" ("Using Beijing To Move Forward," The Tribune, 1994 pp.4). There is also agreement that successive WCW, in Mexico City (1975), in Copenhagen (1980) and in Nairobi (1985) have served as the "birthplace for new networks and organizations," as well as the "launching pad for new visions and initiatives" ("Using Beijing To Move Forward," The Tribune, 1994 pp.4). Given the absence of lesbians and their concerns at past world conferences on women it is not surprising that many lesbians and lesbian groups have had difficulty organizing in a public and visible way (Trouble and Strife, 1995 pp.40). What was surprising therefore was the level and the intensity of organizing which occurred amongst lesbian rights activists the world over to ensure that this time, in Beijing, neither they nor their issues would be made invisible.

From the outset lesbian activists in concert with the IGLHRC,
the ILIS and the ILGA as well as numbers of women's rights advocates campaigned vigorously for the inclusion of lesbians and their concerns at all regional preparatory meetings; as government delegates and observers to the official conference in Beijing; and as equal participants at the NGO Forum in Huariou.

The Asian Lesbian Network and the Asia Pacific Women's Action Network exemplify the many networks/groups that lobbied long and hard to establish a lesbian presence at the both the regional preparatory meetings and the conference itself. They were equally relentless in their efforts to have lesbian issues included in the draft Platform for Action (Connexions, 1994 pp.11 and "Lesbians On The Road To Beijing," Off Our Backs, 1995 pp.10-11). (Appendix F)

To further ensure their presence and their participation activists initiated a signature campaign calling upon UN member-states to recognize and include in the final Platform for Action:

- the right to determine one's sexual identity;
- the right to control one's own body, particularly in establishing intimate relationships and;
- the right to choose if, when, and with whom to bear or raise children as fundamental components of the human rights of all women regardless of sexual orientation (Women Envision, 1994 pp.6).

As thousands of women and hundreds of organizations from every region of the world added their names to this petition many governments and organizations were forced to acknowledge the legitimacy of their demands, as many others were determined not to let them go unchallenged.

Most vocal in their opposition were representatives of the Vatican, The Chinese Government and members of the Canadian Group
R.E.A.L. Women (Realistic, Equal, Active For Life). Initially they, in concert with others, tried to prevent lesbians from attending both the regional meetings as well as the conference itself; failing that, they lobbied again unsuccessfully, for the removal of all references to 'sexual orientation' in the Draft Platform for Action; and in a final ploy to discredit both lesbians and their concerns they set about distributing anti-lesbian literature and spreading false information to conference participants and to the inhabitants of Beijing and Huariou alike (Rosenbloom, 1995 pp.x, Anderson, 1995 pp.1 and Hannan, 1995 pp.14).

Over the years the Vatican has made numerous attempts to keep lesbians from participating in various world conferences and to block legislation meant to protect sexual minorities. In a similar vein R.E.A.L. Women of Canada have publicly denigrated lesbians on numerous occasions, most recently with respect to lesbian participation both before and during the Beijing Conference. For their part the Chinese Government confiscated material from the lesbian tent in Huariou. Rumours were also spread both before and during the conference that "the lesbians were going to strip naked in Tianemen Square and make love;" warnings were also issued that "any mosquitoes that bit lesbians would pass on the virus for AIDS to others" ("Lesbians In Beijing, Anderson, 1995 pp.1 and Hannan, 1995 pp.14).

While admittedly in the final analysis conference delegates
did give in to the pressures and removed all references to sexual orientation from the final Platform For Action most lesbians who attended the NGO Forum and the U.N. Conference agree that overall it was a victory for lesbians. As noted by Anderson, for the first time lesbians had their own tent at the NGO Forum; throughout the Forum they displayed a large banner which read "Lesbian Rights Are Human Rights"; the lesbian tent was used daily by hundreds of lesbians from Latin America, Africa, Asia and the Pacific, Europe and North America; new networks and projects were formed amongst lesbians and new friendships were established with women who had not previously acknowledged the specificity of lesbian concerns; a visit by the official Dutch Government Delegation to the lesbian tent added a further air of legitimacy to their presence and to their concerns; on September 5, 1995, 400 lesbians from over 30 countries marched through the forum site at Beijing chanting "lesbian rights are human rights" and "liberté, égalité, homosexualité," at the end of which they re-released those demands contained within the previously circulated petition; and then on September 13 there occurred an historic first when an open lesbian, Palesa Beverly Ditsie, from Soweto, South Africa addressed a plenary session of the United Nations. During the course of her address, Ditsie spoke of the pain experienced by women within her own country who choose to love other women. She spoke of the many women who are "fired from their jobs, forced into marriages, murdered in their homes and on the streets and/or have their children taken away from them by hostile courts" (Anderson, 1995
She also spoke of the many women who "commit suicide due to the stigma they experience within their families, their religious institutions and their broader communities" (Anderson, 1995 pp.2). In a final appeal for recognition Ditsie urged government delegates to remove the brackets surrounding 'sexual orientation' in the draft Platform of Action stating that such a move would not only help end discrimination, but go a long way in recognizing the diversity of women's lives (Anderson, 1995 pp.2).

According to Anderson, following Ditsie's address to the U.N. one African delegate dismissed both her statement and her appeal with the claim that she is not representative of African women and that her lesbianism could only be explained in terms of her having had one parent who was white or from the west. As noted previously many non-western countries continue to deny the existence of lesbianism within their own countries. However, those lesbians present in Beijing and Huariou felt that the presence of lesbians from countries as diverse as Chile, Croatia, India, Japan, Kenya and Algeria helped "explode the myth that all lesbians are wealthy, white and western" (Anderson, 1995 pp.2).

Was it a victory for lesbians? Within the context of a world conference on women the exposure given lesbians and their issues was certainly a first. As Shelagh Day of EGALE Canada (Equality For Gays and Lesbians Everywhere) stated:

This is the first time the issue of discrimination and persecution based on sexual orientation has been deliberated at a United Nations Conference. Many governments expressed their support and their commitment to recognition and protection of the human rights of lesbians ("Fourth UN World Con-

Others would agree. Witness the remarks of Julie Dorf, the executive director of the IGLHRC: "in terms of our real goal - to bring these issues into the forum - we exceeded our expectations" ("Fourth UN World Conference On Women," Off Our Backs, 1995 pp.4) or those of Rachel Rosenbloom who is IGLHRC's lesbian project coordinator:

Whereas 10 years ago in Nairobi only one country - the Netherlands - was willing to speak out in support of lesbians, the Beijing Conference witnessed over thirty countries taking a stand on the issue, from Africa, Latin America, the Caribbean and Eastern Europe ("Fourth UN World Conference On Women," Off Our Backs, 1995 pp.4).

At the same time Rebeca Sevilla, the former chairwoman of the ILGA issued this cautionary note to lesbians:

...we can expect a conservative backlash. Not only because of the general rise in religious, cultural and economic fundamentalism, but because we lesbians are the symbol...the symbol of independent, autonomous women...this makes men and some conservative political movements nervous...because if women can choose to be lesbian...how then to control us? It also makes some women nervous...because lesbians challenge any woman to think about her own choices and her own sexuality ("Lesbians In Beijing," Anderson, 1995 pp.1).

The principle findings of this literature review have shown that there is still no country that can claim to fully respect the rights and the dignity of its "homosexual citizens" (Clarke, Hendricks, Power, Tielman and Van der Veen, 1993 pp.17). This is because most systems, be they legal, socio-cultural, economic and/or political are heterosexist; that is, they continue to presume that all people are heterosexual. This in turn allows for the continued discrimination of all those who fall outside this
'norm' (Clarke, Hendricks, Power, Tielman and Van der Veen, 1993 pp.17).

At the same time the work of the women's human rights campaign and the work of the movement for the human rights of sexual minorities have demonstrated how the human rights community has failed both women and lesbians. Additionally both movements have adequately demonstrated just how conventional human rights frameworks could provide for the rights and the protections of both women and lesbians (albeit it with certain additions, elaborations and/or revisions) if the political will existed. While women's rights advocates have managed to get added protections for women passed, for example, the Declaration on the Elimination of Violence Against Women (1993) they have not always provided for lesbians. Hence lesbian rights advocates have been justifiably critical of the women's movement for its continued failure to include lesbians in their platform for action given that the women's movement has been and continues to be "fuelled by the energy of countless numbers of lesbians" (Australian Position Papers, pp.1). However, as evidenced by Beijing it would appear that the women's human rights campaign has finally begun to realize the need to include all people in their campaign for human rights recognizing that "if the human rights of any group are left behind, the human rights of all are incomplete" (Rosenbloom, 1995 pp.viii).

While it is also true that in the past the interpretation of human rights law has tended to reflect western experiences, Anderson tells us that this too is beginning to change as more and
more non-western countries and regions begin formulating (and gaining acceptance for) their own interpretation of human rights law. One example is the document entitled "Our Common Humanity: The Draft Asian Human Rights Charter," which states that:

> recognition of sexual preference must be genuine and real, and that all overt and covert ways of denying such preference based on social habits or cultural inhibitions and other forms of social hypocrisy is a basic violation of human rights (Anderson, 1995 pp.46).

While the work of women's rights/lesbian rights advocates, particularly as they prepared for Beijing, demonstrated the importance of coalition building and coalition politics in the fight for human rights, the failure to include lesbians in the final Platform For Action also demonstrated that there is still much work to be done. As noted by Sevilla in recent years there has been a dramatic shift, world-wide, towards conservatism. In many places this has resulted in the erosion and/or the disappearance of hard-won rights and protections not only for lesbians but all minority groups, as well as women and labor unions. Research indicates that in today's world governments are far less likely than they once were to consider a country's human rights record when formulating their own foreign policy and when establishing trade relations. Research also indicates that in today's world people are far less interested in hearing about human rights violations "unless there is something sensational like Rwanda" (Galang, 1996 pp.58). More recent research still suggests that many people now feel that 'minority groups' have become too powerful and hence they no longer support the equal rights campaign
as they once did (Leslie, 1995 pp.13).

Within the Canadian context the defeat of Bill 167 represents a case in point. Introduced by the New Democratic government in Ontario during their term in office, 1990 to 1993, Bill 167 would have extended certain rights to lesbian and gay 'families' heretofore denied them. These include: the right to adopt, the right to access survivor benefits and the right to inherit. As well, Bill 167 would have allowed for the inclusion of same-sex couples within the definition of spouse. Needless to say this Bill generated considerable resistance, both within and outside the party. (Appendix G) In an effort to bring their own party on board and to ameliorate public hostility the NDP eventually removed the adoption clause (said to be the most contentious issue), but it still did not pass. The fractious nature of the debate both inside and outside the party with respect to Bill 167 was at least partly responsible for the defeat of the NDP government in the 1995 election which saw the Progressive Conservative Party sweep to victory. Since their election victory the conservative government has introduced one regressive piece of legislation after another with the support of a large segment of the population. For example, employment equity and pay equity legislation has been rescinded along with some labour laws.

At the national level debate over the inclusion of sexual minorities in the new Canada Hate Crimes Bill and Canada's Human Rights Act (both of which eventually passed) caused great dissention within the ranks of the Liberal Party (the party in
power) and amongst the general population. Campaigns launched by opponents warned Canadians that the intent was to "endorse homosexual marriages, extend same-sex benefits, promote adoption by gays and lesbians and pave the way for mandatory teaching of homosexuality as a legitimate and alternative lifestyle in our schools" (Vienneau, 1995 pp.A-15). One Liberal MP (Member of Parliament) described those individuals and groups who opposed passage of both Bills as "sincere people who are concerned the law is going to affect their families" (Vienneau, 1995 pp.A-15). A subsequent poll amongst Canadians found that support for the idea of 'homosexual' rights dropped from a 1990 high of 80% to 67% (Leslie, 1995 pp.13)

Equally disturbing was the recent announcement by Canada's Foreign Affairs Minister Andre Ouellet that "human rights and democracy are no longer pre-requisites to Canada trading or giving aid to developing countries" ("Rights record irrelevant to trade links: Ouellet," The Toronto Star, May 12, 1995 pp.A-20). This change in policy was fully endorsed by both Prime Minister Jean Chrétien and the Liberal Party.

This study will provide information about how attitudes and practices such as these affect lesbians around the world and what changes might make systems and individuals more responsive to the needs of the lesbian population.
CHAPTER III

METHODOLOGY

(i) Rationale - Research Questions

Based on the literature from the field of lesbians and human rights violations this study set out to investigate the policies and the practices of various human rights groups with respect to lesbians and to ask the following questions:

(a) What have they learned concerning lesbians' experiences of human rights violations and how committed are they to securing rights and protections for lesbians?

(b) What do they know about other human rights organizations vis-à-vis their level of commitment in securing rights and protections for lesbians?

(c) How important have the two most recent U.N. World Conferences (Vienna, Austria 1993 and Beijing, China, 1995) been with respect to securing rights and protections for lesbians?

(d) Do conventional human rights frameworks adequately provide for the rights and protections of lesbians?

(e) What if anything has changed at the local, national, regional and international level with respect to lesbian rights since the UNDHR was passed in 1948?

(a) What has been learned?

The literature suggests that human rights organizations are now much more aware of violations being perpetrated against lesbians and other sexual minorities. This is due mainly to the
efforts of lesbians themselves in tandem with the movement for the
human rights of sexual minorities. In this category I will explore
how human rights organizations might learn about violations,
whether or not they respond to these violations and what form that
response might take.

(b) What is the level of commitment?

Issues and concerns vis-à-vis people and situations have a
tendency to wax and wane. What is important today for governments,
organizations and individuals may fall out of favour tomorrow. The
literature suggests that within all levels of society concern over
human rights violations has diminished. In this category I will
explore how important an issue lesbian rights are to the
organizations themselves, to the international community and to
host governments. I will ask these human rights workers if their
organizations have developed a plan for the promotion of the human
rights of sexual minorities and to what extent, if any, they work
with other human rights organizations to promote lesbian rights.

(c) Do World Conferences help?

The literature suggests that despite the failure to include
lesbians in either of the Final Platforms For Action, two of the
more recent UN World Conferences, the one on human rights which was
held in Vienna, Austria, 1993 and the one on women which was held
in Beijing, China, 1995, did help raise the profile of lesbian
rights considerably. I will ask these human rights workers to what
extent, if any, this is true. The literature also suggests that
the world is currently experiencing a conservative backlash. I
will ask to what extent it is believed that this may slow the process with respect to securing rights and protections for lesbians or result in a reversal of hard won gains.

(d) Are conventional human rights frameworks adequate?

The literature suggests that a solid basis for the rights and protections of sexual minorities already exists within contemporary international human rights law (Heinze, 1995 pp.23). In this category I will inquire to what extent, if any, conventional frameworks have been or could be used to secure rights and protections for lesbians. It has also been shown that there is much less interest in economic, social and cultural rights which are the primary locus of women and lesbians' oppression. I will search out how important economic, social and cultural rights are to the various human rights organizations and what are some of the different ways that human rights organizations might be able to help raise the profile of the ICESCR.

(e) What has changed?

The United Nations Declaration On Human Rights which was passed by the General Assembly in 1948 was intended to provide for the protection of 'all' people's human rights. While governments recently (1993) reaffirmed their commitment for the protection of 'all' people's human rights, the literature suggests that lesbians, the world over, are still not being protected. I will search out reasons for this failure by governments and the international community to include protections for lesbians. I will also inquire if there have been any changes with respect to lesbian rights at
the local, national, regional and international level since the UNDHR was passed in 1948.

(11) Research Design

Studies about attitudes and practices concerning certain types of human behaviour and sexual expression can contribute to our understanding of the world around us. They can provide information about how different societies organize and maintain themselves, about what is acceptable and unacceptable and why. They can also illustrate the range of attitudes and practices that continue to exist both within and amongst various societies concerning different kinds of human behaviour and sexual expression.

When little is known about an area, an exploratory, qualitative method of inquiry is suggested as a way to uncover new information. According to Bogdan and Taylor, it does not involve a search for absolutes; rather it seeks to enhance our understanding of events as they are experienced by persons in the sample of interest. This approach is commonly referred to as interpretive. Qualitative methods are used that allow persons in the sample of interest to give meaning to the topic under study.

Neuman believes that everything about a topic of study is potentially important and of significance for the qualitative researcher. Consequently the researcher needs to be very open to hearing the unexpected and be prepared to travel with the participant(s) in the journey of exploring the meanings about issues at a particular moment in time.
Qualitative research also requires that the researcher take care to acknowledge her/his own subject position and biases in relation to the study itself, to participant selection and to anticipated outcomes. While there is a range of qualitative research methods available one of the more commonly used methods is the interview.

While interviewing has long been a tool in the research process over the years feminist researchers such as Oakley have identified three aspects of the more traditional approach that conflict with feminist practice: (i) interviewing is a one-way process with the interviewer receiving all the information; (ii) interviewees tend to be objectified; and (iii) interviewing is not interactive in any way. Consequently when conducting research from within a feminist framework the researcher must strive at all times to ensure that participant voices direct the course of the research.

Additionally as argued by Harding because feminist research is very much a political process its goal should always include the alleviation of oppression or a particular condition. Hence feminist research must always strive to further the cause of political, economic and social justice.

An important question to be addressed in this study is to understand lesbians' experiences of human rights violations and how others, in particular the human rights community, understand and respond to abuses being perpetrated against lesbians. It is hoped that this study will increase our knowledge and our understanding
of the issues as they relate to lesbians as well as demonstrate the need for further research. Additionally it is hoped that this study will assist in the development and implementation of polices and practices of benefit to lesbians.

For the purposes of this study I relied upon feminist principles of research. The qualitative method chosen was the semi-structured, open-ended interview. Based on the literature I developed an interview guide to permit coverage of some of the main issues which have been identified but rarely explored by others. (Appendix H)

(iii) Sample

Organizations were selected whose mandate includes the following: the monitoring and the documenting of human rights violations both nationally and internationally; advocacy work on behalf of those experiencing human rights violations; and service provision for those who have fled situations of abuse. I selected organizations based on information gathered during the course of my studies and through my involvement in human rights work. Two of the participants were able to identify two other possible participants whom I then contacted and who agreed to be interviewed.

The literature suggests that when conducting qualitative research a sample size of eight is sufficient to gain insight into a certain area and/or to understand the workings of a particular group. For the purposes of this study I located five individuals
who were willing to participate. Two of the participants work for an organization that deals solely with human rights violations against lesbians and other sexual minorities; one of the participants volunteers for an organization that recently integrated sexual orientation into its mandate; another of the participants works for an organization that offers services to 'victims of torture;' and the fifth participant works for an organization that was founded for the "general development of international human rights and the better implementation of human rights standards around the world." This individual also serves as a volunteer with an international human rights organization which recently integrated sexual orientation into its mandate.

Of the five participants there were four women and one man. Two live and work in San Francisco; two live and work in Washington, D.C., (although one has since relocated to New York City where she continues her volunteer work), and the fifth person lives and works in Toronto. Each has worked or volunteered in their organization for at least two years.

Additionally I sent letters to a random sample of women's organizations (4), non-governmental organizations (3) and lesbian or lesbian/gay organizations (6) requesting information pertinent to the study. This was done in order to gain further insight into the issue at hand. With respect to the letters I sent, three of the four women's organizations responded; one of the three non-governmental organizations wrote back to me; and four of the six lesbian groups answered my letter. (Appendix I)
(iv) Procedure

Prior to arranging my interviews an ethical review was undertaken and approved in compliance with the standards set out by The Ontario Institute For Studies In Education/University of Toronto. Initial contact occurred via the mail or the telephone. I explained the purpose of the study and advised three of the prospective participants that if they so desired I could provide them with a set of questions beforehand for input or approval - none did. While each of the participants was asked the same set of questions, additional more specific questions were asked depending upon the structure and the mandate of the organization and the role and the responsibility of the participant.

Ethical considerations require that the researcher share information about herself/himself to participants. I therefore shared background information concerning my field of study, my interests and my reasons for wanting to conduct the research in question. Additionally, if the context lent itself to sharing information of a more personal nature I willingly shared with the participants the fact that I was a lesbian.

Once the participants agreed to the interview a letter of intent and a consent form were sent to each of the participants to be signed by themselves and if necessary the executive director of their organization. One organization also required verbal approval by its Board. Because two of the interviews literally occurred at the last moment (one while I was in San Francisco and the other following my telephone interview with one of the Washington
participants) I did not obtain signed consent forms; however, both participants gave their verbal consent. (Appendix J and K) In the case of one organization the executive director refused to sign the consent form, no reason was given, but the Board gave its approval.

The consent form outlined the confidential nature of the information being provided by the participants and stressed the need to respect the privacy of the individuals if necessary. Only one of the five participants asked not to be identified. Participants were informed that they were free not to answer any questions they did not want. Additionally they were advised that they were free to withdraw from the study at any time without question. Once the signed consent form was returned I again contacted the participants to arrange an interview time.

One interview was conducted with each participant. They occurred over a period of three months. Three were in person, at the participant's place of work, this was suggested by the participants; two were by telephone, this was also suggested by the participants. Prior permission was sought and given to tape each of the interviews and off the record comments were not recorded. Interviews lasted anywhere from 20 minutes to 1 and 1/4 hours. Four of the five participants asked for confirmation that the project has been completed. One of the participants also asked that I forward a copy of the finished product.
(v) Data Analysis

The process of analyzing qualitative data differs from that which is gathered by the quantitative researcher. The researcher interprets the data by giving it meaning, translating it, making it understandable (Neuman, 1991 pp. 329). According to McCracken, "the object of analysis is to determine the categories, relationships and assumptions that informs the respondent's view of the world in general and the topic in particular" (McCracken, 1988 pp. 42).

Careful and exact transcriptions of the taped interviews were made. I then read and reread each interview several times. McCracken's five stage method of analysis provided a useful tool when it came time to analyze the data. In the first stage utterances were read on their own merit and I simply sorted out important material from unimportant material. In the second stage I carefully examined each of the observations I made concerning the important material as a way to determine whether the material could stand on its own, whether it overlapped with other material and how best to situate the material within the study. During the third stage observations I had made concerning the important material from the different interviews were looked at to establish themes, and patterns. During the fourth stage of analysis I attempted as much as possible to identify contradictory themes and patterns between each of the interviews and then in the final phase of analysis these were compared. What were once only utterances were transformed into analytic categories which provided information about the topic under study. In keeping with qualitative data
analysis validity was ensured by using the language of the respondents when describing themes and patterns.

This research is designed to learn more about lesbians' experiences of human rights violations and to explore the policies and the practices of particular human rights organizations with respect to abuses perpetrated against lesbians. Because the subject sample may not be representative of the human rights community in general the researcher avoided making any kinds of generalizations with respect to the larger human rights community.
CHAPTER IV

RESULTS AND DISCUSSION

(i) Interview Results

Of the five human rights workers I interviewed one is a volunteer member with Amnesty International U.S.A. The second participant is a paid staff member with the Canadian Centre For Victims of Torture, Toronto, Ontario, Canada. The third individual works as a paid staff person for the International Human Rights Law Group out of Washington, D.C. She is also a former paid staff person and a current volunteer with Amnesty International. The remaining two participants are paid staff members for the International Gay and Lesbian Human Rights Commission, San Francisco, California, U.S.A.

The data reveals that for the most part this particular group of human rights workers is extremely knowledgeable with respect to lesbians' experiences of human rights violations. I was able to identify four major categories within which to report my findings. I will elaborate on each category separately.

1. Organizational mandate.

The participants talked about human rights violations experienced by lesbians within the context of their own organization's mandate, that being: when and why their organizations began, the extent to which lesbian concerns have been and are included and the work that they are currently engaged in.
While all four organizations in this study share a commitment to the protection of all people's human rights the extent to which they advocate on behalf of lesbians does vary.

**Amnesty International**

Amnesty International (AI) advocates for the release of what are called prisoners of conscience. These are individuals imprisoned by the state for either being who they are or what they believe. Technically speaking Amnesty's mandate has always included advocacy on behalf of those imprisoned, tortured and/or executed because of their sexual orientation; however, in the words of the AI member I interviewed:

> there was never really anything really done about that on a proactive basis until 1991; there were lots of different discussions and policy statements leading up to the 1991 change of policy, but there was not ever really a big sort of push to get documentation about human rights abuses against gay men and lesbians until really 1991.

It was learned that since its inception (1961) Amnesty has issued three policy statements with respect to sexual minorities. The first of these occurred in 1979 when Amnesty took the position that anyone either gay or straight who was imprisoned for advocating gay rights would be considered a prisoner of conscience. According to the AI member interviewed:

> it was easy to make this decision because advocacy was clearly at the core of Amnesty's work...people could see that as a civil rights issue, as a human rights issue...but when people started talking about imprisonment for being gay [or lesbian] people within AI feared that all sorts of 'Pandora's boxes' would get opened up. There was this concern about all of the kinds of linkages that are common among any kind of homophobic discussion...would this mean that we would have to take up prostitutes, would this mean
that we would have to take up SM...people just have these similar kinds of associations.

It would appear that people's own homophobia within the movement caused Amnesty to deviate from its mandate.

The second policy change came in 1982 when Amnesty issued a statement condemning the forcible medical treatment being carried out on people in detention centres against their will if it had the purpose of altering one's sexual orientation. That was the year Amnesty started receiving reports that people were being subjected to electro shock therapy and/or chemical aversion therapy in an effort to turn gay people straight. However, it was noted that Amnesty did not follow through with the necessary documentation and/or verification efforts at that time. The comment was made that "little was actually done in the way of advocacy" for these individuals.

In 1991 Amnesty did unanimously agree to adopt as prisoners of conscience those imprisoned for being gay, including those who were in prison for homosexual acts in private between consenting adults. According to the AI representative this happened because a number of the different country sections within Amnesty (by that time AI had country sections on all continents) had started to commit to this issue and people were saying that they were going to support a resolution at the 1991 International Council Meeting which is AI's highest decision making body. It was stated that this was due partly to the increase in documentation that was coming directly to Amnesty from the different lesbian and gay organizations, in particular the International Lesbian and Gay Association (ILGA) and
the International Gay and Lesbian Human Rights Commission (IGLHRC); and partly because numbers of different lesbian and gay organizations had formed on all continents and they were in touch with the various country sections. It was also mentioned that AI Members For Lesbian and Gay Concerns, which had formed in the 1980's, had begun to push this issue much more forcefully. It was also mentioned that the IGLHRC which had just formed had made it one of their first public campaigns to lobby AI to change its policy. The AI representative stated that since that time Amnesty has tried to be more consistent in its documentation and verification efforts although with respect to lesbians she did comment that:

there continues to be an unbelievably low rate of reports of these abuses, partly that's because Amnesty's mandate is so limited that a lot of the abuses that lesbians suffer just don't fall into their mandate so people don't really bother reporting stuff to us. If a lesbian is fired or if she's forced to be married that wouldn't fall under Amnesty's mandate.

**International Gay and Lesbian Human Rights Commission**

When the International Gay and Lesbian Human Rights Commission began in 1990 they made it one of their priorities to monitor and document human rights violations against lesbians, gay men, bisexuals and people with HIV and AIDS world-wide. In the words of the IGLHRC member interviewed:

this organization from the beginning has been doing the monitoring and documentation that other people have neglected to do...our primary work is really the very close connections we have with grassroots activists around the world, that's what determines where we do work. It's not that we decided we wanted to prioritize Latin America it has to do with where
there's both human rights abuses but also more importantly where there's organizing going on because there's obviously abuses going on in many different places and people organize differently. We really don't act on something unless there's a local group that has taken it on and that wants international attention...our main work is really to work with those activists to gather information and to respond to it in whatever way is appropriate.

The Commission has representatives in various countries although they are not set up like Amnesty in that they have offices and/or chapters in other places. There is no financial relationship between the Commission office in San Francisco and these various representatives. It was described as a kind of loose affiliation where the various representatives will monitor events, provide information and assist in whatever other way they can. For example in Canada there is a working group who translates The Commission's bi-monthly Action Alert into French.

The comment was made that the Commission maintains close contact with many lesbian groups from around the world although much of the time the contact is of a more general nature. Groups may need help tapping into funding sources, they may need assistance in setting up a hotline or writing and publishing a book. Less often do they request help with a letter-writing campaign in an effort to secure a person's release from prison. There was mention of a recent case in Columbia where a women in prison was being denied conjugal visits with her partner and this was brought to the attention of the Commission.

The representative also stated that there are many lesbian activists who do not maintain close contact with the Commission
because they do not find the framework within which the Commission works useful for them. Additionally there are many lesbian activists who choose to work through feminist organizations. So while the Commission might know of them and the work that they are doing they actually have little contact with each other. India provided a case in point:

there are women organizing as lesbians who see their primary aim as collecting documentation on lesbians, raising awareness of alternate sexualities within Indian culture; then there are other Indian women who are organizing as single women many of whom are... would also personally identify themselves as lesbians if asked but who see their organizing work being much more about organizing against the discrimination that all women face if they are not married and against the whole sort of social system that women live in.

It nonetheless appears that the Commission has managed, in just a few short years, to establish itself at both the national and international level as a credible, reliable and influential voice when advocating on behalf of those who are experiencing human rights violations because of their sexual orientation. The example was given of the first gay and lesbian organization in Argentina which tried to register itself as a non-profit organization and was denied the right to do so by the government. The Commission was contacted about this and when the President of Argentina embarked on a series of state visits in Europe and North America demonstrations were organized all along the way. By the time the President got to New York he announced that he had instructed his government to lift the ban and the group was registered.

It was also mentioned that many of the country reports issued
by the Commission have helped raise the profile of lesbian and gay rights both nationally and internationally. With respect to these reports it is believed that organizations, both governmental and non-governmental, are more likely to respond to situations of abuse if they have something tangible to refer to. One of the more recent examples given was the 31 country report entitled *Unspoken Rules: Sexual Orientation and Women's Human Rights* which was prepared specifically for the Beijing Conference.

While the Commission has had considerable success with respect to their letter writing campaigns the comment was made that often the letters are more effective in stopping human rights abuses than in promoting legal change or proactively pushing issues forward. In the case of Zimbabwe the participant made the following comment:

> it hasn't made Robert Mugabe change his opinion but it's made it harder for him to do everything he wants to do and he gets met at various places. Certainly when he went to Europe recently he got met by protests and we've gotten correspondence from [the group] Gays and Lesbians of Zimbabwe saying your letter writing campaign has helped. Sometimes it's hard to measure what it means if the rhetoric is still going on but nobody's actually been arrested...GALZ was for a long time underground and that was a risky step to go public like that but once you do sometimes if there is enough attention you're safe because of that...it's hard to say how much of an effect it's had, but certainly in the publicity they've gotten ten in Zimbabwe...they've doubled their membership...more of a public presence, makes others aware.

The Commission also maintains an asylum project which supports claims for asylum made by those who fear persecution because of their sexual orientation or HIV status. The comment was made that to date very few lesbians have made application and/or have been
granted asylum. (Appendix L) The Asylum Project Coordinator believes that this might be due at least in part to the fact that the Commission does not do any kind of active outreach either inside or outside the U.S. - the reason being they do not have the resources to go to the gay and the lesbian communities or various immigrant communities - hence fewer lesbians might know about their service.

It was also noted that most applications are made from inside the receiving country, often by individuals who are there on a work permit or a student visa. It has been the experience of the Project Coordinator that many more men than women are sent abroad in either capacity. While one can apply from within one's own country the rate of success is very low and once one is refused it closes off all possibility of ever being granted a tourist visa. Also if one is denied one's claim from within one's own country there are no mechanisms in place for appeal. While this was specific to the U.S. the project coordinator does believe that it also applies to other countries. In the case of a Chechen lesbian in Russia who recently contacted the Commission wanting to apply for asylum from within her own country, at the U.S. embassy in Moscow, she was advised to re-think this move for those reasons.

The Project Coordinator also believes that some lesbians who do apply for asylum do so based on gender only. Numbers of countries now allow for this, two examples being Canada and the U.S. It was his feeling that many lesbians might not feel that it is safe to disclose their sexual orientation for any number of
reasons. They might fear reprisals from within their own community, from the Canadian Government or their home government. The example of a woman from Iran was given as someone who might only use the category of gender when applying for asylum. The comment was made that lesbians who do apply for asylum under the category of gender never come to the attention of the Commission. More generally the statement was made that because both women and lesbians have far less money, mobility and independence than men, they are far less likely to find themselves in situations where they can apply.

**The International Human Rights Law Group**

Unlike Amnesty International and the International Gay and Lesbian Human Rights Commission, the International Human Rights Law Group began with a relatively undefined focus and has remained so. Its mandate includes the "general development of international human rights and the better implementation of human rights standards around the world including the U.S." The general feeling within the organization has always been "if you can get it funded you can do it." In the words of the Law Group member I interviewed:

"a number of us have focused on making it clear that we work on a full range of human rights, civil, political, economic, social and cultural and that our focus is not only the development of human rights and its better application but the specific target of working with women, women's human rights and the development of particular standards that would protect women and allow them to move forward to protect their own rights. In the context of doing that both myself and the woman who directs the project that I work within - The Women and Law Project - have been working quite openly and actively"
on lesbian issues including rights protections, organizing and the whole question of bringing together the notion of human rights protections for lesbians.

It was learned that the Law Group undertakes projects at both the international level working in the U.N. pushing new standards and getting specific countries under review, as well as at the national level working with human rights groups in various countries usually at the country's request to develop their capacities to do human rights work on their own. Country projects usually last two to five years. According to the Law Group representative most times a country will develop an agenda and then invite the Law Group in. Much of the work they do in a country focuses on building bridges between the different human rights groups, helping them find ways to secure funding and to develop their capacity to do advocacy work on their own. The comment was made that once it has been determined that the various groups no longer need this sort of "side-by-side partnering" the Law Group leaves.

It has been the experience of the Law Group member interviewed that neither lesbian or gay men's issues are generally included in a country's agenda at the outset. At some point the Law Group does try to raise this as an issue. Their country project in Romania was used as an example:

When the different staff people started in Romania four and a half years ago, the groups were focusing very much on post Ceausescu liberation, they were focusing on freedom of the press, they were focusing on figuring out how the new parliament was going to be constructed and how they were going to have a voice. The staff people just basically began asking questions, "well how are you working with this group?" or "There's
this report of someone, of gypsy groups, of Roma groups being bombed out of their towns, will you work on it?"
The first response was "No, they're not our problem" and then you push a little bit. The same thing came up with women's rights, same thing came up with lesbian and gay rights...I can't say that people go in there and say "you must work on lesbian and gay rights" (but) over time the issue arises. It hasn't arisen yet in Zaire, but it has arisen in Cambodia and it did obviously arise in Romania.

It was mentioned that there have been instances when no amount of support is forthcoming for lesbian and gay rights from the mainstream community. For example in Columbia, when Juan Pablo Ordonez began a gay and lesbian human rights groups in Bogota, Columbia, he got no support whatsoever from any of the more mainstream human rights organizations. In his case all of his support came from international human rights groups, from the IGLHRC and from others like the Law Group who supported the formation of associate organizations.

The point was made that the continued invisibility of lesbians can make it difficult to both raise the issue of lesbian rights and then try and organize in any kind of a public and visible way. In the case of Romania the comment was made that the "whole question of where are the lesbians in Romania is sort of an interesting mystery." In many instances the bulk of their work can focus on issues of concern primarily to gay men. The comment was made that when doing work on lesbian and gay rights, "two-thirds of the work ends up being focused on what happens to gay men". This was said not just in reference to the Law Group but to human rights organizations in general. It was described as a "tension we all live with...something we have all struggled with."
The Canadian Centre For Victims of Torture

The Canadian Centre For Victims of Torture is different from the other three organizations in that they are mandated to provide direct service to individuals who have suffered some form of trauma, usually at the hands of the state. Since their inception (1977) they have worked closely with the medical, legal and social service community in Toronto, helping individuals and their families who have fled situations of torture with re-settlement issues. Examples include: helping them to apply for refugee status/immigrant status, to find housing and employment and to access benefits. Over time they also developed a number of other programs such as ESL classes, art therapy classes, a children's program and a friendly visitors' program. They maintain their programs and services mostly through the efforts of a large volunteer base. They service between 600 and 700 clients per year, both old and new clients. When asked about the issue of sexual orientation vis-à-vis their organizational mandate and whether or not it has been identified as an issue by their client population, the Centre's representative made this comment:

If it is a state policy of a government to torture people with different sexual orientation or specific sexual orientation it falls within our mandate and we serve them the same...We have not had a specific policy made to address this issue but if this falls within the fact that they were tortured because of political reasons and the torture perhaps was also addressing the sexual orientation [of the person] we serve them the same or we try to serve them, try to accommodate them...I don't know much about countries' positions...I know that in certain countries...there is no political reason for [the] persecution because that somebody is not really opposing the govern-...in the case of men we have had many, in the case of
women I don't remember any case...it could be that in the 10 years [I have been here] one or two but no more than that.

This organization seemed particularly uninformed about the situation as it relates to lesbians and the representative provided no further information.

Funding

Two of the organizations had differing interpretations with respect to funders. In the case of the IGLHRC their funding comes from both individual donors and foundation grants. While the comment was made that "there is now more support than there once was for their work" it was nonetheless noted that:

the international funders often won't fund gay and lesbian work and the gay and lesbian funders in the U.S. at least are particularly focused on domestic issues. We have managed to get funding from here and there [but] on the whole we do find we fall through the cracks and we do have to educate funders...there is a growing awareness that these are human rights issues.

In the case of the Law Group their funding comes from a range of sources mostly Northern European and U.S. based. The Law Group member interviewed was of the opinion that the majority of their funders are very supportive of the work they do with respect to lesbian and gay rights. One funder in particular has stated that the only qualification they have with respect to lesbian and gay rights is to make certain that it gets fully integrated into their mandate and not be something that gets "stuck on as an extra piece." This particular funder has also been talking with other foundations in an effort to encourage them to fund lesbian and gay programs.
2. **Collaborative Work**

Each of the participants talked about the extent to which they have worked with other human rights organizations in an effort to promote lesbian rights. For the most part these organizations have initiated and taken part in joint projects and advocacy work with other human rights organizations in an effort to highlight the abuses being perpetrated against lesbians and to bring the issue of lesbian rights more fully into the human rights debate.

**The International Gay and Lesbian Human Rights Commission**

For obvious reasons the International Gay and Lesbian Human Rights Commission is one of the more active and vocal organizations in this regard. For example, when they began in 1990 they saw it as one of their first kinds of projects to join with the International Lesbian and Gay Association in the struggle to get Amnesty to change its policy with respect to sexual orientation. When asked about the form this struggle took The IGLHRC representative explained:

> there were protests, there were letters actually providing them with a lot of documentation...
> There's people who say that these things don't happen, there's people who say... there is no documentation on human rights abuses based on sexual orientation and so for us to be able to look in our files and send that kind of information is often very key.

Presently the Commission maintains an ongoing relationship with Amnesty with their various researchers in London sending them documentation on a regular basis. In return the London Section which is the headquarters for AI provides them with information when it comes in from the different country sections. While it was
noted that Amnesty's mandate has stayed quite narrow in that they continue to focus on those abuses which fall under the purview of the International Covenant on Civil and Political Rights. The comment was made that when they put their "machine in motion" like they did recently with respect to numbers of men who were imprisoned in Romania under their sodomy statute, there can be quite a tremendous response.

It was stated that the Commission has also developed a close working relationship with Human Rights Watch. For example, when Human Rights Watch made the decision a few years ago to integrate gay and lesbian issues into their work they contacted the Commission and involved them in their discussions. They were invited to meetings and they dialogued frequently with the different staff people. At this point in time the Commission's relationship with Human Rights Watch appears similar to their relationship with Amnesty in that they exchange information on an ongoing basis.

The Commission is only too aware that when organizations like Human Rights Watch and Amnesty take on a case it immediately gets so much further than if they just do it on their own. It was mentioned that as much as possible they try to serve as a resource to both these organizations while they also continue pressuring them to ensure that lesbian and gay issues do not fade into the background.

The Commission does interact with local lesbian and/or gay organizations in various countries who are doing human rights work.
It was mentioned that just recently they were contacted by a group in Uruguay about a law on commercial sex work in that country. This group was especially concerned about the implications of this law for transvestites. The Commission was asked to initiate a letter-writing campaign in partnership with the group from Uruguay. The comment was made that hundreds and hundreds of letters were sent and the government was soon "up-in-arms" over this, but the exposure given the issue was what this group wanted.

It was pointed out that the Commission does not generally act first or on their own; they wait until they have been contacted by a local group who wants the international attention. The Commission representative stated that one never knows if the exposure given a group will be helpful or harmful. For example, in their letter-writing campaigns there is always the potential that once the letters stop the harassment will actually intensify. Still the general feeling conveyed was one of optimism. In the words of the Commission member interviewed:

I think in the last couple of years partly as a result of how much visibility these issues have gained through our work and the work of many others, there's a lot of interest now and we get contacted a lot by organizations and different country sections of Amnesty...I think as we do this work longer and as other people do this work there's definitely [going to be] more recognition.

Amnesty International

The Amnesty member interviewed was also of the opinion that the issue of lesbian and gay rights is on the upswing among the different country sections within Amnesty; she now believes that Amnesty really sees it as part of their mission to make sure that
gay and lesbian human rights are integrated into the overall human rights framework. When asked to elaborate on the different ways that Amnesty tries to integrate the issue of lesbian and gay rights more fully into the human rights framework the AI representative made the following comment:

part of that involves talking to the different people [those who develop laws and set policies];
part of that involves talking to the different human rights organizations, keeping each other informed as to what is happening [both nationally and internationally] making sure that the issue is brought up at different fora like at international human rights conferences or at the U.N.

At the same time it does appear that much of the front-line work has been taken up by AI Members For Lesbian and Gay Concerns.

It was stated that AI Members for Lesbian and Gay Concerns grew out of an informal networking amongst various U.S. section members throughout the 1980's who were trying to push the policy change forward. Over time they established themselves more formally, got involved with the writing of the language for the 1991 resolution and began publishing a quarterly newsletter. They now have an active membership of over 500 who work on actions, do committee education and work within their own local groups to make sure that gay, lesbian and bisexual issues are included in all of Amnesty's human rights work.

It was also learned that they have developed a close working relationship with numbers of lesbian and gay organizations such as the International Lesbian and Gay Association and the International Gay and Lesbian Human Rights Commission. According to the AI representative they now provide each other with information on an
ongoing basis, they also take part in each other's conferences. It was also mentioned that more recently they have begun to work with Human Rights Watch, the Lawyers Committee and some other groups that the ILGA has brought together as a way to strategize to ensure that gay and lesbian issues are integrated into human rights work in general. They have met twice, once in 1994 and again in 1996; one of the projects now underway involves the publishing of a resource book meant to identify and describe the work that is being carried out by all the different human rights organizations. It will also contain information about how to report an abuse and whom to contact.

The point was made that, overall, Amnesty owes a lot to the International Gay and Lesbian Human Rights Commission for bringing to light abuses that Amnesty is not able to confirm. In the words of the AI member interviewed: "they do just really excellent work on information gathering and documentation."

The International Human Rights Law Group

With respect to the International Human Rights Law Group and the projects that they have undertaken with other human rights organizations and their advocacy on behalf of lesbian and gay rights, the Law Group member provided the following description of the Law Group and its work:

The Law Group in the late '80's and the early '90's was a fairly quiescent little organization, it didn't really come alive in its new capacity until 1990/1991. The Law Group wasn't active in lobbying Amnesty. Where we are now in terms of organizations is that it is quite clear that wherever we go as The Law Group we are active in raising the issue and putting it on the agenda as a human rights issue that
must be addressed...so there is that sense of in public sessions and public fora ensuring that, and working with other groups to keep it on the agenda.

The Law Group representative once again stressed that when they go into a country they always begin with that particular country's agenda. As was previously noted usually lesbian and gay men's groups and their issues are not included at the outset although at some point they tend to arise. Their Thailand project provided another example of the work that they do at the country level and how the issue of lesbian rights might arise and then be addressed:

We have been working with an alliance in Thailand around trafficking. Out of this alliance a lesbian association formed. At the outset they made the decision that they did not want The Law Group talking about lesbian issues as it would make it seem like an 'outsider import.' Over time, however, the decision was made [by this association] that it would be helpful to have outsiders [such as The Law Group] talk about lesbian issues.

The Law Group seems to have considerable influence at both the national and international level. Many individuals and groups might feel that when the Law Group highlights an issue, such as lesbian rights, governments are more inclined to listen and respond.

It was stated that in their approach to governments regarding certain policies or practices that need changing, the Law Group first finds out about the different levels of coordination amongst the various human rights groups and then join them to lobby a government to change a particular policy or practice. With respect to working with other human rights organizations the overall
feeling was:

the way human right organizations can both validate each other, push each other, shame each other and compete with each other to do better work is actually a fairly important function. It's not talked about very much within NGO's because we're not supposed to be seen as competing.

The Canadian Centre For Victims of Torture

While the Canadian Centre For Victims of Torture does maintain contact with various human rights organizations, most notably with Amnesty International, they have not really undertaken any projects together with other organizations nor have they done much in the way of advocacy work on behalf of individuals who are experiencing human rights violations for any reason including sexual orientation. The Centre's representative was quick to point out that they are in constant contact with other human rights organizations in an effort to stay abreast of events that are occurring. The following example was provided:

We constantly cooperate with Amnesty or receive the information of Amnesty. We need to have the reports of Amnesty who are more involved. Our mandates are different but we are very much related in the sense that we are working for human rights and we need to know for example if Amnesty is more involved in denouncing the crimes of people at an international level, we want to know what those crimes are so as to relate them to individuals who come for services here and perhaps to use the documentations that Amnesty has produced to support the claims or to support the cases of our clients or to understand them better and better serve them.

The CCVT representative was only aware of two projects that the Centre has undertaken in tandem with others. In both instances they were with centres whose mandate is similar to CCVT's, one in El Salvador, the other in Bosnia. Because of the sensitive nature
of both projects she was unable to comment further on them. It didn't appear that either project involved lesbian or gay issues. As far as this representative is aware the Centre has never approached another human rights organization to address the issue of sexual orientation as a human rights issue. When asked if the Centre advocates in any way around the issue of sexual orientation she replied "I don't think it's what we do, no...we are more dedicated to first service here."

3. U.N. World Conferences

Each of the participants talked about two of the more recent U.N. World Conferences - the Vienna Conference in 1993 and the Beijing Conference in 1995 - in terms of lesbian visibility. Real and anticipated outcomes both positive and negative were also discussed. Organizational involvement in these conferences varied, from considerable to none at all. In the case of the CCVT they did not participate in either conference nor were they familiar with the preparations or the proceedings of either conference. For the most part, the other participants were able to comment extensively on the preparations and the proceedings of both conferences with respect to the degree of visibility that was accorded lesbians and their issues.

There was general agreement amongst the various participants that lesbians and their concerns were only minimally represented in Vienna. It was noted by the Law Group representative, the AI member and the IGLHRC representative that while the ILGA did have

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a "big push" to get people to the Vienna Conference and while there was a lot of behind the scenes lobbying amongst the various governmental and non-governmental organizations to at least begin talking about lesbian and gay issues, the main agenda at Vienna really involved the gains in women's human rights. When asked to comment further on the lack of visibility accorded lesbians and their issues, the Law Group member interviewed had this to say:

My sense is that the groups like the ILGA and the IGLHRC who were the two main players at the international level had not been part of the preparations in the different countries and regional levels [so] there wasn't a political commitment from governments, they had no interest at that point other than the Dutch in bringing it up ...Amnesty included some stuff in their preparations...but none of the other mainstream human rights groups had it in their preparatory papers ...the women's groups that were working, were raising the issue of lesbian rights but they were busy focusing on getting women's rights as human rights being recognized and didn't have a strong political coalition with lesbian and gay groups. It is really hard to convince people [that] these are political conferences that require political campaigns of two to three years...the gay and lesbian organizations at both the national and international level didn't have the experience [or] the money to have been involved in the campaigning work from the country level through the regional process through all the preparatory processes. To go to Vienna and expect you're going to get new language in a highly contested issue is probably a very long shot.

According to this individual while the lesbian and gay groups did get some level of visibility and some level of coalition building there was no formal response from government. There was agreement amongst the participants that in going to Vienna, establishing a presence, meeting with others, what the lesbian groups did do was begin to build the NGO contacts which served as the springboard for
Beijing. It was mentioned by the IGLHRC representative that the first meeting of lesbians who were planning for Beijing happened in Vienna, when a group of about 50 lesbians met, established a working group and developed a mailing list. This was later used by the IGLHRC in their preparations for Beijing.

In discussing the preparations leading up to Beijing and the actual conference with respect to the degree of visibility that was accorded lesbians and their issues, The AI member interviewed had this to say:

it was amazing, an incredible effort. I think the human rights commission and the ILGA both have to be commended, they really worked to make sure that both women's organizations and lesbian organizations were working together and were talking really early to each other which was a key thing to getting it [the language of sexual orientation] into the draft platform...it seemed to me that the groups were really ready with different arguments and with documentation. The fact that the human rights commission put together this document, the Unspoken Rules book really helped because it meant that governments and NGO's had something to look at.

While there was disappointment that in the end the language around sexual orientation did not make it into the Final Platform For Action the IGLHRC representative commented that "in some ways people were not really expecting that to happen." She believed that the more important gain was in getting lesbian issues placed on the official conference agenda, a first in a world conference. From that perspective the participants all agreed that the amount of visibility given lesbians and their issues was enormous. It would appear that the real success story in terms of lesbian visibility was what went on beforehand, at the various regional
preparatory conferences.

It was learned that there were five regional preparatory conferences held: Europe-North America, Asia-Pacific, Latin America, Africa and The Middle East. The participants explained that each region had to come up with their own governmental program for action and their own NGO statement for the region which was then presented at the final global meeting in New York in the spring of 1995. Within three of the five regions, Europe-North America, Asia-Pacific and Latin America it was noted that there was considerable support to include lesbians and their issues in the proceedings. In the words of the Law Group member interviewed:

In their early preparations for Beijing at the country level at the regional preparatory meetings there were women's groups that either already had lesbian identity and/or sexual orientation and/or were open to it in their agendas, plus there were presences of specific lesbian focus groups at the regional preparatory meetings being able to raise their issues in every region successfully except The Middle East and Africa, being part of the NGO colloquium and having government allies. There was a two and a half year process by which just the notion of having sexual orientation and the fact that there was a debate over what language to use was already 600 years ahead of what happened in Vienna.

When asked about those who opposed or tried to exclude lesbians from the preparatory process, the Law Group representative provided the following information:

Africa and The Middle-East are the two regions where the question of gay and lesbian rights have the weakest structures or even identities...you weren't going to find any governments supporting it in the Middle East. Within the African context the South African government was still in the process of figuring itself out so it didn't take a leadership role...[while] some women's groups with-
in some of the African countries are at least open to lesbian issues, for example Women In Law and Development in Africa has in the last three years become comfortable in being in caucuses with lesbians...but that doesn't mean their advocates yet...so just raising the issue within the African context would have been difficult...within Europe-North America, Asia-Pacific and Latin America there was some political opposition from middle of the road women's groups and from right-wing women's groups but over-all the women's caucuses within each of those regions had some version of sexual identity, sexual orientation, discrimination, violence against lesbians somewhere in the different NGO platforms.

It was noted that by the time of the final meeting in New York, language on sexual orientation appeared in the NGO documents from Latin America, Europe-North America and Asia-Pacific. As well it appeared in the government document prepared by the Europe-North America group, which as noted by the participants, meant that in one form or another it had to be placed in the final text bound for Beijing where it would have to be discussed. There was agreement that the internal and external work that had been carried out by the different organizations had "paid off." Despite the objections by the Vatican, right-wing groups and countries in Africa and the Middle East, because the language appeared in the final document prepared for Beijing (albeit in brackets) it had to be talked about. According to the IGLHRC representative the unfortunate part was the discussion around sexual orientation was put off until the "very, very, very" last moment and then it got bargained away. It was nonetheless noted that before that happened a number of governments did speak out, some very eloquently on the need for language that recognizes that discrimination based on sexual
orientation does exist. The IGLHRC representative described what happened:

There were four references to sexual orientation in the text, they were all removed. I think the debate was really important because a lot of governments spoke out in favour of having language on sexual orientation in it [the final platform]. It was not just the European governments... the South African [government] was by far the most vehement about [including] it. A [number] of countries in Latin America and the Caribbean also [came out in support]. That was important for people to see. It was also important for people to see the opposition. There were governments that I think would not have spoken out, that were somewhat neutral but were galvanized by the strength of the vehemence they heard of the anti-lesbian sentiments of some governments.

According to the participants once the language did get dropped many of the governments who supported the inclusion of sexual orientation within the platform stood up and said that they would read 'other status' to include sexual orientation or that they would just more broadly assume that these were the rights of all women. It was noted that in all about 35 countries stood up and said that they held that some parts of either paragraph 48 or 96 would relate to the ability of women to chose their sexuality.

The strongest opposition was reported to have come from a number of Middle-Eastern and African countries as well as some of the Catholic countries. They were described as the same group that had tried to block any kind of a lesbian presence throughout the various regional preparatory meetings. According to the participants it was also the same group that had emerged as a block at the Cairo conference on population and had opposed all of the
language on abortion. While the Vatican was not as openly hostile in Beijing as they had been in Cairo - because of all the bad publicity they received at Cairo - the IGLHRC representative noted that they were in Beijing in large numbers working behind the scenes getting other people to present their position. She had the following to say with respect to the Vatican:

We kept waiting, we kept wondering why they were being so quiet and if they were going to launch some attack at the last minute and they didn't, but they were there, they were there in large numbers as were the right wing from the U.S. and Canada... R.E.A.L. women were out in force.

In terms of outcomes and expectations, both positive and negative, the AI representative had the following to say:

I think it's going to be a question of people making sure that they keep the fire under everyone's feet... using the kind of leverage that did emerge, looking at governments that did make public statements, trying to make sure that they remain public allies in terms of pressuring other governments... it's like a tiny wedge and it's just a matter of keeping up the pressure so that things keep opening wider and wider. I think as long as we [do that] it's going to move forward, if we don't it would be easy for it to slip back, but I don't see that happening, because more and more groups are springing up and more and more in particular women's organizations are seeing lesbian issues as part of their work as organically linked to their work.

The IGLHRC representative expressed a similar sentiment:

That document is only as powerful as people locally make it... I think it was a good chance to get people to take a stand on an issue and it is something they can be held to...[while it is] hypocrisy for the U.S. be speaking out on sexual orientation in Beijing when there are sodomy laws in a number of states... nevertheless it's useful [to have] them say it... when in preparation for the Habitat Conference in Istanbul someone from our organization was at the preparatory meeting trying to get the U.S. to take a stand on sexual orientation which they were not doing [and
they were reminded] that we [U.S.] supported this language in Beijing [so] we have to support it now. There is a sense that once it is a precedent it's much, much easier to hold people to it.

The Law Group representative was more cautiously optimistic:

That set of commitments [made by the various governments in Beijing] wouldn't be monitored by the U.N. because that's not what was formally included in the Platform For Action. The Commission on the Status of Women which is the body within the U.N. that is responsible for monitoring Beijing, unless we push them, which is one of the actions that's actually happening now, unless we push the CSW and say, "look we understand that lesbians weren't formally included...but we also understand that this is a human rights issue" ...That's one set of strategies, that's a long shot. The other set is just the local action and publicity by NGO's of what their governments promised to do...historically governments like identity boxes...because you can target people, make them be other, set them off as different and punish them. There will be a tendency for governments once they see [women and lesbians organizing] taking control of it...to call all of that lesbian, they will target it and then there will probably be laws...that's historically how things have worked, and one simply has to try to counteract that.

When asked if we can anticipate more attacks from the different right-wing groups and the various governments who publicly opposed the inclusion of lesbians in the Beijing Conference, the AI representative had this to say:

I think they are going to keep refining their arguments as we keep refining ours, I don't think they are going to go away by any means and clearly in the U.S. it's on the upswing and the Vatican certainly doesn't have any plans to be quiet about it...I think one of the key things is that we continue to ensure that we have a multi-cultural approach and that we really have women from all areas of the world pushing, because otherwise it does become a culturally imperialist argument, I think that was what was so great about Beijing is that it really wasn't like that.

The IGLHRC member expressed a similar concern:
It feels like it gets worse everyday. When you read the news and certainly the attacks on immigration and welfare and affirmative action and gay and lesbian rights...I think they are working on a number of different fronts at once. I think the same-sex marriage issue is the one that is gearing up to be the next big issue. There's all this legislation going on at the state level to ban same-sex marriage in anticipation of Hawaii...there is no shortage of ideas [by them] of what to do.

With respect to the attacks on immigration in the U.S. it was learned that there is a law pending which will limit the time period within which an asylum claim can be made to just 30 days. While this law will apply to all asylum seekers, it is believed that it will be especially detrimental to those who are seeking asylum based on sexual orientation. It has been the experience of the Commission's Asylum Project Coordinator that many individuals who make their claim based on sexual orientation only do so after they have been in another country for several years. It was noted that many people are quite far into the closet and that it takes years before they come to any kind of awareness about their own sexual identity.

The Asylum Project Coordinator also mentioned that while any case takes time to prepare it generally takes longer if the client is a gay man or a lesbian because most lawyers are not familiar with these issues and must search out information which is not always easy to find. Often they will contact the Commission, but given their limited resources, it can be extremely difficult for them to try to help put a case together in just a few short days. The comment was made that: "it's not just that you go and say 'I want asylum' and you get it. There are a number of requirements
that must be met and these have to be searched out and documented."
It was also noted that it is an expensive process and many people who are seeking asylum do not have a lot of money. Trying to find a lawyer who will take your case pro bono or at a reduced fee is not always easy in such a short period of time.

Overall, however, the general feeling by the participants was that lesbians and other sexual minorities are making slow but steady gains. Additionally most participants believe that in time we will see international conferences like the Beijing Conference and the Human Rights Conference in Vienna bringing lesbian rights and rights for sexual minorities more fully into the discussion.

4. Conventional Human Rights Frameworks

Each of the participants talked about conventional human rights frameworks in the context of whether or not they adequately provide for the protection of lesbian rights. In discussing the adequacy of conventional human rights frameworks with respect to securing rights and protections for lesbians the various participants highlighted a number of problem areas.

More generally they saw the continued distinction, by the human rights community as well as host governments, between the public and the private realm of life, and the almost exclusive focus on the public realm when talking about or responding to human rights abuses to be as detrimental to lesbians as it is to most women. According to the Law Group member interviewed:

Human rights violations are genderized...the distinctions between violations committed
against men in the public capacity, by law and by governments vs abuses and limitations that women face in their private lives which is within their families, abuses by private actors not government actors, abuses tolerated by the government but not instigated by the government is a male-female distinction, so lesbians as women fall within that...a lesbian beaten up by her brother is much more akin to the way that any woman faces violences and limitations and violations for bodily integrity by any man within her family than it is akin to the way that a gay man may be targeted by a death squad which is an off-duty cop in Bogota who doesn't like gay men.

It was noted that while both heterosexual women and lesbian women do experience human rights violations within the public realm of life and which generally fall under the purview of the ICCPR, more often than not they face other kinds abuses like forced marriages, rapes or lock ups by their families which are frequently not reported or responded to because they are considered private matters. The comment was made that overall the human rights community still considers the ICCPR to be the more important of the two covenants. In the words of the AI member interviewed "the whole tradition of calling civil and political rights first generation and cultural and social rights second generation still exists and I think that's a problem."

More specific to lesbians, it was noted that decisions like the Toonen Decision (the ruling by the U.N. Human Rights Committee in 1994 on Tasmania's anti-sodomy law) were important in that the U.N. Human Rights Committee made it clear that the ICCPR does protect both gay men and lesbians and that those countries that retain anti-sodomy laws are in violation of a person's right to
privacy and non-discrimination. On the heels of the Toonen Decision many countries are required to report back to the Human Rights Committee vis-à-vis implementation of the ICCPR within their own jurisdictions. The AI member noted that many governments see the human rights committee as authoritative and they do listen to them. The Law Group representative did express a concern with respect to this. Given that the bulk of the sodomy laws specify same-sex male and notwithstanding that they have often been interpreted in such a way as to allow for the prosecution of lesbians, she nonetheless believes that the reform and the repeal of these laws will only specify gay male and not lesbian. It was her feeling that lesbians are not likely to gain any sort of public visibility or rights protection through this process.

Overall there was agreement that conventional human rights frameworks do allow for the protection of lesbians and that what is now needed is the knowhow to use them and the political will to enforce them. In the words of the AI member:

The women's convention is amazing, it's just a great, great document and once it's actually fully sort of understood, what its implications are I think it will have a really, really excellent set of effects possible for lesbians in particular.”

She also mentioned that the two more recent documents - The Declaration on the Elimination of Violence Against Women, (December 1993) and the Inter-American Convention on the Prevention,

24 The convention referred to is The Convention On The Elimination of All Forms of Discrimination Against Women which was passed by the General Assembly in 1979.
Punishment and Eradication of Violence Against Women, (April 1994) - could also be used to benefit lesbians. In the case of the 1993 Declaration because it does explicitly state that 'states' have a responsibility to monitor situations of discrimination and violence even if they happen in private it could be a "really, really excellent document for lesbians to use and to advocate around." For example, if one could document that there was an epidemic of hate crimes against lesbians and the state was not intervening, that would clearly be a violation of the declaration and the convention.

Correspondence I received from Osvaldo Kreimer the In-Charge Executive Secretariat of the Organization of American States, dated June 4, 1996 advised that to date none of the following instruments - the Inter-American Convention On Human Rights, the American Declaration of the Rights and Duties of Man or the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women - have been applied to a situation with special relevance to the human rights of lesbians. It was nonetheless felt that each of these instruments does provide a strong framework of human rights protection for lesbians.

The participants all commented on the need to expand, interpret and apply existing laws differently. When asked to elaborate on this the Law Group representative gave the following example:

the notion that one has the right to bodily integrity, which started out as a right not to be tortured, should now include the notion that one's body should not be violated by force. If applied
to women and more specifically to 'lesbians' it should say that one has the right not to be forced into forms of sexuality one does not want including heterosexuality.

She then went on to say:

I think the discussion about creating what we call lesbian, creating lesbian identity as the way to then define rights is a discussion that [should be about] cross-cultural identities and female sexuality and female freedoms and women who go against their cultural traditions in whatever places they are and trying to figure out how do we incorporate those realities of women's lives in a way that is the most effective way to promote the freedom of women be they gay or straight.

She also stressed the need for inclusivity when it comes to this notion of rights protection:

The goal for lesbian activists has to be to not replicate some of the mistakes of the mainstream human rights groups, some of the mistakes of the gay men's groups...if you look at the way that the change in the European convention and the sodomy statues have gone forward you see the limitations of some of the ways that we have tried to articulate rights and we need not to get caught in those boxes so that we're limited to discrimination on our identity...if our identity doesn't fit into a box does that mean we're not protected against discrimination...one of the things that is good is that there is more cross-regional, inter-regional and truly international conversation now than ever before...It is still too dominantly in the north and much too dominantly in English...We have a chance to construct ranges of bundles of rights and protections that try and avoid some of the identity boxes while at the same time claiming proud identities as we choose them.

When asked to describe how these 'bundles of rights' might be constructed, interpreted and then applied differently the Law Group representative had the following to say:

some [might] be civil, those are information and freedom of organizing and freedom of association, some [might] be economic, the right to have, to earn enough money so that you can live alone as a
women because an awful lot of the issues around being a lesbian is simply not being able to live outside your family, that's an economic one, it's a cultural one [too] it's having the space to actually be a woman not identified with a man, it's [also] privacy rights, it's the right to intimacy and bodily integrity which gets categorized under both civil rights and in some ways under cultural rights, so it's bundles of rights and looking across those bundles and seeing what does it take to have a woman live her life that way and I think these are the kinds of questions we should be asking.

It was noted that at this point in time most governments do not appear willing to expand the parameters of the debate so as to allow for a fuller range of sexualities, a fuller range of identities or the freedom to choose the form that will take. In the words of the Law Group member:

the best of them are looking at least broadly across the notions of non-discrimination which is a good start and broadly across the notion of protecting rights of sexuality which is [also] a good start. In that sense you would get the sort of non-discrimination statements of the Canadians, the Dutch, the South Africans, even in their better moments the U.S. and a couple of others, but the notion of what it takes to construct the conditions by which a woman can live freely with her own choices, that's much more broad, that's a question of economic rights and cultural change and I think very few governments are at a place where they're willing to start looking into that.

It was noted that the overall landscape still needs to be greatly improved with respect to securing rights and protections for lesbians. At the same time the participants did agree that in the last 10 years there have been some notable improvements in terms of recognition and inclusion of lesbians and their concerns by numbers of governmental and non-governmental organizations alike. When asked to elaborate on this the Law Group
representative had the following to say:

within NGO's visibility, rhetorically speaking pretty good, not great but pretty good. Action, commitment, shifting of resources not so good, but better than it was 10 years ago. Governments ... at least an awareness, the notion that it is valid to say that the issue of lesbian rights are human rights is definitely accepted although not roundly applauded. Once again political commitment pretty weak. As far as international organizations go, in the last 10 years it's gone from never being heard of, never discussed to at least being a valid discussion within the U.N. and not yet actually within the O.A.S. Clearly a long term discussion within the Council of Europe... Within the Organization of African Unity, I don't think it's ever been raised.

The AI representative's comments in regards to organizational change were specific to Amnesty:

The discussion that's going on within Amnesty touches on [the whole notion] of the indivisibility of human rights and looking at social and economic rights, cultural rights, development rights, that discussion is going forward [but] I think it's going to be a very long discussion, I think it's going to be a very long time and right now from our perspective I feel like what we need to do is to just get the work going under the mandate that we have now and ensure that we're really doing that to the fullest. The other way that we can ensure that we at least look at the rights as indivisible even if we don't act on all of the rights is through human rights education that's a really key thing for Amnesty.

In considering how the climate has changed The IGLHRC representative made the following comment:

One of the big gains from Beijing was the language on women's sexual rights which stated that the human rights of women include their right to decide freely on matters relating to their sexuality free from discrimination and violence. It's really important for us to keep pushing for the inclusion of lesbians. [At the same time] some governments said they understood that only pertained in legitimate forms of marriage [so for them] that doesn't
even mean that women have the right to have hetero-
sexual relations [outside of marriage].

Clearly the biggest success story of the '90's was the
decision by the South African Government to include sexual
orientation in its new constitution which was signed into law May
8th 1996, making it the first government in the world to do this.
It is hoped that in time other governments will make similar
commitments.

(ii) Written Responses From Organizations

Concerning the letters I forwarded to women's groups, non-
governmental organizations and lesbian specific organizations the
responses I received from the lesbian groups were the most helpful
and informative. For example the National Centre For Lesbian
Rights sent a draft paper entitled "Lesbians and Political Asylum:
Gender, Sexual Orientation and Lesbian Human Rights" which helped
tremendously with my literature review. They also suggested
additional readings which proved useful. The International Lesbian
Information Service forwarded their booklet Lesbian Rights Are
Human Rights which was also beneficial in terms of my literature
review. The lesbian organizations which did respond also sent
along a personal note thanking me for writing and expressing
pleasure and interest in my project. The group Sakhi appeared
eager to correspond with other lesbians in other parts of the
world. Because they were one of the contributors to the book
Unspoken Rules: Sexual Orientation and Women's Human Rights they
suggested I obtain of copy of this book as a way to gain insight
into the current climate in India with respect to lesbians. In addition they forwarded a one page information sheet outlining the work that they do. They indicated that funding was scarce and they would appreciate help in building up their resource department.

The Nicaraguan women's group Fundación Xochiquetza also expressed pleasure and interest in my project. They talked about the need for both women and lesbians in their country to become better organized. They especially highlighted the lack of self-esteem that exists for both women and lesbians in Nicaragua. With respect to the change in law (1992) specific to homosexuals it was mentioned that a lesbian had recently been incarcerated under this law for a period of two weeks. The case had to do with a child custody battle between this woman and her former husband. It was stated that the situation is very bad for lesbians in Nicaragua and that there is still much invisibility.

No information pertinent to lesbians was forthcoming from the other women's groups I contacted. Equality Now suggested that I write to The International Gay and Lesbian Human Rights Commission if I wanted information specific to lesbians. In my letter to the Special Rapporteur On Violence Against Women I asked if information was being gathered specific to human rights abuses against lesbians. Significantly she did not reply.

The human rights organizations in this study, excepting one, are aware of and do advocate on behalf of lesbians who are experiencing human rights violations. It nonetheless appears that the mainstream organizations are not always as vigilant as they
could or should be. While these organizations do undertake projects in tandem with other human rights organizations both mainstream and alternative in an effort to highlight abuses being perpetrated against lesbians and to address the issue of lesbian rights more generally it does appear that there is more of a focus on gay men's issues. This is because abuses which generally fall under the purview of the International Covenant on Civil and Political Rights are still accorded more prominence and given more attention. There appears to be a general lack of commitment by just about everyone - governments, the international community, human rights organizations and society at large - to place the International Covenant on Economic, Social and Cultural Rights on par with the International Covenant on Civil and Political Rights. While these particular human rights workers believe that world conferences have helped raise the profile of lesbian rights, they do admit that unless the human rights community keeps pressuring governments to stay true to commitments made, the issue of lesbian rights will continue to fall through the cracks. They nonetheless believe that there is a place for lesbian rights within conventional human rights frameworks (albeit our understanding of contemporary human rights law needs be expanded upon considerably). Without minimizing the work that still needs doing or the obstacles that continue to exist, for the most part, this particular group of human rights workers appear optimistic that in time lesbians will be brought more fully into the human rights debate.
CHAPTER V

CONCLUSION

In this study I set out to learn more about lesbians' experiences of human rights violations and to examine the policies and the practices of various human rights organizations with respect to abuses being perpetrated against lesbians. The findings both validate and add to what previous research has shown.

Human rights abuses against lesbians remain a serious problem all over the world. In many places the abuse occurs at the hands of state actors, and there is little if any protection afforded lesbians. For example, in many countries 'homosexual acts' are criminalized. While lesbians are not generally included in these laws they are often treated as if they were 'illegal.' In many places lesbian organizations are not allowed to register or to disseminate any kind of information. Many countries have been known to charge lesbians under vague morality laws. It is still legal in many places to fire a lesbian from her job. Lesbians frequently lose custody of their children. The imprisonment, the torture, the disappearance and/or the murder of lesbians can and does occur in numbers of places. In situations such as these it is often impossible to organize or resist in any kind of a public and visible way.

More often the abuse occurs in families, communities and work places. While the state is not directly implicated in these kinds of abuses the protection afforded a woman ranges from minimal to
non-existent. For example, because heterosexuality continues to be the norm in most places throughout the world a woman may never know that she can make choices about her life and about her sexuality. She may be forced into marriage. She may be beaten by a family member if she refuses to acquiesce or if she identifies herself as a 'lesbian.' She may be locked up by her family or her entire community. She may be discriminated against at work. Many women commit suicide, turn to alcohol or other drugs as a way to cope, or run away. In these instances the quality of life is seriously jeopardized. Without the support of one's family, community and work place, and national and international laws, invisibility becomes the only option.

At the same time this study revealed that despite the intimidation, the discrimination and the violence, lesbians are organizing around the world, at the local, national and international levels. It was encouraging to hear about this and to learn about the work that was done in preparation for the Beijing Conference. It was encouraging to see how women's groups and lesbian groups came together to push the issue of lesbian rights more forcefully; and despite the opposition they were able to get lesbian rights placed on the official conference agenda. While this was highlighted in the literature the participants did elaborate more fully on the kinds of organizing that is occurring. Additionally they seemed especially optimistic that discussions concerning lesbian rights will continue to move forward at both the national and international level despite the opposition.
This study also revealed that overall there does appear to be an increased level of awareness and an increased level of concern with respect to lesbians' experiences of human rights violations amongst the various human rights organizations. This has been due in no small measure to the efforts of the international movement for the human rights of sexual minorities, in particular the International Gay and Lesbian Human Rights Commission and the International Lesbian and Gay Association. Both these organizations have done an excellent job in documenting and reporting the abuses that are being perpetrated against lesbians and other sexual minorities. They have also been relentless in their efforts to raise the issue of lesbian rights wherever, whenever and with whomever they can. For example, at international fora such as the Vienna Conference and the Beijing Conference, or when government delegates such as the Argentinean President are on state visits, or when organizations such as Amnesty International are contemplating a policy change. Notwithstanding the work that has been done and the changes that have resulted from this it was discouraging to learn that in many instances an organization's support can be more rhetorical than actual.

For example, Amnesty International claims to advocate on behalf of those imprisoned because of their sexual orientation; however, to date they have been somewhat negligent with their documentation and their verification efforts. The point was made that Amnesty owes a lot to IGLHRC for bringing to light a lot of the abuses that Amnesty is just not able to confirm. It seems
curious given the numbers of researchers that Amnesty now employs, the numbers of different country sections that are now in existence and the magnitude of some of the campaigns that they have been able to launch that they need to rely so strongly on the efforts of the IGLHRC when it comes to documenting and verifying human rights abuses against lesbians.

It was also noted that Amnesty's mandate has remained quite narrow and that for the most part they still only focus on those abuses which fall under the purview of the International Covenant on Civil and Political Rights and which generally occur within what is considered the 'public realm' of life. Because many of the abuses experienced by lesbians occur within what is considered the 'private realm' of life they never even get reported to or by Amnesty. While the membership is in the process of discussing ways to broaden Amnesty's mandate to be more inclusive when it comes to rights protection, according to the AI member interviewed all signs indicate that this is going to be a long discussion.

In the case of the Canadian Centre For Victims of Torture I found it interesting and problematic that in the last 10 years there hasn't been one woman who has either identified herself as a lesbian or in any way indicated that she might have been tortured because she is a lesbian. While there was an acknowledgement by the CCVT member that many individuals have been tortured and often more severely because their sexual orientation differs from the norm, overall the Centre appears relatively uninformed with respect to lesbians' experiences of human rights violations. This was
surprising given their close relationship with Amnesty International and given that AI did issue a policy statement as far back as 1982 condemning the forcible medical treatment carried out on individuals in an effort to 'turn them straight.' Despite the fact that Amnesty is not as vigilant as it can be in the reporting and documenting of abuses against lesbians they have nonetheless issued reports from time to time with respect to individuals who are imprisoned and tortured because of their sexual orientation. The fact that the CCVT has access to Amnesty's reports and yet they have never issued a policy statement of their own about these abuses is also problematic. Unfortunately no explanation was forthcoming from the CCVT member interviewed.

Overall, however, it does appear that lesbian rights are being given more serious attention. As was noted in this study, within various international organizations like the U.N. the topic has finally become a valid human rights issue. While admittedly it must still fight for attention and debate at least the topic can now be debated there. Within the Council of Europe it has been seen as a valid and important issue for some time now and all signs indicate that the prominence accorded this issue will continue. For example, the Council did make Romania's entry into the Council conditional upon its rescinding its anti-sodomy laws. While Romania has yet to comply they are being pressured to do so and the possibility does exist that they could be suspended if they refuse.

While other regional inter-governmental bodies such as the Organization of African Unity (OAU) have yet to raise this as an
issue it was encouraging to hear that within the African context Women In The Law and Development are moving towards more recognition of lesbians and their concerns. Equally encouraging was the move by the South African Government with respect to the inclusion of sexual orientation in its new constitution. Perhaps together they may be able to influence the OAU to move in a more positive direction.

While the various governments are in different places with respect to this issue, the fact that over 35 countries in Beijing took a stand in support of women's sexual autonomy and the fact that some of these same governments did indicate that they will consider 'other status' to include sexual orientation does portend well for the future. While they will require constant monitoring, and pressure will have to be brought to bear to ensure they stay true to their commitments, it was nonetheless a positive step forward.

Certainly amongst the various human rights organizations it was encouraging to learn about the different kinds of projects that have been either initiated or entered into with others at the local, national and international level. More so than the existing literature, this study revealed the extent of the work that has been undertaken by these various human rights organizations and by women's groups and lesbian groups in their push to get lesbian rights placed on conference agendas or included in discussions at places like the U.N. What it also revealed was the extent of the thinking and the strategizing that is currently underway in an
effort to extend the parameters of the debate with respect to our understanding of human rights. We can only hope that in time claims made about the indivisibility of human rights and commitments given to protect 'all' peoples human rights will move from the realm of rhetoric to the realm of action.

Notwithstanding the level of awareness that now exists amongst these particular human rights organizations with respect to lesbians' experiences of human rights violations, or the work that these organizations now undertake on behalf of lesbians who are experiencing human rights violations, or the optimism that was shared by most of the participants, the results of this study support the claim that every day and in nearly every part of the world women continue to be subjected to various forms of discrimination, intimidation and violence for no other reason than because they are lesbians. The results also support the claim that there continues to be a lack of commitment with respect to rights and protections for lesbians at the local, the national, the regional and the international level; in North America, South America, Europe, Africa, Asia-Pacific and the Middle-East. Clearly there is a need to research further lesbians' experiences of human rights violations and to examine the policies and the practices of human rights organizations with respect to this. Future studies of this kind will not only contribute to our understanding of lesbian lives throughout the world, but will also help raise the profile of lesbian rights and help pressure human rights organizations, host governments and the international community to fully include
lesbians' rights in all future discussions concerning human rights. In the final analysis it must never be forgotten that when even one individual or one particular group within society does not have protection or security of rights, no one's human rights are secure (Amnesty International, 1994 pp.3).

**Limitations of the Study**

There were several limitations to this study. It was broad based and so it did not explore how intersecting prejudices such as race, class and ethnicity impact lesbian lives differently resulting in different forms of oppression. There is a need to look at these variables when considering lesbians' experiences of human rights violations. As well, the human rights organizations selected were all western based. There is a need to examine the policies and the practices of human rights organizations that are not western based as a way to gain further insight into the topic at hand. Finally no lesbians were interviewed for this study. While this was not the intent it nonetheless remains true that we can only ever really gain insight into the lives and the experiences of individuals if we allow them to speak in their own voices. It is important to consider the differing perspectives and interpretations and to include the voices of lesbians in future studies of this kind.
CHAPTER VI

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115


The Right to Privacy in the U.S.

16 states [ ] heterosexual and homosexual sodomy law = State not free
6 States [ ] homosexual sodomy law = State not free
28 States [ ] No sodomy law = Free state

* See over

No matter how you say it...

Arizona (and others) "crime against nature"
Alabama "unnatural sexual misconduct"
Massachusetts "sodomy and buggery"
Mississippi "unnatural intercourse"
Montana "deviate sexual conduct"
South Carolina "buggery"

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National Gay and Lesbian Task Force-U.S.A. 1994 - The Tennessee Supreme Court recently overturned the sodomy statute.
GAY & LESBIAN SYMBOLS

Freedom Rings:
The six aluminum rings, brightly coloured in red, orange, yellow, green, blue, and violet, were designed by David Spada, a New York artist, as a fund-raiser for the 1991 Freedom Day Committee in San Francisco. Some people wear them on a finger (stacked in rainbow sequence); more commonly they're displayed on a chain.

Black Triangle:
Known lesbians were made to wear a black triangle in the Nazi concentration camps, though the symbol was also used for saboteurs and a wide range of social misfits as defined by the Nazis. The black triangle also represented the link between lesbianism and anarchy.

Pink Triangle:
The Nazis required known homosexuals to wear an inverted pink triangle (one pointing downward) on their clothing, so that they could be quickly picked out for special abuse. In the 1970s gay activists began using this symbol as a way of identifying themselves while also calling attention to a forgotten chapter of gay history.

Labrys:
The double-bladed ax known as a labrys appears in art as far back as ancient Crete, often as a symbol of female strength. In modern times, it has come to be a symbol of lesbianism, found most commonly in jewelry. The labrys is also thought to be a tool or weapon used by wimmin in prehis-torical times.

Article 127: Mosafeqeh (lesbianism) is the homosexuality of women by genitals.

Article 128: The ways of proving lesbianism are the same by which the homosexuality (of men) is proved.

Article 129: Punishment for lesbianism is one hundred (100) lashes for each party.

Article 130: Punishment for lesbianism will be established vis-a-vis someone who is mature, of sound mind, has free will and intention.

Note: In the punishment for lesbianism there will be no distinction between the doer and the subject as well as a Muslim or non-Muslim.

Article 131: If the act of lesbianism is repeated three times and punishment is enforced each time, [a] death sentence will be issued the fourth time.

Article 132: If a lesbian repents before the giving of testimony by the witnesses, the punishment will be quashed; if she does so after the giving of testimony, the punishment will not be quashed.

Article 133: If the act of lesbianism is proved by the confession of the doer and she repents accordingly, the Sharia judge may request the leader (Va'ie Ame) to pardon her.

Article 134: If two women, not related by consanguinity stand naked under one cover without necessity, they will be punished to less than [one] hundred (100) lashes (Ta'azir). In case of its repetition as well as the repetition of punishment, [one] hundred (100) lashes will be hit the third time.
Groups That Promote Hatred and Homophobia Under the Guise of "Family Values"

You can do a lot to change the way people think by educating them to the hateful agenda behind organizations that hide beneath the innocuous banner of "family values."

American Family Association—Promotes their agenda through court actions; also targets the media/entertainment industry. Concerns include homosexuality, pornography, profanity, “anti-Christian bigotry,” liberal media, 600,000 members, 660 local chapters. (Head: Donald Wildmon)

Concerned Women of America—Antigay, antiabortion, “pro-family” agenda via grass-roots organizing and congressional lobbying. 600,000 members, 800 U.S. chapters. (Head: Beverly LaHaye)

Eagle Forum—A women’s organization powerful in national and Republican party politics, thanks to Phyllis Schlafly, founder. Mother of a gay man, she opposes AIDS education, sex education, daycare, family leave, abortion rights, the ERA, and NEA funding. 80,000 members. (Head: Phyllis Schlafly)

Family Research Council—Lobbies against gay, lesbian, and bisexual civil rights, reproductive freedom, government-funded health care, child care, and equal protection laws for women in the workplace. (Head: Gary Bauer)

Focus on the Family—Employs almost 1,000 people, with 1,550 radio stations worldwide. A leader in the passage of Colorado’s Amendment 2 to disallow equal rights for gay men, lesbians, and bisexuals. Conducts seminars nationally to involve fundamentalists in the political process. (Head: James Dobson)

Traditional Values Coalition—Opposes gay rights, reproductive freedom, teaching evolution, and sex education except abstinence. Helped repeal gay and lesbian rights in Irvine and Concord, California. Advocates AIDS quarantine. 25,000 churches nationally. (Head: Rev. Lou Sheldon)

Operation Rescue—Nationally known for violent shutdowns of abortion clinics, vandalizing property, terrorizing women and health care providers through stalking, harassment, and other intimidation tactics. Trans-activists. Added gay rights to agenda when President Clinton proposed to lift the military ban. 35,000+ members. (Head: Randall Terry)

National Association of Christian Educators/Citizens for Excellence in Education—Goal is to bring public education under Christian control. Priority is disruption of public schools via attacks on curricula, text books, and school boards. 1,250 chapters. (Head: Dr. Robert L. Simonds)

Compiled by PFLAG
1996 State Marriage Legislation

- 2 States 🟡 Anti-gay marriage law on the books
- 17 States 🟢 Anti-gay marriage legislation pending
- 7 States 🔴 Anti-gay marriage legislation defeated or withdrawn
- 24 States + D.C.  🟠 No anti-gay marriage legislation introduced

**Updated 3/7/96**

**It's Moving...**

Legislation that has passed an initial vote

- Alaska
- California
- Colorado
- Idaho
- Iowa
- Georgia
- Washington

* Passed in 1995
** Pro-marriage bill pending
*** Anti-marriage bill likely to be introduced
STATEMENT ON LESBIAN RIGHTS

In evaluating the progress made in implementing the Nairobi Forward Looking Strategies and defining a forward looking agenda for the women of the world, Governments of the Asia Pacific region must acknowledge their historic failure to include lesbians in action for the advancement of women. At the Fourth World Conference on Women, all Governments and the United Nations itself must undertake clear commitments that will reverse that failure and will ensure the human rights and fundamental freedoms of lesbians.

Lesbians are subject to widespread discrimination and prosecution in all regions of the world. The Universal Declaration of Human Rights states that “All human beings are born free and equal in dignity and rights” and that “Everyone is entitled to all the rights and freedom set forth in this Declaration without any distinction of any kind.”

Lesbians are denied the protection of these and other human rights guarantees. Abuses against lesbians cover a wide range of violations, including murder and other forms of violence, discriminatory legislation, denials of the freedom to choose one's own lifestyle and partner, and denials of the freedom of expression. The invisibility of lesbians at all levels of society is evidence of the discrimination they face in public life and in society. Fear of persecution or discrimination ensures that the vast majority of lesbians remain silent about their sexual orientation and are denied the right to determine their most basic life choices.

The agenda of the Fourth World Conference on Women should include the human rights of lesbians and at the Conference, Government must commit to action to make those rights a reality for lesbians. Lesbian organizations should be accredited to participate as non-governmental organizations in the Conference.

Proposed amendments to the Draft Plan of Action for the Advancement of Women in Asia and the Pacific (Item 5 of the provisional agenda) are attached.

(For ESCAP Document no. GENERAL E/ESCAP/RUD/SOCWD/5 dated 20 May 1994.)
Thursday, May 19, 1994

STATEMENT BY LYN MCLEOD ON THE EQUALITY RIGHTS STATUTE LAW AMENDMENT ACT

Having reviewed the government’s legislation, I am announcing today that I am opposed to the Equality Rights Statute Law Amendment Act because it makes fundamental changes to the definition of the family unit which I cannot support.

Specifically, I am opposed to changes to the definition of spouse and to extending the right to jointly adopt children to same-sex couples.

This bill goes beyond what the people of Ontario are prepared to accept and it goes beyond what I am personally prepared to accept.

My position on this issue has been clear for more than a year. While I support the extension of family and survivor benefits to same-sex spouses, I have previously expressed my concerns about changes that would permit adoption and change the definition of spouse. Today’s legislation clearly goes much further than my commitment, and for that reason, I cannot support this bill.

-30-

CONTACT:

Frank Switzer
Press Secretary
(416) 325-7273
Interview Guide For Study

Today's Date: Time:
Place:
Organization: Participant's Name:
Address:
Phone:

Questions:
1. Could you talk about your organization, when it began and why? How important are lesbian rights in relation to your organizational mandate? What work are you currently engaged in?
2. How closely do you work with other human rights organizations, both nationally and internationally? What if any projects have you undertaken together?
3. What has been your approach with other human rights organizations to get them to address the issue of sexual orientation.
4. The United Nations Conference on Human Rights held in Vienna, Austria in 1993 failed to include sexual orientation in its final platform for action. Could you talk about this, what some of the reasons might have been and what if anything is being done to get sexual orientation recognized within the existing framework of international human rights law? How does human rights law get set? How effective is it?
5. Could you talk about the proceedings leading up to the Beijing Conference, ie, your actions, the actions of other human rights organizations to have sexual orientation put on the agenda. What if any obstacles were encountered in this regard - by governments, other NGO's and/or women's organizations? While sexual orientation was not included in the final platform of action, numbers of countries did unofficially recognize the need to protect the rights of sexual minorities - how confident are you that they will remain committed to this? What if any legislative/legal changes do you envision? How will various countries performances be monitored?
6. Are there differences in issues with respect to lesbians as compared to gay men? If so, what are they are why?
7. How do you hear about human rights violations specific to lesbians? Do you lobby on behalf of lesbians, if so what is your approach? How successful have lobbying efforts been to date?

8. Is there anything else you might like to comment on?
ORGANIZATIONS

Interviews


2. The Canadian Centre For Victims Of Torture, Toronto, Ontario, Canada - Interview In Person.

3. Amnesty International, U.S.A. Section - Interview By Telephone.


Correspondence

1. U.N. Commission on the Status of Women, N.Y., N.Y., USA.

2. Equality Now, N.Y., N.Y., USA.


4. Fundacion Xochiquetzal, Managua, Nicaragua.

5. Sisters of Venus, Istanbul, Turkey.

6. Anjaree, Bangkok, Thailand.

7. National Centre For Lesbian Rights, San Francisco, USA.

8. Sakhi, New Delhi, India.


11. Inter-American Commission on Human Rights, Washington, D.C. USA.


I am conducting a study examining lesbian's experiences of human rights violations from a global perspective. Since 1948, the United Nations General Assembly has committed itself to the rights and protections of all individuals and groups within society. Many countries throughout the world now have their own 'Charter of Rights and Freedoms' premised upon the U.N. Declaration.

This study will examine what has occurred within the realm of human rights legislation specific to lesbians. What have human rights workers learned concerning the status of lesbians worldwide? What protections have been secured for lesbians? How do human rights organizations monitor a country's performance?

Human rights workers from various organizations are being asked to participate in this study. Your thoughts are extremely important and I hope that you will share them with me. The information will be gathered during an audiotaped interview lasting approximately 1 1/2 to 2 hours. This interview will be completely confidential and any written reports will not identify individual workers. Participants are free to withdraw from this study at any time, without explanation. I hope that you will be able to assist me in this project.

Sincerely,

Maureen Giuliani
CONSENT FORM

LESBIAN'S EXPERIENCES OF HUMAN RIGHTS VIOLATIONS - A GLOBAL PERSPECTIVE

I hereby consent to participate in the above research project conducted by Maureen Giuliani.

I have read the letter describing the purpose of the study and understand that I may decline to answer any questions and am free to withdraw from the study at any time, without explanation.

I understand that while the organization I am affiliated with will be identified, my name will not be associated with any of the answers that I give. Additionally, it is my understanding that this study is not intended as an evaluation of my organization's performance, rather it is intended to solicit information specific to the topic at hand. With the understanding that no information about individuals will be reported, I give my consent for the use of my answers in a written report of this research.

----------------------------------
Signature Date

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Approval by Agency/Organization Representative Date

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Maureen Giuliani Date
INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION
ASYLUM PROJECT

INTERNATIONAL ASYLUM FACT SHEET

Countries Granting Asylum Based on Sexual Orientation
Australia, Belgium, Canada, Finland, Germany, Ireland, the Netherlands,
New Zealand, the United Kingdom, and the United States.

Some of the cases granted include:

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<td>TF...Iran/Canada</td>
<td>Jul 31/95...G...Brazil/Australia</td>
<td>Mar 1/96</td>
<td>Mexico/Canada</td>
</tr>
<tr>
<td>Jul 7/94</td>
<td>China/Canada</td>
<td>Aug 4/95...L...Colombia/USA</td>
<td>Mar 11/96</td>
<td>Jordan/USA</td>
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<tr>
<td>Aug 4/94</td>
<td>Pakistan/Canada</td>
<td>Aug 14/95...G...Venezuela/Canada</td>
<td>Mar 13/96</td>
<td>Guatemala/USA</td>
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<td>Aug 24/94</td>
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<td>Mar 29/96</td>
<td>Iran/USA</td>
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<td>Aug 25/94</td>
<td>China/Australia</td>
<td>Aug 14/95...G...Syria/Canada</td>
<td>Apr 2/96</td>
<td>El Salvador/USA</td>
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<td>Pakistan/USA</td>
<td>Aug 16/95...G...Chile/Canada</td>
<td>Apr 2/96</td>
<td>Peru/USA</td>
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<td>Aug/94.....</td>
<td>TF...Venezuela/Canada</td>
<td>Aug 23/95...G...India/UK</td>
<td>Apr 11/96</td>
<td>Pakistan/USA</td>
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<tr>
<td>Sep 16/94</td>
<td>Russia/Canada</td>
<td>Aug 30/95...G...Iran/New Zealand</td>
<td>Apr 15/96</td>
<td>Russia/USA</td>
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<td>Turkey/USA</td>
<td>Sep 1/95...G...Nigeria/USA</td>
<td>Apr 22/96</td>
<td>GH. Chile/USA</td>
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<td>Colombia/USA</td>
<td>Sep 6/95...G...Eritrea/USA</td>
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<tr>
<td>Nov 25/94</td>
<td>Bangladesh/Belgium</td>
<td>Sep 12/95...G...Malaysia/Canada</td>
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</tr>
</tbody>
</table>

Codes
H (person with HIV/AIDS), G (gay man), L (lesbian), B (bisexual),
TF (male-to-female transgender), TM (female-to-male transgender)

Asylum Project, 1996
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