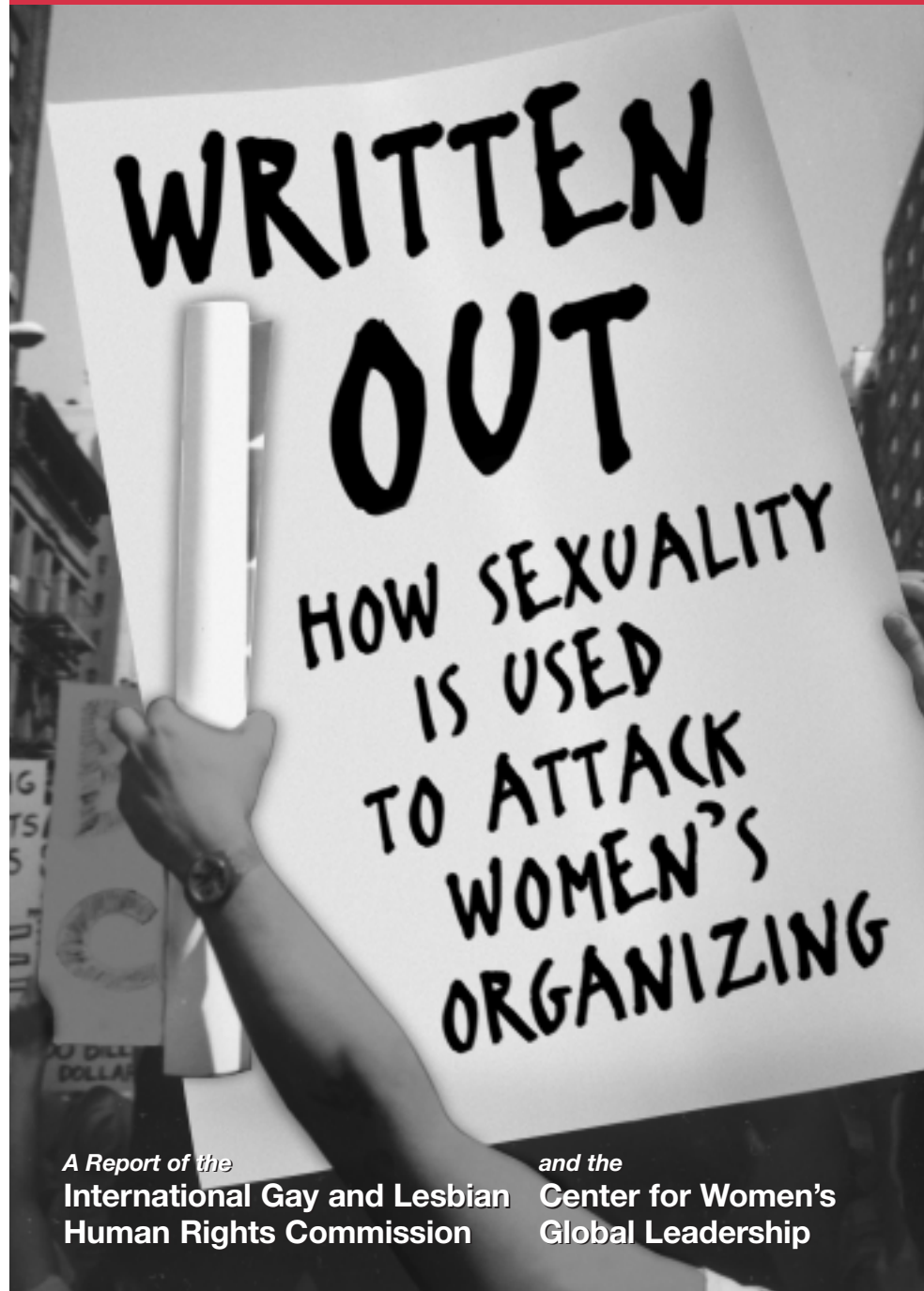


REVISED AND UPDATED



*A Report of the*  
**International Gay and Lesbian  
Human Rights Commission**

*and the*  
**Center for Women's  
Global Leadership**

# WRITTEN OUT

## HOW SEXUALITY IS USED TO ATTACK WOMEN'S ORGANIZING

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*A revised publication of the*  
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and the Center for Women's Global Leadership (CWGL)

### International Gay and Lesbian Human Rights Commission

The mission of the International Gay and Lesbian Human Rights Commission (IGLHRC) is to secure the full enjoyment of the human rights of all people and communities subject to discrimination or abuse on the basis of sexual orientation or expression, gender identity or expression, and/or HIV status. A US-based non-profit, non-governmental organization (NGO), IGLHRC effects this mission through advocacy, documentation, coalition building, public education, and technical assistance.

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## PREFACE

*WRITTEN OUT: HOW SEXUALITY IS USED TO ATTACK WOMEN'S ORGANIZING* was originally published in 2000 and was launched at a public event in New York on the final night of Beijing +5, the United Nations' five-year review of the Fourth World Conference on Women (Beijing, 1995). Since its publication, this report has been used by women throughout the world in both community and academic settings as a tool for understanding and discussing a seemingly universal dynamic for most women who dare to assert their leadership and perspectives as public advocates: the disparagement and silencing of their identities and political visions through sexuality-based attacks. In this time, women's advocacy efforts have grown stronger and regional and global networks dedicated to women's human rights, social justice and gender equality have proliferated. Yet, in 2005, the global political climate presents as many challenges as it does opportunities for women's organizing.

Among the barriers to women's ability to exercise and enjoy their human rights is the phenomenon of "lesbian-baiting" and "sexuality-baiting." Such baiting is a tool used to discredit not only individual women and the groups with which they work, but also their political visions and goals. Women's human rights defenders, as well as others, are at particular risk of being targeted, in many instances, not just because of the work they do, but also because of who they are or are imagined to be.

The unabated prevalence of this experience compelled us to revise and republish *Written Out*. The Beijing +10 session (the 10th anniversary review of the Beijing

Declaration and Platform for Action by the UN Commission on the Status of Women), provided the International Gay and Lesbian Human Rights Commission and the Center for Women’s Global Leadership with a significant opportunity to update this research in order to further the conversation started in the Beijing +5 forum five years ago. We again highlight stories of various forms of sexuality-baiting, with an added emphasis on telling the stories of women whose political organizing takes shape beyond advocacy on sexuality itself. We note that sexuality-baiting is used as a means to stifle political and personal expression whenever women’s agendas or identities are positioned by those who brand them as “too threatening” to a state, an ideology or a tradition.

Much of the original remains as it was published in 2000. Where possible, we have revised relevant parts, and we have added short updates to the country case studies of Costa Rica, India, Poland and Namibia. We have added three new chapters: the first addresses the current political climate as it affects and elicits sexuality-baiting, and features new case material that speaks to the experiences of women human rights defenders who, at least in part, focus on sexuality in their work. This chapter explores, among other things, the current wars on terror, threats to funding and self-censorship for fear of baiting. The second section looks at baiting experiences of women in positions of public leadership—whether in some form of political office or as advocates in non-governmental settings—where their areas of focus are not explicitly related to sexuality. It is in this section where we argue that sexuality-baiting is a tactic used to discredit women who organize in relation to myriad issues and not only on women’s issues or sexuality, per se. The third new section explores sexuality-baiting within UN fora during and since Beijing +5, and depicts a range of perpetrators and targets of discrediting.

Our commitment in this report is to share women’s narratives of lesbian-baiting and sexuality-baiting in an effort to show the breadth of disruptive or oppositional tactics and the similarities across regions, cultures and movements. We believe these accounts must still be conveyed and that the methods used to devalue women’s political advocacy must be exposed. We tell these stories to highlight women’s experience and to honor the courageous resistance to baiting that takes place around the world.

## INTRODUCTION

THE ORIGINAL VERSION OF THIS REPORT WAS INTRODUCED DURING THE proceedings for Beijing +5, the UN’s five-year review of the Fourth World Conference on Women, held in Beijing in 1995. The launch of *Written Out: How Sexuality is Used to Attack Women’s Organizing* took place in a room crowded with women who were frustrated and exhausted from the previous two weeks of long meetings, difficult lobbying, contentious debates and stalled negotiations. For the duration of Beijing +5 proceedings, sexual and reproductive rights issues, as in Beijing, had proven to be lightning rods of controversy, sparking the ire of conservative government delegations and representatives of extremist non-governmental organizations alike.

While feminists and sexual rights advocates attended the UN session in large numbers, so too did their opponents. Women’s human rights advocates vocally addressed and fought for women’s rights to equal inheritance, freedom from gender-based violence, access to quality and affordable health care, services and support related to HIV/AIDS, and the adoption of laws banning unequal treatment of women. Sexual and reproductive health and rights groups lobbied for sexual-education and health care services anchored in women’s experiences of their bodies and their sexualities. Although there was (and is) no one definition of sexual rights upon which all advocates agreed, related advocacy rested on a number of shared principles that included: the right of each human being to experience her/his sexuality freely, fully, and consensually, and an understanding of sexuality as a realm of experience encompassing sexual orientation, gender identity,

sexual and gender expression, desire, pleasure and sexual practices (see Chapter 1 for a more detailed discussion of sexuality and rights).

While the right to bodily autonomy and the right to control one's own sexuality were foundational to sexual rights agendas at Beijing +5, they served as well as a rallying cry for conservative opposition, bent on defending institutions of traditional male authority.

Anti-sexual rights positions were vociferously represented in inter-governmental deliberations as well as in non-governmental "side event" programming, where representatives included religious figures bussed in at the last minute from various places in North America expressly to attend sessions in which sexuality would be examined. To many sexual rights advocates, it seemed as if every time either sexual orientation or abortion was mentioned, there was a crack of electricity in the negotiating conference rooms, as women's sexual and reproductive rights, and in certain circumstances, women's human rights generally, came under attack, just as they had five years earlier when the Beijing Declaration and Platform for Action (PFA) were being drafted and agreed upon.

The women and men who attended the launch arrived having spent nearly two weeks listening to ugly assertions about their lives—not in the streets, not in newspapers—but in UN meetings, articulated by government officials or their trusted advisors, and by the imported friars and priests who read Bibles while surrounding the perimeter of the UN rooms in which sexuality programming was taking place. Yet at *Written Out*'s introduction, feminists from around the globe carved out a space to talk about their experiences of being antagonized because of their sexuality-related political organizing or identities. Some were moved to tears by the testimonies they heard, many told by people who had been contributors to the publication. Participants were reminded, yet again, that sexuality-baiting and lesbian-baiting know no national boundaries. Moreover, from region to region, the tactics used against women activists have an eerie familiarity: All too frequently they are anchored in allegations about women's relationships to gender, family, reproductive status and sexuality.

The attendees realized, also, that the constellation of narratives documented in *Written Out* was not only effective in capturing what women felt when they were home, doing their work, but also—and more immediately—that the stories were resonating so deeply because they mirrored what many had been experiencing for the previous two weeks within the confines of the United Nations. Many attendees of the session had themselves been baited, maligned, had their political skills and convictions called into question, and had been named as immoral, unnatural, insensitive and uncaring about the plight of other women all around the world.

And yet, even with the acknowledgment of struggle, the predominant feeling in the room was far from one of defeat. Rather, the mood of many present was one of fatigued exhilaration. During Beijing +5, women had defended Beijing's Platform for Action and had staved off a concerted right-wing organizing effort to limit and roll back previous commitments by governments to advancing women's human rights to sexuality and reproductive choices. And, as is often the case when women come together to talk about experiences related to sexuality, the energy in the room sparkled with shared experiences, new knowledge and information and the capturing of strategic nuggets of wisdom from the tales of success and challenge.

In the process, the non-governmental lesbian caucus, with allies in a number of movements, had unleashed more official programming on sexuality and human rights, with greater attendance by governmental delegations than had ever taken place at a UN women's meeting. For some, the visibility, even if dangerous, was thrilling. Although none could foresee the future and the catastrophic political shifts to come in the following year, sexual rights once again had been "written into" UN feminist history.

As was the case in 2000, sexuality-baiting and lesbian-baiting remain effective and widely-used tactics to discredit and undermine women's activist work. The 2001 report of the UN Secretary General's Special Representative on human rights defenders noted that women's human rights groups and those who are active on issues of sexuality, especially in relation to sexual orientation and reproductive rights, are at specific risk for targeting. "These groups are often very vulnerable to prejudice, to marginalization and to public repudiation, not only by State forces but other social actors."<sup>1</sup>

In response, we must ask: *Where is the threat? And what is the potential?* These two questions about sexual rights advocacy animate *Written Out*. As in 2000 with its initial publication, these questions remain pertinent and timely. The notion of threat in relation to sexuality-baiting is not a rhetorical one, as sexual rights and feminist communities are reminded in brutal and graphic ways. In late September of 2004, Fannyann Eddy, the founder and director of the Sierra Leone Lesbian and Gay Association, the first group of its kind in that country, was brutally murdered in her office, the target of at least one man who ultimately strangled her to death.

While the motives for her murder might not ever be known, at least two facts remain true: Fannyann was a courageous lesbian activist with a public profile,

1. Report of the Special Representative of the UN Secretary General on human rights defenders, Commission on Human Rights, January 2001, E/CN.4/2001/94, Paragraph 89(g).

and she had experienced public lesbian-baiting as a result of her work. Not long before her death, she told the following story, apparently with great pride and humor, of baiting episodes she had experienced while engaging in the mundane business of banking, a process that usually brings little scrutiny or threat:

*When we had registered and I went to open a bank account for the organisation, the whole staff of the bank came out to have a look at me and I had to call the manager to make sure that I was actually served. Later, when I went to carry out a transaction at the bank and used just the account number as a reference, the teller told me in a very loud voice so that all the other customers were alerted that I had to say the name of the account. I did not give in but insisted on making the transaction using the account number as a reference.”<sup>2</sup>*

Most threats against human rights defenders are manifested more subtly, but they are still woven into the fabric of daily life, where the simplest of activities can become fraught with risks of exposure and sources of potential humiliation. Sexuality-baiting, while often intended to intimidate, can publicly identify individuals in ways that intentionally or accidentally elicit increased risk to their physical security. Here we are faced with an unfortunate irony: women face baiting and opposition to their political activism partly because of the backlash unleashed due to their successes. Ten years after the Beijing Conference, women’s human rights and sexual rights advocacy have elicited demonstrative gains in all regions, and also a level of unprecedented antagonism against both gender-sensitive reforms and the individuals working for them.

Just after Beijing +5 ended, two significant political events took place, both of which have had a dramatic impact on the climate leading to Beijing +10. First, the result of the 2000 US presidential election revealed a new level of political power for the Religious Right in the US and with major global implications. Second, the attacks of September 11, 2001, effected a heightened level of fear as well as scrutiny. It is hard to delineate exactly how the geopolitical terrain has shifted since these events transpired, yet fluid lines of demarcation between cultures, regions and ideologies are seemingly drawn at whim in an ever-evolving dance of state alliances and differences. What often goes unnamed, though, is the fact that sexuality and women’s experience persistently have been overt focal points as well as subtexts and undercurrents.

2. Fannyann Eddy, as told to a meeting of African LGBT advocates in 2004, and recounted in a public obituary written and circulated by Gays and Lesbians of Zimbabwe in October 2004.

Indeed, women’s own interests too often are used against them. Abuses toward women have been positioned as the justification for war through the use of manipulative and selective descriptions of women’s human rights. Fears of women becoming “Westernized” have prompted violent reaction to legal reforms (although no similar outcry erupts over men wearing Western suits). Donor and aid recipient states exert pressure on one another as they claim that women are “better off” under certain policies or with reduction or elimination of foreign debt.<sup>3</sup>

Since Beijing +5 and the attacks of 2001, a series of gains has been achieved, while new obstacles have been presented in the landscape of sexual rights organizing, and, more simply, in the daily lives of women in all regions:

- Many women in Afghanistan, reportedly “freed” from the shrouds of burkas during the Taliban regime, are reportedly still unwilling to uncover for fear of violence and derision. Some young women who have tried to escape forced marriages have ended up imprisoned.<sup>4</sup>
- As Turkey negotiates accession to the European Union, feminists have organized to decriminalize adultery and eliminate sodomy laws in the revision of the Turkish penal code. While they were successful in the first case (adultery no longer brings a criminal penalty), they failed in the latter—the sodomy law still stands, even as provisions used against sexual minorities have been weakened.<sup>5</sup>
- Some countries, including Spain and Uruguay, have relaxed or have made significant efforts to liberalize their abortion restrictions, while others (such as Poland, as we describe in an update to our original case study) have developed more stringent guidelines.<sup>6</sup>
- Lesbians and gay men are now allowed to marry their same-sex partners in certain countries, including Canada, the Netherlands, and Belgium, just as anti-gay marriage initiatives have become subjects of popular legislation (as in

3. States receiving funds have sometimes claimed that staggering debt precludes their putting into effect adequate gender reform policies.

4. Haseena Sulaiman and Lailuma Saded, “Forced Marriage Ban Possible,” <http://www.peacewomen.org/news/Afghanistan/Dec03/ban.html>. See also Amnesty International “‘No one listens to us and no one treats us as human beings’: Justice denied to women,” October 2003, <http://www.web.amnesty.org/library/index/engasa110232003>.

5. Women’s Human Rights in the New Turkish Penal Code, Women for Women’s Human Rights—New Ways; [http://www.wwhr.org/id\\_911](http://www.wwhr.org/id_911).

6. Although in 2004, the Uruguayan Senate narrowly defeated a bill that would have legalized abortion, a new norm requiring pre- and post-abortion counseling was approved; the government of Spain is also expected to make efforts to liberalize abortion restrictions in 2005; and the Brazilian government is expected to address decriminalization of abortion in 2005.

a range of states in the United States). Even the UN has begun to provide same-sex partner benefits under certain limited conditions.<sup>7</sup>

- African women have succeeded in securing the adoption of a women’s rights-focused Optional Protocol to the African Charter on Human and People’s Rights, with sexual and reproductive health references included in the text. Yet this coexists with a number of criminal prosecutions of unmarried and pregnant women in Nigeria on the charge of adultery. In some cases, these women have been sentenced by conservative *Shari’a* courts to death by stoning.<sup>8</sup>

In other political spheres:

- In 2003, the Vatican published a glossary of terms related to gender, many of which are seen to spin the clock back to a previous age.<sup>9</sup>
- In 2003, Brazil boldly introduced a resolution supporting sexual orientation to the UN Commission on Human Rights, only to back down from continued discussion in 2004 when the Organization of the Islamic Conference (OIC) threatened to cancel a conference of Arab and Latin American leaders and otherwise jeopardize trade relations with the sponsor.<sup>10</sup>

7. In November 2004, South Africa’s Supreme Court of Appeal found that country’s Marriage Act to be discriminatory because it interprets marriage to be “between a man and a woman” and further recommended a change in definition of marriage to represent a union “between two persons.” “South African Court Legalises Gay Marriage”; *AFROL News*; December 1, 2004; <http://www.afrol.com/articles/14900>. In January of 2004, the United Nations agreed to recognize gay marriages and civil unions of its staff in accordance with laws of the countries of their nationalities when those laws permit marriage and civil unions. “Domestic Partnership and Same Sex Marriage,” *UNSpecial #627*, March 2004, [http://www.unspecial.org/UNS627/UNS627\\_T06.html](http://www.unspecial.org/UNS627/UNS627_T06.html).

8. The sentence of stoning to death has not been carried out in any of these cases. See, for example, “Nigeria: Amina Lawal—Summary of an Appeal,” *Women Living Under Muslim Laws*, September 13, 2002, <http://www.wluml.org/english/newsfulltxt.shtml?cmd%5B157%5D=x-157-3150>.

9. In 2003, the Vatican published its “Lexicon on Ambiguous and Colloquial Terms About Family Life and Ethical Questions,” a 900 page glossary of more than 70 terms related to gender, reproduction and the family. According to one reviewer, its more compelling interpretations, all articulated in order to “reduce potential confusion,” include the notions that homosexuality is rooted in “unresolved psychological conflict” and that “countries that allow gay marriages are inhabited by people with ‘profoundly disordered minds.’” The document was designed to be used with governments as well as with “the faithful.” See <http://www.theage.com.au/articles/2003/04/01/1048962756031.html?oneclick=true> and [http://www.geocities.com/scfl\\_2000/enevs2003/20030425.htm](http://www.geocities.com/scfl_2000/enevs2003/20030425.htm). See page 98 for a discussion about the Vatican, gender-related terminology and the International Criminal Court.

10. “Anatomy of a Backlash: In the International Sphere: Human Rights Watch,” January 2005, <http://www.hrw.org/svr2k5/anatomy/3.htm>; Adrian Brune, “Brazil Human Rights Resolution on LGBT Community Withdrawn,” *Washington Blade*, April 15, 2004, [http://www.sfcenter.org/news1.php?id\\_article=82](http://www.sfcenter.org/news1.php?id_article=82).

- In one of the more ironic twists toward revisionist history, we were informed that “W” stands for “Women” in George W. Bush’s 2004 election trail rhetoric—an unusual classification, as US administration policies have sought to curtail women’s reproductive rights and access to health-related information and services around the globe.<sup>11</sup>
- Stories abound of the sexual abuse of boys by male church officials that has risen to epidemic proportions, and churches throughout the US and a number of other countries have lost funds, support and followers.<sup>12</sup>
- And the HIV pandemic continues to rage, eliciting excessive morbidity and mortality rates in Asia and the Caribbean as well as through the African continent, just as vibrant advocacy exists in support of rights related to health, including access to treatment and services.<sup>13</sup>

In the last five years, analytical developments in the fields of sexual and reproductive rights have affected both language and practice of advocacy. One notable shift in the discourse of women’s sexual rights has been the growing movement among sexual rights advocates to modify their orientation away from a strictly anti-violence model toward a focus on claims to “positive” sexual rights, such as the right to pursue pleasure and to exhibit expressions of fluid gender identities.

Some activists have decided that rights to freedom from violence, coercion and discrimination in relation to sexuality are not enough, and a number of projects have begun to develop advocacy focused on more liberatory claims or positive demands of the state to provide enabling conditions for enjoyment of all rights related to sexuality. Among these are the Latin American Committee for the Defense of Women’s Rights’ (CLADEM) sexual rights initiative, Women for Women’s Human Rights sexuality training programs in Turkey and the Middle East/North Africa, Collecting Resources for Empowerment In Action (CREA) sexuality and human rights institutes in India, Gender/Sexuality Rights Association of Taiwan’s anti-censorship efforts, and the girls’ empowerment programs of the International Centre for Sexual Rights and Reproductive Health in Nigeria.

Other developments have included the increased focus on responsibility and accountability of non-state actors in committing human rights abuses related to

11. “Bush’s Other War: the Assault on Women’s Sexual and Reproductive Rights” fact sheet, International Women’s Health Coalition, [www.bushsotherwar.org](http://www.bushsotherwar.org).

12. “Abuse in the Catholic Church,” *Boston Globe*, [www.boston.com/globe/spotlight/abuse](http://www.boston.com/globe/spotlight/abuse).

13. For recent statistics on the HIV/AIDS pandemic, see reports of UNAIDS at [www.unaids.org](http://www.unaids.org); See also the journal “Health and Human Rights: An International Journal,” published by Harvard University and the Francois Xavier Bagnoud Center for Health and Human Rights.



sexuality.<sup>14</sup> In many instances, it is members of communities or families and not state agents who perpetrate abuses that may be brutal and violent. Far too many of these attacks go uninvestigated or unpunished. It is the responsibility of any state to provide an enabling environment for women, and all people, to enjoy rights. A “rights positive” climate would prevent and punish discrimination, ensure that perpetrators of abuse are dealt with swiftly and firmly, and also ensure they are brought to justice with fair sentences. Without these enabling conditions in place, sexuality-baiting is more likely to continue with impunity.

### Political Landscape Since 2000

Few geo-political factors have affected the landscape of sexuality organizing and sexuality-baiting since 2000 as much as the combined effects of the wars against terrorism, the growth and intensification of fundamentalist movements in the global north and south, and the downturn in the global economy and restrictions on funding grassroots and non-governmental organizing and advocacy. Further, a synergistic relationship has formed between the burgeoning of military responses to perception of threat and the growth of fundamentalist movements in both the global north and south.<sup>15</sup>

Baiting has become increasingly sophisticated, as non-governmental organizations and individual advocates are targeted by state and non-state actors through public baiting campaigns. In addition, these efforts also sometimes take aim at an organization’s jugular vein by stifling the flow of resources that keep activist efforts alive and organizations secure. Just as these socio-economic realities work in tandem with one another, so, too, do the realities of ways women alter their advocacy or veil their vision for fear and expectation of baiting.

Around the world, advocates and defenders of women’s human rights face the reality of shrinking funds during what for many is an economic downturn. Sophisticated surveillance, whether through overt policing or infiltration into groups, has elicited both paranoia and well-founded fears of any agents of the state. Groups whose agendas are labeled by authorities as threats to the state, public order, the community or the family face economic and political coercion and control by

14. See Amnesty International’s “Respect, Protect, Fulfil: Women’s Human Rights, State Responsibility for Abuses by Non-State Actors”; the term “non-state actors” is generally taken to mean actors who are unaffiliated with government or state agencies of any kind. Non-state actors can include, for instance, family and community members, corporations, health care workers and representatives of the media. Distinctions between state and non-state actors can be blurred, however, such as when health workers are part of state health facilities, or when media is government-controlled.

15. Some activists argue that since 2000, conservative extremist movements have developed and have become more entrenched, possibly nowhere with such fervor and power as in the US.

states through a variety of mechanisms, including withholding of funds, freezing of bank accounts, and denial of legal registration status. Co-existing with the fear of financial ruin are the possibilities of being named in the ever-widening web of what groups or individuals are labeled terrorists or terrorist sympathizers. Baiting needn’t be public, as newly imposed regulations and policies related to anti-terrorism efforts can almost immediately defund groups, put their members at risk of exposure, and threaten leadership with fines or imprisonment.

Feminist organizers in many countries now face draconian responses to the portrayal of their work as a threat—to country, community or family. Governments argue that strict and punitive measures are necessary in order to combat the ubiquitous “war on terror.” Yet, many advocates argue that some policies imposed have little to do with the war against terrorism, and, in fact, are emblematic of conservative agendas that many countries had been seeking to advance even before the events of September, 2001.

The World Organization Against Torture (OMCT) has documented the phenomenon of NGO-baiting in its 2003 annual report, in which it notes that non-governmental organizations and individual human rights defenders are at risk of being labeled terrorists or terrorist sympathizers even when their work has nothing to do with issues related to terror.<sup>16</sup> The Special Representative for human rights defenders dedicated half of her 2003 report to the General Assembly to threats to human rights defenders under security legislation.<sup>17</sup> She reports that “[i]nformation on HIV/AIDS, reports of alleged human rights abuses by members of a governing political party or statements critical of the human rights impact of government security policies have all been claimed by States to be information whose publication is a threat to national security.”<sup>18</sup> In a scenario ripe for baiting, even providing information about correct condom use can be labeled as an act threatening to political order.

Even as the last five years have revealed myriad complexities and nuances of geo-political realities, one truth remains in relation to women’s experience: women’s political advocacy in the area of gender equality is still perceived by state and non-state actors as threatening in ways that require regulation—of

16. “Human Rights Defenders in a Security First Environment,” OMCT/International Federation for Human Rights, p. 158.

17. Human rights defenders are people who, based on principles of universality and indivisibility of human rights, defend the civil, political, economic, social and cultural rights of all people. See International Service for Human Rights, <http://www.ishr.ch/about%20ISHR/HRDO/HRDO%20Secretariat/AboutHRDO.htm>; and the UN Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, A/RES/53/144.

18. Report of the Special Representative of the Secretary-General on human rights defenders September 2003, A/58/380, Paragraph 18.

bodies, clothing, speech, partners, choices about how to form families, whether and how to parent, and, of course, political expression.

### Legal and Financial Challenges

Among the more pernicious aspects of baiting campaigns, as noted above, are the mechanisms that are invoked to challenge the legal identity of an organization and hamper its financial operations. When the political climate stifles political participation and expression, women's rights are often among the first to be more vigorously regulated or to have their activities suppressed.

Women's groups in Uzbekistan have a post-Soviet era legacy of engaging in vibrant criticism of their government. But in early 2004, this legacy was circumscribed under the guise of anti-terror activities, as the Uzbek government, a supporter of the US/UK-led war in Iraq, issued Decree #56, On Measures for Effective Calculation of Funding for Technical and Humanitarian Aid and Grants Received from International and Foreign Governments. Under this decree, widely seen as President Islam Karimov's effort to control voices critical of his government, international grants to non-governmental organizations must be channeled through the central government Uzbekistan National Bank, or Asaka Bank, and can be released only with the permission of committees at the central bank or the Cabinet of Ministries.

These committees, whose representatives are comprised of members of government (especially from the justice system), are charged with determining whether an organization's project differs from or duplicates governmental efforts on the same issues. In essence, the assets and grants of non-governmental groups can be frozen unless they can make an argument to the government about the usefulness of a particular project. Funds are unlikely to be released to groups known to be critical of the government, which puts women's organizations at particular risk.

In May of 2004, another decree was issued which greatly expanded the reach of the official Women's Committee of the Republic of Uzbekistan. All women's groups are now required to re-register with the government, and can only do so with the recommendation of the Women's Committee. The Women's Committee can influence or determine an organization's choice of director, and can refuse to re-register the group if its members object to the person chosen. Members of women's organizations have expressed concern that more vocal opponents of the government and its policies on women's rights might simply be denied the right to re-register and be forced to close down as a result.<sup>19</sup>

19. Women's World: Organization for Rights, Literature and Development, <http://www.wworld.org/programs/newItem.asp?eventID=53> July 26, 2004.

Not all clampdowns on non-governmental activity are related to the war on terror, of course; many governments have persistently sought to limit the activities of groups whose agendas are deemed inappropriate or illegal by those in positions of authority. Whether through anti-terror legislation and policy, or directing or hampering economic resources, governments have the ability to engage in baiting by threatening the legal and financial status of groups. One result of such campaigns is the draining of human and financial resources as groups seek to defend themselves from attack. Organizations often find themselves at particular risk when they are operating at the intersection of politically conservative climates and bad economic times.

Often negative political and financial consequences are intertwined, as is the case for non-governmental organizations in Zimbabwe. The struggle to enjoy the rights to freedom of assembly and association are not new to NGOs in Zimbabwe. Gays and Lesbians of Zimbabwe (GALZ) has been the target of police and governmental harassment since its inception in 1990.<sup>20</sup> In recent years, the threats to GALZ had receded, as President Robert Mugabe began to target his anti-NGO platforms to the growing domestic opposition movement seeking his ouster from office. After waves of arrests of NGO activists, the freezing of bank accounts, controversies about land closures and a still-failing economy, Mugabe has again turned his strategic wrath toward GALZ, which now struggles to figure out how to balance its critical organizing and education efforts against the need to be mindful of the intensity of the attacks and risks of heightened visibility to individual safety and financial security. In order to thwart hostile government efforts intended to intimidate and potentially force GALZ's closure, at different moments, the organization has decided to try to work with a lower profile so as to attract less attention. In effect, GALZ's capacity to function, and to function legally, has been hampered by a climate fueled by state baiting.

In other circumstances, government agencies have tried to influence the messages and advocacy of sexual and reproductive rights and health service provision organizations. Whether by creating policies that favor anti-sexual rights positions, or through more overt antagonism by government machineries, groups have been targeted and punished when they are seen as spreading "immoral" sex-positive messages, or information. In the United States, the Internal Revenue Service, the governmental agency responsible for collecting individual and corporate taxes, has been instructed by the Bush administration to audit the financial records of a number of non-governmental organizations whose work focuses on sexual and reproductive health. Other government agencies have undertaken audits of

20. See page 43 for more detail about GALZ.

“suspect” organizations. US-based Advocates for Youth, an organization that focuses on sexual and reproductive health and rights of young people and which has been critical of the US administration’s promulgation of scientifically unproven abstinence-only-until-marriage programs, was targeted for three financial audits in one year alone by the Department of Health and Human Services. They also had their funding cut after criticizing the Bush administration’s HIV/AIDS policies.<sup>21</sup> The Centers for Disease Control investigated the San Francisco STOP AIDS Project for three consecutive years at the request of conservative members of Congress after the organization was linked to a protest of the former US Secretary of Health and Human Services at the 2002 International AIDS Conference, where he, too, touted the advantages of abstinence-only.<sup>22</sup> STOP AIDS had been audited by the IRS during the previous year.

International agencies, too, have not been immune to intervention, as some have been targeted by politically conservative and right-wing-driven agendas. Most notably, the current US administration has chosen since 2002 to defy Congressional appropriations and withhold approximately \$34 million in funding of the United Nations Population Fund (UNFPA) because of spurious allegations about its alleged support of coerced abortion in China. The fact that a US State Department study commissioned by the Administration found no evidence to support this assertion and actually recommended releasing the funds had little impact in the face of the Administration’s increasingly vehement anti-abortion agenda. The US administration also denied funding to the Reproductive Health for Refugees Consortium, a collaborative effort that provides HIV and reproductive and sexual health services for women in refugee and conflict situations—because of the abortion-related activities of one—and the only European—member organization, the UK-based Marie Stopes International.<sup>23</sup>

In both instances, domestic and international outrage about the US government’s efforts to restrict the work of some of the most creditable organizations focusing on women’s health sparked worldwide resistance. A feminist campaign to procure grassroots funding for UNFPA was born from the Bush administration’s denial of funds: the grassroots “34 Million Friends of UNFPA” campaign

21. “Continuing Attacks on Nonprofit Speech: Death by a Thousand Cuts II,” *OMB Watch*, Office of Management and Budget [USA], 2004, <http://www.ombwatch.org/article/articleview/2490>.

22. Helga Glen, “Centers for Disease Control and Prevention Defunds STOP AIDS Project,” <http://www.castroonline.com/spectrum/0604/StopAIDS.html>, September 2004.

23. Other members of the Consortium include the American Refugee Committee, CARE, Columbia University—Heilbrunn Center for Population and Family Health, International Rescue Committee (IRC) JSI Research and Training Institute, and the Women’s Commission for Refugee Women and Children.

seeks to garner individual donations, sometimes of one dollar each, to compensate for the funding gap created by US withdrawal of funding and to publicize issues related to the campaign. To date, the campaign has raised over \$2.2 million from small contributions.<sup>24</sup> In an act of international solidarity and resistance, the Reproductive Health for Refugees Consortium decided that it would simply decline further funding from the US Agency for International Development rather than distance itself from the policies and programs of Marie Stopes International.

Both UNFPA and the Reproductive Health for Refugees Consortium provide potentially life-saving information and services, and both were forced to absorb significant budget cuts as a result of the US’ state-driven anti-abortion sentiment. Equally compelling, though, is the fact that each organization has had to dedicate resources to countering the myths underpinning the financial withholding, or to publicizing the controversial decision and garnering international support.

### Fundamentalisms

During the last two decades, a variety of religious, ethnic and political extremist movements have been able to claim heightened political legitimacy through strengthened numbers and greater funding. The relative increase in “fundamentalisms” around the world has had direct and obvious impact on women’s sexuality-related advocacy, and has contributed in many arenas to the efforts at discrediting individuals and organizations alike. In the global North, a renewed rightist movement with allies in governments of Australia, Denmark and the US has ensured that defenders of sexual and reproductive rights are put in increasingly defensive positions, a condition that results in organizations finding themselves in the absurd position of spending the bulk of their time defending the most basic of their agendas and unable to pay attention to articulating and expanding liberatory agendas of their own.

Although some feminists have noted that when one carries a longer-term vision of global politics and social conditions, the renewed power of the Christian fundamentalist movement is “the last breath of a dying dinosaur,” others have had to focus more on the very immediate threats posed by these well-resourced and strategically effective groups.<sup>25</sup> In Latin America, the Christian right has received a boost through the political participation of extremist religious sects such as Opus Dei. In Nigeria and Brazil, among other states, Christian

24. See [www.34millionfriends.org](http://www.34millionfriends.org) for additional information.

25. North American right-wing extremist organizations continue to engage in determined advocacy and to raise significant funds through their successful publishing industries.

and Pentecostal evangelical movements are increasingly popular. In addition, the Holy See recently reinvigorated its permanent observer status at the UN, where it remains the only religious entity to function as a state, and can and does wield considerable influence in intergovernmental negotiations, especially on matters related to sexuality and reproduction.

The rise of the extreme right in Europe, as well as in other regions, is of specific concern, as women's rights to political and physical expression, to assembly and to access to public spheres are under attack through a range of means, including through the use of politically manipulated arguments about "cultural sensitivity."<sup>26</sup> Women's rights and women themselves become fodder for these arguments, many of which might be articulated in the context of dress codes or veiling, but are often connected to broader political relationships between states. Conservative Muslim movements and authorities call for Western respect for tradition, as if there is a monolithic truth to that tradition, while European states seek simultaneously to negotiate the legislation of secularism and cultural tolerance.

The covering of women's heads, or veiling, is of particular interest here. Marieme Helie-Lucas, one of the founders of the Women Living Under Muslim Laws (WLUML) international solidarity network, notes that women's decision-making and individual choices are wedged between the two poles, and their rights are often compressed as a result.<sup>27</sup> Helie-Lucas' WLUML colleague Cassandra Balchin agrees that "There is compulsion on either side, and the result is that women are denied choice."<sup>28</sup> Helie-Lucas further asserts that even feminists and human rights organizations are becoming divided in the debates about cultural sensitivity and women's "right to veil," and describes the dominant understanding of the tension between cultural sensitivity and the "defense of tradition" as fundamentally flawed. Helie-Lucas asserts that "Even the language used to describe these debates flattens the political context and reduces detail to the most superficial analyses. The political rhetoric is flawed—we are experiencing a clash between fascism and anti-fascism, not a clash of cultures." The effects of this tension can be demanding. As the rhetoric of this debate plays out, "[I]t becomes much harder to create space for secular organizing."<sup>29</sup>

The compressed space for secular advocacy within fundamentalist Islamic con-

26. IGLHRC interview with Marieme Helie-Lucas, August 2004; for more on the rise of fundamentalist and right wing movements in Europe, see BBC News, "Right Wing Takes Centre Stage," <http://news.bbc.co.uk/1/hi/world/europe/1974700.stm>.

27. IGLHRC interview with Marieme Helie-Lucas, August 2004.

28. IGLHRC interview with Cassandra Balchin, August 2004.

29. IGLHRC interview with Marieme Helie-Lucas, August 2004.

texts contributes to an environment in which women's human rights advocates still struggle against political manipulations of a mostly imagined "tradition" and become targets of baiting as a result. Anissa Helie from WLUML speaks to the double-edged challenges members of the network face, as they are criticized as either "atheist" or "too religious." Women who seek greater political expression and who advocate for a broad range of rights for all women often face baiting specifically about their identities, as they face persistent allegations designed to undermine their reputations or political effectiveness. Women who don't have protection of husbands, families or a certain socio-economic status are exposed for criticism.<sup>30</sup> They are told they are not good Muslims, or they are not good women. They are called foreign agents of the West or maligned as having taking foreign money.<sup>31</sup> Balchin maintains that these ideas "come as a package" and that they are not always discernable from one another. Helie-Lucas asserts

*[The work of WLUML] is seen by critics as betraying religion, the nation and the revolution. As individuals, we are seen as anti-revolutionary or blasphemous. Because women who are "Westernized" are not seen as "real" women, those who are most stigmatized are women who "hunger for men," which, of course, poses particular risks for women organizing on issues that overtly or subtly are related to sexuality.*<sup>32</sup>

### Self-reflection and Self-censorship

The discrediting effect of baiting stretches beyond the individuals who are targeted, though, and can have demonstrative impact on the advocacy itself. Balchin further asserts that the baiting allegations—and, in fact, the expectations of them—function to silence and stifle advocacy and education on matters related to sexuality and gender: "There are countless occasions where activists have taken a conscious decision not to mention sexuality precisely in recognition of the dangers of the attack that it brings."<sup>33</sup>

Self-censorship is not an uncommon result. The fear of retribution affects how organizations choose projects and set priorities, as well as how they measure goals and vision against political realities and risk. Yet, even in tense and political or social climates, groups are negotiating to raise sexual rights as a more central framework of their advocacy. Asia Pacific Forum on Women, Law and

30. IGLHRC interview with Anissa Helie, August 2004.

31. IGLHRC interviews with Marieme Helie-Lucas, Anissa Helie, Cassandra Balchin, August 2004; IGLHRC interview with Zainah Anwar, Sisters In Islam, October 2004.

32. IGLHRC interview with Marieme Helie-Lucas; August 2004.

33. Cassandra Balchin, email to IGLHRC, September 6, 2004.

Development (APWLD), a women’s human rights NGO based in Thailand, recently decided to engage its network members in an active conversation about strengthening sexual rights advocacy. Members are currently discussing the issue in strategic and not always formal conversations about the potential impact of taking on sexual rights work—and naming it as such.<sup>34</sup>

Mary Jane Real, the former coordinator of APWLD, names some of the concerns raised by members about using a sexual rights framework:

*Sexual rights advocacy is thought by many to be only about sexual orientation, and they fear that sexual rights will overtake the “other issues” the group works on. There’s a fear of deprioritization of our other concerns, which obscures the fact that sexuality is central to the work already. Sexual rights work is seen as divisive, which leads some to say, “Let’s put the sexual rights analysis on the back burner...”<sup>35</sup>*

The realities of baiting play a role in the concern about taking on a sexual rights framework, as well, since group members “already have the expectation of backlash from the right wing, nationalist movements, and even women’s human rights groups, among others. So we’re already engaged in discussion of what to do about it.”

Although many of the issues APWLD currently addresses already touch on sexual rights, including the struggle for recognition for and compensation to the “comfort women,” sex work and trafficking, the public perception of their work is that it is not about sexuality, but “instead” about violence. The anti-violence lens is seen to lend more credibility to their education and advocacy initiatives. In these instances, as well as in many others in women’s organizations around the globe, “violence against women”—a critical issue in its own right—may also incorporate as well as cloak sexuality-related initiatives. While this may create space for certain kinds of work, it also serves to mask actual sexuality aspects of these issues.

Desire and politics often split at a fork in the road. Bernadette Muthien, a South African activist claims, “It’s disappointing that people struggle internally with their own [same-sex] desires, but it is true that their lives would be at risk if they were to be more open. It’s hard to disentangle the same-sex desire some women express, feel—but sublimate, and then they express homophobic responses because of the pressure of the political climate.”<sup>36</sup> In South Africa, where sexual orientation is

34. IGLHRC interview with Mary Jane Real, August 2004.

35. Ibid.

36. IGLHRC interview with Bernadette Methuen, August 2004.

protected in the federal constitution, women who experience same-sex desire who are engaged in sexual rights organizing “won’t or can’t ‘wear sex on their sleeves’ in the way their heterosexual sisters can.”

Baiting, as Muthien describes, has an insidious internal impact. Charlotte Bunch, the founder and director of the US-based Center for Women’s Global Leadership, makes a similar point:

*These fears can be so ingrained that even when the political climate is more favorable for sexual rights work, there still exists an internalized and hard-to-purge sense that you will be judged, your organization will be hurt, or you personally will be baited. These internalized fears can lead one to take fewer risks and not speak as strongly on your convictions in the name of ‘making strategic decisions’. Often one feels the need to hide the detail of work on sexual rights because you feel on some very deep level that it can be a liability to the rest of your work or your organization.<sup>37</sup>*

Of course, in many instances, advocates have good reason to be cautious in their public presentation, and self-censorship becomes a logical response to the fear or reality of baiting. Cassandra Balchin of WLUML argues that it is crucial to acknowledge the magnitude of the silences, to understand the nuances of how decisions to foreclose discussion on particular topic are made, and to tease out the role legitimate fears play in sometimes painful strategic decision-making about the potential risk to future work or to the people involved.<sup>38</sup> She cites a recent story of self-imposed silencing in order to avoid sexuality-baiting in a situation involving the construction of the agenda of a training. In this example, gender-sensitive activists, some of whom were actually sexual rights activists, chose to make a sexual rights angle in their project less visible than they could have, again, for fear of potential negative long-term consequences and personal or institutional risk.

Balchin designed a recent high-profile training on human rights in Muslim contexts that was sponsored by the Netherlands-based Institute for the Study of Islam. The sessions gathered participants from radical, progressive and conservative political orientations. Attendees, who were primarily from Muslim countries (including Tanzania, Yemen, Indonesia, the Philippines, Thailand and Malaysia) were encouraged to explore ways to use progressive interpretations of human rights to challenge current social conditions in their countries. Balchin

37. IGLHRC interview with Charlotte Bunch, December 2004.

38. IGLHRC interview with Cassandra Balchin, August 2004.

notes that in the discussion, women's responses tended to be more personal, as they identified aspects of baiting they had experienced or expected, including the fear and reality of sexual harassment. They also noted their concern about people questioning their legitimacy or making judgments about their not "being good women." Men's responses were less likely to be immediately personal, but ultimately they spoke to their concerns about being seen as not good Muslims, not good men, or not good representatives of their countries. Balchin claims that questions about identity, masculinity and gayness were implicit in some of the responses, even if they were not specifically identified.

It became clear to facilitators that they could have explored more personal aspects of the discussion, and specifically those related to sexuality, yet they chose not to enter into this dynamic. In fact, the organizers had decided before the event not to officially address homosexuality, but to speak about the topic more informally in more personal interactions with the participants. "We all knew it's an important topic, but we were concerned the issue would overshadow everything else the training was designed to address, and after the training, homosexuality would end up being seen as its focal point. If that were to happen, and if we couldn't be sure that all attendees would respect confidentiality of participants, we couldn't guarantee their safety."<sup>39</sup>

The effects of baiting can and often do have long-term personal ramifications. Vahida Nainar, of the Women's Initiatives for Gender Justice, speaks to the effects of a baiting experience she endured during the mid-1990s in India, when she was involved in an effort to reform marriage contract norms to allow for women to have the right to divorce. She was one of six women activists who sought to work with the Muslim Personal Law Board (MPLB) to alter the common marriage contract in Mumbai. One woman in the community sent a letter to the MPLB that questioned the right of the six activists to engage in the reform effort and called their credibility into question by delineating personal details about the women's lives. The author of the letter was known to at least a few of the six women, which lent a personal element to the attack. The allegations in the letter to the Law Board detailed that the activists were sleeping with Hindu men, or were not married and therefore not fulfilling their duty as Muslim women.

Nainar comments that being subject of an investigation and subsequent accusations had lasting personal effects: "We were devastated that this could happen, and to see what this could do to our work. We started to censor ourselves, and we felt violated at some level. I still carry some sense that I don't have credibility to work on this issue. My life has taken many turns in other directions, but this

39. IGLHRC interview with Cassandra Balchin, September, 2004.

has affected how I think about my advocacy. The use of sexuality is a potent weapon against one's sense of credibility and one's activism."<sup>40</sup>

### Documentation

Even supportive advocates and researchers struggle with questions about how to talk and write sensitively about demonization related to sexuality. As people become more familiar with the experiences of lesbian-baiting and sexuality-baiting, they are better able to identify the phenomenon. Yet survivors of baiting and researchers alike have not and do not consistently address the ways sexuality plays a role in the discrediting or undermining of women's political agendas. Human rights groups and various UN officials have begun to document efforts to malign human rights defenders, yet few can cull and actually document information about the sexuality parts of the experiences. Some actively note that research processes—inside and outside the UN—need to be strengthened to elicit this information.

Since the beginning of her mandate, the UN Special Representative on human rights defenders has reported on threats and violence toward those engaging in sexuality-related human rights advocacy. She has also addressed the ways reputations and skills of defenders have been called into question by authorities seeking to undermine activists' credibility. In her 2003 Annual Report to the General Assembly, she claimed that of the 235 communications sent to governments by her office about general concerns related to human rights defenders, 103 had received responses.<sup>41</sup> Of these, approximately a third questioned the credibility of the reported victim. She further notes that some responses "seek to undermine [defenders'] credibility by alleging that they are involved in criminal activities or violent or politically motivated acts."<sup>42</sup>

So while patterns of baiting and discrediting are overtly acknowledged, they remain hard to expose, both because of content, and because of processes of research and data collection. Ben Majekodunmi, the Assistant to the Special Representative, comments that it is hard to get to the nuances in the government responses as well as in the content of the complaints by the defenders. "The processes by which complaints reach UN 'special procedures', or in this case,

40. IGLHRC interview with Vahida Nainar, February 2005.

41. Special mechanisms of the UN, such as Special Rapporteurs or Special Representatives, are independent experts who are mandated to investigate human rights conditions on particular themes or in particular countries. In the course of their research, these experts often seek written responses from governments to questions they pose about complaints, conditions or particular cases.

42. E/CN.4/2004/94 Report of the Special Rapporteur on human rights defenders, January 15, 2004, Paragraph 91.

independent experts, don't capture enough of the detail that would be useful in identifying trends in the practice of baiting, or baiting related to sexuality." In fact, very few of the cases noted by Special Procedures who investigate specific cases are of women. A review of the database of 2003's cases revealed that of the individual cases addressed, only 11% could be clearly identified as cases of women.<sup>43</sup> Data collection, in this case, can obscure relevant aspects of identities of victims and survivors, as well as patterns in their experiences.

Even as baiting and discrediting are increasingly recognized tactics used to stifle the work and voices of activists and advocates, few organizations engaging in documentation and reporting of human rights issues actually track and report on the phenomenon of sexuality-baiting or lesbian-baiting. As a result, the somewhat universal experience is rendered invisible to many engaging in human rights dialogue. Noeline Blackwell, of the Ireland-based Frontline, a group that focuses on human rights defenders, speaks to the critical question of whether women themselves actually report the taunting or baiting that they experience.

*Because they expect it on such a deep level, when it happens they don't note it as something out of the ordinary. It doesn't register as a significant problem because being antagonized for sexuality is so deeply ingrained, so old, and seems so normal." It's really such a clever way and effective means of harassing people, so that they won't—or feel they can't—report it, because they may be embarrassed or they may even worry that reporting the defamation might make the allegations stick and become part of the official record of the case.*<sup>44</sup>

Kerrie Howard of Amnesty International confirms how complicated it is both to cull information about and report on sexuality-baiting. She suggests that even when a human rights defender simply says the term "lesbian" or "dyke," she may fear that she is giving the accusation legitimacy. The power in the allegation inherent in lesbian-baiting suppresses the naming of the experience by those who are targeted for it precisely because many do not want to acknowledge that they have been labeled as lesbians. But the power in the term also rests on the fact that:

43. IGLHRC interview with Ben Majekodunmi, Assistant to the Special Representative of the Secretary General on human rights defenders, October 2004. Forty-three percent of the cases in the database could be identified as having male subjects. Gender of the victim was not identifiable in the other cases.

44. IGLHRC interview with Noeline Blackwell, Frontline, August, 2004.

*Even the people who are documenting and reporting on these abuses with the aim of protecting or seeking redress for the survivors won't name it because they worry about perpetuating the effort to discredit with its use. If a defender is called a lesbian and lets us know, a sympathetic researcher might not report that because she or he might feel that someone could read the allegation in whatever documentation we produce, and say 'well, maybe she is'—and the subtle discrediting then continues, and the person could be susceptible to more overt repercussions. The fear is that even repetition of the accusation will continue to damage the target.*<sup>45</sup>

Researchers and those who document abuses might genuinely aim to protect someone who has experienced baiting by choosing not to repeat the terms used or the fact of the sexuality-baiting as having taken place, but there is a clear double-edged sword connected to this decision. First, the lack of detail ultimately serves to cover up the fact of and the trends related to sexuality-baiting and women's experience. Second, one's interest in not giving credibility to the accusation through the act of not repeating it also imbues it with a power that must be challenged. In shrouding rather than surfacing the experience, defenders and those who document abuses limit the space to say "this experience happened to me," or "this is a phenomenon that reaches across cultures and regions." They also limit the future capacity of people who are baited to say, "I was called a lesbian, and even though the accuser intended that as an insult, it didn't matter."

As attacks on organizations engaging in sexuality-related advocacy continue and proliferate, it is imperative that human rights organizations and human rights defenders take up the challenge of promoting and protecting the rights of those individuals and organizations whose sexuality and gender transgress social and cultural norms of appropriate femininity, masculinity and heterosexuality. Human rights organizations and UN bodies that collect information about experiences of people targeted for violence or discrimination must juggle salient questions about their data collection and reporting of sexuality-baiting: How can they elicit relevant information and report on the detail, all the while making the respondents feel safe, and safe enough to tell the whole story? How can they present stories of sexuality-baiting in ways that do not run the risk of replicating or reinforcing the discrediting? Collectively, advocates, researchers and defenders need to sort out the ways and means to name the fact and breadth of the lesbian and sexuality-baiting, and to strengthen the analysis of the role sexuality often plays in such attacks.

45. IGLHRC interview with Kerrie Howard, Amnesty International—International Secretariat, August 2004.

I

“HOW CAN THERE BE  
NAMES FOR WHAT  
DOES NOT EXIST?”

*We need to understand what it means to be heterosexual as well as homosexual, and that our sexualities affect whether we live or die.<sup>46</sup>*

*It's useful to figure out the responses we have to lesbian-baiting. We have to understand lesbian-baiting as a “standard weapon” used against women. We have to articulate why this should matter to everyone in the women's movement, why we can't just say, “OK: let's cut our losses.”<sup>47</sup>*

### **The Target: Women's Organizing, Women's Bodies**

*First, three stories.*

In Kenya in 1995, women's rights activists returned from the Fourth UN World Conference on Women, in Beijing, with new strategies and a new spirit of solidarity. Kenya has a history of vibrant feminist organizing, and a strong contingent of women attended the conference as NGO representatives and government delegates. Many had been addressing issues of sexuality—including not only reproductive rights but bodily integrity and alternative relationships—in

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46. IGLHRC interview with Bisi Adeleye-Fayemi, Director, Akina Mama wa Afrika, February 2000.

47. IGLHRC interview with Lynn Freedman, Director, Center for Law and Policy, Columbia School of Public Health, New York, January 2000.



their local work for years. To see these issues taken up on an international scale was exhilarating to some; to others, it created “an external sense of pressure,” proposing a language perhaps not wholly applicable to local conditions.<sup>48</sup> On their return, however, all found that stereotypes about what had gone on in Beijing were already starting to enshroud their work.

Sexual rights and sexual orientation had been high on the list of controversial issues tackled in Beijing. Their prominence drew sensationalizing attention. Even during the conference, Kenyan media coverage focused on lesbians among the attendees, particularly publicizing a lesbian rights march held near the conference site. Articles also singled out and identified Kenyans who were present in Beijing, suggesting they were lesbian, in what some saw as a barely concealed threat. (The threat was not idle. Article 162 of the Kenyan penal code, a provision which survives from law imposed during the period of British colonialism, punishes “carnal knowledge... against the order of nature” with five to fourteen years’ imprisonment.)

Such provocations continued. The conference was hardly over when Kenyan President Daniel arap Moi asked, in effect, what Kenyan attendees had been doing at a gigantic gathering for lesbians. A newspaper article headlined “Moi says no to ‘unAfrican’ sins” recounted that “The Government rejects the immoral culture of homosexuality and lesbianism raised during the Beijing women’s conference.” “We Kenyans have rejected resolutions made in Beijing,” Moi was quoted as declaring. “Words like lesbianism and homosexuality do not exist in African languages.”<sup>49</sup>

After thus naming the unnameable—writing lesbians tentatively into the script, only to write them summarily out again—Moi let the issue lie for some time. In 1997, however, a new controversy about lesbianism consumed the Kenyan press. In what was billed as a “lesbian syndicate,” three women were publicly accused of running a “lesbian sex ring” in Kenyan secondary schools. The three women were employees of the United Nations Environment Program; one of the three was Kenyan, and was named as the ex-wife of a cabinet minister. The other two were labeled as “European” in press articles. The link between perversion and the lesbian-infested UN was stressed. According to an article titled “UN Link in Lesbian Sex Ring,” the three were accused of “supplying free hard drugs to [female] secondary school children before luring them into the syndicate.”<sup>50</sup>

A storm of sensational headlines filled newspapers. “Arrest This Sex Pest!” one demanded, noting that a Ministry of Education official called for “action on top les-

48. IGLHRC interview with anonymous Kenyan activist, March 2000.

49. “Moi says no to ‘unAfrican sins,’” *The Nation* [Kenya], September 24, 1995, p. 28.

50. “UN Link in Lesbian Sex Ring,” *East African Standard* [Kenya], March 20, 1997.

bian syndicate ‘godmother.’” Others read: “Ex-minister’s former wife supplies students for ‘love’ with elderly women: Schoolgirls in Lesbian Sex Trap,”<sup>51</sup> “Jane, 16, tells of drugs, orgies,” and “Act on this sex scandal.” The articles referred to “shocked Kenyans” and “bizarre homosexual escapades,” as well as the “fact” that a District Officer had “confirmed the practice [of lesbianism] indeed is taking root in many schools at an alarming rate.”<sup>52</sup>

The director of Kenya’s Criminal Investigation Department ultimately claimed in a press release that “anonymous letters were being circulated within UNO offices” accusing one of the three employees of “involvement in lesbianism, drug abuse, and other immoralities... her life was threatened through anonymous telephone calls.”<sup>53</sup> The press release also stated that the police had found no substance to the allegations, and that the young girl said to have made the initial charges about the syndicate now denied the story.

The campaign may have been an attempt to discredit a party rival of Moi; it also offered a convenient opportunity to attack the United Nations and its programs. (Press reports indicate that several UN employees were forced to leave the country.) It set a pattern for further campaigns: later that year churches launched demonstrations against a proposal for sex education in public schools, with one bishop warning that the curriculum “would be a prelude to legalizing abortion, homosexuality, and lesbianism.”<sup>54</sup> One result was certain, however. Although a debate began over lesbian sexualities, this took place from the beginning in terms of sensation, crime, and lurid rumor. Lesbians were stigmatized as tools of foreigners and as threats to children. The immediate effect of the baiting was to “shut down all space for lesbian organizing.”<sup>55</sup>

In Tunisia, in early 1998, the government-controlled press began a sustained attack on an independent women’s organization. On February 25, a series of articles and caricatures appeared in *Al Hadath* newspaper maligning the Association Tunisienne Des Femmes Democratres (Tunisian Association of Democratic Women, or ATFD) and its members.<sup>56</sup> Photographs of six prominent

51. The article quoted the students (who, according to the Criminal Investigation Department, later denied having made the accusation) as saying, “We girls were made to perform sex among ourselves as some old European and African women watched. It was ugly!” “UN Link in Lesbian Sex Ring,” *East African Standard*, March 16, 1997.

52. “Act on this sex scandal,” *East African Standard*, March 17, 1997.

53. Press Release, Director, Criminal Investigation Department, March 20, 1997.

54. Rt. Rev. John Njue, head of the Kenya Episcopal Conference, quoted in “Victory for Sex Education Opponents,” *All Africa Press Service*, October 6, 1997.

55. IGLHRC interview with anonymous Kenyan activist, March 2000.

56. ATFD has approximately 200 members in Tunisia. Interview by Kamal Fizazi, IGLHRC, with Nadia Hakimi, Administrative Director, ATFD, March 23, 2000.

Tunisian feminists were reprinted; “Why aren’t these women married?” one author asked of ATFD members. Cartoons depicted two men in conversation about two Tunisian women—“old democratic women”—whom they linked with American lesbians: “Supposedly, women in America marry one another, and now there is an association in our country that supports this idea.”<sup>57</sup>

ATFD immediately recognized the articles as an attack by the government, aimed at associating the organization with values and identities much of the public might find intolerable. The Tunisian government has a history of accusing prominent women of lesbianism or prostitution.<sup>58</sup> Reportedly these accusations have extended to doctoring photographs of women to show them in sexual situations; police have shown such photographs to women’s children, or the press.<sup>59</sup> The effects involve not just reputations, but, potentially, the law. Tunisia’s penal code which criminalizes same-sex intimacy applies to women as well.<sup>60</sup>

In response, the board of ATFD drew up a declaration which was sent not only to *Al Hadath*, but also to all the organization’s members. ATFD hoped that drawing attention to the attacks would create sympathy and build alliances among women, other endangered civil-society groups, and the Tunisian public.

The declaration asserted that, as a network of Arab feminists in non-governmental organizations, ATFD sought a democratic society based on separation of religion from the state, and that this separation was a condition for realizing equality between women and men. It challenged the media to engage in responsible reporting. It defended the inalienable right to free association and the right to form international, national and regional alliances. It opposed reactionary and patriarchal discourses used to exclude women from public space. It affirmed that women must be able to express themselves freely in order to enjoy equality and effective citizenship in a democratic society.

The declaration did not directly address the accusation of lesbianism. But it affirmed that the rights of women must rest on respect for women’s expression, difference, plurality and personal integrity, in order for women to be able to participate in autonomous activities and associations within society.<sup>61</sup> It was within

57. *Al Hadath*, February 25, 1998; translations by Kamal Fizazi.

58. Interview by Kamal Fizazi, IGLHRC, with Nadia Hakimi, Administrative Director, ATFD, March 23, 2000.

59. Interview by Kamal Fizazi, IGLHRC, with Beth Lampron, Human Rights Officer, US Embassy, Tunis, March 22, 2000.

60. While the French text of the code implies that only male homosexuality is criminalized, the Arabic text—the only one legally in force—explicitly names both female and male homosexuality. Interview by Kamal Fizazi, IGLHRC, with Bouchra Belhadj Hammida, President, ATFD, March 23, 2000.

61. Declaration of the ATFD, March 4, 1998.

these notions of difference and plurality that ATFD could allude to sexuality, even if only covertly.

ATFD’s declaration was not presented in the Tunisian press, even after the board of the organization filed an official complaint with the paper. In fact, the primary response the declaration elicited was additional attacks.<sup>62</sup> *Al Hadath*’s “campaign of insults” continued: on March 11, in an article entitled “The Intellectual Opportunism in the Thoughts of These Libertine Women,” women from ATFD were accused of hating men, wanting to create a society of women and for women “and all that this entails regarding relations,” and undermining religion, culture and social values in the Tunisian state. Insulting cartoons accompanied this article, one alluding to women’s right to divorce: “My daughter married five times in order to find a husband who can understand her!”<sup>63</sup> On March 18, 1998, another article maligning ATFD appeared.

Media attention moved hand in glove with official observation. ATFD has asserted that police harassment and surveillance of their office, as well as of individual members, have increased during and after the media attacks. ATFD’s independence from the government—its refusal to commit itself to Tunisia’s program of “state feminism”—leaves its tenuous organizing activities vulnerable to the accusation of deviance, and to the ever-present threat of a police crackdown.<sup>64</sup>

Finally, in the United States in March 2000, the 44th session of the UN Commission on the Status of Women was held in New York. It was attended by hundreds of women, including a small caucus of open lesbians, as well as numerous representatives of conservative and anti-feminist organizations, both women and men. On March 10 at about five in the evening, in the conference venue, six or seven young men encircled Lisa Clarke, a women’s human rights advocate from an NGO in the US. According to Clarke, “They said they ‘wanted to pray for the dignity of my soul.’” She asked why. Their response was that “I was there to promote the killing of babies.” “I said, ‘Actually, no, I’m here to protect life.’” Clarke recalls that the exchange continued, as the men remained in a circle

62. “Lettre d’Information,” ATFD, date unknown.

63. *Al Hadath*, March 11, 1998; ATFD has interpreted this accusation as specifically related to fears of lesbian sexuality.

64. Women affiliated with ATFD have continued to experience threats and harassment within Tunisia’s current climate of hostility toward human rights defenders. Human Rights First, a US-based human rights organization, noted in February of 2004 that ATFD’s email connections, along with that of the Tunisian League for Human Rights, had been severed ([www.human-rightsfirst.org/middle\\_east/tunisia/Tunisia\\_NGSE\\_21604.pdf](http://www.human-rightsfirst.org/middle_east/tunisia/Tunisia_NGSE_21604.pdf)). In March of 2001, Amnesty International reported attacks against ATFD’s Khadija Chérif by security forces allegedly engaging in a governmental campaign of repression and intimidation of civil society actors in human rights and women’s rights (AI Index MDE 30/008/2001, 16 March, 2001).

around her. “They said they were there to protect the dignity of human beings.” Clarke affirmed that she was there for the same purpose, and cited the Universal Declaration of Human Rights—“to support the idea that human beings are born free and equal in dignity and rights. I’m here for that reason, for women’s rights. . . . They again said, ‘We’re here to prevent babies being killed.’” Clarke offered one additional suggestion before finally breaking out of the circle that had surrounded her: “I’d suggest you look at these documents before you lobby delegates; ignorance isn’t going to get you very far. . . .”<sup>65</sup>

Clarke believes she was targeted for this attempt at intimidation, oddly coupled with salvation, because of her association with the human rights caucus, and with caucus members known to support sexual rights and lesbian rights as part of a human rights agenda. “I think the fact that I was younger and because I was on my own definitely made them think they had a chance either to scare me, or to change my mind.” She says of the experience:

*At the time it made me ill. I got sick immediately after. It did distract from my work for a couple of days. At the time I took it as an issue of defeat. I felt “out-organized”—it was a combination of the whole environment, the work on the document, coupled with what was going on with the Right, and then this personal attack. But in retrospect I see it as a reflection of women’s strength. The fact that the Right has had to come in and do this to try to regain ground they’ve lost is a testament to the advancement of women. I see it more that way now—it’s not a tool of paralysis, it’s not about our defeat. It’s about our success.*

These are three stories. They come from three regions of the world. They involve radically different levels of danger. Two cases entail direct and only thinly veiled threats to women’s political freedoms, one including a criminal investigation; the third describes a slightly surreal confrontation, the kind many women activists might testify to having undergone. Yet they point to the same theme. In each case, women have been stigmatized, threatened, and intimidated—have lost their power to move about, either literally in a room or in the wider sociopolitical sphere—because they are seen as speaking out about sexuality. More than name-calling has taken place. The effect has been a challenge to freedom, whether momentary or lasting, a deprivation of the basic rights to organize and to express oneself. And even the names that have been used have weight—not

65. IGLHRC interview with Lisa Clarke, Program Assistant, Center for Women’s Global Leadership, April 2000.

least because (as in Kenya and Tunisia) they often ominously echo terms used in the criminal code.

These stories testify to the opposition roused when women claim rights, and control, over their own sexualities.

When women do so, they come face to face with the state. States have a vested interest in asserting, and exerting, power over women’s sexuality. The means by which they do so are various, and human rights defenders have documented a range of them. In Turkey, the state subjects women to forced medical examinations of their virginity—an intrusive interrogation of their “virtue.”<sup>66</sup> In the United States, women sex workers are often harassed or assaulted by police.<sup>67</sup> In Iran, women have been sentenced to execution and hanged for having supposedly committed “acts incompatible with chastity.”<sup>68</sup> These are only examples from the arsenal of means by which governments declare women’s bodies a legitimate object of power.

Women’s sexuality is regulated in societies and cultures all over the world. Yet the state is only one social actor which engages in such regulation. In many societies, it is a relative latecomer to the field. Claims to control over women’s bodies can come—in any given society—from a range of places and institutions. Religions may enforce precepts which disproportionately limit women’s freedoms. The media may employ its power to dictate both desired and stigmatized images, and behaviors, for women. (In many countries, the media profits by selling representations of sexuality: it has a distinct interest in enforcing the preferred representations.) Finally, families, kinship networks, and relationships in the so-called “private” sphere have pride of place in delineating women’s roles and determining where freedom ends and compulsion begins. And all these actors may in fact work in partnership with, or as part of, state power in maintaining systems of control.

The result is a wide range of rules and punishments. In some cultures, women can be stoned to death, as a legal penalty, for having sex outside marriage; in many cultures, men are rewarded for the same behavior. States can demand

66. IGLHRC interview with Dr. Nalan Sahin Hodoglugil, Medical Faculty, Hacettepe University, Turkey, March 2000. See also Human Rights Watch, “A Matter of Power: State Control of Women’s Virginity in Turkey,” June 1994.

67. Jeremy Hay, “Police Abuse of Prostitutes in San Francisco,” *Gauntlet*, vol. 1, no. 7, 1994; Carol Leigh, “In Defense of Prostitution: Prostitutes Debate Their ‘Choices’ of Profession,” *Gauntlet*, vol. 1, no. 7, 1994.

68. Amnesty International and other organizations have documented the August 2004 public hanging of Atefeh Rajabi under these charges; they also note the concern that Rajabi was sixteen and mentally ill both at the time of her crime and during her trial proceedings. See <http://web.amnesty.org/wire/October2004/Iran>.

involuntary medical examinations for women in a range of conditions; husbands and boyfriends can demand “dry sex” from women with whom they have sex—whether that sex is consensual or not.<sup>69</sup> Women often are the targets of systemic rape and forced pregnancy in times of war; they are also the targets of the same practices within communities and families, in times of “peace.” Women have been made to undergo psychiatric institutionalization and medical treatment when their sexual desire is deemed “deviant” or “immoral” by state, medical or religious authorities, or when they show “too much” or “not enough” interest in sex. Women’s bodies have been cut, pierced, sewn and otherwise mutilated in the name of culture; their bodies have been altered, their natural states seen as not natural enough, to facilitate male desire and cultural validation.

In many communities, women have too little power to say “no” to unwanted sex or to say “yes” to sex that is wanted. In many communities, women have too little power to determine when, with whom and how often to have sexual relationships. They may be abused if they suggest that male sexual partners use condoms in order to prevent pregnancy or HIV transmission. And they are often vulnerable to violent attacks if they choose to have sex—or fall in love—with other women.

That women are made vulnerable by their sexualities, and that women living non-heterosexual lives are particularly vulnerable, is an obvious fact. Yet to articulate it still takes courage. The former UN Special Rapporteur on violence against women, Radhika Coomaraswamy, observes that communities

*... “police” the behaviour of their female members. A woman who is perceived to be acting in a manner deemed to be sexually inappropriate by communal standards is liable to be punished. ... In most communities, the option available to women for sexual activity is confined to marriage with a man from the same community. Women who choose options which are disapproved of by the community, whether to have a sexual relationship with a man in a non-marital relationship, to have such a relationship outside of ethnic, religious or class communities, or to live out their sexuality in ways other than heterosexuality, are often subjected to violence and degrading treatment. ... Women, “unprotected”*

69. In “dry sex” women dry out their vaginas—with substances including detergents, salt, cotton, shredded paper, or soil mixed with baboon urine—to increase friction for male partners during intercourse. According to the Southern Africa AIDS Dissemination Service’s Media Information Pack on HIV/AIDS No. 2, “dry sex can irritate or lacerate the walls of the vagina, which increases risk of various infections or of HIV transmission.” See also Mark Schoofs, “AIDS: the Agony of Africa,” part 5, *Village Voice* [USA], December 1-7, 1999.

*by a marriage union with a man, are vulnerable members of the community, often marginalized in community social practices and the victims of social ostracism and abuse.*<sup>70</sup>

Such assaults and abuses must surely be seen as human rights violations. And yet the struggle to name them as such has been a long one, and not easy. Not least of the problems has been the slippery and complex relationship identified above—between the state and the manifold other players in the game of controlling women’s bodies. “Human rights” is a powerful instrument which has traditionally been used primarily to restrain states from abuses. But in addressing violations of women’s rights, responsibility often proves difficult to pin down: the direct role of the state in enforcing inequality or codifying maltreatment must be weighed against the powerful but less quantifiable influence of religion, culture, or ideology, the pervasive impact of the press, and the ubiquity of so-called “private” violence, among other factors.

Women, therefore, have joined with others (including advocates for economic rights, and activists combating “death squads” or “social cleansing”) in challenging human rights frameworks to expand how they understand states’ obligations. Governments must not simply refrain from engaging in abuses. They must strive actively to create societies in which equality and diversity have real meaning, by eliminating all barriers—whether “public” or “private”—which prevent people from fully enjoying their freedoms.

Within the last decade, women’s human rights advocates have laid a strong foundation for challenging practices targeted at women’s bodies and women’s sexuality. UN human rights instruments such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, and the African Charter on Human and People’s Rights, particularly through the development of the African Protocol on Women’s Rights have become important tools for defining baseline obligations of governments to promote the human rights of women. This foundation, has, at its roots, feminist advocacy across regions and topics: women throughout the world have affirmed that they possess basic social, economic, cultural, civil and political rights, in order to combat violence, and to

70. Report of the Special Rapporteur on violence against women, its causes and consequences, Commission on Human Rights, E/CN.4/1997/47, 12 February 1997.

promote peace, development, equality, equity, and political participation. At the core of this work, clearly, has been the knowledge that the human rights of women, and of all people, are universal, indivisible and interdependent.

At the core of this work, too, has been the knowledge that rights imply—require—bodies. Essential to all the freedoms that human beings enjoy is the right to bodily integrity: a freedom to inhabit and to control one’s body, to claim an experience of it immune to the instructions of the state or other institutions. Without some such concept at their center, human rights become the property of ghosts, no longer a tangible condition for the existence of living beings.

Human rights principles provide a global standard for the treatment of each and every human being. Among the most basic elements are freedom from discrimination, the rights to dignity and equality, including freedom from violence and repression, dignity of autonomy over one’s life, and equal treatment under the laws and practices of the state. These principles presume that people have a legitimate interest in their bodies. Addressing and understanding the human rights of women, therefore, has involved saying that women have a legitimate interest in their own bodies—prior to and superior to the interest that state, religion, or family may take in those bodies. This statement is simple, squarely within the framework of human rights, and yet immensely controversial. It is necessarily a universal claim: if it means anything, it must be valid for all people. Yet its application to women evokes outrage and anger. Partly this is because to inhabit one’s body securely is also to claim the right to enjoy it. The concept of sexual autonomy grows naturally from that of bodily integrity; it involves asserting the freedom to seek consensual pleasure, imagination, and desire. And because women’s sexuality is an object of particularly acute anxiety (personal, moral, and political) and control, the notion of “sexual rights” has become particularly charged.

This report shows how, for many activists and organizations, advocating for “sexual rights” has become a dangerous proposition. It illustrates how the combined forces which conspire, in society after society, to regulate women’s sexuality, lash out at any attempt to challenge or question that control. It shows a prevalent tactic by which such challenges are turned back against the organizing efforts of those who make them: women are stigmatized, and sexualized, as “deviant” whenever they organize as women. They are accused of perversion whenever they bring women’s issues into the public sphere. They can be called immoral whenever they foreground sexuality in their work and organizing. And this report shows some of the ways in which feminist activists have responded.

First, though, it is necessary to consider the issues that elicit such anxiety and stimulate such anger. What are “sexual rights”: a “special” body of rights, or a

consistent outgrowth of—indeed, a foundation for—existing and recognized rights protections?<sup>71</sup>

### Sexual Rights

*In many countries and communities, still, to speak openly of women’s right to pursue varied sexual pleasures is to invite the closing down of your organization, ostracization of its members, verbal and physical attack, and even death. The spiral of resistance is still, as always, constrained by power; and these power dynamics are reproduced in the souls of all of us, however radical our vision. In this political context, to begin to speak of sexual rights, even tentatively, is a big step.*<sup>72</sup>

*[C]ontrol over reproduction and sexuality is an essential element of human dignity. It therefore has intrinsic—and not merely instrumental—value. Although control over reproduction and sexuality is certainly an essential precondition for women’s ability to exercise other rights and to fulfill other basic needs, it is also a worthy and valuable end in its own right, and not merely a means to reach other ends.*<sup>73</sup>

*If the attainment of the highest quality of life is a fundamental right, then no woman or girl should be compelled to compromise her sexual rights so that she can exercise her other rights as a member of a community or a citizen of a state. Women’s human rights advocates internationally need to make a powerful argument for sexual rights on the basis of existing human rights instruments. If this struggle is to merit legitimacy equal to other initiatives for . . . rights for women, then it requires the explicit*

71. Since the publishing of *Written Out* in 2000, advocacy in and analysis of sexual rights has grown within both within civil society and UN sectors. A growing range of organizations and networks have taken on sexual rights advocacy as central to their mandates, and various UN bodies, including certain Special Rapporteurs, have increasingly embraced and used the term “sexual rights” in their reporting. For additional resources, see “Annotated Bibliography: Sexuality and Human Rights” S. Fried/International Women’s Health Coalition, 2002, [www.iwhc.org/resources/sextsibiblio.cfm](http://www.iwhc.org/resources/sextsibiblio.cfm)), as well as its updated version and other entries, including “Not Your Average Sex Story: Critical Issues in Recent Reporting on Human Rights and Sexuality,” C. Rothschild, in *Health and Human Rights: An International Journal*, Vol. 7, #2, 2004.

72. Rosalind P. Petchesky, “Sexual Rights: Inventing a Concept, Mapping an International Practice,” in Richard Parker, Regina Maria Barbosa and Peter Aggleton, eds., *Framing the Sexual Subject: The Politics of Gender, Sexuality, and Power* (Berkeley, 2000), p. 98.

73. Lynn Freedman, “Censorship and Manipulation of Public Health Information: An Issue of Human Rights and Women’s Health,” in *The Right to Know: Human Rights and Access to Reproductive Health Information* (University of Pennsylvania, 1995).

*articulation of sexual rights without masking these rights with other language or subordinating them to other conditionalities.*<sup>74</sup>

*The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences.*<sup>75</sup>

The concept of sexual rights has always been part of the struggle for women's rights, though voiced in different terms and contexts. Ways of thinking about women's sexuality have grown out of decades of women sharing experiences around the world. "Sexual rights" as a discourse and a basis for political advocacy is rooted, therefore, in a wide diversity of local conditions and local needs. Activists in almost every country have put issues of sexuality—whether of reproductive freedom, rights within and outside of marriage, or lesbian sexuality and lesbian rights—on the political agenda.<sup>76</sup>

However, sexual rights discourse as we now know it has gained significant visibility and support at the international level in the last decade. Two United Nations world conferences—the Cairo International Conference on Population and Development in 1994, and the Beijing Fourth World Conference on Women in 1995 (and their respective five year reviews in 1999 and 2000)—were particularly important to this developing conversation. In part, this was because of the publicity the gatherings generated: positions espoused there had resonances, and results, worldwide. The sheer conviviality and intellectual interchange generated by the face-to-face presence of thousands of activists also stimulated both commonality and debate.

The conferences themselves, though, built on several decades of international women's organizing, as well as on previous World Conferences on Women,

74. Yasmin Tambiah, "Sexuality and Human Rights," in Margaret A. Schuler, ed., *From Basic Needs to Basic Rights: Women's Claim to Human Rights* (Women, Law, and Development International, 1995), p. 387.

75. UN Fourth World Conference on Women, Beijing Platform for Action, Paragraph 96.

76. See, among other sources, Rachel Rosenbloom, ed., *Unspoken Rules: Sexual Orientation and Women's Human Rights* (IGLHRC, 1995); and Sunila Abeysekera, "Activism for Sexual and Reproductive Rights: Progress and Challenges," in *Health and Human Rights: An International Quarterly Journal*, vol. 2, no. 3, 1997.

notably in Mexico City in 1975, Copenhagen in 1980, and Nairobi in 1985. Lesbians, moreover, have been an important part of these discussions from the beginning. As Charlotte Bunch, from the Center for Women's Global Leadership, and Claudia Hinojosa, a Mexican lesbian activist, have observed, international meetings—and international feminist organizing—"provided a focus on women worldwide and expanded the public space in which feminist groups could work, as well as sponsored events where women developed international contacts and political savvy. . . . [W]omen's movements in almost every region have been fearful of lesbianism, yet feminism has provided both the ideological and organizational context for lesbians to become more visible and to challenge homophobia."<sup>77</sup>

For all the constituencies which have contributed to it, though, the common impetus for speaking of "sexual rights" has been a need to speak out against the way that sexuality—particularly women's sexuality—is controlled by states and by other actors.<sup>78</sup>

Although nuances differ in definitions of sexuality and sexual rights, the latter term takes its meaning and its relevance in large part from recent rights advocacy on "gender." Women's struggles for human rights can be directly linked to their struggles for rights related to their sexuality; indeed, some argue that without a foundation of women's autonomy in decision-making regarding their bodies and their sexuality, women's human rights cannot be fully realized.<sup>79</sup>

Reproduction has been a particular focus of advocacy on the human rights of women, given the frequency with which women are forced into reproductive roles and denied control over reproduction. The concept of sexual rights, however, serves in part as a way of recognizing that issues of sexuality cannot be confined only to issues of reproductive freedom. Control of reproduction (and compulsory reproduction) has long served as a way to control sexuality. But free enjoyment of sexuality means, among other things, understanding that not all sexuality falls under the umbrella of reproductive behavior.

Sexual rights, then, invite a recognition of the various ways that societies control bodies and their behaviors—both accepted and so-called "deviant" behaviors. Some examples of the regulation of sexualities have been given above. They are not exhaustive. "Sodomy laws" which incriminate consensual homosexual behaviors—usually though not uniformly directed at men—constitute another;

77. Charlotte Bunch and Claudia Hinojosa, "Lesbians Travel the Roads of Feminism Globally," forthcoming in John D'Emilio, William B. Turner and Urvashi Vaid, eds., *Creating Change: Public Policy, Civil Rights and Sexuality* (New York, 2000).

78. See Susana T. Fried and Ilana Landsberg-Lewis, "Sexual Rights: From Concept to Strategy," forthcoming in *Women and International Human Rights Law*, Vol. 3.

79. IGLHRC interview with Charlotte Bunch, Center for Women's Global Leadership, April 2000.

so do forced medical and psychiatric “treatment” for lesbians and gay men, bride burning, denial of access to contraception and abortion, forced sterilization, and policies which provide social security and other benefits as a reward for increased or decreased fertility. Sexual rights offer a way of seeing these as conceptually linked strategies of bodily control.

Sexual rights are often interpreted as “negative” rights, limitations on state power, connected to the rights of people to be free from violence, coercion, and discrimination. Yet some advocates articulate a framework of sexual rights that allows for positive claims, including a right to broader sexual freedom or a right to sexual expression and pleasure.<sup>80</sup>

Indeed, to advocate effectively against such interlinked strategies of control would appear to require a positive assertion as well as a negative one—a “right to,” not simply a “right against,” a substantive freedom to be embraced rather than a mere privacy to be protected. Sexual rights principles can be grounded, therefore, in postulating that each human being has a right to experience her sexuality freely, fully, and consensually, in herself and with other adults—with a definition of “sexuality” not as a static identity but as a realm of experience potentially encompassing sexual orientation, gender identity and sexual identity, desire, pleasure, and sexual practices.

Together, all of these components make up a basic part of a person’s self. They are basic, one might say, in the way that conscience and belief are recognized by all rights advocates as a deep and inviolable category of selfhood: potentially malleable indeed under the pressure of persuasion or force, they still represent a central aspect of the person, a valued core of identity and personality which no one should be compelled to change or to conceal.<sup>81</sup>

Health, Empowerment, Rights and Accountability (HERA), an international group of women’s health advocates, argues that “Gender equality... cannot be

80. See Alice M. Miller, “Sexual but not Reproductive: Exploring the Junction and Disjunction of Sexual and Reproductive Rights,” *Health and Human Rights: An International Quarterly Journal*, vol. 4, no. 2, 2000. According to Miller, “The struggle to find positive as well as negative obligations is similar to the struggle in other human rights work; but it is particularly important for women in terms of sexuality, precisely because women’s sexuality has historically been defined in terms of ‘lack.’” IGLHRC interview with Alice Miller, May 2000. See also Rhonda Copelon and Rosalind Petchesky, “Toward an Independent Approach to Reproductive and Sexual Rights as Human Rights: Reflections on the ICPD and Beyond,” in Margaret A. Schuler, ed., *From Basic Needs to Basic Rights: Women’s Claim to Human Rights* (Women, Law, and Development International, 1995).

81. See Sonia Correa and Rosalind Petchesky, “Reproductive and Sexual Rights: A Feminist Perspective,” in Gita Sen, Adrienne Germain, and Lincoln Chen, eds., *Population Policies Reconsidered: Health, Empowerment and Rights* (Harvard Series on Population and International Health, 1994); Ayesha Imam, “The Muslim Religious Right (Fundamentalists)

achieved without sexual rights, and vice versa. Respect for sexual rights as human rights provides the basis for the elimination of violence against women, which violates, impairs or nullifies girls’ and women’s fundamental freedoms, leaving them at risk of genital mutilation, sexual harassment and abuse, rape, prostitution, domestic battering and sexual slavery.”<sup>82</sup> HERA further contends, though, that sexual rights entail more than gender equality. In HERA’s definition, “Sexual rights are a fundamental element of human rights. Sexual rights include the right to liberty and autonomy in the responsible exercise of sexuality. They encompass the right to experience a pleasurable sexuality, which is essential in and of itself and, at the same time, is a fundamental vehicle of communication and love between people.”<sup>83</sup>

The HERA group suggests that sexual rights include:

- The right to happiness, dreams and fantasies
- The right to explore one’s sexuality free from fear, shame, guilt, false beliefs and other impediments to the free expression of one’s desires
- The right to live one’s sexuality free from violence, discrimination and coercion, within a framework of relationships based on equality, respect and justice
- The right to choose one’s sexual partners without discrimination
- The right to full respect for the integrity of the body
- The right to choose to be sexually active or not, including the right to have sex that is consensual and to enter into marriage with the full and free consent of both people
- The right to be free and autonomous in expressing one’s sexual orientation
- The right to express sexuality independent of reproduction
- The right to sexual health, which requires access to the full range of sexuality and sexual health information, education and confidential services of the highest possible quality
- The right to insist on and practice safe sex for the prevention of unwanted pregnancy and sexually transmitted diseases, including HIV/AIDS

In 2002, the World Health Organization (WHO) developed a number of working definitions related to sexuality and sexual health. Among these definitions was

and Sexuality,” *Women Living Under Muslim Laws, Dossier 17*, September 1997; Cindy Patton, *Sex and Germs* (Boston, 1985); Jacqueline Pitanguy, “From Mexico to Beijing: A New Paradigm,” *Health and Human Rights: An International Quarterly Journal*, vol. 1, no. 4, 1995; Carole Vance, *Pleasure and Danger: Exploring Female Sexuality* (London, 1984); and Jeffrey Weeks, *Sexuality* (London, 1986).

82. Health, Empowerment, Rights and Accountability (HERA), “Sexual Rights,” in *Women’s Sexual and Reproductive Rights and Health: Action Sheets* (New York: HERA, 1999).

83. Ibid.

the following, on sexual rights: Sexual rights embrace human rights that are already recognized in national laws, international human rights documents and other consensus documents. These include the right of all persons, free of coercion, discrimination and violence, to:

- The highest attainable standard of health in relation to sexuality, including access to sexual and reproductive health care services
- Seek, receive and impart information in relation to sexuality
- Sexuality education
- Respect for bodily integrity
- Choice of partner;
- Decide to be sexually active or not
- Consensual sexual relations
- Consensual marriage
- Decide whether or not, and when to have children; and
- Pursue a satisfying, safe and pleasurable sexual life

WHO notes that “the responsible exercise of human rights requires that all persons respect the rights of others.”<sup>84</sup>

These lists are only two attempts to articulate the potential richness of “sexual rights.” All the points above can be derived from the provisions of the Universal Declaration of Human Rights, the basic document underlying the modern system of rights protections.

Article 25 of the UDHR—guaranteeing “the right to a standard of living adequate for . . . health and well-being”—can be interpreted to entail the right to sexual health; the right to education “directed at the full development of the human personality;” protected in Article 26, includes the right to information on sexuality, on safe sex, and on sexual health. The “right to freedom of opinion and expression,” including “freedom to hold opinions without interference and to seek, receive, and impart information through any media and regardless of frontiers,” stipulated in Article 18, protects the rights to express sexuality and sexual orientation. Article 16—protecting “the right to marry and found a family,” and emphasizing “free and full consent” in family life as well as the protection due families by “society and the State”—can and should be read to stand against all forms of coercion in family life, including coerced pregnancy, marriage and compulsory heterosexuality.<sup>85</sup>

84. See World Health Organization, [http://www.who.int/reproductive-health/gender/sexual\\_health.html#4](http://www.who.int/reproductive-health/gender/sexual_health.html#4).

85. See Leslie Minot, *Conceiving Parenthood: Parenting and the Rights of Lesbian, Gay, Bisexual, and Transgender People and Their Children* (IGLHRC, 2000).

Protections against discrimination are at the core of human rights; the right to choice of partners without resultant discrimination, and the right to equality, respect and justice, are affirmed by Article 7 of the UDHR, which states that “All are equal before the law. . . All are entitled to equal protection in violation of this Declaration and against any incitement to such discrimination.”

Protections against torture, and affirmations of the right to “life, liberty and security of person” (Articles 3 and 4) encompass the right to respect for bodily integrity. And the rights to happiness, to desire, and to the exploration of sexuality free from shame and fear are constituents of the promise in Article 28, that “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration may be fully realized.” They may be taken, too, as natural elements of the essential idea of dignity: not only consequent upon but contained within the initial proclamation of the Declaration, that “All human beings are born free and equal in dignity and rights.”

The language of sexual rights may sometimes be novel. Its conceptual foundations are not. They grow out of the understood and shared framework of human rights which are universal and indivisible. They try, however, to apply that framework to the body, its often muted or neglected needs and concerns. In so doing, they strive to make those protections still more universally meaningful, grounded in the physical lives that are the condition of our being human.

### Basics of Baiting: Internationalizing Intolerance

Women’s rights advocates have begun an effort to write sexuality and the body into the human rights agenda: to interpret covenants and expand protections so as to recognize and accommodate these issues. The response has been an ever more forceful effort on their opponents’ parts to write sexuality out, to white out the offending words and silence the dissenting voices.

The paradox is that sexuality itself is used as a tool to close down discussions of sexuality. Women who raise issues of sexuality are attacked and stigmatized for their sexuality. The effect is to render sexuality both a persistently forbidden subject, and a sensational and omnipresent threat.

By one common rhetorical tactic, any discussion of “gender,” feminism, or “sexual rights” is taken to refer to “deviant” sexualities, or assumed to be “promoting homosexuality.” This has long been a staple of anti-feminist attacks. It has gained force by exploiting fears in recent years, as lesbian and gay organizing grows more visible around the globe. The effects are double: such attacks reduce the definition of “gender,” and the scope of sexualities, to a single issue within the spectrum; and they exploit, and give added strength to, the stigma attached to homosexuality.

Sexuality thus becomes a tool and a weapon used by a range of actors to con-



control women's bodily integrity, as well as to hamper women's political participation, mobility, and freedoms of association and expression—all of which are protected as human rights by international law.

"Sexuality-baiting" and "lesbian-baiting," as the terms are used within this report, are the practices of strategically using ideas, or prejudices, about women's sexuality to intimidate, humiliate, embarrass or stifle the expression of women. This report will show how they are used specifically to discourage women from organizing around, or addressing, issues of sexuality—including accepted as well as marginal or vulnerable sexualities—and often to discourage women's assertion of control or independence in other areas as well.

These tactics confront women with an uncomfortable dilemma. Feminist activists must shed or respond to the "negative" image with which they are being imbued, but must also reject the negativity of the label itself. They are faced with the task not so much of answering the accusation, as of taking its power away. How can individual women or women's organizations defend themselves, not by denying a name, and thereby potentially validating the insult associated with it, but by challenging the purpose of the labeling? If heterosexually-identified women working for a reproductive-rights organization, for instance, are labeled "radical lesbian militants," how can they be strong enough in a hostile social climate to say in response, "What difference does it make if we are?"

The modes and effects of baiting vary widely. A few general themes can be observed, however.

States may directly criminalize lesbian and gay sexuality, or even the exercise of basic freedoms of expression and association. In certain circumstances, states that criminalize sexuality or organizing related to homosexuality have repealed discriminatory laws after targeted advocacy by lesbian and gay or human rights organizations. Such was the case in Romania, where the federal penal code was amended by the government in 2002 to strike provisions that called for imprisonment for same sex sexual behavior. Whether the repeal was truly motivated by anti-discrimination sentiment or state interest in ultimately acceding to the European Union cannot be determined.<sup>86</sup>

86. For information about Romania and its history of criminalization of homosexuality, see Human Rights Watch and IGLHRC, *Public Scandals: Sexual Orientation and Criminal Law in Romania*, 1998. In terms of state efforts to regulate sexuality, fears of homosexuality may also affect how rights to expression and association are respected within judicial systems. In 1994, the highest court of Hungary refused to allow legal registration of a lesbian and gay political advocacy organization, the "Szivarvany Tarsulas a Melegek Jogaiert" (Rainbow Association for Gay Rights), citing a danger to "public morals" constituted, among other offenses, by the association's refusal to restrict membership to persons above the age of 18.

States may find it increasingly convenient to invoke, and condemn, the specter of homosexuality in a political context: to stir fear, to solidify support, or to detract from economic crisis or political controversy. In using sexuality-baiting as a "cover," they can deflect or preclude criticism from civil society; they can also position themselves as representing the "voice of the people" in projecting a national (heterosexual) identity. A Kenyan activist suggests that President Moi's lesbian- and gay-baiting has taken place against a backdrop of challenges to the Kenyan political system and economy. At the time of his 1995 post-Beijing anti-lesbian comments, Moi was under pressure from debtors and aid donors to create a multiparty system. Kenyan citizens were uniting across issues in a constitutional reform process, and Moi faced mounting opposition to the state's role in promoting tribal violence.<sup>87</sup>

Under such circumstances, demonizing an enemy not only serves to assign specious blame for the symptoms of a social implosion: it also creates solidarity among disparate groups, who may unite behind the government's banner in opposition to a morally execrated enemy. The recent history of Zimbabwe shows ample evidence of this. President Robert Mugabe has launched a number of verbal assaults against lesbians and gay men. His 1995 comments that gay people are "lower than dogs and pigs" and "have no rights at all" have been widely reported, and have been amplified regularly by similar outbursts.

In February of 2005, two months before parliamentary elections are due to be held in Zimbabwe, NGOs are again finding themselves under threat of both harassment and closure by the federal government. Passage by the Zimbabwe parliament of a new Non-Governmental Organizations Act marks a new crackdown on civil society organizations and, when implemented, will potentially target various human rights groups for closure. Gays and Lesbians of Zimbabwe (GALZ, a local advocacy group) notes that the law will make monitoring of human rights violations, including those related to sexuality, much more difficult, and will circumscribe their own ability and that of other groups to receive often vital funding from outside Zimbabwe. This is only the most recent effort by the Mugabe administration to curtail a growing opposition movement seeking to promote a culture of democracy and reform.<sup>88</sup>

In March 2000, for example, Mugabe identified sexual diversity with national decline. Faced with a collapsing currency, charges of corruption, a major defeat in a constitutional revision process, tensions and violence surrounding land reform,

87. IGLHRC interview with anonymous Kenyan activist, March 2000.

88. "Zimbabwe approves NGO Act despite protests," *Africa Online*, December 10, 2004, <http://www.afrol.com/articles/14967>, and <http://allafrica.com/stories/200408230530.html>.

and the pressures of an upcoming election, the president scapegoated gays and lesbians, calling them tools of foreign enemies.<sup>89</sup> Mugabe responded to British concern over rights protections in Zimbabwe by commenting, “The British government is seeking to promote homosexuality.” And he went on to call on the nation to defend itself and its gendered identity: “We as chiefs should fight against such Western practices and respect our culture,” he said: “British homosexuals are worse than dogs and pigs because [they] do not differentiate between males and females.”<sup>90</sup> Opponents of the regime thus faced a double stigma: as sexual deviants, and as agents of the corrupting former-colonial power.

Mugabe’s comments have rarely targeted women specifically: yet they foment a climate of distrust and fear toward lesbians and other women who engage in political advocacy on sexuality issues. According to a member of GALZ, lesbian organizing has been made more difficult as a result of the homophobic climate bolstered by the president’s attacks. Until recently, few women’s organizations have been willing to work publicly with GALZ and its lesbian program.<sup>91</sup>

Bisi Adeleye-Fayemi, of the African Women’s Development Fund, suggests that state leaders may feel a recurrent need to guard against threats from their right flanks. “Loose cannon politicians” on the margins may end up driving national agendas, by taking vocal homophobic and anti-feminist stances which intimidate established officials into following their lead. “They’re perceived as powerful and important. Elected officials pander to a [conservative] special interest constituency and say what they think they want to hear.” Politicians use democracy as an excuse to surrender to intolerance, Adeleye-Fayemi observes: “They may say ‘this isn’t my opinion, but that’s what people want’.”<sup>92</sup>

Some of the tensions democratization can bring in relation to rights protections will be explored later in this report. The core responsibilities of states, however, should not be in doubt. The UDHR affirms in its Preamble that “every individual and every organ of society. . . shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance.”

89. Tsitsi Tiripano, member of Gays and Lesbians of Zimbabwe, presentation in New York, March 2000; see also Tee Ngugi, “The Fall and Fall of Robert Mugabe,” *The Namibian*, March 2, 2000.

90. R. W. Johnson and Tom Walker, “Mugabe Makes New ‘Gay Britain’ Attack,” *London Sunday Times*, March 19, 2000.

91. Reportedly, however, lesbians in GALZ have recently been able to build alliances with a number of women’s organizations in Zimbabwe: Tsitsi Tiripano, member of Gays and Lesbians of Zimbabwe, presentation in Washington, D.C., March 2000.

92. IGLHRC interview with Bisi Adeleye-Fayemi, former Director, Akina Mama wa Afrika, February 2000.

It also holds that “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized” (Article 28). Rights are inscribed in covenants, and subscribed to by states, in order that popular sentiment can never completely trump these commitments.

However, the very postulation of an international order, in which universal and binding promises assume precedence over particularity and sovereignty, potentially affronts the forces of nationalism. Beyond the immediate political interests of states and their leaders, the powerful ideology of nationalism drives and is driven by sexuality-baiting: “deviant” sexualities appear not just as internal threats but as invasions from the vast threatening outside.

Such rhetoric can assume multiple guises. Anxieties about declining birth rates, for instance, can lead to condemnations of homosexuality as a “threat to the nation,” in the name of a pro-natalist compulsion. In Latvia—where fears of slow national disappearance have been invoked to restrict reproductive freedoms—an NGO called “For Latvian Society Without Homosexuality” organized a conference in late 1999 on “The sexual health of Latvian society on the threshold of the third millennium.” The conference invitation noted concern about “the shameless involvement of children in such antisocial activities and sexual deviations. . . . This promotes the development of such problems as the spread of AIDS, a decrease in the birth rate. . . etc.”<sup>93</sup> Prominent Latvian politicians engage in what one local activist calls “rampages against homosexuality,”<sup>94</sup> threatening that it will further shrink the population.

In Romania, one member of Parliament told IGLHRC that “if we legalize homosexuality, we will make it so attractive that Romanians simply will no longer reproduce.” In that country, the Ceausescu dictatorship’s pro-natalist bent led to a quarter-century-long absolute ban on abortion and contraception, contributing immensely to the unpopularity of the Communist regime. Forces such as the Romanian Orthodox Church, which tacitly oppose women’s reproductive and sexual freedoms, still shy away from direct attacks on abortion; they criticize homosexuality instead.<sup>95</sup>

93. “Anti-Homosexual Organization Founded in Latvia,” statement by Juris Lavrikovs, President of the Homosexuality Information Center, Latvia, December 14, 1999.

94. IGLHRC interview with anonymous Latvian women’s rights advocate, March 2000.

95. Interview by Scott Long, IGLHRC, with Emil Teodor Popescu, President of the Judiciary Committee of the Chamber of Deputies, Parliament of Romania, June 1997. Such paranoia rests, of course, in part on the assumption that lesbians and gay men do not have or wish to have children, or are unfit parents. See also Antonia Creteanu and Adrian Coman, “Homosexuality in the Written Media in Romania,” in *Minorities in the Media*, Center for Independent Journalism, Romania, 1998; and, for the position of the Orthodox Church, Human Rights Watch and IGLHRC, *Public Scandals: Sexual Orientation and Criminal Law in Romania*, 1998, pp. 33-34.

But alternative sexualities are also made to appear intrinsically foreign, always the product of some other culture, never one's own. As such they threaten national independence as well as national identity. At the Beijing conference, flyers distributed by right-wing groups urged delegates from the developing world not to "Surrender Your Sovereignty" to forces with a "narrow ideological agenda including abortion on demand and the undermining of parental rights." Another flyer (from a group based in Virginia in the US) offered the same delegates "irrefutable evidence that the policies promoted by the northern countries are destructive." This evidence included erroneous information about divorce rates and STD transmission; the flyer demanded, "Why would any country want to replace its culture with an alien culture with this record of failure?"<sup>96</sup>

Such concern for local practice and indigenous culture may legitimately elicit skepticism when espoused by North-based organizations aggressively supporting a culturally specific Christian agenda. It resonates, however, with many nationalist themes. The fact that advocacy for sexual rights is associated, in many minds, with a few international conferences has contributed to the notion that such advocacy is "internationalist," part of a conspiratorial global design. The President of Kenya's statement that "We Kenyans have rejected resolutions made in Beijing, we will not leave what God has given us," shows one side of this identification. Its practical effect is illustrated by the words of a Kenyan immigration officer, on expelling an Australian citizen accused of homosexuality: "We shall not allow these people to come and teach our people bad manners."<sup>97</sup>

Nationalism defends the ideal identity of a state. Yet its most powerful enforcers are often not directly connected to government or politics. The media can play a major role in dividing sexual behaviors into the nationally approved on the one hand, and the collectively abhorrent on the other.

Former Yugoslavia offers examples of this interplay. In June 1998, Milan Ivkosic, a Croatian author and right-wing pundit, devoted an editorial in the national newspaper *Vecernji List* to feminist organizations, highlighting two women who worked for feminist NGOs, and whom he named as individuals.<sup>98</sup> Ivkosic had participated in a televised panel the previous evening with Rada Boric and Vesna Kestic, from the Center for War Victims (CWV) and Be Active Be Emancipated (B.a.B.e.), respectively.

In the editorial, Ivkosic claimed that Boric's comments on the show had "openly defended the position of the Great Serbian Fascist Aggressor" in claiming

96. The flyer allegedly originated from the "American Life League, Inc.," based in Stafford, Virginia, USA.

97. "Kenya says it expels Australian homosexual," Reuters, November 2, 1994.

98. IGLHRC interview with Vesna Kestic, Be Active Be Emancipated, January 2000.

that "the violence of the battlefield has been brought into the home, in the form of violence against women."<sup>99</sup> Ivkosic also asserted that "more than 80% of the activists from women's and other marginal organizations are Serbs, and the rest are more or less Croats with political or family backgrounds in the Yugoslav Secret Service, the Yugoslav Police or Yugoslav army officers."

The political dubiousness of these women, however, was also personal—their unstable allegiances connected to their sexual lives, their unreliability rooted in a refusal to reproduce. They clung to a cosmopolitan "Yugo"-ideology instead of recognizing their duty to the ethnic state:

*These women, who speak the loudest in defending women's rights in the family, present in their personal lives a model that directly opposes the ideal and desirable Croatian family (that is they are married without children, old but unmarried, etc.). Although they are fighting for women's right to reproductive choice, or childbearing in general, some of them are not even in relationships with men at all because they are lesbians (against which I have no objection as long as their lesbianism does not become a militant ideology).*

*Although they oppose the laws of nature, they would like to impose laws in Parliament. Without the support they receive from abroad (in the form of . . . money and awards from international organizations), they are quite insignificant. . . And although they are ostensibly women's organizations, they are, in fact, first and foremost Yugo-political organizations.*

Vesna Kestic, from B.a.B.e., contends that Ivkosic's attack was motivated by a fear of women's free sexuality which transcends national and cultural borders: but its particular form was inflected by the anti-Western and anti-free-market obsessions of the Croatian right wing.<sup>100</sup>

One human rights activist suggests that the blending of sexism, homophobia and nationalism in Ivkosic's assault represents "an aggressive way of undermining women because of the cultural context. This meant something particular here, especially with regard to population policies."<sup>101</sup>

99. Milan Ivkosic, "Rodoljubna Zanovijetanja," *Vecernji List*, June 14, 1998.

100. IGLHRC interview with Vesna Kestic, January 2000.

101. IGLHRC interview with Madeleine Rees, Office of the High Commissioner for Human Rights in Bosnia, February 2000. In an attempt to marginalize single women, the Croatian government has attempted unsuccessfully to enforce policies giving gradations of economic benefits to "families" based on how many children they have. Under this plan, families with multiple children would receive extensive state support. Similar policies distinguished the pro-natalist Ceausescu dictatorship in Romania: see Gail Kligman, *The Politics of Duplicity: Controlling Reproduction in Ceausescu's Romania* (Berkeley, 1999).

B.a.B.e. and the Center for Women War Victims have brought two legal suits against Ivkoscic, both still pending. The first is a private, civil suit claiming “emotional damage.” The second seeks prosecution, and charges discrimination against women, based on Ivkoscic’s use of hate speech against both the organizations involved and the individuals named.

The latter suit, Kesic notes, is particularly complicated, in that the women bringing the charges do not wish (by calling the allegations slanders) further to demonize lesbians; older, unmarried, or childless women; or Serbs. They hope to use the prosecution to accuse Ivkoscic of inciting hate; they do not want unwittingly to endorse his principle of denigration.<sup>102, 103</sup>

In other countries, however, activists may lack even these legal recourses. When, in the summer of 1998, a 24-year-old man in Zambia confessed his homosexuality to a national newspaper, a storm of media attention followed. Columnist after columnist, particularly in the pro-government press, saw a Western threat to Zambian identity in the individual revelation. One writer drew a direct connection to feminist advocacy:

*Reproductive rights activists tell us that no one can dictate what you can or cannot do with your body or sex life or even the unborn child inside you. But is sex between two consenting adults really no one else’s business? Is sex between two or more willing adults still a private matter these days?...People must now wake up to the fact that most of what we do in the privacy of our bedroom these days affects many, many others. The worst part of the whole problem is that it affects national coffers. The acceptance of the gay culture in this country will unnecessarily raise the AIDS, malnutrition and malaria laden cost of health care.<sup>104</sup>*

The fact that a local human rights organization proposed to use funding from the Norwegian government for a gay and lesbian project stimulated particular outrage—from the Zambian foreign ministry as well as from the press. “Is it some 30 pieces of silver from donors for which they are selling Zambia’s cultural values to, is it, Scandinavians?” one columnist asked.<sup>105</sup> (In one of the unin-

102. IGLHRC interview with Vesna Kesic, January 2000.

103. No decision ultimately was made in these lawsuits, due, at least in part, to hearings being postponed and Ivkoscic not appearing in court at specified times. Sanja Sarnavka, BaBe, email communication to IGLHRC, January 8, 2005, addressing her correspondence with Rada Boric.

104. Joe Chilaizya, “The High Cost of Homosexuality,” *Times of Zambia*, Tuesday, October 20, 1998.

105. Gilbert Manda, “Gay Movement Sheer Nonsense,” *Times of Zambia*, Thursday, September 17, 1998.

tended ironies of cultural interchange, the same newspaper so vigorously defending authentic local values had two weeks earlier carried a long article entirely taken from the writings of the US-based “ex-gay” movement.<sup>106</sup>) The author of a women’s column expanded on these themes:

*The practice of this abnormal sexual practice is certainly not peculiar to Zambia. It is very widespread, particularly in Europe and many other parts of the world.*

*In advanced societies, where people have attained so much that they have nothing much to do in life, they tend to turn to such unnatural practices as a pastime.*

*In the first world, people have achieved so much in life. They have three meals a day, all the fruits and drinks and any imaginable luxury at their disposal. Since some of them may not have much work to do any more, they search for hobbies and some, unfortunately, end up in homosexuality.*

*But in third world countries, particularly in Sub Saharan Africa, we have so much work to do, we cannot even afford to think of homosexuality. The odds against us are too many. The energies being channeled towards unproductive ventures like forming gay associations could be used for more meaningful projects like poverty alleviation.<sup>107, 108</sup>*

The issues raised by such attacks—about the relationship between development and local control, wealth and cultural privilege, national agendas and international claims—are significant ones. What is telling here, however, is the way that sexuality becomes the preferred field on which to play them out, through which to understand them. It is not simply that sexual rights are pitted against the right to development—as though the (minimal) resources spent defending the former can realistically be said to detract from the latter. It is, rather, that issues of sexuality are first articulated and understood through the lens of nation and

106. Vanessa Furlong, “Homosexuality: Christian Counseling is the Answer,” *Times of Zambia*, Thursday, September 3, 1998.

107. Pauline Banda, “Gender Focus: Homosexuality Not New But Can Be Stopped Here,” *Zambia Daily Mail*, September 17, 1998.

108. In November of 2004, the First Secretary and Legal Advisor at the Netherlands Embassy in Kampala, Uganda challenged that state’s Human Rights Commission to have open conversation about sexuality and sexual orientation; in response, he was ridiculed by members of the government who called the appeal for dialogue “indecent,” and who argued that Ugandans “have more pressing issues to propose debate about.” <http://www.iglhrc.org/php/section.php?id=5&detail=540>

region and their needs. The appearance of nonconforming sexuality triggers a succession of other concerns and anxieties; and sexuality quickly turns into an arena in which to contest those issues. In the process, it ceases to be an ordinary human experience, and instead is seen as a corrupting luxury. And crucial questions of politics, economics, and geography lose their coherence when compressed into the sphere of one person's sexual choices.

The effect on basic freedoms can be devastating. A fledgling organization of gays and lesbians in Zambia was formally denied the right to register. Politicians threatened members of the organization with imprisonment. One lesbian activist, dismissed from her job and thrown out of her home by her parents after the press publicized her sexuality, found herself living in a makeshift shelter for street children.<sup>109</sup>

Finally, religions, powerful and often supranational institutions lend their endorsement to local prejudice in the name of transcendent moral values. And they often do so in alliance with the state. The effects can be manifold, and many will be discussed elsewhere in this report. Particularly noteworthy, however, is the ambiguous status of many religious bodies: functioning on one level within civil society in a way comparable to non-governmental organizations, they nonetheless use their vast mobilizing power (and, often, their official or semi-official status with the state) to amass an influence no other NGO can claim. The peculiar status of the Holy See—which (unique among religious bodies) claims a special observer status within the United Nations, enabling it to move as a virtual partner to member states—is one instance of this ambiguity projected onto an international scale.<sup>110, 111</sup>

On the local level, examples abound. Religious bodies have, for instance, campaigned against the presence of other “rival” NGOs, including feminist organizations. One activist notes that, since governments often “do not want to get into

109. In many countries, legal registration or recognition by the government is necessary for NGOs to operate. For a critique of how such requirements can inhibit and hamper civil society, see *The Neglected Right: Freedom of Association in International Human Rights Law*, Lawyers Committee for Human Rights, December 1997. Information on Zambia from interview by Scott Long, IGLHRC, with Herbert Nyendwa, Registrar of Societies, Lusaka, Zambia, November 1998; interview by Long with anonymous Zambian lesbian activist, November 1998.

110. Catholics for a Free Choice, an organization of Catholics supporting reproductive and women's rights, has recently called for a UN review of the status of the Holy See.

111. In July of 2004, the UN General Assembly adopted without a vote a resolution enhancing the Holy See's observer status through extending “the same rights and privileges as other Observers, in order to enable the Holy See to participate in a more constructive way in the Assembly's activities, without intermediary.” See UN Press Release from July 1, 2004 [www.un.org/news/press/docs/2004/ga10245.doc.htm](http://www.un.org/news/press/docs/2004/ga10245.doc.htm) on resolution A/58/L.64.

trouble with the Church,” they may seek to limit the participation of particular women or particular organizations in delegations, meetings, or discussion.<sup>112</sup> Strong Church connections with the state government of Costa Rica, for instance, may have resulted in limitations on participation by women's organizations—and by lesbians—in government UN delegations.<sup>113</sup>

Similarly, in Colombia, where the Catholic Church has significant ties to the government, one reproductive and sexual rights activist holds that the Church has influenced the granting or denial of state contracts to organizations promoting health-related programs throughout the country. She suggests that adolescent health and women's reproductive health are two areas which, because of their connection to issues of sexuality, are particularly scrutinized in allotting contract awards.<sup>114</sup>

Conservative Catholicism is not just well-resourced: it is well-networked. It has built alliances with conservative Islamic states, among others, to oppose women's rights at many international venues. And it is assisted by a web of like-minded and wealthy right-wing NGOs. Two examples of the latter will give an idea of their strength.

Exodus International is a US-based NGO which promotes pseudoscientific methods of turning lesbians and gay men into heterosexuals; its work rests on the (debunked) assumption that homosexuality can be “treated” and overcome. Exodus has gone global with its missionary message. According to its November 1996 *Update*, Exodus leaders led a mission to South America that year “to encourage fledgling ex-gay ministries in that world region and teach the church how to better address the homosexual issue.”<sup>115</sup> In December of the same year, Exodus members led a speaking tour in Hong Kong where they “presented the message of hope and change for the homosexual.”<sup>116</sup> In South Africa, one Exodus missionary claims that “Ministry opportunities... skyrocketed” after a visit to the country.<sup>117</sup>

112. IGLHRC interview with Lydia Alpizar, youth and women's rights activist, March 2000.

113. IGLHRC interviews with Alda Facio, Costa Rican women's rights activist, and Lydia Alpizar, March 2000. Alpizar cites an article entitled “Delegacion tica sin ONGs” (Costa Rican delegation without NGOs) in the Costa Rican newspaper *La Prensa Libre*, August 25, 1995.

114. IGLHRC interview with anonymous Colombian reproductive and women's rights advocate, March 2000.

115. “Exodus Team Takes Good News to South America,” Exodus International Update, November, 1996, p. 3.

116. “Exodus Team Invades Hong Kong: Message of homosexual redemption presented to media and top Christian leaders during eight-day tour,” Exodus International Update, February, 1997, p. 1.

117. “Ex-gay Ministry Soars in South Africa,” Exodus International Update, November, 1996, p. 3. For further information on the US right wing and its resources, see Jean Hardisty, *Mobilizing Resentment: Conservative Resurgence from the John Birch Society to the Promise Keepers* (Boston, 1999).

As noted above, by 1998 *Zambian* newspapers were recycling Exodus propaganda in showing how homosexuals could be “healed.” In 2005, Exodus’ website claims that the organization “seeks to establish at least one ex-gay ministry in each Spanish-speaking country of Latin America,” and lists 2004 accomplishments as including well-attended regional conferences in Mexico and Brazil, and a new ministry in Nigeria called GAYAID.

Focus on the Family (FOF) is a US-based Christian-right NGO, militantly anti-gay, with strong political links to the Republican Party. In 2001 and 2002, FOF served as an official NGO advisor to the US State Department’s UN delegation to the General Assembly Special Session on Children. In 2003, FOF and FOF-Canada were awarded ECOSOC status at the UN, which allows access to and participation in various UN gatherings. FOF in the US reported \$128 million in revenue in its 2003 financial reporting.<sup>118</sup>

According to its website, its reach “now extends to over 90 countries”; it seeks to “cultivate long term relationships with our international ministry partners and assist however we can.” In Costa Rica, “Enfoque a la Familia” reaches its audience through 43 radio stations; a Spanish-language FOF video teaches students in over 4500 public schools. This project, the site claims, comes at the request of the “nation’s First Lady.” FOF reports that as of October, 2004, leader James Dobson’s 90-second commentaries and half-hour daily radio programs are heard on 5,009 stations in 164 countries and in 25 languages. They estimate that the global audience reached is 220 million in over 150 countries. The Focus website notes that they broadcast through 4000 facilities and now have 18 associate FOF offices. Focus on the Family Commentary airs in supermarkets in Malaysia, FOF books are distributed to bookstores in the Philippines, and FOF’s curriculum-based program has been “designed to train 500 Australian facilitators who will equip 15,000 parents in the next three years.”<sup>119</sup>

These networks illustrate an alarming trend over the last ten years: the internationalization of intolerance. Right-wing Christian organizations in the global North have learned to disguise moral imperialism as a helping hand. They couch their missionary antagonism toward difference as a sympathetic understanding of threatened cultures. They sell themselves as assisting developing countries to preserve their sovereignty against the twin dangers of “sodomy”

118. See Guidestar for information on FOF’s financial status: [www.guidestar.org/controller/searchresults.gs?action\\_gsreport=1&npold=564955](http://www.guidestar.org/controller/searchresults.gs?action_gsreport=1&npold=564955).

119. “Worldwide Focus,” *Family.Org: A Website of Focus on the Family*, <http://www.family.org>. In 2000, when *Written Out* was first published, FOF claimed Dobson’s show was heard in over 50 countries.

and human rights. Their language conceals the consistency of their colonial ambitions, as they promote narrow and specific agendas rooted in their own religious traditions. They represent the user-friendly, and frighteningly well-financed, face of hate.

### The Effects: Internalizing Fear

As these examples indicate, the effects of such baiting on women’s capacity to organize, associate, and express their opinions can be severe. In some cases, organizations identified with sexuality, or accused of harboring lesbians, can be denied the right to exist, or harassed so severely that they collapse.

Hostility has sometimes forced lesbian organizations to relocate, or literally to go underground, in order to protect members’ secrecy or physical safety. In Mexico, for instance, the lesbian group El Closet de Sor Juana was forced to move its office and meeting space because of incidents of local harassment, as women’s cars were damaged or stolen while they attended meetings.<sup>120</sup> In Costa Rica, the lesbian group Las Entendidas was compelled to hold meetings in private homes instead of more accessible public settings while under public attack for planning a lesbian gathering in 1990.

In Pakistan in May 1999, the provincial government of Punjab revoked the registration of 1,941 NGOs, closing almost a third of the organizations in the province. According to Human Rights Watch (HRW), officials “denounced women’s rights organizations as purveyors of immorality.”<sup>121</sup> Women Living Under Muslim Laws has stated that “While the justification for a review has been to de-register ‘bogus’ NGOs, the attack has specifically targeted very active ones, especially those working for either women’s rights specifically or human rights in general.”<sup>122</sup>

Punjab’s Minister for Social Welfare announced that the government would “give exemplary punishment to those involved in anti-State and illegal activities.” The government, he said, “would not allow NGOs to do politics.” He particularly singled out Shirkat Gah, a women’s NGO, and the Human Rights Commission of Pakistan. Of the former, he asked, “Is it a safeguard of human rights to give a chance to a girl [to have] a night with her paramour?”<sup>123</sup> He accused the latter of “pitting daughters against parents” and creating “a culture

120. IGLHRC interview with Gloria Careaga Perez, El Closet de Sor Juana, March 2000.

121. *Human Rights Watch World Report*, 1999, p. 210 and p. 438.

122. Women Living Under Muslim Laws (WLUML), “Government Attack on Human Rights/Women’s Rights NGOs,” June 6, 1999.

123. “NGOs guilty of promoting immorality, claims Binyamin,” *The News* [Pakistan], May 15, 1999.

of adultery.” The minister declared, “Believe you me, these people are responsible for the moral degeneration of our society.”<sup>124</sup>

Subtler barriers may generate equally draconian exclusions. One activist recalls that Nigeria’s recent military regime enforced a stringent gender policing that virtually made it impossible for nonconforming women to access state officials, much less engage in advocacy. Under the Abacha regime, women could not enter the offices of state officials if they were not “properly dressed.” While not an actual law, this was a de facto policy, and one which was honored: “If the reason to get into the government offices was to save lives, you’d make compromises in your appearance in order to pursue your political agenda.”<sup>125</sup> According to Bisi-Adeleye Fayemi, from the African Women’s Development Fund, such policies codified heterosexuality and traditional gender norms.<sup>126</sup>

In other cases, crucial funding sources for civil society can be affected. In 1997, San Antonio, Texas, in the United States, cut all city arts funding for the Esperanza Peace and Justice Center, a community center working closely with lesbian, gay, bisexual, and transgender people, but which also does other social justice advocacy work. The mayor acknowledged that the Esperanza Center was singled out because “That group flaunts what it does—it is an in-your-face organization.”<sup>127</sup>

In Australia, lesbian activist Barbara Palmer reports that a 1996 election, which saw the victory of a conservative government running on a “family values” platform, also saw “all funding dr[y] up for eighteen months for all women’s organizations,” with the exception of larger, mainstream state-affiliated groups such as the National Council of Women.<sup>128</sup> The new government funded only mainstream organizations because “they could cover all the interests of minority groups,” including lesbians, migrant women and disabled women.<sup>129</sup> Those labeled “single-issue” groups were expected to fold themselves into these larger groups.

The Coalition of Activist Lesbians (COAL), a lesbian group formed in 1993, lost federal funding because, as a small “single-issue” organization, its interests

124. WLUMI, “Government Attack on Human Rights/Women’s Rights NGOs,” June 6, 1999, citing article in *The Nation* [Pakistan], May 25, 1999.

125. IGLHRC interview with Dorothy Aken’Ova, formerly of Women’s Health Organization of Nigeria, March 2000.

126. IGLHRC interview with Bisi Adeleye-Fayemi, formerly of Akina Mama wa Afrika, March 2000.

127. “San Antonio Reduces Aid to the Arts by 15 Percent,” *The New York Times*, September 13, 1997.

128. IGLHRC interview with Barbara Palmer, Coalition of Activist Lesbians, March 2000.

129. IGLHRC interview with Eileen Pittaway, Coalition of Activist Lesbians, March 2000.

were expected to be subsumed under someone else’s umbrella. Eileen Pittaway, a COAL member, suggests that groups which did not represent “proper women” were specifically targeted by these cuts.

In other cases, baiting discourages groups dominated by gay men or other progressive organizations from dealing with issues of women’s sexuality. Those groups may distance themselves from lesbian organizing, seeing risk in the alliance with endangered identities, rather than strength. Baiting can divide the women’s movement from other progressive movements. It can also divide the women’s movement against itself.

In the Esperanza case, harassment of the center began with the Religious Right, including anti-abortion groups—but some gay men eagerly joined in. “This is a victory that the Almighty had to have given us,” one fundamentalist stated after the center lost its funding: “I love homosexuals,” he added, “what I absolutely hate is the evil, wicked, child-seducing lifestyle, characteristic behavior.” However, a group of conservative gay men paradoxically sided with their one-time enemies in opposing the center, partly because it had sponsored art works centered on women’s sexuality. Religious extremism was preferable to rampant feminism. A gay newspaper criticized the center’s “in-your-face activism”; one gay leader said, “They go over the line.”<sup>130</sup>

COAL’s Pittaway asserts that “some of the biggest problems we’ve encountered have been baiting from the larger mainstream women’s organizations.” This was particularly evident in preparation for the Beijing conference. “We had heard that some women in these larger organizations had wanted our funding to be cut. We took it to mean that they wanted to represent Australian women. Because, as lesbians, you’re not seen to be normal, you aren’t seen as being able to represent interests of, or advocate on behalf of, the experiences of other women.” Barbara Palmer says: “Lesbians aren’t acknowledged as part of the human race.”

Relationships between feminists and lesbians, as well as between women’s movements and lesbian movements, are not an easy subject for generalization. They rest on histories specific to cultures or regions. Women with diverse backgrounds build and set limits to political alliances depending upon historical moments and political climates. They may come together to combat related forms of repression, or they may split apart in organizing based on nationalist or other lines. But the coming together and the dividing are always connected to broader social climates. Alliance-building or alliance-breaking cannot take place in a vacuum; women develop strategic responses to, as well as fears about, the

130. Dianne Monroe, “The Art of Defunding,” *San Antonio Current*, November 6-12, 1997.

myriad means by which state and private actors deploy ideas about sexuality and gender.

Some women's organizations have found both overt and subtle ways to distance themselves from lesbians, or from women who advocate sexual rights agendas. "We have become an embarrassment to the women's movement by declaring ourselves lesbians," one Indian lesbian writes. "Just as in the earlier days women's issues were secondary to the agenda of the class struggle, today feminists tell us that lesbian issues have to be secondary to the other concerns of the women's movement."<sup>131</sup>

In Romania, women's rights advocates sometimes blend fear of lesbianism with nationalist resentment: assuming Western feminists to be lesbians, they thereby position these outsiders as alien to a Romanian space and norm. Mona Nicoara suggests that some women's groups try to edge away from potential Western allies because of this shadowy connection to lesbians. "They are afraid of being associated with Western feminists because of the association with lesbianism; it's part of why they've rejected the name 'feminist.'" In organizing conferences, Nicoara reports, women's rights advocates "think twice before inviting, and justifying the presence of, Western feminists in the role of 'foreign experts' because of this association with lesbianism."<sup>132</sup>

In Mexico, there has been historical tension between lesbian and feminist movements, yet the visibility of lesbians and the existence of the lesbian movement partly rest on feminism's challenge to "the arbitrary gender role system" within the Mexican state.<sup>133</sup> Claudia Hinojosa, a Mexican rights activist, suggests that this challenge to gender roles also enabled lesbian activists to question "the fear of heterosexual feminists of approaching the discussion of lesbianism." She maintains that "the lesbian contribution consisted of engaging [heterosexual] feminists in discussing the [compulsory] heterosexualization of society as the ultimate control mechanism over the lives and bodies of women."

The emergence of lesbian feminism prompted various interesting reactions from the feminist groups who have aimed at gaining hegemonic social position[s]. These included both the initial effort to create some distance from the lesbian organizations to avoid being stigmatized, and more sophisticated approaches that framed lesbian feminism as the site where erotic passion is con-

131. Naseem, "Reflections of an Indian Lesbian," in Ashwini Sukthankar, ed., *Facing the Mirror: Lesbian Writing From India* (New York, 1999).

132. IGLHRC interview with Mona Nicoara, human rights activist, April 2000.

133. Claudia Hinojosa, "Expanding the Social Justice Agenda in Mexico: A Lesbian Feminist Perspective," unpublished paper prepared for meeting of the Latin American Studies Association, Chicago, Illinois, USA, September 1998.

structed, and, hence, where irrationality dominates. Therefore lesbian feminists were often treated as "illegal aliens" in the feminist territories who offered available labor to create a feminist movement that would welcome them as long as they didn't expect to move "their" issues to the forefront. Many feminists felt the need to reassure the world that they were not lesbians.

Lesbians responded in part by looking elsewhere for alliances. Hinojosa explains that in the late 1970s and early 1980s, the lesbian movement had embraced some of the social justice goals promoted by Mexico's "new left." In addition, some lesbians developed alliances with gay male activists and organizations, as these were, at least at times, open to lesbians' quest to challenge gender norms. While these relationships were not without conflict, they did provide refuge when the feminist movement was less than welcoming.<sup>134</sup>

Gloria Careaga Perez, a Mexican feminist who has worked with both feminist and lesbian groups, cites some of the same uneasy relations between the two modes of organizing. She asserts that lesbians within feminist organizations are sometimes told that working on lesbian issues is "too risky" for the mainstream. Careaga sees this expectation of risk as a subtle sign of homophobia. Women's NGOs are "loosely supportive" of lesbian work, she says, yet because these tensions remain unacknowledged and unspoken, "it's hard to interpret their position."<sup>135</sup>

In response, lesbian political agendas may be diluted in the name of making them palatable to a "wider" audience. In order to win support of other groups within feminist movements, lesbians or sexual rights advocates may negotiate compromise positions which render sexuality less and less visible. A feminist who has worked in both Mexico and Costa Rica notes that, in the process of negotiation, "you lose part of your own feminist agenda, you lose some of your goals. It's important to get that perspective back."<sup>136</sup>

This vanishing act—the withdrawal of personal needs and political demands beneath a shadow of self-sacrificing invisibility—exact a profound personal as well as political toll. A Latvian women's rights advocate who is a board member of a reproductive and sexual health NGO tells of her frustration within her organization.<sup>137</sup> She asserts that though the organization's mandate—and even its name—suggest work on sexual health, many women on staff wish to exclude work with lesbians, or on sexual orientation issues. Concerns about addressing lesbian health issues are seldom overtly expressed, this informant maintains, but

134. Ibid.

135. IGLHRC interview with Gloria Careaga Perez, January 2000.

136. IGLHRC interview with Lydia Alpizar, March 2000.

137. IGLHRC interview with anonymous Latvian women's rights advocate, March 2000.



there are subtle indications of discomfort. Sometimes, however, reluctance becomes evident.

In a meeting with representatives from her own organization as well as others, to discuss a proposed Latvian law on reproductive rights and abortion, this activist drew attention to how the draft bill omitted some issues of sexual rights. After recommending inclusion of model texts on sexuality from the International Planned Parenthood Federation's charter, she was told by other organizations' members that she shouldn't be "advocating lesbian rights." She was accused of "trying to destroy the family." "I was made to look like a radical, and as if I were speaking on my own behalf."

She claims that the worst aspect of this attack was the disheartening diffidence of her organization. The president of her organization "gave no support" and tried to distance herself from the activist's comments. The informant also claims that even in strategic planning sessions, lesbian issues have been dismissed with the warning that "this is not the best time to talk about this." The organization, she is steadily reminded, must "be very careful" about its future tactics and strategy. "They use lots of tactics to keep lesbians out of the debate." She feels she does not have allies in the organization.

This activist contemplates leaving the group because of her frustration, but chooses to stay for the sake of the credibility of her work; she would rather continue to operate through the organization than start a new one. She notes that she is no longer invited to core meetings of this group, and assumes she was deemed "too controversial."

Such frustration is more than organizational. It is one manifestation of a force which compels lesbian women to remain closeted and self-concealed. The wounds of invisibility are deep. A tragic result of some women's internalization of shame and fear is suicide. While lesbian suicides cannot necessarily be directly linked to specific incidents of vilification or invective, they do take place within social climates of hostility and hatred towards women's sexuality. Patterns of lesbian suicides have been reported in India and China, among other countries. Sometimes these suicides are enacted as pacts between lovers who agree to take their own lives because of the fear of separation, or because of the pressure they face to conform to heterosexual norms. Two lesbians in China were reported to have attempted suicide in the mid-1990s by injecting disinfectant into their veins. A Chinese newspaper reporting the case described the women as "suffering from homosexuality." "They did not want to marry and could no longer face the immense pressure they felt from society."<sup>138</sup>

138. Quoted in "Facing Strong Societal Pressure, Few Chinese Gays Come Out," *Deutsche Presse-Agentur*, February 21, 1995.

SAKHI, an Indian women's organization, has reported pact suicides by "women couples." SAKHI notes that these deaths are usually not reported as lesbian suicides, and that aversion therapy and large doses of mood-altering medications are sometimes used to counteract and treat "the depression inherent in the experience of isolation that lesbian women often experience."<sup>139</sup>

In a 1999 survey conducted by the Costa Rican lesbian rights group CIPAC, 11% of lesbians interviewed in San Jose stated they had attempted suicide at least once. Of those, 60% had attempted suicide multiple times. In a larger sampling of lesbians and gay men, 42% knew of someone who had attempted suicide. 30% stated that they saw suicide as an act of bravery.<sup>140</sup>

Responses to invisibility differ—as do degrees of susceptibility to pressure, shame, and fear. These concerns can be class-bound: women in higher socio-economic positions may have status beyond their sexual identities in ways that some women do not. One Costa Rican lesbian suggests that "in a higher class, they forgive you"<sup>141</sup> there may be less risk for wealthier women in identifying as lesbians, or in responding to attacks.

The same woman asserts that the invisibility of women's sexuality, along with the internalized oppression many lesbians feel, reinscribes the notion that "sexuality is a private matter, that it's just about who you sleep with." These silencing forces often mean that "you can't be your whole self in your political work or in your personal life. We internalize the 'threat' we pose to other people, the risk that our friendship or shared political work poses. We apologize for who we are."

Yet such privacy is untenable. The fear of lesbianism, and of women's sexuality, affects women's capacity to assert themselves and their rights at every level. In the United States, according to Amnesty International, jurors polled in a study of biased trials chose "perceived sexual orientation... as the most likely personal characteristic to bias a jury against a defendant."<sup>142</sup> Prosecutors can use the imputation of lesbian identity as an effective tactic to ensure that women are incarcerated. One researcher finds, in several cases, evidence suggesting that a lesbian convicted of a capital crime is more likely to face the death penalty in the

139. SAKHI memo to IGLHRC, undated.

140. *La Depresion, Causa Principal de Suicidios en la Poblacion Costarricense*, a study by the Centro de Investigación y Promoción para América Central de Derechos Humanos (CIPAC/DDHH), January 2000; based on data collected during the last quarter of 1999.

141. IGLHRC interview with anonymous Costa Rican lesbian, December 1999.

142. Amnesty International, "Multiplying Jeopardy in US Custody: Discrimination Based on Gender, Race and Sexual Orientation," 1999, citing "Juror Outlook Survey," *National Law Journal*, November 2, 1998.

US than a heterosexual woman might be.<sup>143</sup> Such cases reveal homophobia in its starkest form: prejudice becomes a direct threat to personal freedom, and survival.

In prisons, women in a state of extreme disempowerment may find lesbian identity used against them. Women who complain about conditions, resist abuses of authority, or claim their rights, may be called lesbians as a consequence. Women who are lesbians, or are perceived as such, may be subjected to physical and sexual abuse—either at the hands of prison authorities, or by inmates with the authorities’ knowledge and approval. Here, too, the power of names is brutal, and physical.<sup>144</sup>

In the mid-1990s, Robin Lucas was incarcerated at the Federal Correctional Institution in California in the US. She was housed, for a time, in a men’s unit where she was constantly visible to male inmates and guards, including while using the showers and toilet. Her complaints about these degrading conditions were dismissed, in part because she was a lesbian. A prison official, she claimed, taunted her for her sexuality, saying “Maybe we can change your mind.” In a sworn affidavit, Lucas named a guard who sold entry to her cell to male inmates. In September 1995, three male inmates broke in her cell, handcuffed her, and raped her. Authorities refused her a transfer, and inmates threatened her with continued attacks unless she stopped complaining.<sup>145</sup>

Other cases have been reported. In Colombia, a lesbian prisoner, Marta Alvarez, has been subjected to punitive measures—among them confinement in a men’s facility—in response to her complaints about conditions and to her petitions claiming her rights, including the right to conjugal visitation by her lesbian lover.<sup>146</sup>

In Romania, Mariana Cetiner, a lesbian prisoner (convicted of asking another woman to have sex with her, a crime under Romanian law) was physically and

143. Victor L. Streib, “Death Penalty for Lesbians,” *National Journal of Sexual Orientation Law*, Vol. 1, No. 1.

144. IGLHRC interviews with Regan Ralph, former Executive Director of the Women’s Rights Division, Human Rights Watch, and Widney Brown, former Advocacy Director of the Women’s Rights Division, Human Rights Watch, March 2000.

145. See Amnesty International, “Multiplying Jeopardy in US Custody: Discrimination Based on Gender, Race and Sexual Orientation,” 1999.

146. Colombia allows conjugal visitations by heterosexual partners of prisoners, whether married or unmarried. According to a statement issued by IGLHRC and by Alvarez’ attorney, Marta Tamayo, “The day after she submitted the request for conjugal visits by her female lover, the director of the Pereira Prison—where she was then detained—demanded her transfer to Anserma Circuit Jail, and the day after the High Court verdict on her case, she was effectively transferred. Later she was transferred from the Women’s Prison in Bogota for her public defense of human rights and the rights of homosexual inmates.” On October 21, 1999, after her petition to end sexual-orientation discrimination in the enjoyment of conjugal visits was heard by the Inter-

sexually abused by guards during two years of incarceration. A doctor employed by the penitentiary told human rights investigators, “I don’t defend the guards, but you must see she is a difficult person, perverse, not at all normal.”<sup>147</sup> In the United States, according to Human Rights Watch, a prisoner at the Dwight Correctional Center in Illinois was forced to perform oral sex on an officer who targeted her, in her view, because she identified herself as gay. . .

[A] number of officers appeared to take her homosexuality as a challenge; they bombarded her with sexual innuendo and advances. One officer . . . told her, “Damn, you need a good man. I wish it was me.” . . . [One night as the woman] walked from her work assignment to the medical clinic, [the officer] pulled up in car and ordered her to get in. He told her he would report her for trying to escape if she refused. Once she was in the car . . . [he] unzipped his pants, grabbed her by the back of her neck and forced her to perform oral sex on him.<sup>148</sup>

When this prisoner charged the guard with sexual misconduct, prison authorities reacted by placing her on psychotropic drugs.

Baiting may have devastating effects on women’s ability to defend themselves or claim their rights in other situations, and in other authoritarian institutions. Homosexuals are banned from serving in the US military. This policy makes all women in the military vulnerable. One US Army internal report states, “Female soldiers who refuse the sexual advances of male soldiers may be accused of being lesbians and subjected to investigation for homosexual conduct. . . . Women accused of lesbianism believe that the mere allegation harms their careers and reputations irreparably.”<sup>149</sup>

American Commission on Human Rights, Alvarez was transferred from the Bucaramanga Women’s Prison to El Socorro Circuit Jail, a remote, mixed facility with a decaying and leaky physical plant, no telephones, and unclean drinking water. See IGLHRC Action Alert, “Lesbian Inmate Subjected to Punitive Sanctions and Inhuman Treatment, in Response to Claiming her Rights.” The United Nations Standard Minimum Rules for the Treatment of Prisoners (UN GAR 663 C [XXIV], July 31, 1957) mandates the separation of men and women prisoners (Paragraph 8) and guarantees the rights of petition and redress (Paragraphs 35, 36). After years of litigation, in November of 2002, a local Colombian judge granted visitation rights to Alvarez. See <http://www.globalgayz.com/columbia-news.html>.

147. Interview by Scott Long and Bogdan Voicu, IGLHRC, with Dr. Maria Anghel, Tirgisor Penitentiary, Romania, July 1997. See also Human Rights Watch and IGLHRC, *Public Scandals: Sexual Orientation and Criminal Law in Romania*, 1998, pp. 55-59.

148. Human Rights Watch, *All Too Familiar: Sexual Abuse of Women in US State Prisons*, 1996, p. 188.

149. Secretary of the Army’s Senior Review Panel Report on Sexual Harassment, Vol. I at 66, July 1997 (report of a nine-member panel formed by the US Army to investigate and review policies on sexual harassment after a succession of scandals), quoted in Servicemember’s Legal Defense Network (SLDN), *Conduct Unbecoming: Fourth Annual Report on “Don’t Ask, Don’t Tell, Don’t Pursue,”* 1998.

In 1984, in Stuttgart, Germany, a group of Army enlisted men, calling themselves the “Dykebusters,” systematically made sexual advances to military women and then reported as lesbians those who refused their advances. This group wore special T-shirts with the design “No Dykes” and sang their version of the theme song from the movie “Ghostbusters,” retitled “Dykebusters,” when they would arrive at the enlisted servicemembers’ club to engage in this harassment of women.<sup>150</sup>

The 1988 investigation of women on board the USS *Grapple* . . . began when a male crew member started rumors about the close friendship a woman who rebuffed his sexual advances had with another female sailor. . . . The rumors were followed by an incident in which this male sailor, in front of the ship’s crew and at least one of its officers, shouted profanities and accusations that the women were lesbians. On a subsequent deployment, flyers bearing the sign “no dykes” appeared around the ship.<sup>151</sup>

A young Private First Class, away from home for the first time, was attacked and nearly raped in her barracks hallway in Korea. When she reported the attack, the perpetrators retaliated by falsely accusing her of being involved in a lesbian relationship. The unit commander pressured her to accuse other women of being lesbians and when she refused sent her to a court-martial based on the false allegations. When a military judge threw out the criminal charges for lack of evidence, the commander tried instead to discharge her. The commander dropped the charges only after substantial outside intervention.<sup>152</sup>

US military policy since 1994 has allegedly moved to defend lesbians and gay men from intrusion into their private lives. In fact, surveillance and harassment have steadily grown, and basic rights to privacy and to association have been trampled in the process. Since the policy was implemented, discharges based on sexual orientation have increased by as much as 86%.<sup>153</sup> Women have been particularly

150. “The Military Ban and Lesbian-Baiting,” fact sheet from the Legal/Policy Department of the Campaign for Military Service (USA); see also Michele Benecke and Kirstin Dodge, “Lesbian Baiting as Sexual Harassment,” in Craig Rimmerman, ed., *Gay Rights, Military Wrongs: Political Perspectives on Lesbians and Gays in the Military* (New York: 1996).

151. Ibid.

152. Servicemembers Legal Defense Network (SLDN), *Conduct Unbecoming: Fifth Annual Report on “Don’t Ask, Don’t Tell, Don’t Pursue,”* 1999.

153. SLDN reports that “Military leaders have forgotten the intent of the . . . policy to ‘provide a decent regard for the legitimate privacy and associational rights of all service members’ . . . [I]nvestigators and inquiry officers have run rough-shod over service members’ legal rights, using heavy-handed investigative tactics to coerce and intimidate suspected gay members.” SLDN, *Conduct Unbecoming: Fourth Annual Report on “Don’t Ask, Don’t Tell, Don’t Pursue,”* 1998.

targeted. In 2003, women comprised 15% of servicemembers in active duty, yet represented 33% of people discharged because of their sexual orientation.<sup>154</sup>

Not coincidentally, discharges based on sexual orientation have declined since 2001 as the US seeks to strengthen its ranks in military personnel. Since the 2001 US invasion of Afghanistan, gay-related discharges have decreased by almost 30%; since the 2003 US invasion of Iraq, these discharges have decreased an additional 10% from pre-Afghanistan invasion totals.<sup>155</sup>

In the military, women’s bodies, behavior, and words are scrutinized and used against them. Fellow sailors repeatedly called one woman a “dyke-looking bitch” and “butch bitch.” Sailors told another woman that “she must be a lesbian because she has short hair.”<sup>156</sup> Instead of acting to stop harassment, the military regularly punishes the victims. Investigators commonly launch “witch hunts,” mass investigations of military women in which suspects are forced to name other women as lesbians to avoid dishonorable discharge or prosecution.<sup>157</sup>

One Navy officer reported that “she was one of up to fifty women targeted in a witch hunt on board the USS *Simon Lake*. Two shipmates filed affidavits in federal court in this case, stating that they had been threatened with prison unless they accused [her] of being a lesbian or confessed to being lesbians themselves.”<sup>158</sup> In 1998, the Coast Guard launched a three-month investigation against a group of women who were identified as not having socialized with men at a party.<sup>159</sup>

In all these situations, in all these ways, the charge of being a lesbian is used to keep women from enjoying their basic rights. The charge is backed by hatred and shame—by prejudice which makes abusing women seem acceptable if they are “sexual deviants.”

The charge enforces silence, and it threatens existence. It ensures that lesbian women remain voiceless and unseen in many societies—and thereby only confirms the assertions of political leaders who claim that homosexuality is alien or unheard of in their countries. Lesbians are cast into a seemingly unbreakable invisibility. The prophecies of a Mugabe or a Moi are self-fulfilling: the more

154. SLDN, *Fifth Annual Report, 1999*; the *Sixth Annual Report, 2000*, showed this figure had risen to 31%.

155. “Annual Discharges Under Don’t Ask, Don’t Tell,” Servicemembers Legal Defense Network; <http://www.sldn.org/templates/dont/record.html?section=42&record=1455>.

156. SLDN, *Fifth Annual Report, 1999*.

157. “The Military Ban and Lesbian-Baiting,” fact sheet from Legal/Policy Department of the Campaign for Military Service.

158. SLDN, *Fourth Annual Report, 1998*.

159. SLDN, *Fifth Annual Report, 1999*.

insistently they recite that homosexuality does not exist, the fewer homosexuals will dare the multiple risks entailed in asserting their existence.

Dorothy Aken'Ova, from the International Centre for Reproductive Health and Sexual Rights in Nigeria, counters these claims by citing her own research, showing names for same-sex sexual behavior in numerous Nigerian languages. She asks: "How can there be words for something that doesn't exist?"<sup>160</sup>

Aken'Ova condemns not only the homophobia, but also the "hypocrisy" of people who deny that homosexuality exists in Nigeria: "People know it's happening. There's some room for [homosexual relationships] within this cultural setting. People say that 'the gods will be upset and that there's a need for cleansing,' but the fact that there's a way of dealing with it shows that it exists."<sup>161</sup>

Her question, though, strikes at the root—and central paradox—of the attacks and stigmatization directed at women's advocacy for sexual rights. These attacks are meant to remove all discussion of sexuality from public debate. Yet, in trying to erase those words, they use those words. Deviant sexualities are invoked as specters, only to deny that they actually exist. Homosexuality is summoned up as a threat, only to be exorcised as alien and insubstantial. Sexual rights are derided; yet the very urgency of the derision and denial implies their potential power, suggests that actually to enjoy them would be a source of astonishing strength.

Where is the threat? And what is the potential?

160. Dorothy Aken'Ova, talk delivered at panel on "Obstacles to Organizing For Sexual Rights" at the Commission on the Status of Women, New York, March 7, 2000.

161. IGLHRC interview with Dorothy Aken'Ova, March 2000.

## II WOMEN MAKE COOKIES: DISCREDITING OF WOMEN LEADERS

*Feminists are constructed as loose women, promiscuous. Your stature as a political activist, your academic background matters less or even becomes tarred when you're not in a relationship with a man. Anything can and will be used against you, including whether you have children. If you don't, you are potentially labeled as an unnatural woman, not fulfilling 'proper gender roles'. And if you do have children, then you're accused of neglecting them...I'm surprised they're not burning us at the stake, really...*<sup>162</sup>

—Bernadette Muthien, South African activist

*If you have a husband, they think you're neglecting him. If you don't have one, they wonder why. If you're divorced, they say you drove him away. And if you're a widow, you probably killed him.*<sup>163</sup>

—Barbara Lee, founder of a foundation that helps women move into political office in the United States, speaking about obstacles faced by female candidates.

In the following chapter, we discuss sexuality-baiting and lesbian-baiting that is targeted to women public leaders even when their advocacy work does not

162. IGLHRC interview Bernadette Muthien, August 2004.

163. Elizabeth Mehren, "Lee Chips Away at 'Ultimate' Glass Ceiling," *Women's E-News*, October 15, 2004. Article available at <http://www.womensnews.org/article.cfm/dyn/aid/2016/context/archive>.

center on sexuality. We note that baiting is a common phenomenon that reaches across borders and political systems, and in many instances, across social movements. Women's sexuality is seen as an almost universal target: it is not only a subject of discussion and control by men, but it is also a "pressure point" used to discredit political agendas, whether or not they are related to gender or sexuality. This chapter explores baiting of women in positions of public leadership, in both government and non-government settings.

Throughout the world, women with high public profiles are often subjected to vociferous critique. Too often, their sexuality becomes an implicit or explicit component of attacks against them. When they hold public office, they can be criticized because they are occupying public space usually filled by men, because of advocating feminist agendas, or, for that matter, the agendas of a particular political party. Women working in political arenas are sometimes vilified as unfit role models for other women or girls, failed mothers or wives, or wanting to appear or behave like men. Unlike their male counterparts, their morality is called into question not only for what they do within their political arenas, but simply for choosing to function in those arenas at all.

As women exercise their rights to gain access to and organize within the public arena, they face overt and subtle challenges. While some attacks target women's political work, they also often take aim at fundamental aspects of women's personhood. The United Nations Secretary General's Special Representative on human rights defenders has noted that "Women's professional integrity and standing in society can be threatened and discredited in ways that are specific to them, such as the all too familiar pretextual calling into question of their probity. . . ."164 It is not uncommon for these sexuality-based attacks to be featured in the mainstream media, where political parties and corporate interests merge in efforts to promote—or destroy—women's reputations.

### United States

Within the United States, few female politicians are as simultaneously admired and hated as much as Hillary Clinton, New York state's first term senator in the US Congress and the wife of former President Bill Clinton. During the 1992 presidential race, Hillary Clinton was publicly maligned for having pursued a career in law. After receiving bad press for commenting that she chose not to "stay home, bake cookies and have teas," Clinton was advised to engage in presidential campaign damage control. She softened her image, deflected attention from her legal back-

164. Report of the Special Representative of Secretary-General on human rights defenders, Commission on Human Rights, E/CN.4/2002/106 27, February 2002, Paragraph #13.

ground, and let the voting populace know that she could not only function well in a kitchen, but—and possibly most important—she could bake a mean chocolate chip cookie. "Hillary Clinton's Chocolate Chip Cookie Recipe" immediately appeared in newspapers and on websites amidst the conservative-driven media frenzy about whether she was "anti-family" and a "radical feminist."<sup>165</sup> Fairness and Accuracy in Reporting (FAIR), a non-partisan US-based media watchdog organization, claimed, "The cookie became the symbol of Hillary Clinton's fitness as a woman." Clinton and her cookies became interlinked in the press to the point of the media covering its own "overbaked" coverage of the issue.<sup>166</sup>

Clinton's baiting troubles didn't end with cookies, however. As a politically engaged First Lady, she was lambasted again in 1993 shortly after a failed effort as chair of the Task Force on National Health Care Reform to restructure the US health care system to expand insurance coverage, reduce user fees, and to provide insurance to more consumers. Opponents of the plan, which included the health insurance industry, branded her a "socialist" or a "communist," both terms thought to cause the average US citizen to recoil. Religious extremists and "big business," in this case a multi-billion dollar insurance industry, forged an informal but powerful alliance that so effectively tarnished Clinton's reputation that she has yet to recover fully from their baiting efforts.

After the cookie and health reform scandals, right wing groups initiated overt lesbian and feminist-baiting of Clinton in the press and on their own websites. When Clinton was campaigning for the position she now holds in the US Senate, the Christian Action Network developed an ad for television that stated in a voiceover that a rumor existed that she was a lesbian and that she supported gay marriage. One conservative pundit, known for his inflammatory and generally inaccurate publications, used Clinton as a vehicle to undermine the reputations of other women in politics in *Big Sister is Watching You—Hillary Clinton and the White House Feminists*. Text advertising the book on the website of its publisher, Power of Prophecy, claims:

*Big Sister is Watching You proves Hillary is not only a lesbian and a communist, she is a New Age occultist deep into black witchcraft and communication with the dead. Her gal pals—Janet "Butch" Reno [US Attorney General in Bill Clinton's administration], former stripper poet*

165. The recipe for Hillary Clinton's chocolate chip cookies can be found on the website [www.ichef.com](http://www.ichef.com).

166. Dorothee Benz, "The Media Factor Behind the 'Hillary Factor,'" Fairness and Accuracy in Reporting, October/November 1992; [www.fair.org/extra/9210/hillary.html](http://www.fair.org/extra/9210/hillary.html).

*Maya Angelou [African American poet who received the Nobel Prize for Literature in 1993], and others—are also outed for the first time. Discover the dark powers Hillary Clinton has over her husband, Bill, and what America’s most powerful woman plans to do after she herself becomes President in the year 2005.*<sup>167</sup>

In 2005, Hillary Clinton remains both widely popular and the subject of much right wing hatred. Most criticism directed toward Clinton rests on accusations that her policies are too liberal, yet one cannot separate out the fact that Clinton is attacked not only because of her political agenda, but also because of who she is seen to be...and, not inconsequentially, to whom she is married. She continues to be baited as a public leader both because she is seen as strong, smart and opinionated, and therefore “not a good traditional woman,” and also because of the controversy surrounding her husband’s sexual “transgressions” while holding office.

When conservative advocates seek to discredit liberal agendas by attacking Bill Clinton on the basis of his extra-marital relationships, the inferences stretch to Hillary, and consequently further tarnish her reputation and render her political agenda suspect. She is “sexed” and judged through references to, and even the mere invocation of, her husband. As she remains in the public spotlight, Hillary Clinton will probably continue to be challenged because of her own identity and her husband’s behavior, as she is widely thought to be a potential candidate for the presidency within the next decade.

### Malaysia

Tabloid attacks are, of course, not limited to heterosexual excess. Azalina Othman Said is known to be a charismatic, strong young leader in the Malaysian political party system. While a candidate for election in 2002 for a local post within the governing United Malays National Organization (UMNO) party, she was the subject of tabloid-based lesbian-baiting when the *Perdana Sari* newspaper carried a series of articles that not only accused her of being a lesbian, but also of having purchased with party funds an expensive German car for her alleged female paramour.

It is presumably not coincidental that the *Perdana Sari*’s chief editor and publisher was Khalid Jafri, a journalist whose homophobic diatribes had been connected to the ouster, arrest and imprisonment of former Malaysian Prime Minister Anwar Ibrahim in 1988. Many assumed that the attacks were politically motivated and actually perpetrated at least in part by others within her own

167. *Big Sister is Watching You*, [http://www.texemarrs.com/cgi-bin/miva?Merchant/merchant.mv+Screen=PROD&Store\\_Code=catalog&Product\\_Code=Book+bigsis](http://www.texemarrs.com/cgi-bin/miva?Merchant/merchant.mv+Screen=PROD&Store_Code=catalog&Product_Code=Book+bigsis).

UMNO party. Newspapers carried the scandal with sensationalized headlines; in one article entitled, “I can prove Azalina is a Lesbian: Rival,” Umami Hafilda, a political rival who lost an election for head of the Puteri UMNO party to Said, claimed to be gathering evidence and witnesses to prove her allegations that Said is a lesbian. Hafilda further accused Said of using the name of the prime minister to influence and generate support from others within the party. A witness for Hafilda said she intended to file a police report against Said for having committed unnatural sex.<sup>168</sup>

Apparently with the support and advice of Prime Minister Mahathir bin Mohamed, Said chose to be cautious about her response. While she said that she would not bring legal action against the newspaper or its author, she also chose to name the basics of lesbian-baiting: “Are you saying I am a lesbian because I am unmarried and don’t have a husband or children? Is it because I wear pantsuits and don’t cover my head? Is it because I talk and laugh loudly? Is it because I don’t look feminine or giggle?”<sup>169</sup>

Zainah Anwar, a Malaysian women’s rights advocate and the director of the organization Sisters in Islam, notes that Said “didn’t play ball,” in part because she had the protection of the prime minister, and because those behind the baiting had a political party-based agenda but no support in upper ranks of government. But also because Said is known to be “tough,” she was better able to stave off the personal attacks. Anwar says that this sort of effort to tarnish reputations of strong women, or women with particular political agendas, is common. “We face this all the time, and sometimes it’s your individual charisma, your personality, that matters in terms of whether you survive.”<sup>170</sup>

### Nicaragua

Women who are sexuality-baited sometimes find themselves battling state actors who rely on draconian anti-sexual and reproductive rights legislation to justify their conservative positions and to challenge women who are elected or appointed to positions of political power. In a well-publicized 2003 sexual assault case, a nine-year-old Nicaraguan girl living in Costa Rica with her parents, who were farm-workers, was raped and became pregnant as a result. The

168. “I can prove Azalina is a Lesbian: Rival,” *New Straits Times*, October 30, 2002 <http://straitstimes.asial.com.sg/asia/story.0,4386,151827,00.html>. See, also, “Malaysia’s bigwigs get down and dirty,” *Asia Times On Line*; May 15, 2002, <http://www.atimes.com/se-asia/DE15Ae04.html>.

169. “Thinking Allowed,” *Aliran Monthly*, <http://www.malaysia.net/aliran/monthly/2002/4k.html>; this article notes that the *Perdana Sari* newspaper was suspended for three months shortly after the Said scandal broke, although supposedly not because of the Said articles.

170. IGLHRC interview with Zainah Anwar, October 2004.

girl's parents decided to return home to arrange for their daughter to have an abortion in Nicaragua, even though Article 162 of the Nicaraguan Penal Code prohibits abortion, punishes abortion providers, and can result in prison sentences for women and girls who receive abortions.

The family's decision to pursue a "therapeutic abortion" elicited the attention and ire of various government agencies, civil society organizations and the Vatican: the Nicaraguan Ministry of Family opposed the abortion, and the Ministry of Health went so far as to prohibit the family's access to public hospitals. The Nicaraguan Committee for the Defense of Life launched a public campaign to preclude the girl from receiving the procedure, but to no avail, as she obtained the abortion in a private hospital in February of 2003. After the girl had the procedure, the Roman Catholic Church threatened the parents with excommunication. The Network of Women Against Violence, a Nicaraguan NGO that addresses violence against women and sexual assault, provided support to the girl and her parents, and members had publicly advocated for the girl to be able to terminate the pregnancy that resulted from having been raped.

However, the controversy did not abate after the child's pregnancy was terminated. Violeta Delgado, of the Network of Women Against Violence, recalls that shortly after the procedure was publicly reported, six Christian fundamentalist organizations, including the Nicaraguan Committee for the Defense of Life, published a letter in Nicaragua's main daily newspaper, *La Prensa*, calling for President Enrique Bolanos to expel Delgado and Ana Quiroz (of the Coordinadora Civil para la Emergencia y Reconstrucción de Nicaragua and the Network of Women Against Violence) from the National Council of Economic and Social Planning, a public policy advisory body for the office of the President.<sup>171</sup> The letter calling for their dismissal claimed that the two women do not uphold moral, ethical and cultural values of Nicaraguan society because they advocate for rights to abortion and homosexuality.<sup>172</sup> The World Organization Against Torture (OMCT) notes that *La Prensa* ran an editorial defaming Delgado and Quiroz, both of whom are active in a range of Nicaraguan social

171. In its 2003 annual report, "Human Rights Defenders in a Security First Environment," the World Organization Against Torture (OMCT) includes a section on defamation and threats against organizations for the protection of women, children and youth. They have become one of a few human rights organizations that now overtly name and report on discrediting as a tactic used to undermine reputations and agendas.

172. Stefano War, "One Rose and Many Thorns," [www.area7.ch/area7/leggi.asp?IDA=871&Edizione=621](http://www.area7.ch/area7/leggi.asp?IDA=871&Edizione=621) (undated); Elizabeth Romero, [www.angel.org.ni/2003-59/notininez2htm](http://www.angel.org.ni/2003-59/notininez2htm), 22/2/03; OMCT/FIDH report Human Rights Defenders in a Security First Environment, p. 149.

movements including those that seek to strengthen civil society participation in governance.<sup>173</sup>

Quiroz and Delgado were not the only targets of the campaign: the doctors who performed the abortion and even the girl's parents were subject to public derision. Delgado believes that the ultraconservative campaign of disparagement and "disinformation" was designed to achieve a number of goals beyond their expulsion from the advisory committee and the punishment of the health care providers involved in the case. At the time, the Nicaraguan parliament was about to discuss an equal opportunity law and reforms to the federal criminal code, including a proposal to extend the definition of what constitutes a therapeutic abortion.

In fact, the Network Of Women Against Violence was invited by the National Assembly to contribute to redrafting the Penal Code. Among the concerns put forward by the Network and its coalition partners were eliminating the sodomy law, abolishing paternity rights for rapists who claim rights to children conceived from sexual assault, and acknowledging rape in family settings (i.e. incest and marital rape).<sup>174</sup> Delgado suggests that the opposition she and Quiroz faced had as much to do with the broader political agenda of the fundamentalist organizations that opposed their Penal Code recommendations as the specific sexual assault case. In essence, the baiting they experienced supported a conservative attempt to influence parliamentary deliberations.

### Peru

In December of 2003, Peru's first female prime minister, Beatriz Merino, traveled to the United States on a short trip for official business. Immediately upon her return to Peru, Merino found herself in the market for a new job. While she was away, the president of the conservative Roman Catholic country, Alejandro Toledo, asked for her resignation along with that of her fifteen Cabinet members, because of a growing scandal related to her personal identity. Merino was publicly charged with corruption after having been accused of giving jobs to her friends.

But as the scandal unfolded in the press, Merino implicated a political rival, Luis Solari, whom she accused of telling the head of Peru's Catholic Church that she was a lesbian—an allegation which she denied. According to press reports, the Church official told Merino that Solari had mentioned to him that a property

173. "Acusan a Representantes de Comite Pro Vida," *La Prensa*, April 2, 2003, <http://www.laprensa.com.ni/cronologico/2003/abril/02/nacionales/>.

174. Challenging Violence Against Women: Nicaragua, Special Report," *Nicaragua Solidarity Report*, <http://www.nicaraguasc.org.uk/archive/cvaw.htm>.

deed of a house she owns and shares with a female friend was proof of her immoral lesbian lifestyle.<sup>175</sup>

Press reports of the forced resignation raise a number of questions: did Merino lose Toledo's confidence after publicly complaining about the smear campaign about her sexual identity? Or was Toledo, or were Merino's political rivals, envious of Merino's popularity?<sup>176</sup> In a poll taken several days after she was asked to leave office, Merino's approval ratings were nearly three times as high as her replacement's.<sup>177</sup> Popularity was not enough to protect her job, however. Whether there was truth to the allegation about Merino's sexual identity, or to her assertion that rivals launched a homophobic smear campaign, remains somewhat inconsequential in the face of the power of the rumor itself. A lesbian in the cabinet, or a woman who was worried she was publicly being accused of being a lesbian, may have presented enough of a threat to an already fragile government to justify, in the minds of some officials, a popular politician's removal.

### **Brazil**

In 2002, Sonia Sampaio, a town councilor in Mogi das Cruzes, Sao Paolo, Brazil, was lesbian-baited after initiating an investigation into a bribery scandal in the city transportation department. Some of those within the government whom Sampaio had accused of corruption, including the Mayor and the Secretary of Transportation, responded to her charges by "accusing" her of being a lesbian, and calling for the revocation of her mandate on this basis. A sector of the city's transportation unions submitted a written request to the government that alleged that Sampaio brought shame to and was personally incompatible with the dignity of City Council. In a departure from traditional language used in requests for removal of state officials, the complaint also took the opportunity to offer lengthy descriptions of lesbianism and lesbian sex, with a specific description of lesbians and orgasms, statistical information about prevalence of lesbians in the population and information about the appearance of women who identify as lesbians.<sup>178</sup> The unions called for a special session to address Sampaio's sexual identity, presumably to publicly humiliate her, and to ensure that the allegations were aired publicly.

175. "Prime Minister May Step Down for Personal Life," *Chinadaily*, December 13, 2003, [http://www.chinadaily.com.cn/en/doc/2003-12/13/content\\_290110.htm](http://www.chinadaily.com.cn/en/doc/2003-12/13/content_290110.htm), [www.theglobeandmail.com/servlet/story](http://www.theglobeandmail.com/servlet/story), Dec 13, 2003.

176. "Peruvian Leader Sacks Popular PM," [www.news.bbc.co.uk/1/hi/world/americas/3315525.stm](http://www.news.bbc.co.uk/1/hi/world/americas/3315525.stm), 13 December, 2003.

177. Drew Benson, "President Swears in New Cabinet," [www.americas.org/item\\_505](http://www.americas.org/item_505).

178. "Protest Homophobic Attack Against a City Councilor," IGLHRC, April 4, 2002, <http://www.iglhrc.org/php/section.php?id=5&detail=69>.

Throughout the ordeal, Sampaio never revealed her sexuality. Instead, she sustained her focus on bribery, never letting that critical issue slip from her presentations or work with the press. The Coletivo de Feministas Lesbicas, a lesbian group in Brazil, submitted a complaint in her defense and against the lawyer who drafted the request for revocation of Sampaio's mandate to the Ethical Tribunal of the Organizaçao dos Advogados do Brasil (the Brazilian Lawyers Association).<sup>179</sup> The effort to remove Sampaio failed. In 2005, she remains in the city council, and serves as a member of the Green Party.<sup>180</sup>

### **Baiting: Human Rights Defenders at Risk**

Lesbian-baiting is not employed as a strategy only against those who hold public office. Women in other public leadership positions, such as in non-governmental organizations, face similar risks, especially if their jobs bring high public profiles, and if their work is seen to threaten the (often male-defined) "natural order of things." They, like their counterparts in public office, are at risk of baiting whether their political projects are grounded in sexuality organizing or not. Under these conditions, the enjoyment of a range of human rights are threatened; foremost among these are women's rights to freedom of assembly and expression and rights to participate in public life.<sup>181</sup> But the effects of the violations of rights are often deeply personal, and scars can be carried long beyond the actual incidents.<sup>182</sup> Whether the attacks are verbal or physical, the targeting of women's bodies, minds and reputations remains a tactic used with varying degrees of success, and employed with varying levels of sophistication, technological or otherwise.

### **United States**

Technological advances of recent years have allowed increasing use of web activism that elicits fast mobilization of conservative constituencies. As a result, targeted lesbian- and sexuality-baiting can stretch across a country or the globe with a few clicks of a computer mouse. In October of 2003, Patricia Ireland, the former president of the US-based National Organization for Women, and at the time, the director of the US Young Women's Christian Association (YWCA), made a public announcement which took many women's rights advocates by sur-

179. IGLHRC Action Alert, April 2002.

180. Background information from IGLHRC interview with Alejandra Sarda, IGLHRC, August 2004.

181. The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, in particular, address rights to association and to participation in public life; see UDHR Articles 20 and 21; ICCPR Articles 21, 22 and 25.

182. IGLHRC interview with Vahida Nainar, Women's Initiatives for Gender Justice, February 2005.



prise: she claimed she had been asked to step down from her position at the YWCA by the board of directors and had been dismissed when she refused quietly to do so.

The impetus for this decision by the board of directors was a public campaign seeking Ireland's removal that had been launched by the Traditional Values Coalition (TVC), a US-based right wing extremist group. TVC overtly challenged Ireland's capacity to be a good role model for girls and called into question Ireland's personal life as well as her political history.<sup>183</sup> In an article posted on its website, entitled "YWCA Should Reject Patricia Ireland as New Leader," TVC smeared Ireland's reputation with a sophisticated outreach strategy designed to mobilize web readers to take action toward her dismissal.

*Patricia Ireland is hardly a proper role model for girls—or to head the Young Women's Christian Association. We are urging TVC supporters to contact Audrey Peeples, chairwoman of the YWCA National Coordinating Board that hired Ireland to take over the organization. Peeples and the YWCA Board must sever their relationship with Patricia Ireland immediately to protect girls from Ireland's radical bisexual, cross-dressing, and pro-abortion agenda.*<sup>184</sup>

Readers were encouraged to click a link at the bottom of the page to sign a letter of concern to Audrey Peeples and to send letters expressing their concern to local media outlets. TVC made this part easy: with one click on a state in an interactive map on the site, readers could see a long list of local newspapers, complete with names, fax and phone numbers and email addresses of editors and reporters. In related—and sophisticated—advocacy, TVC asked the US Secretary of Health and Human Services to review \$114 million in federal grant money to YWCA organizations.<sup>185</sup>

Less than six months after she had taken office, Ireland was asked to step down by the board of the YWCA. She declined so as not to give the "impression of having jumped ship" and was dismissed shortly after. Peeples was quoted

183. Paula Ettelbrick of the International Gay and Lesbian Human Rights Commission argues that women are particularly susceptible to discrediting when their functions as role models for girls and children are challenged. These attacks are particularly effective, she asserts, because they immediately invoke the specter of the risks of influence of "dangerous women" on young people. She asserts that the use of role-model arguments is an easily-deployed tactic of baiting. IGLHRC interview with Paula Ettelbrick, IGLHRC, August 2004.

184. Traditional Values Coalition, <http://www.traditionalvalues.org/catid.php?catid=8>.

185. "Conservative Groups Oppose New Leader Chosen by YWCA," *New York Times On the Web*, May 22, 2003, <http://lists.uua.org/pipermail/bgilt-news/2003-June/001025.html>.

in the press saying that she had been surprised at the intensity of the criticism toward Ireland.<sup>186</sup> TVC spokespeople claimed credit for Ireland's dismissal.

While such baiting attacks are facilitated by sophisticated information and communications technologies, other similarly damaging attacks rely on manipulating tradition, but through increasingly public and technologically advanced methods. Consider, for instance, the internet-based "Fatwa Bank," a project of Islam Online.Net, which allows a visitor to search database search of *fatwas*, or supposedly scholarly and religious responses to social and legal questions, in its "Shari'ah Corner."<sup>187</sup> Whether through a web campaign or the public issuing of a *fatwa*, women's organizing efforts are being challenged in increasingly effective efforts that reach conservative and mainstream constituencies, whether for a desired outcome, as in dismissal from a position, or longer-term disabling of feminist or other progressive agendas.

### Malaysia

Zainah Anwar is the director of Sisters in Islam (SII), a women's organization based in Malaysia that focuses on promoting the rights of women within the framework of Islam. Anwar's advocacy and that of the organization challenge the rights of the ulaman (religious scholars) to speak as if they represent all of Islam. "Islam is not a monopoly of the ulaman," she asserts. "Our legitimacy is questioned because we don't have the visual markers of 'good Muslims': we are not covered, we don't have turbans, we don't have beards, so we are told we can't talk about Islam...."<sup>188</sup>

The accusations against SII and women leaders who publicly challenge aspects of Islamic law are serious ones: women are accused of imposing Western values on traditional communities, of being anti-God and anti-religious. They are told they are threatening "the community," breaking up "the family," and otherwise insulting Islam. Implicit in these critiques, or even, at times overtly stated, are the charges that these women are "loose," uncontrollable, promiscuous, adulterous and/or lesbians.

In 2002, the Association of Ulama issued *fatwas* against Anwar and four other public leaders to the Conference of Rulers, a group of nine sultans with direct representation at the federal level, for insulting Islam, a charge for which

186. Brian Wingfield, "A Target of Conservatives' Ire, YWCA Chief is Dismissed," *New York Times*, October 21, 2003, p.A23.

187. A *fatwa* is an official answer by a scholar to a legal question, but is commonly (and often incorrectly) taken to imply a call for the death of a person who is seen by a scholar or scholars to have violated religious or cultural norms. The Fatwa Bank can be found at <http://www.islamonline.net/completesearch/english/CounsellorSearch.asp?hID=0>.

188. IGLHRC interview with Zainah Anwar, Sisters In Islam, October 2004.

finer or imprisonment could be imposed. Anwar's "mistake," according to the Association, had been to criticize the notion that polygamy is men's right within Islamic culture.

Anwar notes that since one can pay to be a mullah, and because many mullahs are not scholars, often the *fatwas* issued are politically motivated, as was the case in her experience. However, whether the motivation is "religious" or "political," reacting to it can drain an organization's resources. This is especially pernicious when the accusation can result in incarceration or monetary loss. Anwar and the four others chose actively to resist the *fatwa*, and worked to mobilize support of civil society and other non-governmental organizations. She and the others who were accused developed a strategy that focused on mobilizing public opinion in their favor. Their strategy rested on the principle that free speech should not be criminalized. Twenty organizations and over twenty individuals of high stature signed a public letter of support; the organizers delivered a public statement, held a press conference, and approached and received support from the Malaysian Human Rights Commission as well as various academics to bolster their case.

They also approached the Conference of Rulers directly in their own defense. Anwar and the others met with the Conference, who ultimately decided that the issue was political in nature, and not religious. As a result, the case was "thrown" to the government. Anwar and the others then engaged with the Prime Minister and the Deputy Prime Minister's offices. They were called in to talk with the Religious Department, where, Anwar says, "We gave an explanation of our work. Ironically, it ended up being a very good opportunity to express our ideas." The case was not pursued after that meeting.

However, other challenges have arisen since the *fatwa* was issued in 2002. "There is a cost to taking strong positions. We're forever being attacked; we've been called in to the Religious Department again, after doing more campaigning on monogamy. We got lynched by the mullahs for that. We keep being asked "What right do you have to question God?"<sup>189</sup>

### Argentina

In May of 2003, the federal government of Argentina passed a national law on sexual health and responsible reproduction which simultaneously became both a sexual rights success story and a target of conservative fundamentalist ire and local and national advocacy. The passage of the legislation and the creation of the related National Programme of Sexual Health and Responsible Parenthood is a notable result of many years of sustained activism, policy development and

189. Ibid.

relationship-building across sectors of government and civil society.<sup>190</sup> Since the development of the Programme, conservative groups have sought to block its implementation through, among other tactics, filing legal challenges in several provinces in Argentina.

Although many of the fundamentalist efforts have failed, they have produced at least two significant results: they have galvanized pro-sexual rights advocacy and solidarity in civil society organizations, which, in turn, has reinforced provincial and national level commitments to the new law. They have also served to drain resources of those same groups, as conservative legal challenges have necessitated expenditures of funds and time to build legal and advocacy responses. The right wing has been persistently active—in 2003 alone, fundamentalist conservative groups such as 25 de Marzo and the Opus Dei-affiliated Women for Life Association not only sought to suspend implementation of the national sexual and reproductive health program, but also to reduce and prohibit the production and sale of Argentina's contraceptives, to promote a campaign against a national women's meeting, the XVIII Encuentro Nacional de Mujeres, and to dismiss all members of the federal chamber in Cordoba because it had reversed a conservative judge's decision.<sup>191</sup>

Córdoba, the home of strong women's sexual, and reproductive rights and health movements, has in recent years become the site, as well, of bolstered advocacy from religious extremist organizations. That ideological tension can and has come to political blows, and has led to baiting of organizations. In February of 2004, *Católicas por el Derecho a Decidir—Córdoba* (CDD) was notified by the Dirección de Inspección de Personas Jurídicas (DIPJ), the provincial body responsible for determining the legal status of organizations, that a challenge to its registration had been filed by a lawyer representing Human Life International (HLI).<sup>192</sup> Arguing that the right to life from conception should be preserved, HLI

190. According to the UN Population Fund (UNFPA), Decree No.1282/2003 implements Law No. 25673 on sexual health and responsible reproduction. The decree creates the National Programme for Sexual Health and Responsible Reproduction (sometimes called Responsible Parenting) within the Ministry of Health, which is charged with monitoring and evaluating provincial programs, with an emphasis on disseminating information and advice on contraceptives and their use, and helping to expand and improve support networks to satisfy demand for services. <http://www.unfpa.org/ipci/newsletters/issue6.htm>. In concluding comments from its July 2004 session, the CEDAW Committee welcomes the new law, but calls upon the government of Argentina to bolster fulfillment of its provisions. See C/2004/II/CRP.3/Add.4/Rev.1 at <http://64.233.161.104/search?q=cache:yBMhPTDPstoJ:www.ohchr.org/tbru/cedaw/Argentina.pdf+argentina+2003+sexual+health+law&chl=en>.

191. Frente a la Censura Para Hablar Del Aborto: Nuestra Boca ed Fundamental, *Católicas por el Derecho a Decidir—Córdoba*, August 2004.

192. Ibid. CDD had been granted legal status by the Dirección in 1998.

attempted to demonstrate that CDD's objectives were "contrary to common good and the legal code." In fact, part of HLI's legal strategy was to use CDD's own programmatic language to reveal a contradiction between CDD's work and the new national sexual and reproductive health law.

CDD's response was swift and broad-based. They prepared a legal response to the call for their de-registration and mounted a campaign that mobilized organizations and individuals from a wide array of constituencies, including labor, HIV/AIDS, and lesbian and gay movements. They also requested the intervention of the National Human Rights Secretariat, a state agency, as well as other human rights bodies and organizations and national and provincial authorities. Presumably in an effort both to expose the tactics of HLI's harassment and to strengthen the exercise of democratic principles, they called for authorities to guarantee transparency in their official responses. CDD received support from many organizations affiliated with myriad movements and state bodies.

In April 2004, the Human Rights Secretariat notified CDD of their request to the Dirección de Inspección de Personas Jurídicas not to cancel the organization's legal status. The DIPJ noted that the true nucleus of the problem was not CDD's activities contravening the sexual health law, as HLI had asserted, but the effort to restrict rights to free expression and association, the enjoyment of which had the backing not only of the federal constitution, but also of international law. In a decision that favored democratic participation by civil society, DIPJ found that CDD's activities were in conformity with the national law, and therefore HLI's assertions were spurious and had no legal standing. As a result, there was no reason to question or revoke CDD's legal status. While the result of this legal challenge clearly favored CDD and stood firm in support of civil society's rights to organize, HLI has decided to appeal the decision, and will continue its efforts to de-register and delegitimize CDD.

### Thailand

Ravadee Prasertcharoensuk is the director of Thailand's Foundation for Sustainable Development, and she holds a leadership position in the government-beleagued NGO Coordinating Committee of Thailand. Through holding both of these positions, Prasertcharoensuk is the subject of both personal and political baiting. The baiting is particularly acute because of what she refers to as an anti-NGO culture of the Thai state. The Foundation for Sustainable Development advocates for rights of rural communities whose lives and livelihoods are threatened or disrupted by the establishment of development projects. Their work seeks to enhance community participation in policy discussions about natural resources, and may address allocation of local resources, including water, fishing

stock or land. While the Foundation does not specify that it works on women's rights issues, it does incorporate an analysis into its program of how development projects affect women and families.

According to Prasertcharoensuk, the current Thai Prime Minister, Thaksin Shinawatra, holds an attitude that is unfriendly to NGO advocacy. The government tends to claim that people working in NGO movements "have nothing to do in their lives, so they try to take government responsibility on as their own; and leaders in NGO movements do their work for personal benefit, they want to be well-known or in the media." She notes further that it is common for women leaders in particular to be discredited in this way.<sup>193</sup>

Antagonism toward political expression of communities and NGO advocacy often breeds suspicion and leads to surveillance of individual leaders. Prasertcharoensuk has experienced both during specific periods when her organizations have been engaged in advocacy that the government regards as hostile. During one such period, the NGO Coordinating Committee had been advocating against an Asia Development Bank-sponsored gas pipeline project. A number of communities claimed that they would be negatively affected by development of the pipeline because of displacement and unacceptable pollution levels in Southern Thailand. The communities called for public debate about the project, which the government opposed. "The government tended to say 'sacrifice yourself for the good of the state'." "During that time, I received sexually harassing phone calls in the early hours of the morning, people were sitting in front of my house, and even though we use a radio-dispatched taxi service at work, the drivers all of a sudden had different uniforms and asked lots of questions about our work."<sup>194</sup>

The personal threats to Prasertcharoensuk were accompanied by intensified pressure on NGO advocates as well as on the communities whose lives were being disrupted. During a public demonstration at which both groups were represented, police physically assaulted a woman who held a microphone. Although the attack was captured on video and revealed that the woman's clothes were torn by police, the footage aired on television edited out the police involvement in the assault. The official state and police response shifted responsibility for the attack to the villagers and the NGO community. "They said that women were tearing off their bras in order to be on TV!" The incident led to increased surveillance of groups posing a critique. "After the incident, the government tried to distract us and give us more work; three NGOs involved in the demonstration have to report to a state court every Friday."

193. IGLHRC interview with Ravadee Prasertcharoensuk, October 2004.

194. *Ibid.*

### Baiting Gets Physical

Depending on the actors and circumstances involved, the distinctions and slip-pages between defamation, verbal threat and physical assault can be oblique. Mainstream international human rights organizations such as Amnesty International and Human Rights Watch have reported on the physical risks and threats posed to women human rights defenders, the intensity of which varies from verbal abuse to physical and sexual assault, and which are perpetrated by both state and community actors. The UN Special Representative on human rights defenders reports that “worldwide, women human rights defenders are paying a heavy toll for their work in protecting and promoting the human rights of others.”<sup>195</sup> Here, too, women need not work on issues related to sexuality to be at risk of sexuality-baiting, although those who do are especially likely to be targeted.

But, as a number of the cases above illustrate, women who address women’s human rights issues generally, and not specifically through a lens of sexuality or reproduction, are at risk precisely because of threatening the gender order. Amnesty notes that

*As women’s rights are not frequently not recognized as human rights, they are not prioritized by governments or by other social movements. This affects the credibility and legitimacy of women human rights defenders who advocate for women-specific concerns. The vulnerability of women defenders is increased by the isolation of women-specific issues from the concerns of other movements. Women who dare to challenge social conventions can be subject to derogatory or sinister public accusations aimed at discrediting their character.*<sup>196</sup>

In 2002, the founder and president of Brazilian Association of Mothers and Relatives of Victims of Violence, Maria das Gracas Nascimento Nacort, reported threats and verbal harassment from police officers as she and members of her organization prepared to march in recognition of International Women’s Day. Her reports note that police said, “We have to kill this disgrace of a woman because this she-devil won’t shut up.” Das Gracas also reported that she has received threats since she formed the organization in 2000.<sup>197</sup>

Police are only one set of agents engaged in community policing and threatening

195. See Special Representative on human rights defenders, E/CN.4/2002/106, Paragraph 83.

196. Amnesty International, “Essential Actors of Our Time: Human Rights Defenders in the Americas,” November 2003, page 37.

197. Ibid, p.38.

women’s human rights defenders. In conflict situations, the lines between state and non-state actors also blur, as informal alliances of “rebels,” or “warlords” often function to control women’s expression, appearance and activities. According to Human Rights Watch, one women’s human rights advocate in Afghanistan received a number of anonymous written threats from a known “warlord” authority, which included the following warnings: “You should stop your work because you are trying to show other women about their rights. . . .” A different letter stated, “You should close the office and not work anymore and not show women equal rights. I will put a bomb in ‘the place where women give birth’ [her words] and finish you off if you don’t stop working and close your office.” Her response to this particularly threatening experience of baiting was courageous, and reflected the commitment of many human rights defenders to their advocacy: “This is my duty and as long as I have blood in my body, I will not give up and stop work.”<sup>198</sup>

198. Human Rights Watch: “Afghanistan—‘Killing You is a Very Easy Thing for Us: Human Rights Abuses in Southeast Afghanistan’,” July 2003. Interview, p.57, 58.

## III

“WE WOULD HAVE A  
HARD TIME GOING HOME”  
FEAR OF SEXUALITY IN THE  
INTERNATIONAL SPHERE

INTERNATIONAL CONFERENCES HAVE BEEN KEY SITES IN THE DEVELOPMENT of sexual rights approaches: places where women have exchanged stories, debated issues, and refined terms to reflect their lives. The importance of such international gatherings does not mean that the language of bodily integrity and sexual autonomy, so profoundly rooted in local needs and activism and the immediate experience of oppression, is a “cosmopolitan” imposition brewed by bureaucrats. Rather, such settings are a rare chance for women engaged in that local work to share experiences across cultures and national borders.<sup>199</sup> With those conversations, new insights turn into action; new solidarities can provide strength. United Nations meetings, and other gatherings sponsored by intergovernmental organizations—despite their impersonality—may offer the only such opportunities available to many women, since regional networks of women’s or lesbian NGOs are few and often starved for resources, and since women are often excluded from other international policy arenas.

More than solidarities emerge from such conferences. The language of final programs and agreements, once it has been endorsed by states, may have little formal authority in the absence of any enforcement mechanisms. But domestic

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199. One feminist activist from the former Yugoslavia has recalled the power of the latter: “It hurt me so terribly to realize that it was now easier for me to meet my feminist sisters from Croatia or Slovenia by going to Vienna [for the 1993 World Conference on Human Rights] than by crossing borders in the country that used to be our own.” Interview by Scott Long of IGLHRC with Lepa Mladjenovic of Women in Black, Belgrade, 1994.

activists can use it in their organizing to hold governments accountable to the promises they have made. Simple clauses buried in complex documents can become tools to lobby and educate, or even to embarrass those in power.

Local activists benefit when their concerns can be recognized and written into the records of international meetings. Such successes can be carried home and put to use. The value of such gatherings—as well as the blow to human-rights activism if voices are arbitrarily excluded from them—is formally recognized in international law. The Convention on the Elimination of Discrimination Against Women, in Article 8, mandates states to guarantee women, “without any discrimination, the opportunity to represent their governments at the international level and to participate in the work of international organizations.”

If international meetings have given strength to sexual rights advocacy, though, they have also spawned a backlash. Diverse interests united by shared homophobia have used UN venues to build new alliances. Conservative Christian churches and Islamic fundamentalists, right-wing anti-Communists and left-wing defenders of “sovereignty,” have come together, seeing women’s reproductive freedom, homosexuality, and the claim of human rights to universality as their common enemies. They have forged a rhetoric which unites nationalism, traditionalism, and religious fundamentalism; they have backed it up with computers and cell phones; and they have packaged it to carry across national borders.

This chapter will look at some of the ways women’s sexuality has been exploited to attack women’s organizing in key international conferences over the last five years. It will show how a rhetoric of attack has developed. And it will show how both women’s advocates and their opponents have carried lessons home from these experiences, for local use.

### **Beijing: The Right Wing Takes on Human Rights**

In September 1995, thousands of women from around the world came together in Beijing, China, for the United Nations Fourth World Conference on Women. The Platform for Action (PFA), which was the most tangible official result of the gathering, stands as a sweeping set of guidelines for not only protecting but also empowering women worldwide.

No conference is an island. Advances in Beijing built on discussions at the 1994 International Conference on Population and Development in Cairo, and at the 1993 World Conference on Human Rights in Vienna—as well as activism at previous World Conferences on Women.<sup>200</sup> However, Beijing saw a human rights

200. See Charlotte Bunch and Claudia Hinojosa, “Lesbians Travel the Roads of Feminism Globally,” in John D’Emilio, William B. Turner and Urvashi Vaid, eds., *Creating Change: Public Policy,*

framework used more comprehensively than ever before to articulate women’s claims. “Women’s Rights Are Human Rights” became a rallying cry heard in every continent and region. Moreover, advocacy for the bodily integrity and sexual autonomy of women was more and more clearly seen as central to this human rights framework. As part of this, language naming “sexual orientation” as a source of discrimination, and a status to be protected, moved farther than it ever had in a UN conference. For some, the fact that sexual orientation was even discussed on the floor of the Main Committee was a central success of the conference.

Yet equally prominent was the opposition this aroused. The Holy See formed alliances, sometimes unlikely ones, with government delegations and conservative NGOs to combat any mention of sexual rights, or any appearance of sexual non-conformity, during the conference. A vituperative rhetoric arose which paradoxically exploited moral universalism and national particularism alike. This new guise of the right wing was Janus-faced, affirming divinely sanctioned and invariable principles when speaking to its Western supporters, but defending local diversity in addressing the rest of the world. It claimed both that absolute moral laws condemned sexual freedom anywhere and everywhere—and that the integrity of myriad national cultures, with their disparate norms, was threatened by a wave of Western individualism indifferent to local difference.

Still, though references to sexual orientation were edited out of the final Platform For Action in intricate negotiations, the fact that these references remained until the conference’s final session marks an unprecedented level of global visibility and support for the rights of lesbians and gay men. While some advocates questioned how visible lesbians should be, many allies gathered to defend lesbian issues within the sexual rights umbrella. The general principles of all women’s bodily integrity and sexual autonomy, moreover, received wide support.

Advocacy for those general principles within the UN of course had a long history. In one landmark, the Cairo International Conference on Population and Development in 1994 had seen 184 governments reach consensus on a 20-year Program of Action. Women’s equality, empowerment, reproductive and sexual health and reproductive rights were put at the center of population and development strategies. In preparation for Beijing, delegations won agreement that the language of Cairo would not be subject to renegotiation at the World Conference on Women.

A number of governments which had not fully accepted the results of Cairo and Vienna nonetheless launched an effort to roll back such advances. These

*Civil Rights and Sexuality* (New York, 2000). See, also, Ara Wilson, “Lesbian Visibility and Sexual Rights at Beijing,” *Signs*, Autumn 1996, pp. 214-218.

attacks helped, in the end, to solidify alliances around reproductive rights and sexual health. They also helped confirm the importance of couching these issues in the language of human rights. The conference ultimately endorsed the broad principles of sexual rights. The Platform for Action acknowledges that the free experience of sexuality is basic to the enjoyment of women's rights: "The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination, and violence."<sup>201</sup>

Mobilizing around sexual orientation was integral in turn to advocating for sexual rights. Lesbians—in naming and publicizing the discrimination, violence, and abuse which homophobia produces—drew attention to one of the most prevalent and brutal ways by which states and societies control all women's sexualities: by marginalizing and penalizing dissident forms of sexual expression. The build-up to the Beijing conference was the occasion for lesbians around the world to converse, strategize, and unite. Many local lesbian activists found themselves not only thinking about the uses of international systems for the first time, but exchanging experiences and lessons in new ways with women from diverse regions.

Thousands of individuals and organizations from over 60 countries signed a petition to "Put Sexuality on the Agenda at the World Conference on Women," which called on the United Nations "to recognize the right to determine one's own 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."<sup>202</sup> A statement by lesbians in the Asia-Pacific region called on conference organizers to acknowledge the disadvantaged position of a large number of women who choose to have primary relationships with women by ensuring the following:

- That reference to lesbians not be removed from documents and the wording of these documents and resolutions not covertly or overtly disadvantage or marginalize lesbians.
- That there is recognition of the right of women to choose lifestyles and partners without discrimination.
- That the treatment of women's issues does not silence individual women who choose not to marry and not to live with a male partner.
- That violence and discrimination against lesbians perpetuated by homophobia

201. UN Fourth World Conference on Women, Beijing Platform for Action, Paragraph 96.

202. In Rachel Rosenbloom, ed., *Unspoken Rules: Sexual Orientation and Women's Human Rights* (IGLHRC, 1993), p. 243.

and sanctioned by institutions of the state, of religion and of cultures be condemned and, further, that steps be taken to end this violence.<sup>203</sup>

Similar statements came from other continents. A satellite meeting of Latin American and Caribbean lesbians urged the coming world conference to work toward eliminating violence against lesbians in both public and private spheres, as well as "discrimination in the fields of employment, education, housing, etc." It stressed "the importance of strengthening democratic processes to guarantee real mechanisms of political, social, and economic participation for all women alike in all spheres of power and decision-making in society, within a legal framework, and with respect to diversity of sexual orientation." And it demanded "the freedom of sexual orientation to be established as an inalienable human right."<sup>204</sup>

In Beijing itself, lesbians were visible in all their global diversity. A lesbian tent was among the many tents pitched at the NGO Forum in Huairou; it provided a site for lesbians from around the world to talk, strategize, and give mutual strength during the exhausting days.

The tent was a safe space where women could freely talk with other women about sexuality. Many women visited the tent to ask about lesbian lives, as many had never had the opportunity before to meet and talk with women who openly identified as lesbians. The tent was a shelter in which women could comfortably come forth with questions, and where lesbians could engage in discussion without the immediate threat of being silenced or challenged by other participants or political agendas. The tent was also a wellspring of activist energy. Although a seemingly simple thing, the lesbian tent has become part of the lore of the Beijing conference: it offered an unprecedented gathering place for women to meet across cultures, regions, and identities, to share their lives and celebrate their sexualities.

Yet no space was entirely safe. In Beijing, lesbian identity, unprecedentedly visible, was also vulnerable. It was not only lesbians who suffered harassment in Beijing. The conference was held in an authoritarian state; the Chinese government had never hosted a similar gathering. Some NGO representatives (including activists from Tibet and Taiwan) were denied visas to attend. Women at the conference were watched, and reminded of it. Hotel rooms were broken into, locked luggage opened, belongings ransacked and strewn across beds.

Women associated with human rights organizations were scrutinized. Some women reportedly were moved from hotel to hotel arbitrarily, apparently to disrupt their contacts. "It seemed to me that in their surveillance of us they were not

203. *Ibid.*, p. 248.

204. *Ibid.*, pp. 249-251.

discreet,” one woman notes: “Certainly they had no reason to be... what could we do?”<sup>205</sup> One activist remembers, “If there were ‘too many’ people in a [hotel] room,” security guards “would knock on the door to see what was going on.” This woman recalls, “It was intimidating, and there was little effort made to hide it—it was made to be very visible... It didn’t change our tactics but it made us operate more carefully than any one of us was used to being. It added work; it added stress.”<sup>206</sup>

Lesbians, though, were among the groups whom Chinese authorities viewed with acute suspicion. A few examples illustrate the atmosphere. Early in the conference, women from the lesbian caucus met at a discotheque in Beijing.<sup>207</sup> Police accompanied by army officers arrived at the disco to “maintain order.” One woman recalls that the ratio of military personnel to women attending the party was one to one. Women were followed around the club; some were even followed into the bathrooms.

In another memorable event, during a plenary session of government delegates, approximately 35 women from the lesbian caucus unfurled a large banner that read “Lesbian Rights are Human Rights.” Michelle Hill tells of the incident: “Two of us stayed up all night making it in the hotel hallway... to the surprise of the [hotel] staff... they were somewhat amused by us but I don’t think they knew what it said.”<sup>208</sup> The next day,

*We had informed the media that something would happen so there were some with us... At the appropriate time we unfurled the banner, which was large enough to be visible to everyone in the plenary... After only a few moments the UN guards came over and grabbed the banner from us... we offered no resistance, as was planned. They then asked us all to leave the room. We again offered no resistance... but as we were getting up to leave one of the guards grabbed one of the women beside me and pulled her over the rows of chairs behind us and started to take her away... there was no reason why she was picked over the other women there... they just grabbed her. [Shelagh Day] laced her arm in the arm of the woman who was being grabbed and taken away and would not*

205. Michelle Hill, e-mail communication to IGLHRC, April 3, 2000. In 1995, Hill was Vice President of the National Action Committee on the Status of Women, Canada.

206. IGLHRC interview with Susana Fried, April 2000.

207. Attendees at UN gatherings often form informal “working groups” focused on a particular theme. These informal groups are sometimes called “caucuses,” and are meant to allow negotiation and lobbying, as well as to create visibility through panels or other events.

208. Michelle Hill, e-mail communication to IGLHRC, April 3, 2000.

*let go, so they took both women... we all followed them outside and down the stairs to the guards’ office, where they brought the women inside, and pushed us away from the door. They were very rough with us, I had bruises on my legs from being pushed over the seats... and other women were pushed to the ground.*<sup>209</sup>

According to Day,

*The UN security cops did a usual cop routine—took away our badges and ID. left us to sweat alone for a while, came back and asked questions about how many people were involved, did we have plans for more demonstrations, in other words was this a vast and dangerous well-planned lesbian conspiracy that would necessitate more guards.*<sup>210</sup>

The women were eventually released. But the guards’ strong reaction most likely points to profound official anxiety about the presence of lesbians throughout the conference. Chinese media, after all, had reportedly carried articles warning of naked women in the streets during the gathering; rumors circulated that the government was distributing extra sheets to hotels and other venues, in case there was a need for large-scale cover-ups of women’s bodies.<sup>211</sup>

Near the end of the conference, women from the lesbian caucus organized a lesbian march through the streets of Huairou. In response to the climate of the rest of the proceedings, organizers attempted to create a celebratory public space where women could be “out,” proud and loud. One of the organizers claims, “It was jubilant and joyful and people had a great time.”<sup>212</sup> Counter-demonstrators from the conference protested, but the over 500 women who walked through Huairou streets vastly outnumbered them. One marcher remembers that “The environment created by the attacks on women’s sexuality was so oppressive, and even the tension among allies was so uncomfortable, that some lesbians felt fueled by a sense of outrage. There was a ‘revolutionary hilarity’ about it.”<sup>213</sup>

The Chinese government and the UN guards were hardly the main source of

209. Ibid. Shelagh Day adds, “When we first let the banner drop over the balcony, it was upside down. And we had to figure out really quickly, with about twenty women fumbling with it, how to get it turned around and over the balcony again so that the press and delegates could see it before the guards came!” Shelagh Day, e-mail communication to IGLHRC, April 8, 2000.

210. Shelagh Day, e-mail communication to IGLHRC, April 8, 2000.

211. IGLHRC interview with Rachel Kyte, March 2000.

212. IGLHRC interview with Rachel Rosenbloom, April 2000.

213. IGLHRC interview with Ilana Landsberg-Lewis, April 2000.



attacks, however. Rather, these came most virulently—and effectively—from the coalition described above: between religious groups, recalcitrant states and conservative NGOs. And it was here that an old pattern was solidified and extended, which would dominate the response of the right to women’s organizing in many countries for years to come.

Lesbians at the conference represented, in a sense, the “vulnerable flank” of sexual rights advocates, and indeed of the women’s movement in general.<sup>214</sup> Opponents exploited their presence, using it to attack sexual rights principles and attempting to discredit the term “gender” and the idea of reproductive rights altogether. Pamphlets and flyers circulated in both government and NGO sessions throughout the conference, warning of conspiracies by “Gender Feminists” and launching broadside attacks on the proposed Platform for Action. Many of these pamphlets were signed by shadowy “Coalitions” of NGOs, some of which had no addresses or other identifying information. The origins of some flyers were wholly untraceable.<sup>215</sup>

A number of themes dominated these attacks. One was that sexual orientation or sexual rights would represent an unacceptable “new right.” In fact, the Cairo conference had seen wide agreement “that the use of the language of reproductive rights did not create new rights within the UN system, but rather worked to ensure that the interpretation of existing rights extended into the areas of family and reproductive relations.” Sexual rights simply furthered this paradigm by including more realms of experience, as one feminist has observed, extending “international human rights protection to the terrain of sexuality.”<sup>216</sup> However, conservative forces warned delegates repeatedly that human rights were being elasticized and, in the process, degraded.

In practice, these same forces were themselves striving to weaken core rights protections. Some conservatives worked to undermine the central idea of the indivisibility of human rights, arguing that some rights are more equal than others: some delegations strategically placed the term “universal” before certain “rights” to imply that those rights had gained unequivocal agreement while other rights, by contrast, were still up for discussion. Other arguments saw “universal human rights” as excluding “the right of women to enjoyment of nationally protected

214. IGLHRC interview with Widney Brown, Human Rights Watch, April 2000.

215. Many of the most vocally homophobic NGOs were based in the global North, particularly in the US, among them the Catholic Campaign for America and Focus on the Family. The virtual anonymity of flyers that were circulated at the conference (with members of such “Coalitions” as the “NGO Coalition on Women and the Family” never named) may have been a way of concealing the US base of these groups—as well as the nonexistence of any real “coalition.”

216. Barbara Klugman, “Sexual Rights in Southern Africa: A Beijing Discourse or a Strategic Necessity,” in *Health and Human Rights: An International Quarterly Journal*, vol. 4, no. 2, 2000.

human rights which may go beyond those guaranteed by international law.”<sup>217</sup> Thus national provisions (such as the South African constitution’s bar against discrimination based on sexual orientation) which went further than existing international precedents might actually be rolled back in the name of a narrower interpretation of discrimination.

An overall thrust of these arguments, though, was to demonstrate that women’s bodies, and women’s lives, were not a realm for rights protections at all, but a matter for families and doctors, if not for state regulation. As an unsigned paper circulated at the conference held:

*Gender Feminists attempt... to confuse the issue by linking sexual and reproductive rights with sexual and reproductive health. The term sexual and reproductive rights as used by Gender Feminists refers to the right to engage in various behaviors. Health does not include the right to engage in behaviors some of which are unhealthy, others of which are dangerous to society and particularly to children. Neither women or men can be said to have absolute sexual and reproductive rights... [except] the right to marry and to found a family.*<sup>218</sup>

A second, linked theme was that “the family” was under threat. Significantly, the term was rarely heard in the plural. The diversity of families in different cultures, as well as the range of human relationships and choices, was lost in this single monolithic noun. Conservative forces seemed determined to promote a form of family largely confined to the industrialized North. Another unsigned paper warned that the draft Platform, which “promotes the homosexual/lesbian agenda,” is “hostile to the family, marriage, motherhood, and fatherhood.” As Diane Otto, an Australian lawyer, has noted, “Although states had agreed [at previous conferences] that ‘various forms of the family exist,’ efforts were made in Beijing to restrict its meaning to that of two-parent heterosexual family within which women’s role is primarily that of mother.”<sup>219</sup> She continues:

*Women’s sexual and reproductive rights are thereby understood as “human rights” only insofar as women share them with their male*

217. “Report of the Women’s Human Rights Caucus at the Fourth World Conference on Women-Beijing 1995,” prepared for the Center for Women’s Global Leadership by Susana Fried, with the assistance of Deevy Holcomb, Charlotte Bunch, and Alice Miller.

218. All flyers from the Beijing conference cited in this chapter are on file with IGLHRC.

219. Diane Otto, “Holding Up Half the Sky, But for Whose Benefit? A Critical Analysis of the Fourth World Conference of Women,” *Australian Feminist Law Journal*, Vol. 6, 1996, p. 26.

*partners in the context of heterosexual family formations. The effect is that reproductive and sexual rights are available to women as human rights only by association with men, on the basis of equality with men, and not as human rights attached specifically to women's bodies and enjoyed by women independently from men.*<sup>220</sup>

A third theme the right invoked was that of sovereignty, with nationalism following in its wake. Struggles for equality were pitted against national independence and integrity. One flyer—circulated by the “International Co-Ordinator of Associations Beijing ‘95 (Signed by NGOs Representing 50 Million Women Worldwide), Coalition for Women and the Family and Muslim Campaign for Women and the Family”—read:

*SPEAK OUT...OR SURRENDER YOUR SOVEREIGNTY...Don't let the European Union impose their failed policies on your nation...by insisting on national sovereignty...you will be representing the aspirations of the overwhelming majority of women (and men) in your nation: especially on such important matters as the family, parental rights and responsibilities, sexual rights and reproductive health.*

A flyer from the “Members from Developed Countries of the NGO Coalition for Women and the Family” offered to “apologize to people from the less developed world,” for the Platform for Action’s “direct attack on the values, cultures, traditions and religious beliefs of the vast majority of the world’s peoples.” The flyer tried to cement developing countries in loyalty to its Christian-tinged version of the moral law: “It is tragic that the developing countries have to retreat behind national sovereignty to defend universal principles of respect for the family, motherhood, marriage, morality, and chastity, as though these were peculiar backward customs.”<sup>221</sup>

The argument heard again and again, though, was that any mention of “gender,” “sexuality,” “sexual rights,” or associated terms meant giving official

220. Ibid., p. 16.

221. Arguments about sovereignty crystallized around a footnote proposed for addition to the health section of the Platform for Action. The footnote would have allowed individual countries to decide whether and how to protect women’s rights to health, stating that implementation of the right is “the sovereign right of each country, consistent with national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people and in conformity with universally recognized human rights”—the last phrase also making respect for rights contingent on the breadth of their recognition. The footnote failed to gain consensus; its exclusion was regarded by human rights advocates as a significant victory, although versions of it have been revived at subsequent conferences.

approval to sexual perversion. “The expressions ‘sexual rights’ and ‘sexual orientation,’” a flyer warned,

*are being used to promote:*

- *homosexuality*
- *lesbianism*
- *sexual relationships outside of marriage*
- *sexual relationships for adolescents.*

Another flyer threatened that the Platform for Action “seeks to promote abortion, depraved sexual behavior, homosexuality, lesbianism, sexual promiscuity, and sex for children.” And others asked: “Do sexual rights and sexual orientation include: a right to have sex with children (pedophilia), a right to buy and sell women’s bodies (prostitution),<sup>222</sup> a right to have sex with family members (incest), a right to have sex with another person’s spouse (adultery)?” The text ends with a dramatic warning: “Sexual activity outside marriage can not only endanger the health of the participants, but also spread diseases to innocent spouses and their children.”

Lesbians in NGOs and their allies were hampered in responding to these attacks by the opacity of the conference setting and structure. Most notably, it was physically difficult to gain access to official plenary sessions. The NGO forum was held in Huairou, segregated over an hour’s distance from the official government sessions in Beijing. The Holy See—with its observer status at the United Nations allowing it free run of the official events, and with its strong ties to conservative NGOs with religious bases, particularly in the global North—was uniquely positioned to move information, resources, and personnel across this institutional and physical divide between governments and NGOs.

Lesbian visibility also brought criticism from some other women. Not all supporters of sexual rights agreed with the tactics taken by the lesbian caucus. Demonstrations, it was hinted, might interfere with “critically important agendas” of the conference. Some sexual rights advocates admonished caucus advocates for behaving in a “non-UN fashion.”<sup>223</sup> Others argued that lesbian visibility was a critically important agenda of the conference: lesbian movements would gain immeasurably from an international public presence, and sexual rights advocacy would be strengthened by vigorous supporters many of whose freedoms, and even lives, were at stake.

222. One concern of sexual rights approaches is precisely to protect sex workers from both persecution and exploitation, and all women from coercion. Prostitution is invoked here, however, mainly as a sign of sexual saturation, as it were—to connect sexual orientation with another stigmatized and sexualized identity.

223. IGLHRC interview with Rachel Rosenbloom, February 2000.

By the last week of the conference, four references to sexual orientation remained in the draft text of the Platform for Action, mainly in sections dealing with discrimination and health. Rachel Kyte, then a women's health advocate for a US NGO, suggests that "most supporters of sexual rights and sexual orientation had not expected these references to have advanced to this stage. No one had really been prepared... in comparison with how strategically organized other issues in human rights and health were."<sup>224</sup>

Many recall a tense and hostile climate by the conference's end. Some propaganda called "sexual orientation" a cover for bestiality.<sup>225</sup> One participant remembers that conference spaces intended to allow open conversations about women's rights became "incredibly oppressive" sites of "perverse and twisted hatred."<sup>226</sup> Yet for many this only made the urgency of persuading the UN to address sexual orientation all the more clear.

On September 13, NGOs and caucuses were allowed to address government delegates in the conference Main Committee. Palesa Beverly Ditsie, a South African veteran of the anti-apartheid movement, delivered a forceful statement on behalf of the lesbian caucus:

*Every day, in countries around the world, lesbians suffer violence, discrimination and harassment because of their sexual orientation. Their basic human rights—such as the right to life, to bodily integrity, to freedom of association and expression—are violated. Women who love women are fired from their jobs; forced into marriages; beaten and murdered in their homes and on the streets; and have their children taken away by hostile courts. Some commit suicide due to the isolation and stigma that they experience within their families, religious institutions and their broader community.*

*If the World Conference on Women is to address the concerns of all women, it must similarly recognize that discrimination based on sexual orientation is a violation of basic human rights... If the term "sexual orientation" is omitted from the relevant paragraphs, the Platform for Action will stand as one more symbol of the discrimination that lesbians face, and of the lack of recognition of our very existence.*

*No woman can determine the direction of her own life without the*

224. IGLHRC interview with Rachel Kyte, March 2000. Kyte was a representative of the International Women's Health Coalition.

225. Kyte recalls the "Take your pet to Beijing" badges which some lesbian rights advocates made in response to charges of bestiality.

226. IGLHRC interview with Ilana Landsberg-Lewis, April 2000.

*ability to determine her sexuality. Sexuality is an integral, deeply ingrained part of every human being's life and should not be subject to debate or coercion. Anyone who is truly committed to women's human rights must recognize that every woman has the right to determine her sexuality free of discrimination and oppression.*

At approximately 3:30 in the morning on September 15, in the conference's final negotiating session, the remaining references to sexual orientation came up for discussion by the Main Committee. A charged debate about the universality of human rights and competing cultural and religious norms had just taken place.<sup>227</sup> Delegates and NGO representatives were exhausted; many nudged one another awake, knowing that the final moments of the evening would not only be dramatic, but could set the course of future work on sexual rights.<sup>228</sup>

The South African Minister of Health, Dr. Nkosazana Dlamini-Zuma, framed the debate:

*After the long history of discrimination in South Africa, we decided that when we were the government we would not discriminate against any group of persons, no matter how small their proportion in the population. To show that we do not have a short memory regarding matters of discrimination, our constitution has a non-discriminatory clause and discrimination on the basis of sexual orientation is prohibited. Though the number of people may be small, we do not discriminate against them, as we do not discriminate against anyone. We support the inclusion of sexual orientation in the Platform.<sup>229</sup>*

Many more countries than expected supported the South African stance, identifying discrimination as the central issue. New Zealand stated, "This is about full equality and what it means for women. We are dealing with discrimination and the right to be free from discrimination in all circumstances. The reference to sexual orientation is a recognition of this right." Switzerland stated, "Deleting the reference to sexual orientation will not delete the people it is intended to protect." Slovenia affirmed, "This is a question of a woman's basic right to freely

227. Diane Otto, "Holding Up Half the Sky, But For Whose Benefit: A Critical Analysis of the Fourth World Conference On Women," *Australian Feminist Law Journal*, Vol. 6, 1996, p. 19.

228. IGLHRC interview with Sofia Gruskin, Director of the Human Rights Program of the Francois Xavier Bagnoud Center for Health and Human Rights, February 2000.

229. All statements from the final debate are as recorded in notes taken by Shelagh Day and an unknown minute-taker from the *Earth Times* newspaper.

decide for herself regarding her body and her sexuality. Today's debate shows us that this is a crucial issue of women's human rights." And Barbados stated, "Equality is an essential element for development and peace. We should ensure that no women will be discriminated against."

Objections to the references (like many comments in support) were greeted with occasional cheers from parts of the audience. Benin stated, "This is a non-subject for this conference. . . . We do not want this conference to go down as the conference on the sexual revolution. . . . We want a dignified and historical Platform." Bangladesh warned, "Sexual orientation has a hidden meaning. In future this will open the floodgates to many behaviors that we cannot accept. . . . The whole dignity of the document and of women throughout the world may be washed away." Cote d'Ivoire said, "The majority of women have real problems. Sexual orientation only concerns Western women who have no problems." Venezuela stated, "This is a personal and private matter and should not be included in the Platform."

Some delegates indicated incomprehension. Sudan stated, "It is difficult in English and Arabic to define what this means. This is something unnatural. Instead of wasting our time trying to bring here new terminology, if we speak about priorities, the majority of women in the world are expecting us to deal with poverty and disease. People might see sex and not development. . . . We object to the presence of this term. This is a refusal, not a reservation." A delegate from Belize identified lesbians with other sexualized groups, warning that the document might protect "strip-tease dancing and prostitution." Syria asked, "Why are we harming other important causes and looking for exceptions? We should delete this language so that we can go home to our countries with the equality and dignity of human rights." The Yemenese delegation stated that if the language stood, "We would [have] a hard time going home." Nigeria stated, "Sexual orientation should be kept in a cooler."

Some delegations voiced concern about the opposition's vituperative tone. The United States objected "to such comments being made at a women's conference."

The Brazilian delegate stated, "I was disturbed by the way the room dealt with this matter." After an hour of discussion, however, the Chair declared that it saw no consensus forming and had "no alternative but to delete the bracketed text." The gavel came down.

Some conservative delegates and NGO representatives rose, cheering and hugging, as they celebrated the exclusion. The pain of supporters was visible and intense. Rachel Kyte remembers "a profoundly lonely moment; people were in tears."<sup>230</sup>

230. IGLHRC interview with Rachel Kyte, March 2000.

Sexual orientation had been written out of the Platform. It had been permanently written into the memories of participants, however. Kyte recalls:

*One woman, a delegate, told the story of looking around the room during the last late-night session, looking at the faces of women from all over the world, most of whom were strangers—and it became clear upon seeing the pain in their eyes that this work on sexuality was so deeply personal. It became clear to her that there was so much of her personal life in her negotiation. It was a reminder that when you negotiate with words, you're fundamentally negotiating people's lives, their choices, their lifestyles, their integrity.<sup>231</sup>*

This issue of sexual orientation had reached the floor; it had been the subject of a sustained if bitter debate during a major UN meeting. The alliances lesbian women made in Beijing, among themselves and with other women, would remain a powerful spur to action.

But "sexual orientation" was an organizing tool for more than lesbians and their allies. Catholic countries (spearheaded by the Holy See, but including states such as Guatemala, Honduras, and other Latin American countries) had joined with Arab states such as Iran, Sudan, and Syria, and with a critical mass of sub-Saharan African governments. The force enabling this improbable alliance was the fear that sexual orientation, and sexuality in general, could arouse. A rhetoric combining nationalism, moral absolutism, and intolerance had proven that it could overcome its own logical contradictions by invoking a demonized enemy. At both local and international levels, its power would continue to be proven.

### **Fear of Gender, Fear of Sexuality, Fear of Justice**

The Beijing conference had hardly ended when attacks on the Platform for Action were renewed. The reservations to the document tabled by the Holy See indicated the line these attacks would take. The Vatican asserted that the document was dominated by sexuality.

*Surely we can do better than to address the health needs of girls and women by paying disproportionate attention to sexual and reproductive health. Moreover, ambiguous language concerning unqualified control over sexuality and fertility could be interpreted as including societal endorsement of abortion and homosexuality. . . . [The right of*

231. Ibid.

*women to have control over...their sexuality is an] ambiguous term [that] could be understood as endorsing sexual relationships outside heterosexual marriage.*

The section on health “devotes a totally unbalanced attention to sexual and reproductive health in comparison to women’s other health needs. . . . A document that respects women’s dignity should address the health of the whole woman. A document that respects women’s intelligence should devote at least as much attention to literacy as fertility.” And “The Holy See can only interpret such items as ‘women’s right to control their sexuality,’ ‘women’s right to control. . . their fertility’ or ‘couples and individuals’ as referring to the responsible use of sexuality within marriage.”

In its critique of the human rights principles in the Platform, the Holy See pointed, as it would continue to point, to the word “gender” and the subversive possibilities it might contain:

*In accepting that the word “gender” in this document is to be understood according to ordinary usage in the United Nations context, the Holy See associates itself with the common meaning of that word, in languages where it exists. The term “gender” is understood [to be] grounded in biological sexual identity, male or female. . . . The Holy See thus excludes dubious interpretations based on world views which assert that sexual identity can be adapted infinitely to suit new and different purposes.*<sup>232</sup>

And, the reservations stressed, “The Holy See recalls that the mandate of the Fourth World Conference on Women did not include the affirmation of new human rights.”<sup>233</sup>

All these themes would recur. They met and melded again during the 1998 UN negotiations in Rome to conclude a treaty to create an International Criminal Court (ICC).<sup>234</sup> Preparing for the Diplomatic Conference which would finalize the treaty, women’s human rights activists around the world formed a Women’s Caucus for Gender Justice. The Women’s Caucus worked to ensure that the new court would

232. See Footnote #9 for a discussion of the 2003 Vatican glossary of gender-related terms.

233. Report of the UN Fourth World Conference on Women, “Reservations and Interpretive Statements on the Beijing Declaration and Platform for Action.”

234. At the point when 60 countries had ratified the treaty, the ICC was established as a permanent institution with the power to “exercise its jurisdiction over persons for the most serious crimes of international concern” including war crimes, genocide and crimes against humanity” Article I, Rome Statute of the ICC.

have substantive jurisdiction over war crimes and crimes against humanity, and that gender violence and persecution would be included in those categories. During the Preparatory Committee meetings leading up to the Rome Conference, the Women’s Caucus won the mention of rape, sexual slavery, enforced pregnancy, forced sterilization, forced prostitution, and other crimes of sexual violence within those definitions. The term “gender” was included in the draft document in several contexts. The struggle in Rome would be to keep these references in place.

All these wordings would tangibly increase women’s ability to bring cases against perpetrators. The Women’s Caucus also sought to promote adequate redress by ensuring that the court would have balance between male and female judges, staff with expertise in gender-based violations and guarantees both for the participation and the protection of victims and witnesses.

Alda Facio, one of the founders of the Women’s Caucus and its first Executive Director, observes that women “didn’t necessarily know how forceful the attacks on gender, the Women’s Caucus and individuals would be throughout the proceedings.”<sup>235</sup>

According to Rhonda Copelon, one of its founders, “The caucus was not widely welcomed. Many delegates considered attention to the prerequisites of gender justice to be unnecessary, since, in their perception, ‘neutral rules would take care of it.’ For many, it was the first time they had to deal with a women’s rights agenda and with its advocates as an organized force. Many had ‘advice’ or criticism for the Caucus: ‘Don’t be so pushy;’ ‘You’re not dressed properly;’ ‘Don’t worry, we’ll take care of your concerns.’”<sup>236</sup>

Attacks on gender issues during the ICC negotiations were couched in the same terms as those in Beijing, and came from many of the same actors. The Holy See, relying on delegates from countries in Latin America and Africa in particular, joined forces with a number of Arab League delegations to launch a systematic attack on use of the term “gender” and gender-based concerns throughout the document. According to Copelon, “They were assisted by an ever-increasing number of North American groups identifiable for their anti-choice, anti-feminist, anti-gay and anti-UN stance.” These groups campaigned to write all eleven references to “gender” out of the draft document: to eliminate criminalization of gender-based persecution, all references to gender violence, and all requirements of gender expertise.

235. IGLHRC interview with Alda Facio, Director of the Women, Gender and Justice Program at the UN Latin American Institute for Crime Prevention, March 2000. Facio was also a member of the Costa Rican government delegation in Rome.

236. Rhonda Copelon, fax communication to IGLHRC, April 28, 2000.

Much about the negotiations' progress remains shrouded in secrecy. Key work took place in sessions called "informals," which are usually closed to NGO participants; no public written record is kept. Although delegates sometimes left the meeting rooms to talk with NGO representatives, the lack of transparency at these negotiations, and the exclusion of civil society actors from many UN processes, hampered advocacy efforts.<sup>237</sup> The Holy See could once again use its observer status to transcend these difficulties; women's advocates from NGOs found it harder.

However, it is clear that the campaign to write gender out of the treaty was advanced by promotion of the idea that the term "gender" includes "sexual orientation." Though there was neither a lesbian and gay lobby nor a sexual rights lobby at the Rome proceedings, one NGO representative suggests, "People attacking gender justice made it seem as if a sexual orientation lobby was there."<sup>238</sup> Gender issues were identified as concealing sexual orientation as a secret agenda.

Opponents to the inclusion of gender in the ICC Treaty deliberately conflated gender with homosexuality and claimed that it was a cover for insinuating homosexuality into sections of the statute. The tactic drew effectiveness from some delegates' claims that "gender" is not readily translatable into many languages or that they had never heard the term before.<sup>239</sup> According to Widney Brown, former Advocacy Director of the Women's Rights Division of Human Rights Watch, a delegate from Azerbaijan actually left one meeting to seek clarification from NGO representatives about what "gender" meant. He claimed delegates were being told that it meant homosexuality: since homosexuality was illegal in Azerbaijan, he was unsure of how to proceed.<sup>240</sup>

Facio remembers that at least three days of discussion were given over to exploring the definition and implications of "gender." Opponents argued for its complete erasure, or for interpretations of gender privileging the "essential," or biologically grounded, roles of men and women. Copelon suggests that "many of the comments made were indicative of the kinds of irrational fears raised by women's equality itself." During a brief debate open to NGOs, she recalls, a Syrian delegate protested that if women had equality, they would stop bearing children.<sup>241</sup>

Opponents of gender justice may have overplayed their hand. Brown speculates that their tactics led government delegates to compare notes among themselves

237. IGLHRC interviews with Ana Elena Obando, member and Latin American focal point of the Women's Caucus, and with Widney Brown, Advocacy Director of the Women's Rights Division, Human Rights Watch, both April 2000.

238. IGLHRC interview with anonymous member of Women's Caucus, February 2000.

239. IGLHRC interviews with Alda Facio, March 2000, and with Rhonda Copelon, April 2000.

240. IGLHRC interview with Widney Brown, February 2000.

241. IGLHRC interviews with Alda Facio, March 2000, and with Rhonda Copelon, March 2000.

about the misinformation they had been force-fed, and support for maintaining "gender" in the document grew accordingly.<sup>242</sup> Copelon recalls that when the Holy See, the United Arab Emirates, and others proposed in a working group that the entire discrimination clause be taken out of the document, the very extremity of the suggestion "turned the corner" in favor of gender.<sup>243</sup>

Although the term was not written out of the statute, in the end it was hedged by qualifications. The "gender" games were not mere wordplay: they had practical effects, as right-wing lobbyists asserted the moral urgency of making certain that lesbians and gay men could never use the ICC to claim redress for persecution. Thus Article 7 of the Statute—defining "persecution" as "the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity"—retained language which specified "Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender [grounds]." Elsewhere, though, gender was defined both restrictively and ambiguously so as to make this inclusion palatable—and narrow its effects. Paragraph 3 of Article 7 reads:

*For the purpose of this Statute, it is understood that the term "gender" refers to the two sexes, male and female, within the context of society. The term "gender" does not indicate any meaning different from the above.*

Conservative delegations hoped these qualifications would foreclose any chance that "gender" might be taken to include sexual orientation, or that lesbians and gay men could be recognized as an "identifiable group or collectivity" subject to persecution. What the language actually means remains for the court to determine: so successful were both sides' strivings for a saving ambiguity that the wording's implications cannot be fully gauged till the treaty comes into force.

Attacks on gender turned easily into attacks on individual women's advocates. Betty Murungi, a member of the Women's Caucus from Kenya, tells of repeated challenges: "I was accosted by two [African] delegates who wanted to know why I was associating. . . with a 'bunch of lesbians' (his words) and why I was allowing myself to be used by American lobbyists for abortion." One of the delegates "expressed concern that I might become a lesbian myself, to which I responded that that would be my personal choice." Murungi was also targeted and aggressively lobbied by U.S. and Canadian anti-reproductive freedom delegates and NGO representatives, as well as the Holy See, "who all seemed to imagine that I

242. IGLHRC interview with Widney Brown, February 2000.

243. IGLHRC interview with Rhonda Copelon, March 2000.

did not have a mind of my own and was just going along with my American friends. I repeatedly had to point out to these delegates the diverse composition in terms of nationality of the Women's Caucus delegation.<sup>244</sup>

According to Facio, some women went out of their way to identify themselves in public as married or as mothers, so as to avoid being labeled lesbians.<sup>245</sup> One member of the Women's Caucus recalls approaching a male government delegate and beginning a discussion of the failure to prosecute war crimes. "Within the first few minutes of a conversation having nothing to do with gender, he looked at me and said, 'You are disgusting.'" The man walked off. "I was left wondering," the woman recalls, "how effective I can ever be in the political work I do, if all anyone ever sees is my sexuality."<sup>246</sup>

"B," a member of a Latin American government delegation who was also associated with the Women's Caucus, remembers one sharp personal attack. The Ambassador from the Vatican to the Latin American country she represented sent a letter to the country's president, asking him to remove "B" from the delegation because she was a lesbian. "B" claims that another Latin American delegate, with connections to the Catholic Opus Dei group, also called her president, and related false information about her statements during the conference. Her government did not remove her from the delegation; they did, however, limit the participation of NGOs in future delegations to international conferences. The Vatican, "B" says, has "strong links" with her government: "They tell the government what to do regarding sexuality education in schools and reproductive issues. . . . They're very efficient because they don't have to cover much territory. They don't care about the death penalty, arms trade, or the victims of human rights abuses. They're so dirty, they can lie, destroy people's lives and call themselves Catholic."<sup>247</sup>

Such attacks, and such tactics, have continued in other international settings. During the 44th Session of the Commission on the Status of Women (CSW), in March 2000, an unprecedentedly large contingent of conservative organizations

244. Betty Murungi, lawyer and member of the Women's Caucus, e-mail communication to IGLHRC, May 6, 2000.

245. IGLHRC interview with Alda Facio, April 2000. Two troubling assumptions appear here: that women believed heterosexuality would make their ideas and identities more serious, and that lesbians are not or could not be parents.

246. IGLHRC interview with anonymous lesbian member of the Women's Caucus, April 2000.

247. IGLHRC interview with "B," April, 2000. Such incidents, and such restrictions, infringe on provisions of international law. In addition to the CEDAW provision mentioned earlier in this chapter, the UN Declaration on Human Rights Defenders, in Article 9.4, recognizes that "Everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies" in the field of human rights.

was represented. The CSW's responsibilities include formulating policy on women's concerns, and facilitating the mainstreaming of gender issues through the UN system. This year, however, the CSW was serving as a Preparatory Committee for "Beijing +5," the fifth-year review of the Beijing conference. Conservatives saw this as an opportunity to break the links between gender, sexuality, and human rights established at Beijing.

Of the 1700 individual representatives of NGOs at the CSW, some 300-350 were conservative opponents of the Beijing Platform for Action, most representing the US Religious Right, accredited through fewer than ten NGOs based in the US and Canada.<sup>248</sup> In contrast, nearly 300 organizations based in over 50 countries, from all regions of the world, formed a "Coalition of NGOs in Support of the Beijing Platform for Action."

The CSW met in order for governmental delegations to discuss implementation of the Beijing Platform for Action over the previous five years. The goal was to produce a new document as a guide toward fully achieving the Platform's goals. In the drafting of the document, language mentioning sexual orientation was provisionally included: proposed recommendations called for the review and repeal of discriminatory laws (including laws against consensual homosexual acts between adults).

Old fears were raised in response. A newspaper called *Vivant*—published daily during the CSW by the "NGO Caucus for Stable Families" and calling itself "Pro-Family News From the United Nations"—wrote that "Western delegations have worked in concert with radical-feminist NGOs and sympathetic UN agencies to introduce phrases like 'sexual and reproductive rights,' 'emergency contraception' and 'sexual orientation' into the Beijing +5 negotiating document. . . . [Developing nations] dug in their heels against the 'diversity' term, which has not been defined in the context of UN discussions, because of fears that Western delegations and UN activists will open the term up to obtain sanction for homosexuality [sic] relationships or other anti-family policies."<sup>249</sup> *Vivant* explained that "Pro-family leaders say that the West's insertion of 'sexual orientation' references into the Beijing +5 document is another affront to the sovereignty of religiously minded. . . . nations. 'The insertion of homosexuality into the document is an expected and typical insult by the industrialized West on the people in the developing world.'"<sup>250</sup>

248. For an analysis of the presence and tactics of the Religious Right at the CSW, see Jennifer Butler (Ecumenical Women 2000+), "300 Religious Right Representatives Attend Beijing Plus Five Preparatory Committee Meeting," published by Global Policy Forum, April 25, 2000.

249. "PrepCom concludes today," *Vivant: Pro-Family News from the United Nations*, March 17, 2000.

250. Celeste McGovern, "National Sovereignty First Major Battleground at Beijing +5," *Vivant*, March 8, 2000; the quotation is from Austin Ruse, president of Catholic Family and Human Rights Institute.

*Vivant* defended the manners of its militant leadership to its readership:

*Another familiar tactic radical activists employ to suppress contrary opinions at UN gatherings is to claim erroneously that pro-family NGO representatives are engaging in unfair tactics. In reality, the large contingent of pro-family participants at the Beijing +5 PrepCom have been distinguished by their courtesy, their willingness to engage in constructive dialogue, and their ready acceptance of the democratic right of those with opposing views to express those views freely.*<sup>251</sup>

Others had a different view. Members of an NGO caucus on lesbian concerns which tried to meet regularly during the CSW found the “pro-family” activists particularly invasive. Representatives of NGOs with anti-homosexuality agendas attended and in some cases disrupted meetings. Issues of confidentiality were paramount to caucus members: for some of the women attending, being “outed” in their home countries meant great personal danger. The right displayed an intimidating interest in discovering not just what lesbian women were strategizing and saying, but exactly who they were.

The official Conference of NGOs in Consultative Relationship to the Economic and Social Council of the UN (CONGO) allotted meeting rooms to groups during the CSW. These meetings were publicly posted: all NGOs could know when and where the lesbian caucus gathered. US “pro-family” representatives, including men, repeatedly attended lesbian caucus events. According to a CONGO staffer, on a day when the lesbian caucus had not reserved space, two women who identified themselves as “supporters of family and motherhood” visited the CONGO office, demanding to know where the meeting was. When CONGO staff explained that no meeting was booked, the two women accused the staff of hiding information and protecting the lesbian caucus. They demanded to be admitted to a private office next to the CONGO office, as they assumed (wrongly) the lesbian caucus was meeting there.<sup>252</sup>

During one workshop on issues of sexuality, members of US anti-reproductive rights organizations—including Concerned Women For America and the Right To Life Party—were observed copying names and contact information from an attendance sheet. An editor of the *Vivant* newspaper commented, on introducing herself, that “it was nice to put faces to all your names.” Charlotte Bunch, the

251. “Diversity is a two-way street,” *Vivant*, March 17, 2000.

252. IGLHRC interview with Tsinu Tesfaye, CONGO, April 2000.

panel chair, saw the statement as “definitely intended to let us know that they know who some of us are, and that our names are known to them.”<sup>253</sup>

During a second lesbian caucus panel, priests standing throughout the room read aloud from Bibles during presentations. One panelist, a former nun, was encircled and taunted by seven religious extremists who had heard her presentation. UN security guards had to intervene to extract her from the circle.

Four mainstream international NGOs issued a statement deploring the interventions of US “pro-family” forces:

*It has been widely noted with concern that advantage had been taken of geographical proximity to bring in people, most of whom are unaware of United Nations procedures. . . . Their activities have included. . . removing documents, intimidating NGO representatives and giving biased information. The NGO community is deeply concerned about the difficulties the presence and methods of this large group have caused within both NGO and Government delegations. It fears the difficulties created may lead to grave misrepresentation of women and their interests worldwide.*<sup>254</sup>

Even government delegations took notice. The European Union, in an oral closing statement, commented that it had “come to [delegates’] knowledge. . . [that] work of NGOs has been hindered and disturbed by some representatives of organizations that decided to express their views not in the fair way that we would expect and tried to disrupt the work of others.”<sup>255</sup>

Such “grave misrepresentation” has become a routine feature of many international meetings. The forces mustered against women’s rights have advantages at their disposal. One women’s health advocate suggests that the Holy See, in particular, “has a strong institutional memory” because it has resources enough to send delegates—often the same delegates—to most UN conferences where gender and women’s sexuality might arise. Few NGOs can maintain such continuity and expertise.<sup>256</sup>

Widney Brown suggests some of the political costs. Advocacy for women’s rights, she argues, represents the “vulnerable flank” and unpopular margin of

253. IGLHRC interview with Charlotte Bunch, Center for Women’s Global Leadership, April 2000.

254. “Statement on NGO Representation in the Beijing +5 Process in New York, March 2000,” by the International Federation of Business and Professional Women, the International Council of Women, Soroptimist International, and Zonta International; March 17, 2000.

255. Closing statement of the European Union at the 44th Session of the CSW, March 17, 2000.

256. IGLHRC interview with Françoise Girard, International Women’s Health Coalition, March 2000.



human rights work. Likewise, she suggests, work on sexual orientation and gender identity represents the same “vulnerable flank” within women’s human rights: the exposed point where a wider agenda is least supported and easiest to assault.

*We are the flank they choose to attack because we are perceived as vulnerable. Under the guise of promoting respect for cultural values, we become the tool used to attack the universality of human rights. People can cite their own cultures and say, “In our culture, women can’t do this”—so women become instruments to persuade others to accept the argument of cultural relativity and to undermine universality. The Rome conference and other conferences demonstrate that people use the perception that homosexuality is “universally abhorrent” to attack women’s human rights. They can then argue that working on women’s human rights opens the door to sexual orientation.<sup>257</sup>*

Rhonda Copelon perceives a similar agenda. Right-wing lobbies invent lesbians when they cannot find them, she observes. They need sexuality (despite their vocal abhorrence of it) to shore up their own positions. Their language about lesbians was “part of their attack on our legitimacy” and of the validity of the entire idea of gender justice. “The way we were treated, the way people used the accusation that we were lesbians, was entirely linked to their idea that ‘women don’t belong’ and that ‘women don’t behave.’” The whispers about women and the attempts to discredit gender-related advocacy together represent, according to Copelon, “an attack on all women’s rights, [centered on] women’s rights of sexual and reproductive freedom.”<sup>258</sup> It is precisely where these attacks come together in an assault on freedom that feminism and lesbian existence have their strongest political connections.

### **“Do They Have Their Eyes Shut?” Recent Stories of Sexuality-Baiting Within the UN**

The following section highlights examples of sexuality-baiting that have taken place in UN settings since the five-year review of the Fourth World Conference on Women (the 1995 Beijing Conference), held in New York in 2000. In this section, we reveal a range of baiting methods used by assorted actors, including those connected both to governments and non-governmental organizations. While this is not an exhaustive accounting of recent baiting experiences in the UN, the section

257. IGLHRC interview with Widney Brown, April 2000.

258. IGLHRC interview with Rhonda Copelon, March 2000.

addresses individual and state complicity, as well as the involvement of media, in targeting both individuals and groups in a variety of fora.

Many sexual rights advocates point to the 1990s as a decade of significant successes in UN arenas for women’s human rights. From the acknowledgement in Vienna in 1993 that women’s rights are human rights and that violence against women is a human rights issue, to Cairo’s 1994 placing of women’s rights and empowerment as central to issues of population and development, to the 1995 Beijing conference’s overt reference to women’s rights to have control over their own sexuality, each major UN world conference seemed to offer feminist advocates new tools for holding governments accountable for respecting, protecting and fulfilling women’s rights—and their bodily integrity.

These gains, however, have sparked a fierce and sophisticated anti-sexual rights backlash from some governments, the Vatican and other religious groups, and conservative organizations. Although not a new development, these conservative forces have formed or reinforced effective alliances across borders, regions and within the UN system. Increasingly clear, also, is the fact that sexuality issues in the UN are rarely solely about sexuality and gender. All too often, they serve as proxy debates for governments’ broader geopolitical and economic concerns. In many instances, strong language related to gender and women’s experience is negotiated and traded off as a result of bilateral and multilateral security and terrorism alliances, foreign aid relations, global debt imbalances, and the legacies of colonialism, war, conflict and political/economic transition. Governments may support or oppose sexuality-related positions because they are being pressured by donor countries, because of regional and political allegiances or aspirations, or, in fact, to demonstrate that they can operate free of these political pressures.

At times, cross-national alliances within the UN seem logical, as governments express joint interests in geopolitical debates or negotiations. At other times, however, alliances seem to contradict formal policies or a publicly articulated “vision” of a particular country or region. Foremost among these contradictions is the fact that US delegations to the UN since 2001 have worked closely with delegations from the very states that the administration has maligned publicly, including those within the infamous “Axis of Evil.”<sup>259</sup> Alliances forged by the Bush administration with conservative and extremist governments within the Organization of the Islamic Conference (OIC) and its continued partnerships

259. In a January 2002 State of the Union address, George Bush named three states as the “axis of evil”: Iraq, Iran, and North Korea. In May of 2002, administration officials added Lybia, Cuba and Syria to this list in a public speech of the Under-Secretary of State.

with the Holy See have had deleterious effects on sexual rights advocates' capacity to advance from the agreements of the 1990s. They have also revealed that a country's "enemy" on paper and in speeches may be welcomed as a collaborator in the cafeteria, especially when the topics at hand relate to sexual and reproductive rights.

Conservative extremist agendas have manifested themselves within the UN in myriad ways, many of which entail tactics of sexuality baiting. These tactics create hostile political climates, and include covert government threats to punish other governments for the positions they take on sexual rights issues, overt efforts to position sexual rights as threatening or imposing on national sovereignty, intimidation of meeting participants, and in certain instances, publicly maligning or pathologizing entire communities. Other particularly onerous tactics have included efforts to clamp down on civil society participation in order to preclude sexual rights positions even from being aired, as if the mere articulation of them could forever alter UN negotiations and the social order.

Ironically, many sexual rights activists would agree with this assessment: they see the articulation of sexual and reproductive rights within the UN not only as a goal in itself, but as potentially affecting national level policies in ways that support their political agendas. This tension—on the one hand, conservative states trying to quash any space for articulation of sexual rights, and on the other, passionate advocacy in support of normalizing and demystifying the sexual—fuels the lively post-Beijing quest to take the gains of the 1990s steps further in this new millennium.

One arena in which there has been progress toward incorporation of sexual rights analyses has been with the UN treaty bodies, a number of which increasingly have addressed these issues in comments and recommendations of States parties periodic reports. The Human Rights Committee (HRC, which monitors implementation of the International Covenant on Civil and Political Rights—the ICCPR), the Committee on the Rights of the Child (CRC), and the Committee on Economic, Social and Cultural Rights (CESCR) have all made explicit reference to sexuality, in large part, in the context of anti-discrimination and sexual orientation.<sup>260</sup>

But some advocates argue that overt gains in, and indeed, even references to, sexual rights issues have been elusive in the work of an otherwise staunch ally: the Committee on the Elimination of All Forms of Discrimination Against

260. See, for instance, the following recent references: the CESCR's General Comment #14 on health, from 2000; the CRC's 2003 General Comment #4 on adolescent health and development; and the HRC's 2004 Concluding Observation on sexual orientation in Poland. For a longer description of UN advances in the area of sexuality, see Ignacio Saiz, "Bracketing Sexuality: Human Rights and Sexual Orientation — A Decade of Development and Denial at the UN," *Health and Human Rights: An International Journal*, Vol. 7, no. 2, 2004.

Women. This fact has been challenging for those who advocate CEDAW using ICPD and Beijing sexuality language to fuller advantage.<sup>261</sup> Dorothy Aken'Ova, who made a public presentation on sexual rights to CEDAW in January of 2003, notes of the Committee, "They seem to have their eyes shut on sexual health practices." In spurring CEDAW to bolder sexuality work, she notes, "They need to comment to governments on these issues so we have more tools to foster collaboration with NGOs and to hold governments accountable. They need to give the impression that this work is essential."<sup>262</sup>

### 2000: Beijing +5

At the UN General Assembly Special Session to review and appraise the Beijing Platform for Action, held at the UN in New York in 2000 and commonly known as "Beijing +5," discussions of sexuality attained considerable visibility, including in official sessions of the meeting, in NGO "side events," in a public press conference and in meetings of the lesbian caucus of the conference. Alongside this claiming of public space, sexual rights advocates were confronted with an overt climate of hostility not previously experienced in UN settings. North American right-wing groups sent a very large number of representatives from their ranks, many of whom appeared to have little knowledge of sexual rights issues, the UN, or why they were even present in the Beijing +5 proceedings.

Dorothy Aken'Ova, from Nigeria, remembers a very strong physical presence of these groups, which were rumored to include busloads of friars brought in at the last minute, as well as large numbers of young people affiliated with extremist groups to infiltrate the youth caucus. "Teenagers were brought in who didn't have a clue about why they were there or what they were supposed to be doing. You could tell from the looks on their faces that they had no idea."<sup>263</sup>

For some, the climate of Beijing +5 had begun to deteriorate into one of intimidation and ultimately into the surreal during the final preparatory conference for the event in March 2000. Joanna Manning, a Canadian theologian, abortion rights activist and former nun writes, "The tactics of the Holy See and its fundamentalist allies changed from obstruction to intimidation. Priests in full clerical garb, waving rosaries as a weapon to ward off evil spirits, invaded women's caucuses. Some conducted an exorcism in the room where the lesbian caucus had met."<sup>264</sup>

261. IGLHRC interview with Alice Miller, Center for Law and Policy, Mailman School of Public Health, Columbia University, October, 2004.

262. IGLHRC interview with Dorothy Aken'Ova, INCREASE (Nigeria), September 2004.

263. Ibid.

264. Joanna Manning, "The Devil and the Deep Holy See," <http://www.geocities.com/glowmaid/glowingmaidrant15.html>.

During a crowded sexual rights panel, male Christian religious figures stood around the perimeter of the meeting room reading Bibles as women activists talked eloquently and powerfully about the intersections of sexuality and human rights in their lives. Dressed in dark robes and standing over the seated participants and attendees, the men audibly murmured prayers as women spoke of violence and state and religious discrimination based on sexuality. The discussion proceeded as organizers intended it to, yet as people left the room, another antagonistic event began to take shape in the hallway of the UN: upon leaving the sexual rights panel, Manning was literally surrounded by a group of men who loudly accused her of “not being a real Catholic.” Allies ran to get security guards, who broke up the impromptu verbal attack.

In the Beijing +5 intergovernmental session, delegations’ negotiation on the outcome document stalled as conservative coalitions ensured that any references to the term “sexual orientation” elicited a protracted debate. Even language that simply addressed the existence of documentation of violence perpetrated against people because of their sexual orientation, or that referred to the fact that certain countries have created anti-discrimination legislation to protect lesbians and gay men, became controversial. For the duration of the session, UN diplomacy cloaked divisive and homophobic comments from the floor, as some governments’ delegates proclaimed that they could not agree to include the term since “homosexuality did not exist in their countries,” or because they felt that “overt reference would legitimize an illness.”<sup>265</sup> As had transpired five years earlier in negotiation at Beijing, conservative delegations worked diligently to ensure that there would be no reference to the term “sexual orientation” in the final document of the meeting.

Controversy was not limited to the official negotiating rooms. A panel on sexual rights was convened that marked the first time a session on this topic had been presented as part of the UN-sponsored conference side event, with participation from the Office of the High Commissioner for Human Rights (OHCHR). In part because of OHCHR’s presence on the panel, the event took on a level of undeniable legitimacy, and government delegates and NGO representatives filled the large UN room during the lunchtime session. In response to sexual rights advocates’ claims that the official negotiation had been slowed by a barrage of homophobic comments, conservative groups ensured that most of the audience received flyers noting that the conference had been “hijacked by homosexuals and Western imperialists” who were threatening the national sovereignty of countries in the global South.

<sup>265</sup> Personal records of author, 2000.

The hostile atmosphere generated months earlier during preparatory conferences had set the tone for discussions about sexual and reproductive rights in the official Beijing +5 session. Aken’Ova notes that

*We had very great resolve not to be intimidated. But this reveals how unsafe it is for people of sexual minorities and those who work on sexual rights. Of all the activities I’ve taken part in at the UN, this was the nastiest; what we faced was simply outrageous. People were brought in with little or no previous involvement in UN events or procedures, and with little knowledge of why they were there, other than to pray for souls and be disruptive. A group of white North American nuns came to some of the African caucus and health meetings, making claims about what is best for Africans, as if they knew best. These nuns are totally out of touch with reality. They come to say things that oppose our ideas, as if they know anything about Nigeria or Africa.<sup>266</sup>*

#### **2001: UN General Assembly Special Session on HIV/AIDS**

In June of the following year, the UN hosted the first General Assembly Special Session (UNGASS) on HIV/AIDS in New York. Against a backdrop of heightened restrictions on civil society participation, sexual rights advocates found themselves subjects of scrutiny and even, at moments, central to a controversy that threatened freedom of expression within the UN itself. A representative of the International Gay and Lesbian Human Rights Commission (IGLHRC) had been chosen, along with other representatives from governments, non-governmental organizations and UN agencies, to make a five-minute presentation in an official roundtable discussion on HIV/AIDS and human rights. A number of countries with conservative Muslim governments protested the inclusion of IGLHRC in the discussion, and forced the issue to two roll call votes of roughly 190 member states, a highly unusual move in the consensus-driven UN.

At voting’s end, Karyn Kaplan, the representative of IGLHRC, was allowed to take the floor to address government and civil society representatives on topics related to human rights, HIV and sexual orientation.<sup>267</sup> While procedural maneuverings were articulated in terms of sexual orientation, some advocates saw the conflict as intentionally manipulated in order to keep discussion about

<sup>266</sup> IGLHRC interview with Dorothy Aken’Ova, INCREASE, September 2004.

<sup>267</sup> IGLHRC was the only lesbian and gay organization invited to speak in this session. While the final vote was heavily in favor of allowing IGLHRC’s participation, 30 some odd states abstained from voting, which some advocates took as a sign of fear of being on the record as supporting inclusion of a gay group in the roundtable.

other matters—including government accountability in the HIV pandemic—from moving forward. As the clock ticked, discussion focused on legitimacy of a group’s participation and not on governments’ policies and commitments to stemming the devastation wrought by the HIV/AIDS crisis. As Susana T. Fried of IGLHRC noted, “It was a sophisticated effort to silence us: sexual rights advocates had clear policy analyses we wanted to lobby for. But instead of crafting our message, we had to spend our time convincing governments simply to allow us to use a microphone at an event.”<sup>268</sup>

Once the roundtable controversy subsided, it took only a few days before a new storm appeared, this time within the negotiations over the document to come out of the conference. In a section about transmission of HIV, heated debate ensued over the inclusion of terms “men who have sex with men” and “sex workers” as among the “vulnerable groups” in the pandemic who should potentially receive special attention in order to stem transmission rates. Conservative delegations asserted that including references to these communities—even in relation to the epidemiology of HIV transmission—would lend unacceptable levels of legitimacy to their very existence. In this case, simply naming or making visible those who are hardest hit by the HIV/AIDS crisis posed enough of a threat to bog discussion down for the rest of the Special Session. At its end, the list of vulnerable populations, which also included other less controversial groups, was not included and only generic references were left in the document.

### 2002: UN General Assembly Special Session on Children

When the UN held its 2002 General Assembly Special Session on Children, sexual rights advocates from all regions of the globe faced both familiar obstacles and new challenging terrain. Given the transition from a generally sexual-rights-supportive Clinton administration to the ultra-right orientation of the Bush administration, sexual rights advocates were immediately confronted with the newly acquired positions of power of extremist non-governmental groups as advisors to the US delegation to the UN.

During the preparatory conferences for the UNGASS as well as in the final session itself, the US administration chose right wing extremist organizations such as Focus on the Family, Family Research Council and Concerned Women for America as insider advisors.<sup>269</sup> Moderate groups were not well represented in the broader group of advisors, and those who advocate for feminist visions of gender equality and sexual rights were excluded.

268. IGLHRC interview with Susana T. Fried, January 2005.

269. See footnote #118 in this report for further discussion of, in particular, Focus on the Family.

These groups directly influenced the US delegation’s conservative negotiating positions in a range of areas related to and separate from sexuality. The US delegation led the charge in support of abstinence programs as the only valid sexual education options for young people; they actively opposed references to the significance of information about condom use and contraception; they sought to weaken references to young people’s human rights; they opposed language that would have strengthened a global call to eliminate the death penalty for those under 18; and they sought to undermine the significance of the UN Convention on the Rights of the Child (CRC), which only the US and Somalia have not ratified.<sup>270</sup> Advocates across movements rallied to form a loose coalition that, along with some members of the US Congress, pressured the US administration to reconsider its positions.

It was in the Special Session on Children that the US introduced its vociferous opposition to the inclusion of the term “reproductive health services” in its negotiations. The term was now seen to include—and, according to conservative interpretations, serve as a cover for—abortion. This controversy appeared at a preparatory conference for the Special Session on Children and sparked a US State Department communiqué to certain Latin American states that alerted their governments to the US concern about the term “reproductive health services” and its supposed relationship to abortion. The communiqué suggested that states not advocate for inclusion of the term in the negotiated document of the UNGASS.<sup>271</sup>

As conservative opposition to provision of “reproductive health services” grew, sexual rights advocates realized that even health services totally unrelated to abortion or reproductive rights were at risk. The US ultimately was rather isolated in its positions, as Latin American countries stood firm in their support of principles of the Convention on the Rights of the Child (CRC). The UNGASS on Children revealed, if nothing else, a new era of conservative opposition to progressive, feminist sexual rights principles, and some of the “newly enhanced” strategies and challenges sexual rights advocates would have to face in upcoming UN meetings. One critical lesson learned would have lasting impact: abortion and other sexual rights issues would be dangled as bait in front of certain government delegations, always with the backdrop of a strong Catholic Church and the realities of foreign aid and trade agreements, not to mention military alliances, working together to provide the unspoken incentive.

270. For a discussion about promotion of abstinence (and abstinence-only-until-marriage programs) the US administration, the right wing and the UN, see Cynthia Rothschild, “Abstinence Goes Global: The US, the Right Wing and Human Rights,” *American Sexuality Magazine*. <http://nsrc.sfsu.edu/HTMLArticle.cfm?Article=165&PageID=51&SID=F77E0115EA6B7EDE3393C839FDACC865>, September 2003.

271. Document on file with author.

### 2003–2004: ICPD +10 UN regional conferences

Alongside state-level covert efforts to influence positions of governments and intimidate those who represent them, representatives of extremist groups sometimes engage in a range of confrontational tactics meant to mark right-wing presence, to intimidate delegations and other non-governmental representatives, and to ensure that anti-abortion activists never let people forget their anti-abortion positions. In a regional meeting of the Economic Commission for Latin America and the Caribbean (ECLAC) held in Puerto Rico in June, 2004, the primary agenda item was to review the implementation of the Programme of Action (POA) of the International Conference on Population and Development at its tenth anniversary. Given the ECLAC meeting's focus on women and reproductive rights, a strong contingent of right-wing groups was present, especially bolstered by the strength in Latin America of the Catholic church and extremist political groups such as Opus Dei.

Participants had to pass through a central hallway in the hotel where the conference was held in order to enter the meeting room where the formal session was taking place. A large computer screen measuring a few feet diagonally was set up to display the official website of the meeting, which included the ECLAC logo and that of the UN as well as the title and dates of the conference. Jeanne Head of the anti-abortion International Right to Life Federation was seen a number of times reprogramming the wide-screen computer monitor to a website that featured a “distorted and bloody” image of a fetus for all passersby entering the meeting to see. Head was the only person seen attempting to redirect the official conference site; after witnessing her repeated and successful efforts to replace the ECLAC and UN images with that of a fetus, the pro-sexual rights youth contingent of the meeting eventually decided to take shifts guarding the computer and its intended home page.<sup>272</sup>

Despite these subtle tactics and overt pressure on delegations by the US and the Holy See, the conference overwhelmingly reaffirmed the principles of the Cairo Programme of Action. In fact, all of the UN regional commission meetings held to review and appraise the ICPD POA overwhelmingly reaffirmed it and the key actions associated with it. Most governments went on record to recommit to human rights principles protecting and promoting women's health and reproductive and sexual rights, with the US and the Holy See often the isolated opposition.

### 2004 Commission on Population and Development

Other UN meetings also reaffirmed the principles of the ICPD POA, but sometimes only after protracted battles in which conservative delegations, the Holy

272. IGLHRC interview with Melisa Dickie, International Women's Health Coalition, October 2004.

See and their non-governmental partners resurrected and created new controversies about abortion and homosexuality. Even though all outcomes of the ICPD regional meetings supported the POA, the 2004 Commission on Population and Development meeting, which “oversees” ICPD POA implementation, could not come to consensus about reaffirmation in its annual meeting in New York in March 2004.

Conservative arguments in this case rested not specifically on anti-abortion sentiment, but took advantage of the media hoopla surrounding recent Canadian and US court decisions supporting gay marriage. In an effort to stir fears among certain delegations from the global South, anti-sexual rights advocates warned that affirming the POA would force governments to make gay marriage legal.<sup>273</sup> These scare tactics failed, however: after a few weeks of additional negotiation, much of which took place in unofficial contexts, the CPD Bureau was finally able to approve a resolution that reaffirmed the Cairo consensus.

### 2003 and 2004: Commission on Human Rights sessions

Since the late 1990s, and particularly in the last few years, the Geneva-based Commission on Human Rights (CHR) has become an increasingly productive venue for sexual rights advocacy. Many of the CHR's gains can be traced to feminist advocacy generally, and advocacy on violence against women and women's human rights specifically. Certain UN Special Rapporteurs, who are independent experts in their fields, have sought to incorporate human rights information related to women's sexuality—and on same-sex sexuality—into their reports to the Commission, a fact welcomed by the many advocates who have endeavored to scale up their work with UN experts precisely to influence reporting and content of resolutions. This work has developed incrementally, and has not appeared without both battlescars and baiting, targeted not only at non-governmental activists but at the UN experts themselves.

The CHR meeting in 2004 saw a relative explosion of activity on sexuality: what had historically been a relatively low-profile UN meeting in terms of

273. Lalaine Viado, email to IGLHRC October 25, 2004. The Programme of Action notes the existence of “various forms of the family,” and in so doing, acknowledges the realities of a range of family formulations, including extended and community-based families, other forms of kinship networks, and the myriad ways children are cared for after losing parents due to conflict situations or health reasons. Conservatives often oppose the inclusion of references to the existence of “various forms of the family” in UN settings, as they try to promote a monolithic and reductionist notion of a nuclear heterosexual family structure.

thematic issues now was the site of media attention, fostered both by the right wing and by lesbian, gay, bisexual and transgender rights groups, along with and sexual and reproductive rights advocates.<sup>274</sup> Most public attention focused on Brazil's reintroduction of a 2003 resolution on human rights and sexual orientation. Lesbian, gay, bisexual and transgender (LGBT) and other sexual rights advocates had been mobilizing in support of this resolution for the better part of a year, and while many knew it was unlikely to pass, advocates found that they had more support than anticipated. Alternatively, those same advocates expected bold opposition by the Holy See and certain states in the Organization of the Islamic Conference (OIC), which, in the 2003 session, had pressured member states either not to take on the issue, or to push for delaying the discussion on the resolution to the subsequent year.

The anticipated storm arrived as scheduled, along with the likely protagonists and the by-now-familiar arguments against provision of human rights protections for people persecuted because of their relationship to sexual or gender identity. Two factors made the 2004 CHR particularly interesting: the first ever presence of a large mobilized LGBT contingent, some 40 strong, and with representation from the global North and South; and the backdrop of a newly-declared US war on Iraq. Many procedural and ideological battles were tinged with these undercurrents, as sexuality stood on its own as a source of contention, but also served as a proxy for broader issues.

In two recent instances, including in 2004, the mandates and skills of Special Rapporteurs have been challenged publicly because of their work on sexual orientation or sexual rights. In 2000, a Commission meeting resolution on extrajudicial, summary and arbitrary executions included the term "sexual orientation" in reference to identity factors that sometimes elicit violence. During the following year, conservative delegations launched a backlash at the Commission and publicly questioned the mandate of the Special Rapporteur on summary, arbitrary and extra-judicial executions, Asma Jahangir, who had reported on violations against sexual minorities in her report. The draft resolution derived from the report also included the reference to sexual minorities. Although Jahangir stood by her reporting, and supportive states remained unwilling to censor the reference, the term was not agreed by government delegations, and was omitted from the 2001 resolution.

However, in 2002, Jahangir continued to report on sexual orientation and

274. Historically, media attention generated by the CHR focuses on country-specific criticism. In 2004, in addition to the country-based press reports, sexual orientation and gender identity issues were an area of focus of some international alternative and LGBT press outlets.

political conditions related to her mandate. "Persons killed because of their sexual orientation" was named yet again among the "special groups" subject to deprivation of the right to life in the resolution on disappearances and summary executions that was based on her report. This time the term stayed after the question was put to a vote. Similar references were approved in 2003 and 2004, each time with controversy and aggressive public questioning of Jahangir's mandate or impartiality.

While much of the sexuality-baiting that takes place within the UN is targeted at women, in certain instances, men are targets of sexuality-baiting as punishment for promoting pro-feminist and pro-sexual rights positions. During the 2004 session, the newly appointed Special Rapporteur on Health, Paul Hunt, was the subject of such an attack during his first appearance in this role at the CHR, where his mandate on health was officially created only in 2002. Hunt's 2004 report focused both on sexual and reproductive health and poverty reduction, and proved to be the source of both great enthusiasm among sexual rights advocates and great consternation among sexual rights foes.

Those who have followed sexuality at the CHR note that Hunt's 2004 report is certainly one of the UN system's most far-reaching documents to incorporate a focus on sexual orientation and gender identity and health. While the references made to women's sexuality by the Special Rapporteur on violence against women were equally provocative in 1997, Hunt builds on current trends toward overt recognition of sexuality and sexual rights.<sup>275</sup> Grounded in the principles of the Cairo ICPD and the Beijing PFA (Platform for Action), and with a significant focus on the sexual and reproductive health of women and girls, Hunt notes that in certain areas, the definitions found in these conference documents are actually limited in protecting and promoting rights or health, and that, for instance, the understandings of sexual health and sexual rights should be a greater area of focus.<sup>276</sup> On sexual and reproductive health concerns, he further asserts, "These issues are among the most sensitive and controversial in international human rights law, but they are also among the most important," and are central to addressing poverty. Hunt appeared to address previous UN controversies and struggles about language head on, as he, in paragraph after paragraph, overtly named the unnameable:

275. See footnote # 70 for reference to specific content of the Special Rapporteur on violence against women's 1997 report.

276. Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Commission on Human Rights, E/CN.4/2004/49, 16 February 2004, paragraphs 21 and 55.

*States should improve a wide range of sexual and reproductive health services, including access to family planning, pre- and post-natal care, emergency obstetric services and access to information.*<sup>277</sup>

*The legal prohibition of same-sex relations in many countries, in conjunction with a widespread lack of support or protection for sexual minorities against violence and discrimination, impedes the enjoyment of sexual and reproductive health by many people with lesbian, gay, bisexual and transgender identities or conduct.*<sup>278</sup>

*Consistent with Toonen v. Australia and numerous other international and national decisions, [states] should ensure that sexual and other health services are available for men who have sex with men, lesbians, and transsexual and bisexual people.*

*It is also important to ensure that voluntary counselling, testing and treatment of sexually transmitted infections are available for sex workers.*<sup>279</sup>

Against the burgeoning and consuming controversy about Brazil's re-introduction of the sexual orientation resolution, discussions about Hunt's report led to vociferous challenges from conservative delegations from the US, Pakistan, Egypt and Saudi Arabia, among others. Hunt was accused of trying to expand definitions of "traditional" human rights, failing to interpret human rights "properly," inventing rights and taking on issues outside his mandate.<sup>280</sup>

The US delegation, which not coincidentally had opposed the very creation of the Special Rapporteur on health at the 2002 CHR, revealed its broader agenda in a letter it circulated to other delegations, in which it accused Hunt of being unprofessional in his efforts to legitimize a "right to health." In so doing, the US revealed a consummate example of the complexities and layers of government agendas within the UN: through launching a personal attack on Hunt's credibility, the US not only reified its opposition to sexual and reproductive rights, but also justified its anti-right-to-health stance.<sup>281</sup>

Right-wing organizations who follow UN work jumped at the controversy. One extremist group based in the US called Hunt's report "shocking" and

277. Ibid. para. 29.

278. Ibid., para 38.

279. Ibid., para 39.

280. "U.S. Rebukes U.N. Official for Creating 'Sexual Rights,'" 4/21/2004 <http://www.cwfa.org/articles/5539/CWA/nation/>.

281. One sexual and reproductive rights advocate notes that "In the last few years, including at the 60th session of the CHR, the US has become increasingly unilateral, obstructionist and dogged

claimed, "It appears to be part of a coordinated effort to push for homosexual, transsexual and multi-partner sexual license, and unrestricted, government-funded abortion." They accused Hunt not only of creating false "rights," but also of trying to impose them on countries "by personal whim."<sup>282</sup>

Some who followed the controversy noted that the alliances between the US and states within the Organization of Islamic Conference (OIC) revealed the complicated nexus of the then-current geo-political and economic climate. Replete with a US-led "war on terror" and its subsequent coercive pressures related to funding Muslim states in anti-terrorism efforts, the US again found itself closely allied with some who may or may not have been also opposed to language of sexual and reproductive rights, but who were also standing by the superpower in their region. The health of women and girls and of people discriminated against because of sexual orientation and gender identity was arguably both primary and secondary in this debate.

The US forced a vote on the resolution paragraph that welcomed the Special Rapporteur's report, which they lost 36-13, with four abstentions. But while 13 states may have not wanted to support the paragraph, twelve of them were willing to support the resolution, thereby validating the notion of the right to health. The resolution itself—replete with language that welcomed the report, passed 52-1, with the US isolated as the sole opposing voice.<sup>283</sup> Hunt states:

*I was disappointed that the issue dominated, blocking out other very serious issues in relation to which I had devoted months of work. Also, the quality of the debate on the controversial issues was poor; [it was] ideological and designed for domestic audiences [and had] nothing to do with me or the UN. Yes, my credibility or judgment was called into question by some, but was, I think, enhanced in the eyes of others.*<sup>284</sup>

This sort of baiting is not unknown to many women sexual rights advocates. Hunt's entry into work on gender and sexuality immediately opened the specter of his work and his personal integrity for criticism, a phenomenon common in

in its opposition to economic, social and cultural rights generally. In its ideological opposition to economic social and cultural rights, including the right to health, the US parts company with many of its anti sexual and reproductive rights allies." Suki Beavers, Action Canada for Population and Development, email communication to IGLHRC, November 26, 2004.

282. "U.S. Rebukes U.N. Official for Creating 'Sexual Rights,'" 4/21/2004, <http://www.cwfa.org/articles/5539/CWA/nation/> See also, Real Women of Canada, [http://www.realwomenca.com/newsletter/2004\\_may\\_jun/article\\_2.html](http://www.realwomenca.com/newsletter/2004_may_jun/article_2.html).

283. See Ana Elena Obando, *Women's Human Rights Net*, <http://www.whrnet.org/docs/issue-sexualrightscommission.html>.

284. Paul Hunt, email communication to IGLHRC, September 7, 2004.

the lives of women advocates. One critical distinction in these experiences might rest on a relative difference in gender privilege—some might argue that men, and men from the global North, are more easily able to deflect or “bounce back from” the kind of allegations leveled in this CHR attack.

Amidst these controversies and the international media attention, one 2004 success went almost unnoticed: language from the Beijing Platform for Action paragraph 96, which remains the clearest internationally agreed reference to women’s right to control their own sexuality, was approved—with little fanfare—in the resolution on violence against women.

The successful outcome of this and a number of CHR votes was the result of a rich constellation of improved reporting, relationship building and strategic lobbying on sexuality, sexual orientation and gender identity that had taken place among a wide range of organizations, government delegates and several UN experts and bodies during recent years. It also appears that these gains were facilitated by increased commitments by a broad spectrum of organizations to incorporate sexuality into their own mandates and programmatic work. So, still, with the constant threats of regression and backlash, come the successes—not in a linear fashion, but on a jagged path through peaks and valleys.

## IV

### STANDING UP, TALKING BACK: THE IMPACT ON LOCAL ORGANIZING\*

*Women’s sexuality, like women’s labour, is used to suit whatever the need of the hour is. Why is it that women become so central at these times, and otherwise we go on along on the margins hardly noticed?*<sup>285</sup>

THE FOLLOWING FOUR STORIES, FROM COSTA RICA, INDIA, POLAND, and Namibia, illustrate the forms that attacks on women’s sexuality have taken over the last ten years—both before and after the Beijing World Conference on Women. They show how these attacks can directly affect women’s ability to organize in the political realm, and to exercise their basic rights of expression and association. They also show how the ideas advanced at international conferences filter to, and inform, action at the local and national level. Sometimes those ideas are distorted and demonized; sometimes they remain intact, for movements to employ as a source of support.

This chapter, then, is about civil society, the sphere in which people construct political life for themselves: struggling to change or to command the centers of state power, but working outside the state’s control. All the countries described here are, in a formal sense, democracies: citizens freely choose their governments,

\* This chapter contains 2005 updates to the country case studies described herein; each update appears after the original text, which has not been modified.

285. Maya Sharma, Delhi-based activist, India, e-mail communication to IGLHRC, April 26, 2000.



and state policy is in principle subject to popular control. All the countries described here also have vigorous civil societies, with organizations, interests, and identities both competing and coalescing to influence the government and carve out their own arenas for action.

What these examples suggest, however, is that democracy has its discontents, and each civil society sets its limits. The promise of a democratic community in which all citizens are equal, in which dignity is a general possession, not something to be hoarded or earned, remains a luminous one. In practice, democracy which is predicated upon equality often turns against it. Politicians exploit discomfort with the elasticity of equality, its seeming extendability to anyone; they rouse support by fetishizing borders and demonizing others who stand beyond them. Civil society, too, often conceals an uneasiness with the prospect that anything can be brought into the light of the public sphere. Groups already established in their right to be there may resist competition for space—may resent other claimants who employ the rhetorics of democracy and rights.

In both cases, the external threat and the internal one can easily take sexualized form. Lesbian activists, along with other women, have asserted that sexuality is necessarily part of the public sphere—an object of violence and discrimination, but also a fulcrum of resistance and of communities to be formed. In Costa Rica, however, the state responded by closing the national borders to lesbians, at one point literally ordering the expulsion of women tourists who arrived unaccompanied by men. In Namibia, politicians have stirred up popular support by violent threats against “foreign” homosexuals. Enemies of civil society have thus exploited sexuality to warp the free development of both. Civil society has also tried to expel reminders of sex from its midst. In India and Poland, veterans of democratic activism have looked askance at women who try to speak not just of abstract freedoms, but of bodies and desires.

Bodies and desires are not the threat to democracy, though. The silence around them is. Democracy and rights language suffer by not taking sexuality into account. In India, mainstream NGOs with long histories of defending civil rights were left unprepared for a wave of nationalist violence which took women’s dissident desires as its favored target. In Namibia, by contrast, a feminist NGO organizing along gender lines has mounted an effective challenge to a monolithic ruling party, showing a largely male and politically traditional opposition something about how to build a movement.

Most importantly, then, this chapter is about how women come together, combat repression, and learn from the experience. Women’s organizations facing efforts to divide them along lines of sexuality, or to silence them altogether, need not surrender or succumb. Alliances have been achieved and strengthened; resist-

ance has succeeded. Some organizations have chosen to ignore attacks; others have mounted campaigns of effective response. The examples recounted here reveal how women have faced hatred with courage, and prejudice with patient determination.

### **Costa Rica: “We really believed we were free.”**

Are there secure spaces where women can gather as lesbians? Can conversations about women’s sexuality proceed in safety?

Ten years ago, Costa Rican lesbians believed so. They learned otherwise. They found that a simple discussion of women’s sexuality so threatened Church and state that, even after being reduced to secrecy and hiding, the gathering was still hunted down. And the government declared itself willing to close the country’s borders to nonconforming women—instructing officials to turn away women travelling without men—in order to stop the discussion from taking place: a further declaration that the national territory itself offered no space to speak, no place to hide.

In 1990, the Costa Rican lesbian group Las Entendidas organized an “Encuentro” for lesbians from the Latin American region. The event was modelled after feminist Encuentros held every three years in the region, festive gathering spaces for all women which had also provided opportunities for lesbians to meet together and discover common agendas. This would be, however, only the second Encuentro specifically for lesbians—one other had been held in Mexico in 1987. Costa Rican lesbians were particularly excited to host such an event in their home country: a showcase state in Latin America, with a democratic government, a constitution protecting freedom of speech and association, and a relatively permissive climate for minorities, including lesbians and gay men.

Harassment and violence by police and the public were sometimes directed at the latter groups, but were not rampant. A number of lesbian and gay bars in downtown San José provided a relatively safe space for groups of people to socialize and be “out.” The Encuentro appeared to offer an exciting organizing opportunity, and a place where women from the region could talk, strategize about political agendas, and get to know one another in a relaxed atmosphere. So, at least, the organizers thought.

There was to be no safe space. Instead, the 1990 Encuentro created a stage for the most public and vitriolic attack against lesbians that Costa Rica had witnessed to date. According to one of the primary organizers of the event, Alda Facio, “we were naïve, we were so excited, we didn’t even think about hiding or about the potential for violence.”<sup>286</sup>

286. IGLHRC interview with Alda Facio, Director of the Women, Gender and Justice program at the United Nations Latin American Institute for Crime Prevention, April 2000.

The meeting was planned for the last weekend of April in 1990. In mid-March it was finally decided to hold the event in a site offered by the Episcopal Church. Five days after the site was confirmed, an article about the lesbian meeting appeared in *El Expreso*, one of the main national newspapers. The first in a series of press attacks, the article called for cancellation of the meeting and a “return” to moral standards in Costa Rican society. It warned that “moral groups” were mobilizing to oppose the meeting, and that these groups had the backing of the Roman Catholic Church.<sup>287</sup> The article warned that the gathering would damage the country’s image, as well as the moral education of youth. “Gatherings of this type are common in the United States,” the article intoned, but in Costa Rica the public, and proud, presence of lesbians in various cities was “extreme” and represented a danger to national “norms.”

The *El Expreso* article emphasized the fact that the first day of the gathering was Good Friday. The author found the fact the congress coincided with Holy Week a direct affront to “Costa Rican religious habits.” According to a Las Entendidas analysis of the press surrounding the event, subsequent articles accused the lesbian meeting of being a frontal attack on the Church; the press accused lesbians of promoting rituals and led readers to believe that many killed babies as an act of defiance to Christianity. In an anti-Semitic affront, according to Facio, they also associated lesbians with Jews: Jews were Christ-killers, and if Christ-killers and lesbians gathered on the days sacred to Christ’s death, they were virtually re-enacting the Crucifixion.<sup>288</sup>

The fact that Holy Week and the Encuentro overlapped was not a coincidence. Neither, however, was it a gauntlet thrown down to the Church. The meeting’s organizers knew that most Latin American employers give workers holiday time during Holy Week; this might provide the only way for women to travel without taking days from work. Moreover, many lesbians were closeted at work, and concerned for the safety of their jobs if they were outed. Facio suggests that “Women could say they were leaving town for Holy Week; they couldn’t necessarily say they were leaving for a lesbian meeting in San José.”

The damage had been done by the *El Expreso* article. According to the Costa Rican constitution, Catholicism is the official religion of the state: the state in turn funds the Church. An intimate connection between the Church and the government affects not just state policy but the disposition of the press. Facio asserts

287. “Congreso de lesbianas se hara en Costa Rica,” *El Expreso*, March 22, 1990, reprinted in *Memoria de un encuentro inolvidable. Encuentro Lésbico Feminista de América Latina y el Caribe, 2do*, Abril de 1990, a documentation of the Encuentro assembled afterward by Las Entendidas.

288. IGLHRC interview with Alda Facio, April 2000.

that “there really is no right-wing press” in Costa Rica because “all the press is conservative—there is no other wing.” All major papers with the exception of the university newspaper are either directly linked to the Church or represent Church positions on most issues.<sup>289</sup> The Catholic Church has a strong presence on the Costa Rican airwaves as well. This influence had direct and intimidating consequences for the lesbian Encuentro.

A journalist from another large mainstream newspaper, *La Nación*, contacted one of the Encuentro organizers a few days after the first *El Expreso* article, to request an interview. When the organizer declined, the journalist threatened to publish damaging information about the meeting without letting the organizers respond. Two of the organizers then agreed to be interviewed, on condition of anonymity.

The article, when it appeared days later, quoted the organizers: “Straight and lesbian women will analyze, together with AIDS experts, social scientists and psychologists, issues as diverse as feminism and lesbianism, lesbian mothers, sexuality, recreation, addictions, violence and repression. A peaceful and study-oriented meeting can never be considered immoral. Costa Rican society cannot deny that lesbianism exists.”<sup>290</sup>

This defense had little effect. The following day, *La Nación* published a letter from Roman Arrieta Villalobos, the Roman Catholic Archbishop of San Jose, in which he expressed the “deep pain” that the story about the Encuentro caused him. He demanded that authorities intervene to ban the event, which had blasphemously been planned “precisely beside the sublime mysteries of our Lord’s passion, death and resurrection.” And he added patriotism to piety: “Costa Rica has always been characterized by its human and spiritual values and a meeting of this nature is a slap in the face of the country.”

From that point on, according to Facio, “Every day in the press lesbians were being accused of destroying Costa Rican society.”<sup>291</sup> Lydia Alpizar, a Costa Rican women’s rights advocate, claims, “when this hit the press it was like a bomb—it was a big scandal.”<sup>292</sup>

A stream of telephone calls began coming to organizers’ homes—both from the press and from people wishing to harass and intimidate the women planning the Encuentro. Tensions within Las Entendidas grew. A number of members

289. IGLHRC interviews with Ana Elena Obando, December 1999; IGLHRC interview with Alda Facio, April 2000.

290. Patricia Navarro Molina, “Encuentro Latinoamericano: Lesbianas se reuniran aqui,” *La Nación*, exact date unknown.

291. Patricia Navarro Molina, “Arzobispo censura reunion de lesbianas,” *La Nación*, exact date unknown.

292. IGLHRC interview with Lydia Alpizar, April 2000.

were afraid of being “outed,” either in the press or generally, and losing their jobs as a result. The Encuentro organizers decided to move up the date of the meeting and to keep the location concealed—both in order to preclude further attacks in the press, and to protect women planning to attend. They also agreed to shun further publicity and to plan the event with the cover of secrecy. According to Facio, it grew increasingly apparent that someone among the organizing team was leaking information to the press.

Planning meetings were moved to people’s homes instead of public places. The embattled organizing group took on a cell-like structure, with information strategically given only to those who could be trusted and who needed to know. Only two people knew where the new Encuentro site was located, for instance; the rest of the group would be taken to the site just before the event, and only after passing through a complicated set of security precautions.

These precautions were unsuccessful. Newspapers learned that the Encuentro had a new date and that the location had been changed. They appealed to the public for information about the site, and called for readers to watch for large groups of women congregating together.<sup>293</sup> Readers were asked to call the press immediately if such “suspicious” groups were found. The environment surrounding this media frenzy was “very hostile,” Facio asserts.

On April 11, Alvarez Desanti, the Minister of Government, announced that he would not allow foreign lesbians into the country for what he still thought was a meeting to take place in two weeks (The Encuentro had actually been rescheduled to begin on the day he presented his strategy for keeping lesbians out of Costa Rica). When pressed to explain how lesbians could be identified and stopped at the country’s borders, he asserted that women who had short hair, wear pants, and travelled alone could be identified as lesbians. He instructed Costa Rican consulates not to grant visas to women traveling unaccompanied by men, warning all such women they would be stopped at the airport. The Minister informed airlines that if they sold tickets to women traveling alone or to women who appeared likely to attend the Encuentro, they would be required to provide for the suspected lesbians’ immediate return.

“This is a democratic country,” the Minister proclaimed, “where the right to meet freely is protected by law. Nevertheless, there are ethical and moral values that national authorities must defend: thus we consider that a congress such as this affects our lifestyle and threatens the education and moral principles that we try to teach our children.”<sup>294</sup>

293. IGLHRC interview with Alda Facio, April 2000.

294. “Guerra a lesbianas,” *Diario Extra*, April 11, 1990.

While the Minister was explaining how to identify lesbians, the members of the organizing committee met at a restaurant. There they received sealed envelopes containing the names of people to pick up at the airport. After picking up those women who made it through border controls, they were then instructed to congregate at a specific place, where they would proceed to the final destination, after making an additional stop in order to confuse anyone who might have been following the cars. Only the lead driver in each convoy was given the destination: the rest were told only to follow the car in front of them. This strategic secrecy may have helped keep the press at bay, but this came at the cost of missing organizers and potential attendees. According to Facio, “A lot of women got lost; they didn’t know where to go and we couldn’t find them.”

At the site—a rented house with walls surrounding the property—women patrolled the grounds from sunset to sunrise and doors were kept locked. In seclusion, with thinned ranks of intimidated attendees, the Encuentro took place, although not without incident. During the plenary on the last day of the gathering, the hideout was discovered: the house was surrounded by a group of men shouting insults and obscenities and throwing stones over the walls. They attempted to break down the gates. “We were really petrified. Some women wanted to run out, but we convinced them that that would be too dangerous.”<sup>295</sup> Although the assailants at last relented, remaining social events were cancelled, for fear of further harassment and intimidation. “Women spent the night in anguish and terror.”<sup>296</sup>

The next day, women were shuttled carefully out of the grounds of the house; cars were loaded with as many women as they could hold.

A few women who chose not to attend the Encuentro explained in an statement afterward that they made their decision when the homophobic media campaign started. They stated that they were afraid to attend the gathering because of potential ramifications: some feared for their jobs, some were providers for families and could not face the risk of being fired, others lived in the country without residence permits and could not risk deportation.<sup>297</sup> Given the virulence of the media campaign launched against women attending the Encuentro, such fears appeared well-founded.

Many of these women quietly assisted with the Encuentro until the very last moment, knowing they would be unable to attend. Some added their names to an “emergency support list” of lawyers and others who could be called on if

295. IGLHRC interview with Alda Facio, April 2000.

296. *Memoria de un encuentro inolvidable. Encuentro Lésbico Feminista de América Latina y el Caribe*, 2do, Abril de 1990.

297. *Ibid.*

emergencies arose. Many also said, though, that fear kept them from re-establishing contact with Las Entendidas after the event.<sup>298</sup>

Las Entendidas (which had never been legally recognized as an organization by the Costa Rican state<sup>299</sup>) was severely damaged by the attacks on the Encuentro. Suspicion and fear were part of the legacy of the event. Facio suggests that “women were quite scared because of the hatred in the media, and they felt at risk of exposure because they hadn’t identified who among them had been leaking information to the press.”

Ana Elena Obando, a Costa Rican women’s rights activist, remembers the Encuentro as an example of “pioneering political organizing by a lesbian feminist group.” Yet the Encuentro revealed the depth of discrimination against lesbians, and the potential for violence, in Costa Rican society. It showed that a proudly democratic state drew a limit around tolerance, at the borders of sexual conformity—and reinforced this limit at its own borders, turning away those whose appearance marked them as refusing to conform. It shattered illusions, and starkly clarified the urgency of action. Facio recalls that, until the Encuentro, “we really believed we were free.”<sup>300</sup>

### **Costa Rica Update 2005 A Zone of Tolerance?**

*Submitted by Ana Elena Obando*

The 1990 effort by Costarrican lesbian feminists to organize the second Lesbian Feminist Latin American and Caribbean Encuentro has had a lingering impact on the LGBT movement. The event and the controversy surrounding it continue to affect the visibility and political space for advocacy and organizing. Lesbian-baiting is not precisely at center stage in the way that it was during the 1990 Encuentro, or during 1998 when the annual Lesbian Festival and the first LGBT Central American Conference on Human Rights and HIV-AIDS were celebrated. The recommendation by the Ombudsman’s Office to the President of the Republic to stop LGBT discrimination seems to have had a positive impact. And yet, 14 years later, the positive changes that have taken place within lesbian lives have been more at the individual than the political level.<sup>301</sup>

298. Ibid.

299. Ana Elena Obando, e-mail communication to IGLHRC, May 1, 2000.

300. IGLHRC interviews with Ana Elena Obando, December 1999, and Alda Facio, April 2000.

301. Esther Serrano Madrigal, *De La Memoria Individual a la Historia Social Grupos de Encuentro de las Mujeres Lesbianas Costarricenses*, Universidad Nacional, Universidad de Costa Rica,

### **Legal Recognition and Rights**

Las Entendidas never received legal recognition from the government. A major barrier was crossed in 1995 when the Asociación Triángulo Rosa was legally registered as an organization that fights for the freedom of sexual orientation. In addition, the Public Registrar rejected a religious association that claimed among its goals the reform of homosexuals.

Despite achieving legal recognition, national legislation still does not fully recognize the rights of LGBT people. Lesbians are still subjected to sexual harassment and dismissal from their jobs. Moreover, the governmental institution that deals with minors, PANI (Patronato Nacional de la Infancia), has become increasingly aggressive in taking away the children of lesbian mothers. The Family Code prohibits marriage between persons of the same sex, and the special law of de facto unions only recognizes unions between a man and a woman. This means that the right to inherit, to share property in common, or to have access to insurance or pension is reserved for heterosexual couples. However, through the autonomous governmental institution that deals with insurance, a lesbian is able to designate her partner as a beneficiary.

Moreover, while some laws have been interpreted to exclude LGBT persons, the law against domestic violence has been engaged to protect lesbians and gay men who have been abused by their parents or partners. In addition, Article 48 of the 1998 General Law on HIV-AIDS prohibits discrimination based on sexual orientation, among other grounds, and provides for a fine for those found to have engaged in discrimination (Law No. 7771. April 29, 1998, published in Gaceta No. 96, May 20, 1998).

### **Organizing and Organizations**

As Las Entendidas started to dissolve as a group after the Encuentro, “Colectiva Humanas” emerged as a new lesbian group formed by young women. The Colectiva described itself as representing “the possibility of meeting other lesbians to grow together as humans, friends and co-workers, and to create awareness and solidarity to fight for their rights.”<sup>302</sup> However, the group was dissolved two years later when it began to discuss focusing on political rather than social activities. Today, three lesbian groups exist: el Reguero, whose main activity consists of

Sistema de Estudios de Posgrado de Maestría en Estudios de la Mujer, Ciudad Universitaria “Omar Dengo,” Heredia, Costa Rica, 2002.

302. Colectiva Humanas. Reflexiones en torno al trabajo en grupo. 29 de Agosto de 1992. S.p. en Serrano, E. (1994) *Breve historia de las organizaciones formales de mujeres lesbianas en Costa Rica*. Trabajo final del curso: Subordinación y Discriminación de la Mujer en Centroamericana. Maestría en Estudios de la Mujer. UNA-UCR. Costa Rica, p.9.

organizing the annual lesbian festival; a self-help lesbian group that meets in CIPACDH (Centro de Investigación y Promoción para América Central de Derechos Humanos); and a group of young lesbians who meet in a feminist organization that works with sexual and reproductive rights. According to Rosemary Madden, a lesbian feminist activist, “the lack of political organization has affected the fight for lesbian rights. Many lesbians are not aware of discrimination so they don’t feel the need to organize. The fact that police repression has decreased makes them feel that discrimination has somehow disappeared.”<sup>303</sup>

### Lesbian Spaces

A number of gay bars in the city provide a safe space for lesbians to socialize and build some sense of collective identity. Sometimes these are the only places where lesbians feel safe enough to be out in public with their partners. Roxana Reyes, a lesbian feminist philosopher, believes that “many lesbians feel that those spaces represent freedom, so their priority is not organizing to fight for their rights. Their internal lesbophobia also makes them feel they shouldn’t claim their human rights.”<sup>304</sup> While these bars are primarily for socializing, in some cases lesbians have started to promote the defense and knowledge of rights within those spaces.

### Out on the Battleground: The Media and the Catholic Church

While lesbians have achieved a few legal gains, including the possibility of taking formal action to contest discrimination, the media and the Catholic Church remain formidable opponents to the possibility of LGBT persons to fully enjoy their human rights in Costa Rica.

### The Media

Public information on sexuality remains distinctly skewed in Costa Rica. For example, whenever the issue of sexual diversity is mentioned by the press, authorities of the Catholic Church are interviewed, but LGBT organizations are rarely quoted. When the media addresses LGBT issues, lesbians, intersex and transgender populations are still less visible than homosexuals and the transvestite population. According to Madden, “what seems to have changed is that the media tries to be more careful when referring to LGBT people in a pejorative way.” Lesbian baiting has been less common in the media than it was during the Encuentro, with some exceptions.

303. Interview with Rosemary Madden, San José, Costa Rica, October 2004.

304. Interview with Roxana Reyes, San José, Costa Rica, October 2004.

### The Catholic Church: A Pain the in NECK

A strong legal and political connection still exists between the Catholic Church and the government. Feminist organizations such as Agenda Política de Mujeres and others have advocated for an end to this close relationship and for the construction of a truly secular state. Feminists have emphasized how this “holy relationship” not only affects women’s sexual and reproductive rights but also influences state policy and the press, as well as the way ethical and moral values are presented in Costarrican society. Costa Rican law gives the National Episcopal Conference (NEC) de facto authority to bar religious instruction other than Catholicism in public schools as well as to prohibit non-Catholics from teaching religion. Its hierarchy is also part of the Board of Directors of the Costa Rican Social Security System.

In 1994 the NEC ordered the Ministry of Public Education (MEP) to withdraw sex education guidelines because they were drafted in line with the human rights established in the Cairo and Beijing Platforms. In 2001, the MEP refused to develop sexual education programs along those lines. Currently, the NEC reviews and rejects textbooks and educational programs dealing with sexuality that contradict Catholic beliefs.<sup>305</sup> However, two years ago, a child sexual abuse scandal involving a well-known priest, Minor Calvo, together with publicity about the international sexual abuse scandal by priests in many countries, drew attention to the hypocrisy with which the Church operates. These events were not addressed specifically by the LGBT movement, but have helped to unveil the irony of the Church’s portrayal of LGBT people as perverted, and the Church’s own recent history of sexual abuse by priests.

### The Government

In recent years corruption within Costarrican political parties has even extended to ex-Presidents. This has helped to expose double standards of the executive branch of the government. It has also undermined the credibility of the official rhetoric in public opinion. According to Madden, “there is less oppression by the government since the policy of punishing the owners of gay and lesbian bars is no longer being implemented and the Mayor’s Office now gives legal permits for meetings.” Madden believes the fact that the President of the Interamerican Court of Human Rights has said that there should not be discrimination against LGBT people has influenced the decision of the Government to hire LGBT people. However, LGBT people working in the judicial branch are afraid that if their sexual

305. Agenda Política de Mujeres, *Shadow Report, Costa Rica*. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 2003.

orientation or gender identity is discovered they will face retaliation. The attitude is “don’t ask, don’t tell” when dealing with public personnel whose sexual orientation is assumed to be lesbian or gay.

The fact that some organizations within the feminist movement have been progressively including lesbians’ issues within their agendas has also impacted the governmental attitude. During the process of Beijing +5, the organization el Reguero raised the issues of concern to lesbians with other women’s organizations, as well as with the Women’s National Machinery. El Reguero and CIPACDH also participated in the initiative of the first Parliament of Women before the National Congress.<sup>306</sup> Two years ago, a feminist congresswoman, Epsy Campbell, opened a space within the Parliament for civil society organizations within which CIPACDH is now able to raise LGBT issues. Antonio Alvarez Desanti, the former Minister of Government during the Encuentro in 1991 who ordered immigration authorities to stop lesbians at the airport, tried to clarify and apologized for his past attitude. He is now campaigning to be President of the Republic. However, since Costa Rica tends to align with USA and Vatican policies, the Government’s foreign policy is still lesbo-homo-trans-travesto-phobic when dealing with sexual and reproductive rights.

### Looking Ahead

There is no state policy against LGBT discrimination, so the levels of tolerance depend on the messages sent by the political party that is in power. The lack of organizing and visible advocacy keeps lesbian issues and rights on the margins of work within human rights organizations that still deny sexual diversity. The future of a lesbian movement is tied to the need for a political strategic vision that links LGBT issues to the current social, economic and political national and international contexts.

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### India: “What is the need to show it?”

Not all activists around the world who address what, in the global North or West, would be identified as “lesbian issues,” do so as lesbians. This partly attests to the particularity of nomenclature: women loving women in many cultures and settings

306. Interview with Roxana Reyes, San José, Costa Rica, October 2004.

may find the term “lesbian” an imposition, or inadequate to the richness of their lives. It also attests, though, to how issues central to discussing women’s sexuality—questions, among others, of bodily integrity and health, of the freedom to define oneself outside traditional social structures, and of basic rights to expression and association—cannot and must not simply be called “lesbian issues.” They are relevant to all women. Their impact, though multifarious, cuts across classes, localities, and culture. They are matters of life and death for women to whom the self-description “lesbian” might never occur.

India offers a powerful example of the complexities, divisions, and alliances which activism on women’s sexuality can entail. In India, political activism surrounding lesbian lives and identities has, for many years, taken place in the context of feminist organizing around issues of “single women.” This movement seeks to explore, and defend, the lives of Indian women who choose to exist outside the institution of heterosexual marriage: or who, because of widowhood, divorce or desertion, must do so. A 1993 report prepared for a National Seminar on Single Women observes that heterosexual marriage and the birthing of sons bestow on women a privilege, recognition and identity borrowed from the men to whom they are attached—as well as certain legal rights denied to single women. By contrast, to remain single is seen as a failure, an individual aberration of character. Single women are pathologized and privatized, rarely acknowledged as a collective identity or a group facing discrimination.<sup>307</sup>

The single women’s movement seeks to foster the political identities of women who are not married, women who, when visible at all, are seen as deviant, either altogether asexual or infinitely available for sex. It also seeks to “make singleness a viable alternative [to] and thereby question the norms of compulsory marriage and a certain kind of family.”<sup>308</sup>

In India, single women face not just invisibility, but eradication. There is “widespread acceptance within the dominant community that a woman without a husband [does] not deserve to live.”<sup>309</sup> Widowed women suffer far more than just bereavement: some struggle for financial survival, as surviving male family members inherit the dead husband’s jobs, and poverty, and refuse to support them; they may face pressure to marry those male in-laws in order to keep property

307. Even within the women’s movement, raising the needs of single women proved difficult. Reportedly, when unmarried women at a feminist conference in the early 1990s demanded a “single women’s session,” other women alarmed by the idea organized a rival “married women’s session.” Ashwini Sukthankar, e-mail communication to IGLHRC, April 27, 2000.

308. Single Women Project Team, Jagori, report prepared for Preparatory Meeting for National Seminar on Single Women, 1993.

309. Ibid.

within the family. Some have been burned to death; some have committed suicide, ashamed at the loss of both livelihood and “honor.”<sup>310</sup> Single women may be financially exploited: believed to have few needs, they are paid less than other wage-earners. Under both Hindu custom and Muslim personal law, women deserted by their husbands face similar obstacles. They often must struggle to live apart from their husbands’ families; they have few assets or possibilities for employment.

Unmarried lesbians fall into (and began to gain a voice through) this category of singleness. They too face endemic discrimination from families and the state. Lesbians, too—faced with homophobia and invisibility, as well as frequent attempts by families or authorities to separate them from their lovers—have sometimes taken their own lives. As activists in India have written, “The single woman who rejects marriage and chooses to control her own sexuality, who chooses her own sexual partners, is the most threatening and is given the least social sanction amongst all groups of single women.”<sup>311</sup>

The subsumption of lesbian issues within the single women’s movement, however, created tensions when lesbians aimed at greater visibility.<sup>312</sup> Although lesbian issues occasionally have been raised in a number of Indian women’s venues, responses, according to lesbian activists, have ranged from “hostility and dismissal to cautious acknowledgment.”<sup>313</sup>

These tensions came to a head when, in late 1998, the Shiv Sena—a Hindu nationalist party affiliated with the ruling Bharatiya Janata Party (BJP)—launched a violent campaign against a film representing an emotional and physical relationship between two middle-class Indian women. Lesbian identity emerged as a public issue for the first time through attacks on the film. The film, and that identity, were posited as alien to nation and religion, a threat to the structures of family, marriage, and reproduction which the Right understood as sustaining the Indian state. As such they became a useful tool in a long right-wing struggle to dismantle the tottering secular and multiethnic character of that state.

During three months of controversy, mainstream defenders of the embattled film rarely mentioned its lesbian content: instead, “lesbianism” was left as a term

310. Maya Sharma, a Delhi-based lesbian activist, asserts that when women have such limited choices in the face of patriarchal structures, taking their own lives can sometimes be an act of protest, a form of resistance against living under an unjust shadow of “dishonor.” E-mail communication to IGLHRC, April 26, 2000.

311. Single Women Project Team, Jagori, report prepared for Preparatory Meeting for National Seminar on Single Women, 1993.

312. IGLHRC interview with Ashwini Sukthankar, January, 2000.

313. S. Manorama, B. Fernandez, S. Mahajan, N.B. Gomathy, and C. Shah, background paper presented at a conference on Gender-Just Laws, Mumbai, 1996.

for the nationalists to wield and circulate. Supporters of the film instead focused on civic rights basic to a secular state, on freedom of expression and artistic creativity. For those defending a diverse and tolerant state, lesbian identity, a tool of the destroyers, was still something to be elided or evaded. As a result, according to lesbian activists, “the Shiv Sena and its sympathizers were able to pronounce their condemnation of alternate sexualities without so much as a word of protest.”<sup>314</sup>

Indian lesbian groups such as Sakhi, Sangini and Stree Sangam—no longer finding sufficient shelter in the single women’s movement—were driven to take on a more public role. They named the attacks, and the attempts to close the film, as violence against women in general, and lesbians in particular.<sup>315</sup> After the protests, groups which had responded in defense of lesbian identity formally founded the Campaign for Lesbian Rights (CALERI)—to respond to nationalist attacks, to combat the “social suppression of women’s sexuality,” but also to “articulate and nurture the troubled connections of lesbians in/with the women’s movement.”<sup>316</sup> The Campaign came together to build public consciousness both about and among lesbians, and to articulate more clearly the issues they face.

The Campaign’s own account of the controversy was issued on the 25th anniversary of Indira Gandhi’s notorious state of emergency: it explores the tension between this new nationalist “emergency” and the “lesbian emergence” it produced. The following narrative is largely based on it.

*Fire*, a film by Deepa Mehta, premiered in India in late 1998. In it, two women, sisters-in-law living in the same home, are drawn together by their growing frustrations with both their husbands and Indian patriarchal tradition. A relationship of solidarity also becomes a sensual and sexual one. A press release put out by the groups opposing censorship (many of whom later founded CALERI) acknowledges that *Fire* is the first Indian film to “explicitly acknowledge the existence of lesbianism. . . it also brings into focus the critical issue of forced marriages and forced heterosexuality.”<sup>317</sup> It is partly for these reasons that the film touched off an explosion.<sup>318</sup>

314. “Sound and Fury,” in Campaign for Lesbian Rights (CALERI), *Emergency Jaari Hai/Lesbian Emergence* (New Delhi, 1999), p. 9.

315. “For Immediate Release,” in CALERI, *Emergency Jaari Hai/Lesbian Emergence*, p. 22.

316. “Introduction,” CALERI, *Emergency Jaari Hai/Lesbian Emergence*, p. 4.

317. “For Immediate Release,” CALERI, *Emergency Jaari Hai/Lesbian Emergence*, p. 22.

318. The film has been billed as both a lesbian film and not a lesbian film, according to CALERI, depending upon audience and region. CALERI’s response to the attacks on the film was not designed to endorse the film, but to oppose the attacks on women’s sexuality embedded within the attack on the film. The Campaign suggests in *Emergency Jaari Hai/Lesbian Emergence* that the film is in many ways “as problematic as the Shiv Sena’s homophobic assaults on its screenings” (p. 7).

Protests began in Mumbai, where Shiv Sena was a powerful force in Maharashtra state government. On December 2, 1998, the New Empire theater in Mumbai was “stormed” by over 200 members of Shiv Sena, who broke display windows, damaged ticket counters, and burned the poster advertising the film. Earlier that day, Shiv Sena protesters had forced another theater to stop its screening of *Fire*.

On December 3, the Hindi version of *Fire* was removed from theaters in Pune following additional protests. On the same day, in Surat, the Bajrang Dal, a nationalist organization affiliated with Shiv Sena, attacked two theaters screening *Fire* and destroyed “everything in sight, forcing audience members to flee.”<sup>319</sup> In New Delhi, several video rental and retail stores took *Fire* off their shelves.

Over the next few days and weeks, additional attacks targeted cinemas in Delhi, Mumbai and other cities. Struggles about women’s sexuality, “essential” Indian culture, and Hindu nationalism continued to collide in parliamentary and media debate. State officials supported or condemned the protests, depending both on principles held and party affiliation.

In the process, the nature of lesbianism became a topic of political and parliamentary debate. Mukhtar Naqvi, Minister of State for Information and Broadcasting, called lesbianism “a pseudo-feminist trend borrowed from the West [which] is no part of Indian womanhood.”<sup>320</sup> A journalist tried to read homosexuality out of the ranks of sexualities altogether: “So, lesbianism is not a sexual proclivity but it is something one can resort to as a second best.”<sup>321</sup> Lesbian sexuality appeared both as a plague and as something to be kept profoundly private. Bal Thackeray, leader of Shiv Sena, demanded, “Has lesbianism spread like an epidemic that it should be portrayed as a guideline to unhappy wives not to depend on their husbands?”<sup>322</sup> Madhukar Sapotdar, another Shiv Sena official, inquired, “Do we have lesbian culture in our families? Surely, this film has put all of us in a shameful light.”<sup>323</sup> Another Shiv Sena leader asked, more plaintively: “Even if these things are happening, what’s the need to show it?”<sup>324</sup>

Although *Fire* had been seen and approved for distribution by the Censor Board of Film Certification (CB), members of Shiv Sena publicly called for a further

319. “The Life of a Controversy,” CALERI, *Emergency Jaari Hai/Lesbian Emergence*, p. 12.

320. Minister of State Mukhtar Naqvi, quoted in “Quote-Unquote,” CALERI, *Emergency Jaari Hai/Lesbian Emergence*, p. 16.

321. Lakshmi Lal, quoted in “Quote-Unquote,” CALERI, *Emergency Jaari Hai/Lesbian Emergence*, p. 17.

322. Bal Thackeray, quoted in “Quote-Unquote,” CALERI, *Emergency Jaari Hai/Lesbian Emergence*, p. 16.

323. Madhukar Sapotdar, quoted in “Quote-Unquote,” CALERI, *Emergency Jaari Hai/Lesbian Emergence*, p. 16.

324. Jai Bhagwan Goel (Shiv Sena Delhi Unit Chief), quoted in “Quote-Unquote,” CALERI, *Emergency Jaari Hai/Lesbian Emergence*, p. 16.

review. On December 4, the Ministry of Information and Broadcasting sent *Fire* back to the CB to be re-reviewed because it had “caused public resentment leading to violent demonstrations and opposition across the country.”<sup>325</sup> While censors re-examined the film, some theaters continued to show it; in others, it was taken off screens. Bal Thackeray began listing conditions under which the group would allow the film to be released. One called for the names of the two female protagonists to be changed from Hindu names (Sita and Radha) to Muslim names (Shabana and Saira).

Half-hearted defenses of the film in Parliament asked the government not to censor it because it would allow lesbians to attain the luster of martyrdom. “By doing this, we are driving alternative perspectives and points of view underground and making heroes and heroines out of assassins and lesbians. This does a disservice to the nation. . . . we will make murder and sexual deviation heroic.”<sup>326</sup> The Censor Board was accused of having released the film only because of government corruption.

Calls were made for local governments to launch police investigations into the violent protests. On December 7, prominent actors, filmmakers, and writers petitioned the Supreme Court to seek an explanation from the state government of Maharashtra’s failure to ensure safe screenings of the film. On the same day, thirty-two organizations, including artists’, women’s and lesbian groups, along with other concerned citizens, staged a 300-person peaceful demonstration against the Shiv Sena’s vandalism and attacks on *Fire*. In an effort requiring “major collaboration” among Indian progressive groups, organizers pulled together a large, coalition-based demonstration in only three days.<sup>327</sup> Lesbians worked for a presence in this protest, in what came to be the “foundational act” leading to the formation of CALERI.

Some theaters cancelled *Fire* screenings; in others, as in Varanasi, security was heightened for screenings which proceeded. Protests continued in many cities and regions including New Delhi, Mumbai, and West Bengal. The Janakpuri Residents Welfare Council demanded the filmmakers apologize for making a film that offended the Hindu population by portraying lesbianism. *Fire*’s director and at least one of the lead actresses received death threats; Nandita Das, one of the stars, said, “I thought this might turn out to be my last film.”<sup>328</sup>

325. Quoted in “The Life of a Controversy,” CALERI, *Emergency Jaari Hai/Lesbian Emergence*, p. 12.

326. Pritish Nandy, Member of Parliament, December 3, 1998, in “Sound and Fury,” CALERI, *Emergency Jaari Hai/Lesbian Emergence*, p.9.

327. IGLHRC interview with Surabhi Kukke, February 2000.

328. Interview with Das on the official website of Deepa Mehta’s film *Earth*, <http://24.114.4.134/earth/html/case-Nandita/htm>.



On January 4, 1999, eight people attacked a theater with sticks and swords. On January 10, Bajrang Dal announced that it would urge the Supreme Court to move against *Fire*, as well as an anthology of Pakistani women writers, because these “hurt Hindu sentiments.”<sup>329</sup> On February 12, the Censor Board announced that it would approve *Fire* with no cuts or changes to the lead characters’ names. On February 25, the film was formally re-authorized for release; on the same day, however, one of the film’s producers announced that *Fire* would not appear in theaters without Shiv Sena’s permission. On the following day *Fire*’s producers made a “slight” change upon a demand from Bal Thackeray: they agreed to omit the name of one character for screenings in Mumbai.

One Campaign member writes that as early as December 8, the day after the mass protest against Shiv Sena’s attacks on *Fire*, the word “lesbian” was on the front pages of every newspaper in Delhi, in stark contrast to the silence and invisibility that had long enfolded lesbians within Indian culture and within the mainstream women’s movement. It is this contrast which governed another layer of the Campaign’s struggle—not only to condemn the protests against the film, but to develop common strategies and alliances between lesbians and heterosexual feminists.

The Campaign for Lesbian Rights came together as a loose coalition of lesbians and allies who had been connected to gender and other social justice movements. The groups and individuals who formed the Campaign were cemented by a “basic minimum stand on the link between lesbianism and democratic rights, but pushing the issue forward in individual ways.”<sup>330</sup>

Maya Sharma claims that “questions around sexuality have been difficult to deal with even within the women’s movements.” This is due at least in part to the ways lesbianism has melted into the ranks of single women’s issues. Ashwini Sukthankar, another lesbian activist who was living in Delhi at the time, suggests that, given the political climate and the value in Indian society placed on certain patriarchal manifestations of culture and tradition, “women’s issues are hard enough to bring up in many orthodox settings. Lesbian and women’s groups have concerns about their credibility—and with good reason.”<sup>331</sup>

Sharma defines one primary conflict facing lesbians and other women in strategizing over responses during the *Fire* controversy:

329. “The Life of a Controversy,” CALERI, *Emergency Jaari Hai/Lesbian Emergence*, p. 15.

330. “For Immediate Release,” CALERI, *Emergency Jaari Hai/Lesbian Emergence*, p. 15.

331. Maya Sharma, e-mail communication to IGLHRC, April 26, 2000; IGLHRC interview with Ashwini Sukthankar, January 2000.

*While organising the protest against Fire we had this difference: There were women’s groups who wanted to raise the issue as an attack on freedom of expression. And there were others... who felt that raising the issue as [simply one of] freedom of expression would be far from the truth. The attack definitely came because it dealt with lesbians. And it was important that we give it visibility... And so we did much against a number of women who felt we were doing a disservice, [that highlighting lesbian experience] would take away support, and that we were dividing women.*<sup>332</sup>

The attacks meant to divide the nation-state along ethnic lines threatened to divide the women’s movement along strategic ones. Even before *Fire* broke out, it had been clear that different groups with different constituencies privilege specific ways of addressing issues of sexuality. But with the immediacy of the controversy, a “fuzzy line became a sharp line,” as conflict mounted between women’s groups who wanted to foreground how the attacks targeted lesbians (even if lesbian issues remained coded as “single women’s issues”), and others who feared a focus on lesbian sexuality as divisive and a trigger for a potential backlash. “This was a reasonable concern,” Sukthankar adds.<sup>333</sup>

The divisions did not break down into simple categories in which lesbian and heterosexual women were pitted against one another. “It wasn’t as simple as claiming that you were dealing with ‘straight women who didn’t get it,’” Sukthankar says. “There had been a lack of conversation intended to map out boundaries and strategies. [We hadn’t fully figured out] ways to address lesbian issues within a context of broader organizing and women’s struggles.”<sup>334</sup> Before the *Fire* explosion, no space had existed for these discussions; now, amid the urgency of the assaults, there was no time.

CALERI suggests that Shiv Sena—as well as the general public—most likely did not expect a vocal, visible, lesbian response to attacks on the film. “As long as the Shiv Sena made it clear that they were attacking the film because of its explicit lesbian content, they could be assured that no one would spoil their sport. Who, after all, would speak on behalf of lesbians?”<sup>335</sup> Throughout the weeks of the controversy, lesbians were so visible, and named as a group so

332. Maya Sharma, e-mail communication to IGLHRC, April 26, 2000.

333. IGLHRC interview with Ashwini Sukthankar, January 2000.

334. IGLHRC interview with Ashwini Sukthankar, January 2000.

335. “Democracy for All: Emergency for You,” CALERI, *Emergency Jaari Hai/Lesbian Emergence*, p.19.

clearly, that *Fire*'s filmmaker accused them of "hijacking the protest."<sup>336</sup> And even some lesbians feared the results. According to CALERI,

*Even as organizers prepared for the demonstration and worked to mount a response in solidarity with other groups, there was conflict among us. There were protests from some about the use of the word "lesbian" in the press statement. There was pressure to speak instead of "women-women relationships." There were problems with the word "sexuality." . . . There was an assertion that the person on the street was not ready to hear these words.*<sup>337</sup>

Lesbians asked one another how not to antagonize other protesting groups, including civil rights, democracy-building, and human rights organizations. Yet the controversy actually may have solidified some of these alliances. In the past, Sukthankar says, these groups had treated lesbian and gay rights as "a question of 'personal choice'—therefore not a legitimate area of concern when the broader framework is democratic [or] human rights."<sup>338</sup> CALERI's work, and the *Fire* storm, "challenged that assumption in a very public way." With the attacks on the film, activists reaching out to mainstream organizations "no longer had to make the same kind of argument claiming that lesbian and gay issues weren't a personal issue. There was a greater sense of solidarity among social justice groups."<sup>339</sup>

Of the strategizing among women's and lesbian groups during the weeks when the *Fire* controversy raged, Sukthankar says,

*I think many of us in the Campaign felt that it was more useful to think in terms of issues than identities in building coalitions. We were focusing on "lesbian sexuality" but we were not a "lesbian group"—the members of the Campaign include straight men and women, and gay men. We also felt that the best way to address conflict between people working together was to do the work—that if you have a deadline to*

336. "The Life of a Controversy," CALERI, *Emergency Jaari Hai/Lesbian Emergence*, p. 14. It is interesting (though it might have exacerbated Shiv Sena's indignation) to observe the global support, and parallel organizing, mobilized by the example of lesbian advocacy in India. In the US, for instance, the South Asian Lesbian and Gay Association led protests at the Indian consulate in New York and held fundraisers for CALERI's work in India.

337. "Fire! Fire! It's the Lesbians," CALERI, *Emergency Jaari Hai/Lesbian Emergence*, p.19.

338. Ashwini Sukthankar, e-mail communication to IGLHRC, April 28, 2000.

339. IGLHRC interview with Ashwini Sukthankar, February 2000.

*meet, you have an incentive to sort out your issues rapidly and concretely, so that they don't get in the way. And, since our campaign was targeted towards addressing a diverse range of people, from Supreme Court lawyers to people using interstate bus terminals, it meant we had to tackle class issues very quickly, and deal with the reality of having to work in Hindi and be accessible to people.*<sup>340</sup>

Sukthankar continues:

*Personal relationships were in flux. There was constant negotiation regarding responses to attacks, discussion, strategizing. The 'greatest frustration' was an inability to get work done. There was endless negotiation and compromise, seeking middle ground. Strategies developed very quickly and there were some fractures—which will take a while to heal. One women's group felt a sense of betrayal. Their strategy of fifteen years of dealing with lesbian rights subtly and quietly was challenged. . . . [But] a lot of women's groups became committed to moving lesbian rights forward, they forced the issue, which had been on the 'back burner' before. On the whole, the Fire protest was very constructive—it forced an immediate having to take a stand; it sped up having to deal with issues.*<sup>341</sup>

With a nationalist government still in power, lesbian organizing in India remains under political threat, as does lesbian visibility. In early 2000, Shiv Sena—still in Maharashtra state government—announced it would try to prevent Deepa Mehta from making her next film in the state. "The Sena will not allow any attempts to cast aspersions on India's glorious tradition and culture," a government minister stated, adding: "There are distortions in every society. Ms. Mehta should shed some light on the contradictions and discrepancies in Pakistan's social set-up."<sup>342</sup>

*Fire* created opportunities—and advantages—for politicians to put themselves uncompromisingly on record against homosexuality; that record still stands. Nonetheless, CALERI has expanded its scope. Current activities rooted in the initial campaign include work toward repeal of India's sodomy law, and investigations into patterns of suicide among Indian lesbians. CALERI has distributed over

340. Ashwini Sukthankar, e-mail communications to IGLHRC, March 6, 2000 and April 26, 2000.

341. IGLHRC interview with Ashwini Sukthankar, February 2000, and e-mail communication to IGLHRC, April 28, 2000.

342. Ambarish Mishra, "Shiv Sena will not allow Deepa Mehta to shoot *Water* in state," *Times of India* news service, Wednesday, February 16, 2000. Later efforts prevented the filming of *Water* in Varanasi, as well. Ashwini Sukthankar, email communication to IGLHRC, February 8, 2005.

7,000 “Myths and Realities” flyers addressing stereotypes about lesbian identity.

The shift toward greater lesbian visibility during the public outcry has led to ongoing dialogue and strategy development between lesbian groups and women’s groups, as well as with other progressive movements. The political landscape for lesbian organizing has shifted. This shift took place on terms set by nationalist forces, but with resistance to it enabled by the legacy of Indian women’s advocacy. Progressive forces were battered by the change; in gaining a more realistic understanding of their divisions as well as commonalities, they may have been bolstered as well.

*Shiv Sena’s attacks on the film Fire led to the formation of CALERI. Strange are the ways in which people come together. This attack, in fact, became our source of strength. We came together because of it. Not that one is saying it’s good, but the need for the vulnerable to come together hits hardest when one is under attack. It creates a fissure in the placid, dead routine. Like stitches getting undone and the tear in the garment widens. All that is covered and hidden “comes to” and so we awakened and came together. We came together in spite of our differences.<sup>343</sup>*

### **India Update 2005** **How Sexuality Has Been Used to Target Women’s Organising in India: 1999-2004.**

*Submitted by Shalini Mahajan*

Lesbian, bisexual and trans women’s organising in India has continued to emerge in various spaces, very often from within feminist and activist perspectives, but also within organisations working on lesbian, gay, bisexual and transgender issues, human rights, sexual and reproductive health and HIV/AIDS. While some groups placed the beginnings of their journeys within the “single women’s” framework, more and more groups are positioning themselves at the intersection of sexuality and feminist thought. The past five years have seen groups emerge in Bombay, Pune, Calcutta, Kerala, Bangalore, and Baroda, with several other cities still in the process of forming groups. In many of these cities, as well as in Bombay and Delhi (where the first groups were formed), we have seen the rise of telephone helplines for queer women, as well as the creation of both funded organisations and voluntary activist collectives.

343. Maya Sharma, email communication with IGLHRC, April 26, 2000.

Some groups elect to sustain themselves as non-funded voluntary collectives choosing to focus on visibility, awareness and political action through publications, film festivals, and campaigns. Others have moved into service provision, primarily emphasizing counselling, legal aid and support groups. One or two organizations are attempting to create shelters for lesbian women. The complexity of organising is also reflected in the changing concerns over the past few years: transgender issues, the lived realities of women who pass as men and sex reassignment therapies are each becoming important topics addressed in queer women’s groups. Issues of class within the movement and the need for sustainable and safe livelihood are pressing concerns for everyone, but become acute when sexuality and gender expression make finding employment especially difficult. The intensified religious fundamentalisms have resulted in more assertion of control over women’s lives, bodies and sexualities by families and communities.

Much of this organising does not make headlines in the press and often seems invisible in the public domain, yet much ground has been gained within human rights organising and social movements. A section of the LGBT groups has also begun taking active part in campaigns that are not directly concerned with issues of sexuality. The inter-sectionality of our ideologies and associations is being translated more and more into our actions as well.

Some groups like OLAVA (Organised Lesbian Alliance for Visibility and Action) from Pune and Stree Sangam (now known as LABIA, Lesbians and Bisexuals in Action) from Bombay actively participated in efforts of citizen’s and other justice and peace efforts that emerged after the carnage in Gujarat in 2002.<sup>344</sup> The World Social Forum, held in Bombay in January 2004, was another such place where LGBT groups from India joined in the organising with other progressive groups and also participated in significant numbers. Many sessions were organised by groups in trans-national feminist and queer alliances and several sessions organised by international coalitions of women’s groups like the “Inter-Movement Dialogue” and the “Muslim Women’s Rights Network” had a strong focus on lesbian women’s concerns. These discussions as well as the very visible Rainbow Planet march within the Forum reflected our diversities, connections and differences. The visible queer and queer supportive international presence helped the organisations in India be more visible as well and nudged other progressive Indian movements towards a more supportive position.

344. Communal clashes in Gujarat in the year 2002 mark some of the worst genocidal attacks on the minority community by the majority. Violence flared for four months, during which thousands of people were killed. The violence started on February 27, 2002 and continued to flare over a period of four months. The lives, property, and businesses of the community were under severe attack, as were the bodies of women.

Concerted actions and the growing visibility of lesbian activism have worked to sensitize the media to and promote fairly sensitive portrayal of LGBT issues. However, this coverage is not without its attendant stereotypes, ghastly prejudices, and a journalistic disregard for the safety of women whom they ‘out’ in public.

The release of the “lesbian” film *Girlfriend* in June 2004, was the epitome of this prejudiced view. Unlike *Fire*, *Girlfriend* was poorly made, and depicted a stereotypical and negative picture of “the lesbian” as hateful and dangerous. The film exploited the issue of lesbianism for titillation and commercial gain, while condemning the lesbian character in the film to the horrific fate of either becoming a killer or dying a gruesome death.

As with *Fire*, the film screenings of *Girlfriend* were vandalised by right-wing parties protesting against the “portrayal of lesbianism.” Progressive groups in the country protested against both, the hooliganism and vandalism of the right-wing against the issue of lesbianism in the film, as well as the manner in which the film itself treats the issue of lesbian sexuality. In a the protest statement disseminated in Bombay, LABIA maintained that the actions of the right-wing as well as the film-makers, “work towards making invisibilized [lesbian] lives more threatened and further marginalised.”

The attacks on the film again led to a number of debates in the media on the issue of lesbian women. Some of these debates have had a positive impact and have helped to undo some of the damage the film caused. One of the complaints of the media, especially the visual media, however, was that not enough women “came out” and were willing to speak to the press. The lesbian community was accused of not assisting the media in advancing the public opinion around lesbian issues. Still, most lesbian groups and activists are wary of being “out” given that the support structures continue to be very fragile.

The State machinery has continuously acted against the larger interests of the LGBT communities in ways that help fuel sexuality-baiting. On September 9, 2003, in the affidavit filed by the Central government in response to the petition filed in the Delhi High Court by Naz Foundation (India) Trust in 2001, they quote the 42nd report of the Law Commission: “Indian society by and large disapproves of homosexuality and disapproval was strong enough to justify it being treated as a criminal offence even where the adults indulge in it in private.” This was an official statement in response to a petition demanding that Section 377 of the India Penal Code<sup>345</sup> be read to decriminalize private consensual sexual acts between adults.

345. Section 377 of the IPC, a remnant of the Victorian anti-sodomy laws, reads: “Unnatural offences. Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or

Subsequently, on September 2, 2004, the court dismissed Naz’s petition on grounds of *locus standi*.

Despite a vibrant lesbian, gay, bisexual and transgender rights movement, significant documentation also attests to the regular and persistent human rights violations that gay men, kothis, and hijras endure at the hands of the police who harass, blackmail, and threaten them using Section 377 of the Penal Code.<sup>346</sup> Meanwhile, stories of women wanting to run away to get married and being prevented from doing so by their families who seek active help from the police repeatedly circulate. The police have been reported to cajole, threaten imprisonment by invoking Section 377, imprison or forcibly separate adult women wanting to live together. Families and communities have also acted in various violent ways that sometimes force women to run away or attempt suicide. Even activists in urban centres who have more access to support systems outside the family often find that these are conditional and temporary.

Progressive movements, including the Indian women’s movement (with whom the association of lesbian groups has been long and complex) have not been unequivocal in their support. At the same time, while the more mainstream groups have yet to bring sexuality into their framework, others have moved towards more supportive positions. For example, when the workers of Bharosa Trust, a sexual health NGO working on HIV/AIDS in Lucknow, were locked up by the police in July 2001, many voluntary autonomous groups, women’s groups, lawyers and human rights and civil society organizations joined in the national protests. In another instance, several women’s groups, including those who had earlier felt uncomfortable with the use of the word “lesbian,” came forward with strongly worded letters of protest about the State’s response to the petition on Section 377 in the Delhi High court in 2003. This is in contrast to the near silence on lesbian rights earlier in the women’s movement. In Delhi, several of these groups have formed a coalition called “Voices Against 377.”

On the whole, there is more opportunity and there is constant effort on at least the part of the lesbian women’s groups to engage in dialogue and claim space

animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.”

346 “Kothi” is a term used across South Asia for men with feminine homosexual identities who are often non-English speaking, and who frequently have limited access to educational and economic resources. “Hijas” in India have been seen to be mythical, spiritual and holy people who cross boundaries of gender as a “third sex,” in part as a result of undergoing castration. People’s Union for Civil Liberties, Karnataka (PUCL-K), *Human Rights Violations against the Transgender Community*, September 2003.

within the women's movements. So there are attempts at active alliance between these groups in major cities. Debates on sexual assault laws and the campaign against Section 377 have also been jointly organised where attempts have been made to bridge gaps and respect differences.

And yet there have been deep and irretrievable fissures as well. Some activists recount the story of a voluntary lesbian group in a major city that was initially supported by a well-known women's group. Two years ago, the lesbian group went through a major crisis. Many of their members, who were also employees of the said women's NGO, had to leave the organisation. Although there were a range of organisational issues, some of the women felt that identity politics, including sexuality, was used to diffuse larger questions of democratisation and power. The women's sexuality and sexual lives, perhaps since sexuality is so amenable to creating prejudice, were also attacked. Some of the women were "outed" in the process, their personal lives and relationships became issues of much discussion within the NGO and all the women lost their jobs forcing many to leave the city as well, in search of new jobs.

The lesbian organisation suffered also in multiple ways. On the one hand many of the active members left the city and so could not contribute to the organisation in the same way any more. On the other, most of the other women's groups in the city, who had earlier shown solidarity and support to their work, opted to ally with the more established women's NGO in the face of this crisis. This isolated the lesbian group and made their functioning even more difficult. The discussions and the questions raised during this whole incident brought to fore many other kinds of stereotypes of lesbian women, especially amongst some "feminist" groups. It also raised issues of the power differences between funded and non-funded organisations and further created fissures within queer groups who found themselves divided on how they would interpret and politicise the incident.

This kind of marginalisation of the already marginalised is not confined to women's or human rights NGOs alone. In the case of an NGO working on sexuality rights in Bangalore, some transgender persons, hijras, and sex workers who worked there also had to leave. While there had been a lot of support from this NGO which helped organise these communities, this support, as in the case of the women's NGO, had its limits and boundaries. A non-funded sexuality minority voluntary group operating with support from the NGO is still trying to cope with the aftershocks of these tensions. Once again in the larger movement there has been little space for dialogue on the uncomfortable questions raised and this has led to discomforting silences which could lead to further fissures.

Such instances leave huge voids. Groups are affected adversely, individuals are badly shaken, many are forced to leave organizations and even activist spaces

and others strive to survive. In the situation where the outside world continues to be cruel and unrelenting, these additional stresses from within, from those that we chose as our own, leave us with many unfinished beginnings. We do not yet have ways of coping, of dealing, of confronting, of ensuring minimum damage to the already marginalised. Till we find that, we continue to build alliances and move along with them, as far as we can go.

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### **Poland: "An unexpected side effect of democracy."**

Osrodek Informacji Srodowisk Kobietych (OSKA), the National Women's Information Center, is an organization headquartered in Warsaw and dedicated to sharing information important to women throughout Poland. It was launched in 1995 by 12 women's NGOs working in partnership; one of the founding organizations in the federation is a lesbian group based in Krakow, named Citizens For Human Rights. OSKA produces a bulletin, and fosters discussions within the women's NGO community about issues including political participation, affirmative action, education, labor and sexuality.

A number of organizations under this umbrella focus on reproductive and sexual rights. The Federation for Women and Family Planning (FWFP), also located in Warsaw, was another among the founding members. The Federation originated in 1992 in response to an anti-abortion campaign spearheaded by the Roman Catholic Church. Wanda Nowicka, FWFP's executive director, declares that right-wing opposition to reproductive freedom "made our existence a reality."

In 1989, Solidarity ceased to be a slogan, a trade union, or an underground movement: as a victorious political party, it assumed control of the Polish government in the first democratic elections in fifty years. It quickly began breaking apart, as its various ill-matched elements—intellectual and populist, secular and sectarian, social-liberal and nationalist—discovered their incompatibility amid the demanding tasks of governing. Throughout Solidarity's outlaw years in the wilderness of martial law, the Catholic Church had supported it, not only by mobilizing (within limits) its own vast constituency among the citizenry, but by channeling various forms of Western aid into the work of ending communist rule in Poland. Most groups within the Solidarity coalition felt some degree of indebtedness to the Church. Its politically conservative wing felt a profound ideological

unanimity as well. Under conservative governments, the Church's connection to the state became first close and, more and more, controlling.<sup>347</sup>

The Church and conservative forces constructed a picture of their partnership designed to win over the Polish electorate. Barbara Limanowska, OSKA's executive director, sees Polish society as having been coddled with images of its own immaturity persuaded that citizens could not make decisions or govern their own lives after years of authoritarian rule. The Church expressed its willingness to give guidance during the transition to democratic adulthood.

Nowicka asserts that "under Communism, the Roman Catholic Church had a different face. It was more open and more welcoming. The right wing couldn't exist under Communism; at that time, we only saw Solidarity as a democratic movement for freedom. No one would have thought that a few years later Solidarity and the Church would be so conservative and restrictive. It took us a while to see the new image and new priorities."<sup>348</sup> One of Solidarity's first agendas when in power, she says, was "anti-woman." In 1990, one year after free elections, debates over abortion and contraception took the fore in parliamentary discussion. The shift toward restrictions on women's reproductive freedom was an "unexpected side effect of regaining democracy."<sup>349</sup>

It was particularly unexpected in that an attack on reproductive rights had only limited popular support. A 1992 poll indicated that just 11 percent of Poles supported the complete ban on abortion—backed up with criminal penalties—for which the Church campaigned. Approximately 25% favored abortion on demand, with the rest of respondents wanting abortion available under restricted circumstances. In general, the Church's political prestige and authority were not reflected in a complete hegemony over the hearts and consciences of most Poles. While 95% of Poles were Catholics, a study in 1990 showed that 57% felt free to ignore the Church's dictates if their own moral principles diverged.

347. The eminent historian, dissident, and Solidarity leader Adam Michnik paid tribute to the heroism of religious resistance, telling sociologist Alain Touraine in 1980 that "If he [Michnik] had been a Frenchman at the beginning of the twentieth century... he would have taken part in the fight against clericalism and would have been in favour of the separation of Church and state. But... it is impossible to compare a democratic situation with a totalitarian one. In the latter, the Church is a force resisting absolute power; it protects civil society against the state, and therefore plays a fundamentally democratic role, even when it continues to adopt culturally conservative positions which reinforce its hold over the population." Alain Touraine, Francois Dubet, Michel Wievorka, and Jan Strzelecki, *Solidarity: The Analysis of a Social Movement* (Cambridge, 1983), p. 46. Michnik, who was frequently baited by conservative anti-Semites in the 1990s, became, under democracy, a strong voice in defense of a secular state.

348. IGLHRC interview with Wanda Nowicka, April 2000.

349. Ibid.

Church and conservative forces were able, however, to attach themselves to an image and ideology of "family" in politically productive ways. In many post-Communist societies, "family" has a symbolic significance which citizens of the capitalist West (however accustomed they may be to the rhetoric of "family values") can hardly imagine. Authoritarian rule created a political sphere devoid of any possibility for political engagement, filled with loud rhetoric and emptied of meaning. For many citizens, what would have been called the "private sphere" in the West became the reservoir of value and the scene of meaningful communication and action.

The domestic sphere—and the heterosexualized family—was idealized by apolitical individuals as "the source of dignity and creativity in a society characterized by alienated labor processes... a harmonious collectivity pitted against the difficulties and strife of coping with the shortcomings of everyday life."<sup>350</sup> Yet this did not entirely mean the privatization of politics and a withdrawal from outside concerns. Rather, as one commentator notes, "the operative dichotomy in state socialism was not that of public/private but of state/family, in which the family was itself an ersatz public sphere... representing the anti-state and freedom."<sup>351</sup>

In newly democratic Poland, the Church and conservative parties declared the family to be under threat. Citizens who in principle supported access to abortion (even citizens who had benefited directly from it) could be mobilized against a menace to what was less a social institution than a product of the social imagination. New menaces could constantly be manufactured: feminists and homosexuals, as well as foreigners, joined the ranks of agents trying to subvert not the state but the anti-state, the valorized antithesis of the defeated dictatorship. A rhetoric of "family" would come to dominate the first decade of Poland's democracy, almost pre-empting other debates about economy and politics.

350. Barbara Einhorn, *Cinderella Goes to Market: Citizenship, Gender, and Women's Movements in Eastern Europe* (New York, 1993), p. 59.

351. Nanette Funk, "Introduction," in Nanette Funk and Magda Mueller, eds., *Gender Politics and Post-Communism* (London, 1993), p. 5. This "freedom" to be found in the family sphere hardly liberated women, however. Rather, men colonized the symbolic geography of Eastern European homes, resenting the incursions of women into spaces (including the kitchens where, in country after country, male dissidents famously gathered) now expropriated as their own. Women, who had access to certain state benefits under socialist regimes, were sometimes stigmatized as allied with the repressive state. One anthropologist observes that "when the family has come to be seen as the last bastion of autonomy from state control, associating women with society and men with the family continues to associate women with dependency (this time on the state) and men with autonomy." Joanna Goven, "Gender Politics in Hungary," in Funk and Mueller, eds., p. 233.

Indeed, conservative voices often sounded not as though the family were the basic unit of society, but as though democratic society existed solely in order to serve the family. As the notorious right-wing politician Kazimierz Kapera intoned, the family is the place “in which the future of every state is being born.”<sup>352</sup>

Solidarity had, in its underground years, created a rich and varied alternative society, full of *samizdat* publications, illegal interest groups, meeting places and affiliations—a living alternative to the dead Potemkin village of official organs which Communism called “society.” Now, with Solidarity’s successor parties in power, that society was increasingly being reduced to a servant of the private sphere—subordinated to a heterosexualized image of the family in which women again became disempowered agents of reproduction.<sup>353</sup>

A Ministry of Women and the Family was created in the first Solidarity government. The Church moved unsuccessfully to have it called simply the Ministry of the Family; it insisted—successfully—that the first holder of the post be a devout Catholic, married, and have more than one child.<sup>354</sup> Abortion (first criminalized in Poland in 1932) had been legalized since 1956. In August, 1990, the Solidarity-led Parliament opened discussion on a draft bill to ban abortion, providing three years’ imprisonment for “Whoever causes the death of an unborn child.” Proponents of the law argued that it was a logical development of democracy: civil rights recently guaranteed citizenship should be extended to the fetus.<sup>355</sup> Three years of ferocious debate followed; a law finally passed in 1993 effectively ended free abortion, allowing the procedure only in cases of danger to the mother, irreversible damage to the fetus, or rape. Even these conditions had been fiercely resisted by the Church, which declared a partial victory.

352. Address to the United Nations World Conference of Ministers Responsible for Youth, August 10, 1998.

353. Solidarity’s approach to women’s issues had always been ambivalent in its terms and effects. The first strikes in Gdansk in 1980, a protest against increases in food prices which ultimately led to Solidarity’s formation, were led by a woman worker, Anna Walentynowicz. See Jolanta Plakwicz, “Between Church and State: Polish Women’s Experience,” in Chris Corrin, ed., *Superwomen and the Double Burden* (London, 1992), p. 79. The 1980 Gdansk labor accords which the trade union negotiated with the Communist government included extensive maternity and child care leave for mothers; in practice, however, this placed women at greater risk of layoff, particularly after unemployment (once denied and concealed) became “official”—as happened after Solidarity gained governmental power in 1989. See Ewa Hauser, Barbara Heyns, and Jane Mansbridge, “Poland in Transition,” in Funk and Mueller, eds., *Gender Politics and Post-Communism* (London: 1993), p. 270.

354. Hauser, Heyns, and Mansbridge, “Poland in Transition,” in Funk and Mueller, eds., *Gender Politics and Post-Communism* (London: 1993), p. 271. The Minister chosen, Anna Popowicz, was dismissed in 1992 for opposing the Church-supported abortion legislation.

355. Malgorzata Fuszara, “Abortion in Poland,” in Funk and Mueller, *Gender Politics and Post-Communism* (London: 1993), p. 244.

Later in 1993, a coalition of leftist parties gained control of Parliament—partly by campaigning against the new abortion law. (Once in power, they did not repeal it.) In the late 1990s, conservative forces reassumed power. OSKA and the Federation felt the difference in approach. According to OSKA’s Limanowska, in the interval of social-democratic rule the woman chosen as Governmental Plenipotentiary for Women and Family Affairs “had been supportive of women’s NGOs, so there was a spirit of cooperation with some people within the government, and a sense that certain people within the government could be influenced toward supporting women’s rights concerns.”<sup>356</sup> With the installation of a conservative government came shifts in the landscape for women’s NGOs, in part foreshadowed by the change long advocated by the Church: women were dropped, and the title became the Office of Family Affairs. “The person who succeeded her in the Office of Family Affairs was a very conservative Catholic man who had been one of the leaders of the Association for Catholic Families. Now they don’t want to have anything to do with us.”

This man was Kazimierz Kapera. Kapera had served in earlier conservative governments. In 1991, when he was Deputy Minister of Health, he stated that the homosexual “problem” was “limited to a small group of sexual perverts, and that strict moral conduct would protect anyone sufficiently against AIDS.”<sup>357</sup> He was eventually dismissed for the remarks.

Now, however, he returned, armed with similar attitudes. Previously, according to Limanowska, the Office of Women had held monthly meetings with a broad advisory group of NGOs. “Now the only groups with which the Office of Family Affairs meets are the Catholic groups.”<sup>358</sup> In the past, small amounts of funding had been available for women’s projects, primarily those dealing with survivors of violence. The Polish government and the United Nations Development Program had funded a project to establish shelters for battered women, and to train counsellors and lawyers to address domestic violence. Kapera cancelled support for this project because he thought it might discourage marriage.

He condemned legal divorce, and criticized a nationwide campaign against family violence because, he said, it portrayed the Polish male as “an alcoholic, a wife abuser, a primitive pervert.”<sup>359</sup> The government withdrew subsidies for

356. IGLHRC interview with Barbara Limanowska, March 2000.

357. Hauser, Heyns, and Mansbridge, “Poland in Transition,” in Funk and Mueller, eds., *Gender Politics and Post-Communism*, (London, 1993), p. 268.

358. IGLHRC interview with Barbara Limanowska, March 2000.

359. Ibid.; Family Violence Prevention Fund, *News From the Front*, Winter 1998-99.

contraceptives, leaving them unaffordable for many women; at the same time, Kaperka favored subsidizing Viagra, to promote marital happiness for men.<sup>360</sup>

In August 1999, Kaperka was again forced to resign—this time after warning that abortion would soon lead to Asians taking world leadership from the white race.<sup>361</sup> The stance toward reproductive freedom and women’s rights which he epitomized, however, continued to drive state policy. A 1999 law on “Family Planning and Protection of the Human Fetus” further restricted reproductive rights, providing two years’ imprisonment for endangering the life or health of a “conceived child.” A government “Report on the Situation of Polish Families” deplored single mothers and divorcees; it also criticized feminism directly, accusing the women’s press of excessive emphasis on domestic violence and child abuse. Such articles “may confuse the readers who may even be led to undermining their system of values,” the report argued.<sup>362</sup>

In attacking Poland’s small independent press, the report assailed one of the few defenses social movements have against misrepresentations in the mass media. “The press,” OSKA’s Limanowska says, “doesn’t understand the complexities of the issues, they repeat things they think are funny. And they pick up the condescending attitudes displayed by government officials.”<sup>363</sup>

The press often attacks women’s rights activists, according to Limanowska, zeroing in on their relationships to men, to other women, and to the state. Women activists are stereotyped as “radical feminists”; they hate men; they are lesbians, but at the same time “against real women”; and they substitute an unnatural dependency on the state and its benefits for the real ties which family and heterosexuality provide.

In late 1999, one of the most popular right-wing newspapers, *Nasz Dziennik—Our Daily*—which counts Church figures among its editorial leadership, began publishing monthly attacks on OSKA. These culminated in a long article published on March 1, 2000.<sup>364</sup> *Our Daily* is affiliated with Radio Maryja, a conservative Polish radio station modelled on a similar frequency in Italy; and

360. “Sexual Tide,” *Wall Street Journal Europe/Central European Economic Review*, September 28, 1998; Kaperka reportedly told Polish Radio that if Viagra “is really going to improve the birth rate in our country, I am wholeheartedly behind it.” *Radio Free Europe Newslines*, Central and Eastern Europe Edition, September 10, 1998.

361. “Last Week in Poland,” *Central Europe Review*, Vol. 1, No. 10, August 30, 1999.

362. See Urszula Nowakowska, “The Position of Women in the Family,” in *Polish Women in the 90s*, a report of the Women’s Rights Center (Centrum Praw Kobiet), Warsaw, 2000.

363. IGLHRC interview with Barbara Limanowska, March 2000.

364. Stanisław Krajski, “Sładami Fundacji Batorego: OSKA,” *Nasz dziennik*, March 1, 2000.

Quotations from the article were translated for IGLHRC by Barbara Limanowska, Barbara Rusin, and Joanna Regulska.

Stanisław Krajski, author of the long OSKA article, was a prominent figure at station and paper alike. All these outlets are known for xenophobic, racist, and anti-immigrant commentary. They “teach people to hate and to look for scapegoats,” says Limanowska. The station has created an “Association of the Friends of Radio Maryja,” claiming a membership of three million—if so, the largest NGO in Poland.

Solidarity between NGOs, however, was not part of Krajski’s agenda. For a week before the article ran, the paper carried a “teaser”—each day, provocative questions were asked, and readers told to wait for a story on OSKA. One of the blurbs read, “Find out what your daughter can learn on the OSKA website.” OSKA staff were left wondering what the paper was going to report. “We couldn’t sleep for a week. Women from my organization were going through the web page every day trying to figure out what the article could possibly single out!”<sup>365</sup>

When the article eventually appeared, it was a virtual anthology of stereotypes and insinuations against feminists, twisting OSKA’s own words in an attempt to write the organization out of the Church-dominated Polish community. It focused on OSKA’s website, marvelling at women equipped with technology—and at the access to funding which enabled it. And at beginning and end, the article was framed in accusations of homosexuality.

Again and again, Krajski used writings from OSKA’s own bulletin, giving them his own slant. Early in the article he teases out a summer 1998 piece from the bulletin, examining (as the piece had said) the “role models, icons, mentors available to women in Poland”: a discussion of “whether and how women should learn from each other or form networks and models of mentoring. Do they need them? Should they be similar—if not the same—to existing male ones?” For Krajski, the question itself was subversive. He turns this into an “assumption that relationships between women are better than relationships between men.” The author of the OSKA piece had described a “platonic relationship” with a lesbian woman; her friends had thought the relationship sexual. “We should talk about women in relations with other women, not just with men,” she writes. Krajski reprinted these and other passages, and the implication was clear: relationships between women outside the control of men are dangerous. OSKA is promoting lesbianism.

Krajski moved along to focus on an article the OSKA bulletin had reprinted by Lynn Freedman, a US feminist, about the rise of fundamentalisms and its impact on women. Krajski suggested that Freedman was prejudiced against Catholicism as well as Islam. “Who is she talking about? We learn from the article

365. IGLHRC interview with Barbara Limanowska, March 2000.



that it is ‘the Vatican, Al Azhar University, the Muslim Brotherhood’ . . . What do they use, these nasty fundamentalists? . . . Women’s bodies, their sexuality, the social role they play. . . the main topics of women’s rights and human rights campaigns are also the most important instruments of the political programs of fundamentalists.”

Krajski used interviews with sex workers in the OSKA bulletin to suggest that OSKA wished to lead women into prostitution. And he insinuated in a number of ways that OSKA opposed Catholicism, the pillar of the state. “On the same website there is a ‘scientific’ article about witches. That’s a good place for such a subject. At the beginning of this article we learn how many innocent women were killed by the Church. We also learn what kind of institution the Church appears to be.” Krajski accused OSKA of likening the Catholic Church to the Nazi Party.

Summing up, Krajski tied OSKA to cosmopolitan “elites.” In particular, he linked it to the Batory Foundation, the Polish office of the international Open Society Institute.<sup>366</sup> The Batory Foundation funded OSKA’s website; Krajski tried to suggest that they funded the entire organization. And he pointed out, as his peroration—in a masterpiece of guilt-by-association—that the Foundation also supported the separate of another marginalized group:

*I have shown you enough quotations...Those quotes are making us sick. But I think the documentation I have shown you is enough. I don't want to comment on it. I think that each reader of our daily will have their own opinion. But I beg you, do not laugh at what you read on the website and do not underestimate what you read in this article—it is about our feminists' way of thinking. Do not underestimate what they are trying to say. They are sharing deeply held, highly important ideas. Some time ago it was only folklore. Now it is a movement which is infiltrating the so-called elites in our country. It is a lobby which has a lot to say. Moreover, what lies behind it is enormous money. They have the support of the media and influential people.*

*I have only one comment. When your young daughter is sitting at the computer, you should check to see if she is on the internet, because she might use the internet to open [the OSKA] website which the Batory Foundation calls “a socially useful initiative” or “ambitious cultural event” and which the Batory Foundation supports financially.*

366. The Open Society Institute, a foundation created by George Soros, has funded democratic social movements throughout Eastern Europe since the 1980s. Soros is Jewish, a fact which has made the foundation a target of anti-Semitism in a number of countries, including Poland.

*I know that your daughters think in a healthy way; they are rational and they are not stupid. But “God looks out for people who look out for themselves.” Someone may say, “I don’t have a daughter: but is there something for my son”? The Batory Foundation was also thinking about our sons. They have a special proposition on the internet for them too: they have financed a website about “homosexuality and the gay movement.”*

Krajski’s article was subtle, crammed with hints and insinuations and written in a coded language familiar to the Polish right. He creates an image of women whose aspirations to enjoy their rights are not political claims but unnatural acts, whose assertions are transgressions, and whose violations of norms turn into violations of the national boundaries. He ties Polish feminism to the West; to foreign funds; to Jews; to sex work and atheism; and, almost as a knockout punch, to homosexuality. The article even illustrates the curious mutual aid society which some right-wing Catholics have formed with Islamic fundamentalism. Limanowska says, “They are creating a picture of us as a dangerous and powerful enemy. There is a pattern of suggesting that we do not do things on our own—women can’t do things on their own—but that we rely on money and ideas from outside. There is a notion that we do not do things in the interests of women, but because we are supported by evil interests with evil plans.”<sup>367</sup>

Krajski’s article exemplified the contradictions of democratic change in Poland. Paradoxically, during the long years of struggle against dictatorship, Poland had seen a vibrant public sphere arise, one where the need for open debate was accepted as a principle. Now, under democracy, that public sphere had been colonized by monolithic forces impatient with any opposition. And they continued to use fears of sexuality to maintain power.

Polish women’s rights advocates are reluctant to argue with the press. OSKA members assume they will not be given adequate space to explain complex issues, or to convince readers in the conservative media. Moreover, Krajski’s attacks targeted their funding sources.

OSKA therefore chose not to respond directly to the attacks. Such tactics may shift, however, as the country continues its drift toward political conservatism. Limanowska assumes that “the conflict is coming.” She continues, “They assume that OSKA is very rich, strong and powerful, and that we’re out to destroy them. The media feels as if they really have to fight against us. So as the country moves to the right, conflict will come.”

367. IGLHRC interview with Barbara Limanowska, March 2000.

Some of that conflict might come with the publication of an article in a recent OSKA monthly bulletin: Iza Filipiak, a well-known author who is a lesbian, explored the invisibility of lesbians in Poland's women's movement.<sup>368</sup> The article criticized the aspiration of feminism to operate in the public, political sphere, and stressed the solidarities between women that are sacrificed as a consequence of deciding to move into that patriarchal realm:

*It is a paradox of intellectual feminism that on the one hand it speaks all the time of the exclusion of women from universal space, but on the other hand, it has a built-in fear of a space which would be created by women only. Polish feminism is waiting until it will be noticed, accepted, incorporated into universal cultural and political discourse. And lesbianism is told to wait in the same way until it will be noticed by the feminist sisters and their field of discourse and experience. It must wait longer, much longer, because the situation of heterosexual women and feminism, as we are told, is not that good.*

The writer accuses the women's movement of contributing to the exclusion and silencing of lesbians in Poland—of failing to stand up to cultural and political conservatism by vocally supporting lesbians. In an upcoming issue of the bulletin, devoted to the history of the women's movement, two responses will be printed. Limanowska hopes that this will open a conversation about sexuality and feminism. "There's been no open discussion of the role lesbians play in the women's movement until now."

Ironically, though—given how the article laments the loss of women's space—this discussion will take place in public, through the bulletin, which Krajski and Our Daily monitor. OSKA and the women's movement are caught between the obligation to transparency implicit in their public role, as part of Poland's painfully achieved civil society; and the longing for closed space in which to address divisive concerns. "I'm worried," says Limanowska, "about what will happen if the media takes the discussion over. When that happens, we have to deal with it."

The power of sexuality is such that it can drive all other issues from media attention. At one point, Limanowska remembers, OSKA invited the press to a discussion about a training program for women. A lesbian group made a presentation; press articles focused exclusively on it, "and next day our participants learned they had been at a training for lesbians."

368. Iza Filipiak, "Kontrakt Albo Seks" (Contract or Sex) in OSKA *Biuletyn*, April 2000.

Limanowska says, "Our goal at OSKA is to try to make women who are working with us feel good and comfortable. Where is the line where you can meet and come to talk in safety?" With the inevitable discussion about lesbians and the women's rights movement, Limanowska fears, "we are starting something but we don't have any control. From my own experience, and from the histories of other groups, I know it can be painful."<sup>369</sup>

### **Poland Update 2005** **The Witches' Brew: Sexual and Reproductive Rights of Women in Poland**

*Submissions by Wanda Nowicka and Marta Abramowicz*

#### **Uphill and Down**

In late November 2004, Poland's legislature gave preliminary approval to a bill that would give domestic partnership rights to lesbian and gay couples. The action drew immediate criticism from the Roman Catholic Church. Father Jerzy Kloch, a spokesperson for the Polish Episcopate, claimed that the bill would "bring irreparable social damage for marriage and family and upbringing of children."<sup>370</sup>

Protest about the legislation had been taking place since its introduction. In early January 2004, a group of right-wing politicians and skinheads gathered in Krakow to protest against the author of the legislation, Senator Maria Szyszkowskawa, who was the keynote speaker at a student forum about the bill held at Jagiellonian University. According to one report, Senator Szyszkowskawa was confronted by the leader of All-Polish Youth, a nationalist group, who "called her a witch and presented her with a broom."<sup>371</sup> Senator Szyszkowskawa has reportedly faced regular harassment as a result of her support of lesbian and gay rights.

All-Polish Youth, the group leading the protest, is connected to the Catholic, ultra-nationalist League of Polish Families. Not only does the League oppose domestic partnership rights for lesbian and gay couples, it is also firmly anti-abortion, anti-European Union and anti-immigrant. Founded in 2001, the League made a

369. Barbara Limanowska, e-mail communication to IGLHRC, May 6, 2000; IGLHRC interview with Limanowska, March 2000.

370. "Poland gives preliminary approval to same-sex partnership rights," *The Advocate*, 3 December 2004. See [http://www.advocate.com/new\\_news.asp?ID=14510&sd=12/04/04-12/06/04](http://www.advocate.com/new_news.asp?ID=14510&sd=12/04/04-12/06/04).

371. Tomasz Kitlinski and Pawel Leszkowicz, "Hope for Love in Poland? Gay movement grows in Poland despite far-right surge." *The Gully*, January 12, 2004, [www.thegully.com](http://www.thegully.com).

strong showing in its first Parliamentary elections, in part thanks to Radio Maryja, the widely popular and conservative radio show.<sup>372</sup> The party has continued to flourish since. One media account claims:

*A major component of Poland's homophobic witches' brew is misogyny. Abortion is banned, and there are a number of cultural and economic constraints on women and queers alike. Female artists who deal with sexuality have been hard hit by censorship. Some, like Dorota Niezalska, have also been physically assaulted.*<sup>373</sup>

Indeed, Ms. Niezalska was found guilty of “offending religious feelings” and sentenced to six months of “restricted freedom” (barring her from leaving the country) as a result of a suit brought by the League against her controversial work “Passion.”<sup>374</sup>

In the five years since we first reported on lesbian- and sexuality-baiting, the situation in Poland has featured new challenges with some successes. In terms of achieving women’s sexual and reproductive rights, significant hurdles remain. Several UN human rights treaty bodies have expressed their concern about harsh restrictions on women’s sexual and reproductive rights and about discrimination on the basis of sexual orientation.

### Sexual Orientation

The UN Human Rights Committee’s concluding observations to the Polish government’s 2004 report to the Committee singled out discrimination on the basis of sexual orientation as a key issue of concern in the context of Poland’s treatment of minorities. They noted that the “right of sexual minorities not to be discriminated against is not fully recognised, and... discriminatory acts and attitudes against persons on the ground of sexual orientation are not adequately investigated and punished” in accordance with article 26 of the ICCPR.<sup>375</sup>

According to the most recent *Report on Discrimination Based on Sexual Orientation in Poland*, a survey prepared in 2002 by Warsaw Lambda Association and Campaign Against Homophobia, the number of incidents of physical and

372. Ibid.

373. Ibid.

374. The installation explored masculinity and suffering, including showing “a cross on which a photograph of a fragment of a naked male body, including the genitalia, has been placed.” Ibid., *The Gully*, 1/12/04.

375. Ibid., paragraph 18. Article 26 of the ICCPR addresses equality and equal protection before the law.

psychological violence, discrimination at the work place, discrimination in services and public life as well as in the Church continues at high levels.

Recent incidents help to explain why victims of homophobic violence are unlikely to turn to the police for assistance. For example, in May 2004, the Campaign Against Homophobia organised the festival “Culture of Tolerance” in Krakow. The festival included a march for the support of democracy and rights of lesbian, gay, bisexual and transgender people in Poland. About 1,500 people took part in this legal demonstration, but they were attacked by 200 skinheads. When the police arrived, they found they could not contain the attackers, and the march was disbanded.

While the police have shown themselves unable to protect the safety and security of Polish sexual rights activists, other authorities similarly fail to uphold the right of lesbian, gay, bisexual and transgender people to be free from discrimination and violence. In June 2004, an “Equality Parade” was scheduled to take place in Warsaw, but Warsaw’s Mayor Lech Kaczynski banned it. The Mayor claimed that the parade would be “sexually obscene” and a “danger to the public morality.” Mayor Kaczynski said the demonstration’s objective was to spread pornography and was disrespectful of others’ religious beliefs.<sup>376</sup>

### Restrictions on reproductive health and rights

The 2004 concluding observations by the Human Rights Committee also addressed a range of issues related to women’s human rights, including equality between men and women in public service, and the high levels of domestic violence. The Committee noted that the lack of availability of abortion, sex education and access to family planning services and methods hinders the ability of women in Poland to fully exercise their civil and political rights. Regarding restrictions on women’s access to abortion, the Committee highlighted the potentially dangerous effects of Poland’s restrictive abortion law, commenting that the law “may incite women to seek unsafe, illegal abortions, with attendant risks to their life and health.”<sup>377</sup> Another barrier to the enjoyment of civil and political rights cited by the Committee was the lack of availability of abortion even when permitted by the law, “for example, in cases of pregnancy resulting from rape, and by the lack of information on the use of the conscience clause by medical practitioners who refuse to carry out legal abortions.”<sup>378</sup>

376. Marta Abramowicz, Campaign Against Homophobia, Poland.

377. Human Rights Committee, Concluding observations of the Human Rights Committee: Poland. 05/11/2004. CCPR/CO/82/POL/Rev.1, 82nd session, paragraph 8.

378. Ibid. A conscience clause is a statutory provision that permits individuals or institutions to refuse to provide or to pay for medical procedures, including abortion, on the basis of religious or moral beliefs.

Documentation by the Polish Federation of Women and Family planning indicates that legal abortions on health grounds are difficult to obtain. In one of the hospitals in Warsaw a woman with AIDS was denied the right to legal abortion on the argument that HIV positive mothers can have healthy children.<sup>379</sup> Hospital directors can refuse to allow abortions in their facilities, and doctors often refuse to perform abortions without referring patients to other doctors who are willing to provide the service, although according to the Polish law doctors are obliged to refer. Restrictions on abortion often negatively impact access to other reproductive health services. Pregnant women quite often experience difficulties in receiving prenatal tests in public healthcare.

The right to sexuality education has been recognized in consensus documents such as the ICPD Programme of Action, the Beijing Platform for Action and consensus documents from their 5 year reviews (Cairo +5 and Beijing +5). However, in Poland, there has been no national compulsory sex education program in schools since 1999. Instead, secondary schools are required to offer “preparation for family life” programs that focus on preparing adolescents for marriage and family, with little information about sexuality and reproductive health. Most teachers lack the qualifications to teach the subject.

Moreover, the structure and content of the “family life program” is heavily influenced by the Roman Catholic Church, which has played a major role in ensuring that school programs reflect its official view against modern family planning and in favor of traditional roles for men and women in the family. They quite often discourage the use of contraceptives, including the birth control pill and condoms, promoting only so-called natural methods as highly effective. The “traditional” approach to sexuality and education conflicts with the expressed preferences of the majority of people in Poland. A survey in 1997 found that 88% of respondents wanted to see a sex education program in public schools that included lessons on avoiding sexually transmitted infections and unwanted pregnancy.<sup>380</sup> As a result, the issue of adolescent reproductive and sexual health has not been treated with adequate seriousness by the government that has been in power since September 2001.

### Conclusion: Improvements with Accession?

Elections due in 2005 are likely to show increased support for conservative parties and those aligned with the Catholic Church. While some have seen Poland’s accession to the European Union as an opportunity to improve sexual and repro-

379. “Women’s Hell—Contemporary Stories,” Federation for Women and Family Planning, 2001.

380. Zbigniew Izdebski, “Selected Aspects of Evaluation of the National HIV/AIDS Prevention Program,” UNDP, 2002.

ductive health and rights in Poland, this has not occurred. Indeed, in accession negotiations, Polish leaders sought assurances that they could continue to regulate “moral issues” without interference.<sup>381</sup> As reporters Kitlinski and Lockard comment, Poland is in the midst of a culture clash, with women’s rights and sexuality-related issues as the fault line.

*When the demonstration [in Krakow] was staged, skinheads from the League of Polish Families attacked the demonstrators and tried to throw caustic acid at them. Acid is what is used in Eastern Europe to erase memory, minority culture, and diversity. The police defended the demonstration and the Old City of Krakow, under the hill of the royal castle, witnessed a street battle. This clash of cultures was profound and basic: an anti-woman, anti-gay, and anti-secularist right arrayed against gay and lesbian activists.<sup>382</sup>*

With the anticipated success of right-wing, ultra-nationalist and fundamentalist politicians in the upcoming elections, in combination with the strengthening of women’s organizations and the lesbian, gay, bisexual and transgender rights movement, lesbian- and sexuality-baiting are likely to animate the continuing culture clash unabated.

*Wanda Nowicka is the Director of the Federation of Women and Family Planning, Poland; Marta Abramowicz is the Vice-President of Campaign Against Homophobia, Poland.*

### Namibia: “The more out we are, the more public support we get”

Namibia is a new nation with an old political tradition. The South West Africa People’s Organization (SWAPO), as a group of freedom fighters, led the Namibian liberation struggle against South African domination from the 1960s through the country’s independence in 1990. As a political party, it continues to hold an overwhelming majority of Parliamentary seats, as well as the presidency.

Two Namibian gay male activists observe that “When SWAPO waged its liberation effort from exile, the movement could always be sure of backing from

381. ILGA/Europe, 3 February 2003. “Letter to Mr. Gunter Verheugen, Commissioner for Enlargement, European Commission.”

382. Tomasz Kitlinski and Joe Lockard, “Sex Slavery and Queer Resistance in Eastern Europe,” *Bad Subjects*, Issue #69, June 2004.

gays and lesbians.”<sup>383</sup> Such support from vulnerable groups was not always returned. Namibian feminists and lesbians Liz Frank and Elizabeth Khaxas have noted that SWAPO preserved its own patriarchal priorities, in which the struggle for national freedom took precedence over women’s rights. Women in SWAPO, they suggest, “were careful not to antagonize their male comrades with charges of sexism and stand accused of being divisive. To be elected into leadership positions within the SWAPO Women’s Council, women were expected to be married, and be respectable and acceptable to men.”<sup>384</sup> In 1969, a Women’s Council was formed within SWAPO to represent women’s concerns—and to channel them toward support for the liberation movement.

Powerful pressures for gender conformity within the revolutionary movement were more than matched, of course, by the moral and legal proscriptions of the apartheid regime it opposed. Both the common law and written penal code which South African rule imported into Namibia criminalized homosexuality. The 1980 Combating of Immoral Practices Act, which also dates back to the apartheid era, defines sexual intercourse between two people who are not legally married or are not partners in a customary marriage as “unlawful carnal intercourse.”<sup>385</sup>

These provisions are rarely applied, and have principally been used against men: women’s sexuality, particularly nonconforming sexuality, often appears unbelievable or invisible to the eyes of law or policy. However, feminist activists have joined a fledgling gay and lesbian movement in Namibia in calling for repeal of sodomy laws. In the meantime, the example of post-apartheid South Africa has resonated in Namibia. The neighboring former colonial power has enacted sweeping prohibitions against the forms of discrimination which once sustained the state, and Namibia has to some extent done likewise.

The 1990 Namibian constitution does not mention sexual orientation (unlike the South African constitution passed six years later) but does offer broad protections against unequal treatment on a variety of grounds.<sup>386</sup> The Namibian Labour Act of 1992 allows remedies before a Labour Court if persons face sexual orientation-based discrimination on the job. However, as Elizabeth Khaxas has written, little-known legal remedies do not erase the effects of an often deeply hostile society:

383. Wolfram Hartmann and Andre du Pisani, “Let’s Get the Facts Straight on Gays,” *The Namibian*, October 13, 1995.

384. Liz Frank and Elizabeth Khaxas, “Lesbians in Namibia,” in Monika Reinfelder, ed., *Amazon to Zami: Towards a Global Lesbian Feminism*, (London, 1996), p. 115, citing H. Becker, *Namibian Women’s Movement 1980 to 1992: from Anti-Colonial Resistance to Reconstruction* (Frankfurt, 1995).

385. “Sex Act to Test Government,” *The Namibian*, December 12, 1999.

386. Liz Frank and Elizabeth Khaxas, “Lesbians in Namibia,” in Monika Reinfelder, ed., *Amazon to Zami: Towards a Global Lesbian Feminism*, p. 115. Article 14 of the Namibian Constitution

*How many of us know that [the law] explicitly protects us from harassment at the work place? And how many of us are willing to expose ourselves to possible harassment and the ensuing legal battles over our right to live our lives and loves openly at work? What if the parents of the school where I am a principal decide tomorrow they don’t want a lesbian on the staff or the school management? Will...I have to take the parents and the Ministry to court to assert my rights under the Labour Act? Being subjected to this kind of constant fear at the workplace is a form of discrimination. It prevents me from sharing the most important aspect of my life with my colleagues at work, consciously hiding issues that heterosexual people openly assume as part of their lives.*<sup>387</sup>

In Namibia, this hostile social climate has been the most repressive force in lesbian and gay lives. It has been reinforced, if not created, by the state—and by the words of its highest officials.

Not long after Zimbabwean President Robert Mugabe began his campaign of vilification against gays and lesbians in 1995, officials of Namibia’s ruling party followed suit. The then Deputy Minister for Lands, Resettlement, and Rehabilitation stated in late 1995 that “Homosexuality is like cancer or AIDS and everything should be done to stop its spread in Namibia.”<sup>388</sup> The then Minister of Finance soon joined in, declaring that “homosexuality is an unnatural behavioural disorder which is alien to African culture. It is a product of confused genes and environmental aberration.”<sup>389</sup> President Sam Nujoma—in what some lesbians saw as a direct blow at women’s NGOs—took the stage at the National Conference of the SWAPO Women’s Council in 1996 to warn that homosexual “elements” were “exploiting our democracy.”<sup>390</sup> And another member of SWAPO’s leadership shortly afterward echoed that

*The moral values of our nation...incorporate the fundamental principles of Nature and should not be equated to the vile practices of homosexuals*

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defines marriage as a relationship between two freely consenting adults; it does not specify that those adults must be partnered in opposite-sex relationships. Some activists see this as a potential door to pressing for rights to lesbian and gay marriage.

387. “Pushing the Boundaries,” unpublished paper by Elizabeth Khaxas.

388. Fred Mwilima, “Homosexuality is like cancer or the AIDS scourge. Hishongwa blasts gays,” *New Era*, October 5-11, 1995.

389. See Helmut Angula, “Homosexuality Is a Mental Disorder Which Can be Cured,” 3-part article, *The Namibian*, November 10, 17, 24, 1995; see similar articles in *New Era*, December 21-27, 1995.

390. Gretchen Luchsinger, “Out in Africa,” *Ms. Magazine*, April/May 2000, p.24.

*which has a backlash effect on our society. It should be noted that most of the ardent supporters of this perverts [sic] are Europeans who imagine themselves to be the bulwark of civilization and enlightenment...If there is a matter which must be dealt with utmost urgency, it is the need to revitalise our inherent culture and its moral values which we have identified with foreign immoral values. Promotion of homosexuality in our society scorns many sets of our values and hence trembles the very concept of moral principles inherit [sic] in our human personality and dignity. Homosexuality deserves a severe contempt and disdain from the Namibian people and should be uprooted totally as a practice.*<sup>391</sup>

In what is virtually a one-party state, such statements carry stifling weight. At various points, it has been hinted that the “uprooting” would take literal and legal form. In 1998 the Minister of Home Affairs threatened in parliament to introduce heavy new penalties against homosexuality.<sup>392</sup> It was rumored these might include castration for gay men. The danger of new, repressive laws—or of renewed enforcement of existing laws—hangs steadily over gay and lesbian political organizing, and inhibits effective response to such denunciations. Indeed, the government’s verbal attacks may contain a menacing subtext: direct signals aimed at opposition politicians, or at dissident groups within SWAPO. One prominent Namibian journalist suggests that some liberal figures suspected of homosexuality have been the secret and specific targets of the government’s general outbursts.<sup>393</sup>

Under these difficult circumstances, the feminist organization Sister Namibia took on the responsibility of speaking out against officials’ incitement to hate. Formed as a collective in 1989, the organization was affiliated with no political party, but committed itself in its mandate to fighting for the rights of all women. Though visible lesbians were only a small part of its constituency, in 1995 it publicly stated that “We believe that gays and lesbians should have the same rights as heterosexuals in all spheres of life.”<sup>394</sup> The following year it condemned Nujoma’s speech to the SWAPO Women’s Council, declaring, “Issues of morality can not be

391. Alpheus !Naruseb, Department of Information and Publicity, SWAPO, in a press release by SWAPO Party, January 28, 1997; see also “Alpheus comes out on gay issue,” *The Namibian*, January 29, 1997.

392. “Govt. planning to criminalise gays,” *The Namibian*, September 11, 1998. Although the government backed officially away from this threat, with the Prime Minister stating that he was not aware of such a move, the Deputy Minister of Home Affairs repeated the threat a week later.

393. Interview by Scott Long with Gwen Lister, editor of *The Namibian*, December 1998.

394. “Sister Collective Defends Gays,” *New Era*, November 2-8, 1995.

vested in the state nor in the head of state as this would lead to totalitarianism. We must stand up together now and speak out against this or any other kind of hate speech and oppression against any member of our communities.”<sup>395</sup>

The organization’s stance was a courageous and a lonely one—few other individuals or political groupings in Namibia were willing to confront SWAPO over a small and silent minority’s concerns. The government lashed back menacingly at Sister Namibia’s interventions. “There are a bunch of lesbians, homosexuals, and sodomites within our society who have embarked on a concerted and orchestrated campaign to occupy this nation with their self-centred deviant activities,” a government-funded daily wrote in 1997. “The Namibian society of lesbians had, therefore, better be advised that those countries to whom they are rushing for support have enough social ills on their own hands. . . The fact that the constitution of this country provides guarantees for their existence does not make it a holly [sic] alliance.”<sup>396</sup>

Moreover, Sister Namibia eventually became entangled in the local echoes and ramifications of the Beijing conference. Namibian women had taken a strong role in the preparations for Beijing. The Namibian government delegates had been influential—if ambiguously so—in the process of defining (or not defining) “gender” for the purposes of the conference. During a preparatory meeting for the Beijing conference in early 1995, “an issue arose concerning the meaning of the term ‘gender.’”<sup>397</sup> Delegates appointed a contact group to define the term, and selected a Namibian delegate as chair. Reportedly the Namibian delegation argued vigorously for defining “gender” to refer only to relationships between women and men, thereby excluding lesbian issues. The contact group’s final decision (later authoritatively read at the Beijing conference itself) was a marvel of circularity, defining gender in its “commonly understood” sense without specifying the understanding:

1. *The word “gender” had been commonly used and understood in its ordinary, generally accepted usage in numerous other United Nations forums and conferences;*
2. *There was no indication that any new meaning or connotation of the term, different from accepted prior usage, was intended in the Platform for Action;*

395. “Sister Namibia wants President to apologise,” *The Namibian*, January 17, 1997.

396. “This Lesbian Issue,” *New Era*, February 10-13, 1997.

397. Annex IV to the UN Fourth World Conference on Women, Beijing Platform for Action: “Statement by the President of the Conference on the Commonly Understood Meaning of the Term Gender.”

3. Accordingly, the contact group reaffirmed that the word “gender” as used in the Platform for Action was intended to be interpreted and understood as it was in ordinary, generally accepted usage. . . .<sup>398</sup>

However, the notion that Beijing delegates had clearly defined “gender” so as to exclude sexual orientation seems to have persisted in Namibian officialdom. As a prop for homophobia, the conception is paradoxically exactly the inverse of the stance taken by the Holy See and the right in numerous international conferences—that “gender” is a dangerous term precisely because it secretly includes sexual orientation. Nonetheless, it would eventually serve the SWAPO bureaucracy as a tool to discredit Sister Namibia’s “extremists.”

The occasion for this took time to arise. In 1999 Sister Namibia’s advocacy for sexual rights brought it into its most open confrontation with the government so far. It is perhaps not coincidental that this breach took place over Sister’s clearest undertaking yet to integrate sexuality issues into a sweeping women’s rights agenda—rather than identifying them solely as a “minority” concern.

In 1999, Sister Namibia hosted a workshop on “Women in Politics and Decision-Making in Namibia,” focusing on issues including education, the environment, state accountability, and women in politics. This workshop was attended by women in the National Assembly, NGOs, trade unions, churches, and the private sector. From it emerged a mandate for Sister Namibia to develop a unified agenda for the women’s community, including women in various political parties and NGOs, in preparations for the December, 1999 parliamentary and presidential elections. Sister Namibia would work in consultation with NGO and state women’s organizations to produce a “Women’s Manifesto” to educate civil society and government about women’s needs.<sup>399</sup> This coalition effort was named the Women’s Manifesto Network, and consisted of women from over 20 NGOs and various political parties, including members of SWAPO.

The Women’s Manifesto was developed “in consultation with NGOs, political parties, parliament and all levels of government as well as individual women activists.”<sup>400</sup> It was initially meant to support and bolster the Namibian Gender Policy, a document and set of policies drafted under the Department of Women’s Affairs (DWA), a state bureau housed at the time in the President’s office. Some

398. Ibid.

399. Liz Frank, unpublished draft report, “Campaign to Increase Women’s Participation in the Democratic Political Process in Namibia: Phase 1, March to December 1999.”

400. Ibid.

of the language in the National Gender Policy was drawn from the Beijing Platform for Action. However, many NGOs felt their own recommendations needed stronger representation in the final draft. Partly in response to this concern, the Women’s Manifesto Network moved toward making the Gender Policy relevant in everyday life: not only by increasing women’s political participation and leadership in Namibia, but by informing women of their rights, and providing a means to put the interests of “women, children and other marginalised groups firmly on the national agenda.”<sup>401</sup>

It was scheduled for release on October 9, 1999, two months before the elections. The Manifesto was publicly supported by five political parties. It was not endorsed by SWAPO.

The Women’s Manifesto is 25 pages long. In these pages, there are two references to lesbians. Both are contained in the “Human Rights” section. They call for the recognition of the human rights of all women, including lesbian women, and ask political parties to state their positions on this issue:

- “The human rights of all women, as guaranteed by the Namibian Constitution, need to be ensured, including the rights of the girl-child, women living under customary law, women in marginalised ethnic groups, sex workers, disabled women, old women and lesbian women.”<sup>402</sup>
- The Women’s Manifesto calls for political parties to “state their policies on human rights, including violence against women and children, the rights of gay and lesbian people and customary practices that are harmful to women and children.”<sup>403</sup>

On October 4, 1999, five days before the release of the Manifesto, the SWAPO Women’s Council delivered a pre-emptive strike. It held a press conference during which Eunice Ipinge, the Assistant Secretary of Information and Research of the Women’s Council, claimed:

*It is unfortunate that there are some elements that would like to use gender equality as a stepping ladder to reach their own goals that have no relevance to gender. . . . The so-called circulating women’s manifesto has no other intention but to confuse the Namibian women and divert them from the core concept of gender equality as defined in [the] Beijing Platform for Action and [the] Namibia National Gender Policy. . .*

401. IGLHRC interview with Liz Frank, March 2000.

402. *Namibian Women’s Manifesto*, p. 8.

403. *Namibian Women’s Manifesto*, p. 9.

*SWAPO Party Women's Council calls upon all its members, supporters and sympathizers to remain focused...and be vigilant against any forces of confusionists [sic] that come in the disguise of gender equality... Our hope remains within SWAPO Party policies and programs and we call upon Namibian women to come up in masses and vote for SWAPO as that is the only way our rights and the future of our children can be guaranteed.*<sup>404</sup>

During the press conference, Ipinge also resurrected Namibia's position during the four-year-old Beijing debates over "gender." "Homosexuality," she said, "should not be linked to the struggle for gender equality, as gender deals with the relationship between women and men." At the same time, Ipinge accused the Women's Manifesto Network of duplicating the Namibian Gender Policy. "The only difference is that they included homosexuality issues in their so-called manifesto... They have to find another platform to address homosexuality and not within the context of gender issues."<sup>405</sup>

In response, Elizabeth Khaxas, now Executive Director of Sister Namibia, urged perspective: "Out of a 25-page document only nine words speak about human rights of gay and lesbian people. Maybe they did not read the document. It is a document which records important issues for Namibian women and children and other important groupings in the country."<sup>406</sup>

However, other state agencies quickly began disassociating themselves from the document. According to members of the Women's Manifesto Network, the Department of Women's Affairs had received all drafts of the manifesto and had constantly been asked to comment. The DWA, however, remained silent and then chose to withdraw its support after the document went to press, maintaining that they did not agree that lesbian rights are human rights.<sup>407</sup>

Barely a half an hour after the DWA informed Sister Namibia that it was withdrawing support from the document, the organization was also called by the Multidisciplinary Research Centre (MRC) of the University of Namibia. The social-research center had also been sent all the drafts and asked for input; it also asked that its name be removed from the list of supporters. Representatives from Sister Namibia stopped the print run and personally went to the printer to take the MRC and DWA names off the final document.

404. Press release from SWAPO Women's Council, October 4, 1999.

405. Francis Xoagub, "SWC Unleashes Salvo at Women's Manifesto," *The Namibian*, June 10, 1999.

406. Francis Xoagub, "SWC Unleashes Salvo at Women's Manifesto," *The Namibian*, June 10, 1999.

407. IGLHC interview with Liz Frank, March 2000.

The director of the MRC went to the length of claiming, in a letter to the press, that the Manifesto contained "false assertions about our participation in, and support for, this project... At no time did any of our staff participate in drafting this document."<sup>408</sup> The letter was apparently sent in the belief that there would be no time to remove the MRC's name. However, the MRC's name in fact had not been listed; it had been removed, as requested. The director, in a telephone conversation with a Sister member, claimed he was surprised that the letter had been sent to the media. This has led the Women's Manifesto Network to suspect an effort to discredit not only the Manifesto, but the organizations involved in its production.

The day before the scheduled release of the document, the battered Manifesto was further attacked in a speech delivered at the Elected Women's Forum by Netumbo Nandi-Ndaitwah, the Director General of the DWA. (Nandi-Ndaitwah had also headed the official Namibian delegation to the Beijing conference.) A significant part of the speech was devoted to criticizing homosexuality and the Women's Manifesto. Nandi-Ndaitwah invoked the Beijing Platform of Action (PFA) in support of the National Gender Policy:

*Notably, the Beijing PFA has defined gender to mean men and women. Such a definition has been necessary...as some opportunists attempted to introduce issues that were not and still [are] not gender-related, to satisfy their individual needs. The code word used was sexual orientation; that means gays and lesbians. Such an element was totally rejected and the word [sic] sexual orientation does not appear anywhere in the Beijing Platform of Action.*<sup>409</sup>

Nandi-Ndaitwah misrepresented not only the PFA but the Manifesto itself. The Manifesto Network had struggled to link sexuality with other human rights issues—education, democracy and peace, together with core civil and political freedoms involving women's rights to expression, association, and political participation. This linkage itself was made to appear narrow, individualistic and immaterial.

For the rest, Nandi-Ndaitwah used the spectre of lesbian and gay rights to "warn" Namibians against seduction, urging them to return to SWAPO and its policies and structures as the safest alternative.

408. Letter from Lazarus Rangula, "UNAM Denies Support for Women's Manifesto," *The Namibian*, exact date unknown.

409. Statement of Hon. Netumbo Nandi-Ndaitwah, delivered at Elected Women's Forum, October 8, 1999.



*The fight to manipulate gender for irrelevant issues has not ended with the adoption of the Beijing Platform of Action, but those opportunists are still continuing to confuse people by trying to put the issue of gays and lesbians at par with the struggle for Gender Equality. I, therefore, [would like] to warn Namibian people, women in particular, not to allow themselves to be used...The so-called Women's Manifesto...has no other message than asking women in Namibia to promote homosexuality. The same document calls for "Comprehensive sexuality education to be introduced in our schools," which is nothing [but] a call for our children to be taught how to become gays and lesbians. Namibian women should not be turned away from the real issue of finding ways to help our women, many of whom are poor and need someone to speak for them. Therefore Namibian women and of course men who are committed to gender equality as we know it should reject the so-called Women's Manifesto. Political parties are called upon to make use of the National Gender Policy...<sup>410</sup>*

Nandi-Ndaitwah defines women's poverty as an issue wholly unconnected to lesbians—as though no lesbians endure it. Rather, poverty is presented as a permanent disempowerment—the poor “need someone to speak for them”—and hence an occasion for the ruling party and the DWA to step in and ventriloquize the poor. With actual lesbians written out of the discourse, sexuality becomes an instrument for dividing women, and for ensuring the survival of the existing political order.

The DWA has recently been upgraded to a full cabinet position. The Women's Manifesto Network has applauded this but has voiced concerns that only 15%-18% of people named in the newly elected Cabinet and in Ministries are women.<sup>411</sup>

Sister Namibia continues to reach out to the Minister of Women's Affairs, even inviting her to be keynote speaker at a recent workshop on peace. This invitation was met with a personal refusal. The Minister claimed, in a private phone conversation, that she could not work with Sister Namibia because of its position on lesbian rights.<sup>412</sup>

Other voices have expressed concern about the effectiveness of the new Ministry, given its attacks on the Women's Manifesto Network. A March 24, 2000

410. Ibid.

411. "Cabinet Falls Short on Women," *The Namibian*, March 24, 2000. This falls short of the 30% called for in the Southern African Development Commission's Declaration on Gender and Development, which Namibia signed in 1997.

editorial in *The Namibian*, one of Namibia's largest independent newspapers, asserts that “[b]y creating a Ministry of Women Affairs it seems women may become more marginalized than before.” The article notes that the ministry's actions to date have been “geared more towards in-fighting than anything else.”<sup>413</sup>

The independent media has supported the Women's Manifesto and its public education efforts. The campaign has received extensive coverage, and the press has carried ads reprinting the Manifesto in three languages. Liz Frank claims, “The media doesn't attack gays and lesbians here: only the government does.”<sup>414</sup>

SWAPO's line on homosexuality has, if anything, hardened. However, Sister Namibia, by taking a firm stand, has been able to bring opposition parties into vocal and public support of lesbian rights work. In November 1999, gay and lesbian activists coordinated a panel discussion with representatives of five opposition groupings. Four of the five parties pledged public support for lesbian rights.

Given the government's stance and power, organizing around sexuality remains tentative and endangered in Namibia. However, according to Frank, the efforts to divide women have failed, as the Women's Manifesto Campaign has received vociferous support from both rural women and those in cities. With the public notoriety the Network has received, it is actually more visible and better able to build contacts beyond its urban base. Previously, women's NGOs found it hard to organize outside cities and townships; only the SWAPO Women's League had the resources to reach out in remote areas. Now, though, the Network is truly national, organizing new discussion groups in many villages.

Frank proudly comments that through the work of the Women's Manifesto Network coalition, and in the aftermath of the attacks by the DWA, there is growing support for lesbian rights among women all over Namibia. At Network workshops in rural areas, participants

*took up the challenge of finding arguments in favor of lesbian rights without anyone asking them to: “They are our daughters, our mothers and our sisters, we can't just throw them out; they pay taxes like everyone else; we know who is leading the women's movement here and fighting for all women's rights”—they even started role-playing how to defend the Manifesto in their own communities against anti-lesbian attacks and came up with much humor in the process. So we now have many*

412. Interview with anonymous Namibian activist, March 2000.

413. Gwen Lister, “It Is Hard to Think of Any Specific Achievements,” *The Namibian*, March 24, 2000.

414. IGLHRC interview with Liz Frank, March 2000.

*staunch supporters of lesbian rights by women who have taken the Manifesto as a whole as “their Manifesto.” That’s what the rural women and the newly reached urban women have done.*<sup>415</sup>

Sister Namibia has also been able to develop a new lesbian working group which will focus on outreach to Black women in townships. Frank boasts that the Women’s Manifesto campaign has been so successful that “it’s the SWAPO Women’s League that’s in the closet, not us! The more ‘out’ we are, the more public support we get, and the more they’re cornered.”<sup>416</sup>

**Namibia Update 2005**  
**The 50/50 Campaign: Women and Men in Government—**  
**Get the Balance Right!**

*Submitted by Liz Frank, Sister Namibia*

Following the development of the Namibian Women’s Manifesto in 1999, Sister Namibia has continued to develop the 50/50 Campaign as the lead agency of the Namibian Women’s Manifesto Network (NWMN). This network has grown over the years and now involves 70 women from 35 towns and villages across the country and their local committees. The 50/50 Campaign published posters and pamphlets calling on political parties to include 50% women candidates on ‘zebra’ party lists.<sup>417</sup> In addition, the 50/50 Campaign commissioned a lawyer to develop a 50/50 Bill that would amend the electoral laws to ensure gender balance at all three levels of government in all future elections, and lobbied parliament to pass this bill. Windhoek-based non-governmental organizations have continued to publicly support the posters and pamphlets, and 32 NGOs have recently publicly endorsed the revised Namibian Women’s Manifesto that was printed in four languages in order to lobby on women’s issues during the National Assembly and Regional Council elections held in November 2004. Support from the NGOs comes in the full knowledge of the continued homophobic and other attacks on Sister Namibia by the state president and government leaders of the ruling SWAPO Party.

In workshops on women’s human rights held across the country, the NWMN found that women want to be educated on lesbian issues. One of the more humor-

415. Liz Frank, e-mail communication to IGLHRC, May 1, 2000.

416. IGLHRC interview with Liz Frank, March 2000.

417. Zebra lists alternate women and men as candidates, like the black and white stripes of the zebra, to ensure that women do not end up at the bottom of the candidate lists.

ous episodes occurred a few years ago when a group of young gay men in a town in the south joined a workshop and march on the 50/50 Campaign shouting: “We are the women, We want 50/50 now!” The most recent national training-of-trainers workshop held for the NWMN in September 2004 endorsed the revised Manifesto after a discussion of why it was important to keep the reference to lesbian rights in the document, why women are accused of being lesbians, and how they can respond to such labeling. The responses from the women at the training were amazing: “They label us because they can see that the network is successful and growing, and that we are holding the government accountable to its promises to women.” Others said, “We don’t discriminate, we defend the rights of all women, including lesbian women.” This response has allowed for the mainstreaming of lesbian rights into the work of the 50/50 campaign.

However, homophobic attacks have continued around the 50/50 Campaign and other activities of the Namibian Women’s Manifesto Network. For example, in June 2002 the Minister of Women’s Affairs, Netumbo Nandi Ndaitwah, rejected a report by the Parliamentary Standing Committee on Petitions on a NWMN petition that called for speedy passage of the Maintenance Bill and the Domestic Violence Bill. The Minister argued:

*By this time we must have realized what the Women’s Manifesto stands for. It is clear from the report of the Committee on Petitions that those who presented the petition are opportunists: Having realized that much work has been done by government, they want to be recorded as if it is because of them that the mentioned laws have gone through Parliament, and use that argument in confusing the public to pursue their course. This is after some of their colleagues have failed a court case whereby two women wanted to be recognised as a ‘married couple,’ hence my warning on their motives.*<sup>418</sup>

Sexuality is thus continuing to be used by the Women’s Minister to attack women’s organizing, and attempts at character assassination in a homophobic environment has been the main strategy to avoid discussion of the issues the Network is putting forward.

The Secretary General of the SWAPO Party Women’s Council, Eunice Ipinge,

418. Statement of the Minister of Women’s Affairs and Child Welfare to Parliament on 27 June 2002. The court case was, in fact, about an application for permanent residence by the author of this piece, to enable her to continue living in Namibia with her Namibian lesbian partner and her partner’s son, whom they had raised together for 12 years.

held a press conference in August 2004 in which she accused Sister Namibia of using its outreach workshops for marginalised rural and urban women on women's human rights to campaign for the main opposition party, the Congress of Democrats. Just prior to this the male leader of this party, Ben Ulenga, was labeled as gay in a hate speech given by President Nujoma in the Oshiwambo language in northern Namibia. Thus 'baiting' of this kind is not confined only to women, but is also used against men who are perceived as a serious political challenge to the ruling party in Namibia. President Nujoma and some of his senior ministers will be retiring in March 2005, and this presents some hope for an end to the state-sponsored homophobia they have set in motion.

### Campaigning for Lesbian Rights

Despite persistent lesbian- and sexuality-baiting campaigns, a range of organizations in Namibia continue to advocate for the rights of lesbians, gay men, bisexual and transgender people. For example, Sister Namibia and The Rainbow Project (TRP)—the LGBT human rights organization in Namibia—work to raise awareness of LGBT rights through a variety of public events and education efforts, such as film festivals, storytelling evenings, and marches. Moreover, a new generation of lesbian women are prepared to speak publicly for their rights.

In August 2004 Sister Namibia and The Rainbow Project organized the strategic planning week for the Coalition of African Lesbians. Women from 14 African countries (Sierra Leone, Ghana, Nigeria, Liberia, Rwanda, Kenya, Uganda, Tanzania, Zambia, Zimbabwe, Botswana, South Africa, Mozambique and Namibia) gathered in Namibia's capital, Windhoek, to develop the vision, objective and structure of the organization. Based on this rich experience, participants worked on devising a vision for a new African organization: a network of groups committed to African lesbian equality and visibility that works to transform Africa into a place where all lesbians enjoy the full range of human rights, secure in the knowledge of their full citizenship.

## V

## CONCLUSION AND RECOMMENDATIONS

### International Law and the Targeting of Women's Sexuality

Attacks on women's sexuality are not just name-calling. They are meant to have a material effect. They are designed to keep women from organizing to occupy a place and presence in the public sphere. They are designed to keep women from transgressing set boundaries of acceptable behavior. They are methods of control. They also invade and degrade the privacies of women, not only their intimate lives but the literal spaces, whether secluded or not, in which they may meet and gather.

Women's rights to expression and to association are guaranteed in numerous international covenants and standards. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) provides:

- Everyone shall have the right to hold opinions without interference.
- Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of his choice.<sup>419</sup>

419. This article provides that the exercise of the rights in paragraph 2 may be "subject to certain restrictions," which must be clearly provided for in law and necessary for "respect of the rights or reputations of others," or to protect "national security," "public order," or "public health or morals." In decisions overturning sodomy laws in the United Kingdom, Ireland and Cyprus, the European Court of Human Rights has held repeatedly that similar provisions on public order, morals or health do not justify restricting the basic rights of persons because of their sexual orientation. See particularly *Dudgeon v. United Kingdom*, 4 Eur. H.R. Rep. 149 (1981), and *Norris v. Ireland*, 13 Eur. H.R. Rep. 186 (1989).

Article 22 holds that “Everyone shall have the right to freedom of association with others.” Article 21 holds that “The right of peaceful assembly shall be recognized.” States violate these rights when, through explicit laws (as in Romania), discriminatory enforcement of policies (as in Pakistan), or unspoken rules on “proper” behavior (as in Nigeria), they prevent women’s groups or lesbian or gay organizations from registering or existing, or prevent women from accessing the public sphere. States violate these rights when, as in India, they prevent and censor the expression of lesbian identity. States violate these rights when, as in Zimbabwe and Namibia, their leaders promote hatred and violence against groups struggling to exercise these basic freedoms. Through such actions, states also violate another essential freedom, defended in the Covenant on Economic Social and Cultural Rights (Article 15.1) and in the Universal Declaration of Human Rights (Article 27.1): the right “freely to participate in the cultural life of the community.” To target women for their sexualities threatens basic rights of participation and belonging. It violates international human rights protections.

When human beings are subjected to stigma and unequal treatment, another principle is flouted. Protections against discrimination are at the core of human rights. The idea of equality animates international covenants and individual activists alike. An entire international treaty, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), is dedicated to the eradication of “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field” (CEDAW, Article 1).

CEDAW defends women against discrimination across a range of activities and spheres. It affirms their right to participate in public life, including the right to “participate in non-governmental organizations and associations concerned with the public and political life of the country” (Article 7.c). It affirms their rights “to represent their Governments at the international level and to participate in the work of international organizations” (Article 8). It affirms their rights to economic and social equality, including participating in both the planning and the benefits of development, as well as their right to “participate in all community activities” (Article 11, Article 14). It affirms their right to equality in education, including the “elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education” (Article 10.c). And it mandates that states “modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and other practices which are based on the idea of the inferiority or the superiority of

either of the sexes or on stereotyped roles for men and women” (Article 5.a).

States violate these rights when they suppress lesbian organizing, or women’s organizations; when they cut or eliminate support for women’s organizations, or for organizations which address issues of sexuality; when they prevent women from participating in gatherings or delegations at international levels, or harass them for doing so; when they eliminate questions of sexual rights and sexual health from development planning, destroy fora for discussing such issues, and allow economic as well as legal discrimination based on sexual orientation; and when they disseminate stereotypes of women or of lesbians which are meant to confine women to normative or traditional gender roles. To target women for their sexualities enforces and extends discrimination against women. It violates international human rights protections.

The ICCPR also affirms equality before the law, and guarantees “to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Article 26). In a landmark decision in the 1994 case of *Toonen v. Australia*, the United Nations Human Rights Committee held that “sexual orientation” should be understood as included in this provision (and, by implication, comparable provisions in the body of international human rights law), and therefore is a status protected from discrimination.<sup>420</sup> To target women for their sexualities both incites and constitutes discrimination based on sexual orientation. It violates international human rights protections.

“All human beings,” Article 1 of the Universal Declaration of Human Rights begins, “are born free and equal in dignity and rights.” That human beings have dignity and deserve respect is the underlying principle of all rights protections. When respect is denied and dignity degraded, all rights are endangered. When a national leader calls gays and lesbians “worse than dogs and pigs,” as has happened in Zimbabwe, when states close their borders to women carrying the contagion of sexual nonconformity, as has happened in Costa Rica, they assault the dignity of human beings. To target women for their sexualities attacks key sustaining ideas behind community and legality. It violates international human rights protections.

The obligations of states go beyond merely refraining from such attacks. The Preamble to the United Nations Declaration on Human Rights Defenders stresses that “the prime responsibility and duty to *promote* and *protect* human rights and

420. *Nicholas Toonen v. Australia*, UN GAOR, Hum. Rts. Comm., 15th Sess., Case no. 488/1992, UN Doc. CCPR/c/50/D/488/1992. The Committee specifically held that “the reference to ‘sex’ in Articles 2, para. 1, and 26 [of the ICCPR] is to be taken as including sexual orientation.”

fundamental freedoms lie with the State.”<sup>421</sup> It is an established principle in international law that states must protect the human rights of all people from violation by actors outside the state’s direct control: that states must exercise due diligence not only to prohibit such violations, but to make those prohibitions meaningful and effective.<sup>422</sup> This responsibility applies not only to preventing violence, but to ending discrimination by any other agency or entity. CEDAW, for instance, calls on states to “take all appropriate measures to eliminate discrimination against women by any person, organization, or enterprise” (Article 2.3).<sup>423</sup>

In particular, states must protect vulnerable groups against abuse or attack. People who defend rights against state power, and are left threatened or exposed by their activism, deserve defending—a principle affirmed by the United Nations in its Declaration on Human Rights Defenders.<sup>424</sup> Yet those whose lives are led outside the glare of politics are endangered by that very invisibility, and may silently suffer attacks from the community around them. The UN Special Rapporteur on Violence Against Women has drawn attention to how women who “live out their sexuality in ways other than heterosexuality, are often subjected to violence and degrading treatment... Women, ‘unprotected’ by a marriage union with a man, are vulnerable members of the community, often marginalized in community social practices and the victims of social ostracism and abuse.”

To address such disempowerment is a matter for more than criminal law. As the Rapporteur explains, “The lack of choice with regard to lifestyle is closely

421. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, G.A. res.53/144, annex, 53 UN GAOR, Supp., UN Doc. A/RES/53/144 (1999); emphasis added.

422. The decision of the Inter-American Court of Human Rights in the case of *Velasquez Rodriguez* establishes, in terms clearly applicable in other international systems, the responsibility of states for patterns of violations committed by private individuals. The Court mandated states to “Take reasonable steps to prevent human rights violations and to use the means at its disposal to carry out a serious investigation of violations committed within [its] jurisdiction, to identify those responsible, to impose the appropriate punishment and to ensure the victim adequate compensation”: *Velasquez Rodriguez Case* (Honduras), 4 Inter. Am. Ct. HR, Ser. C, No. 4, 1988.

423. For the relationship between discrimination and violence, see also General Comment 19 on the Covenant by the UN Committee on the Elimination of Discrimination Against Women. Many covenants place a positive obligation on states to prevent any incitement to prejudice or violence, and to prohibit verbal degradation. The ICCPR mandates that “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law” (Article 20.2). It also prohibits “unlawful attacks on . . . honour or reputation” (Article 17.2).

424. The Declaration calls on states to “take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of” their work for rights protections (Article 12.2).

linked to the lack of options available to women for economic autonomy within the community, whether in terms of earning power or resource distribution.”<sup>425</sup> States must not merely prevent discrimination and punish violence: they must ensure economic justice and equity, empowering all women, including lesbian women, to live their own lives and to act and organize on their own behalf.<sup>426</sup>

States must create the conditions in which all people can enjoy their freedoms equally.<sup>427</sup> States must make sure all people know their rights, and respect the rights of others. The means of accomplishing this are manifold. The UN Committee on the Elimination of Discrimination Against Women has urged states, for example, to take “effective measures... to ensure that the media respect and promote respect for women.”<sup>428</sup> Through both schools and the media, states also must educate citizens in both human rights and sexual health, emphasizing the importance of gender and sexual equality, and foregrounding in both areas the linked values of diversity and freedom.<sup>429</sup> These obligations are sweeping, and urgent. The Universal Declaration of Human Rights affirms in Article 28, “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be realized.” The language acknowledges that rights are not simply letters on paper: they must be made real, made tangible to people’s bodies and lives.

425. Report of the Special Rapporteur on violence against women, its causes and consequences, Commission on Human Rights, E/CN.4/1997/47, 12 February 1997.

426. See also the UN Fourth World Conference on Women, Beijing Platform for Action, Paragraphs 224-227, for a discussion of social, cultural, and economic barriers inhibiting women from claiming and enjoying formally recognized rights.

427. As the Declaration on Human Rights Defenders holds, “Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms . . . to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.”

428. CEDAW General recom. 19, “Violence against women” (Eleventh session, 1992), A/47/38.

429. The Vienna Declaration and Program for Action, adopted by the World Conference on Human Rights, June 25, 1993, calls for human rights education which “should promote understanding, tolerance, peace and friendly relations between the nations and all racial or religious groups” (Part I, 33), and which “should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights.” CEDAW calls (Article 10.e, h) on educational systems both to combat gender stereotypes and to enable reproductive planning. The Beijing Platform for Action urges an end to gender bias in curricula and in the media (Paragraph 77 ff.); calls for human rights education as “essential to promoting an understanding of the human rights of women, including knowledge of recourse mechanisms” (Paragraph 227); and repeatedly draws attention to lack of information and education on reproductive and sexual health as a factor in denying women’s right to health (Paragraphs 93, 94, 95).

In the end, as we recognize that obtaining accurate information about sexual health is also a human right, the story moves full circle. We return to the importance of securing unequivocal protections for sexual rights, and for women's and men's bodily integrity and sexual autonomy. These are not "new rights." They are interwoven in the framework of basic rights. The security of the body and the capacity to use it as one needs and desires are a prerequisite for enjoying a range of other rights—civil and political rights to expression and association, as well as economic, social, and cultural rights such as the rights to employment and health. Yet those rights also are a condition for the fulfillment of sexual rights: desire is meaningless without a free voice to express it, and bodily integrity requires a legal system which defends human beings against torture and abuse.

Attacks on women's sexuality try to divide women from one another. They also try to divide the indissoluble texture of human rights itself—to assert that rights are not universal, interrelated, and indivisible; that some rights are left behind like lost luggage as one crosses certain national borders; that some rights are "clean" and "respectable" and "important" while others are dirty or despicable or unmentionable; that some rights are essential, while others are a luxury.

Freedom is not a supermarket, where one can pick or reject parts and packages of being "free." Freedom is seamless, an empowerment of the entire self and the social world, not just of amputated fragments. To take away any aspect of it maims the whole. To dice freedoms into disposable fractions is to strike at the essence of rights protection. The right to free enjoyment of sexuality is part of the lifelong work of sharing with, caring for, protecting, and respecting human beings.

### **Recommendations for the International Community, States and Civil Society**

All women must be able to enjoy their basic rights freely, fairly, and fully. The burden of discrimination and the threat of abuse which inhibit lesbian existence must be lifted. Organizing around sexuality and sexual rights must become a recognized and accepted component of civil society.

For this to be accomplished, states must act. More, however, is required. The international community must also contribute to breaking the silence: and there must be cooperative work on the part of civil society in every country. Our recommendations therefore address all three of these spheres.

The International Gay and Lesbian Human Rights Commission (IGLHRC) and the Center for Women's Global Leadership (CWGL) make the following recommendations to *intergovernmental organizations*, including the United Nations:

- The UN should monitor governmental implementation of all provisions of the Beijing Platform for Action, including those relating to women's human rights

and women's health, paying particular attention to how states respect, protect, promote and fulfill the right of women "to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination, and violence."

- Parallel to the processes established for the integration of gender into the work of the United Nations' human rights mechanisms—and consistent with international legal precedents including the *Toonen v. Australia* decision—the UN should ensure the integration and mainstreaming of issues of sexual orientation-related discrimination, violence, and abuse into the work of those bodies.

All United Nations Special Rapporteurs should be asked to determine how their mandates affect or are affected by issues of sexuality and sexual orientation, including women's sexuality. For example, in addressing the issues in this report, the Special Rapporteur on Freedom of Expression should pay due attention to barriers to the enjoyment of that right by women, and by lesbian women in particular, as well as to incitements to hatred and violence on the basis of sexual orientation. The Special Rapporteur on Religious Intolerance should pay due attention to the promotion of intolerance toward, or incitement of violence against, women based on their sexuality or sexual conduct. The Special Rapporteur on Violence against Women, and the Special Rapporteur on Extrajudicial, Summary, and Arbitrary Executions, should continue to investigate violence against women and men based on their sexual orientation, gender identity or non-conformity to cultural or social norms for sexual conduct and/or gender expression.

- In all its United Nations conferences—whether in the areas of human rights, population and development, women, housing, the environment, or other fields—delegates should fully consider and integrate issues of sexuality and sexual orientation, and, wherever possible, should address the intersection and interrelationship of all forms of prejudice and discrimination.
- The United Nations, throughout its deliberative bodies as well as programmatic activities, should implement a definition of "gender" which recognizes the term as describing the culturally constructed social and sexual roles of men and women. This definition should acknowledge that gender roles are not fixed by biological difference; nor should the definition be understood as solely entailing the relations between men and women.
- The United Nations and other intergovernmental organizations should strive toward full transparency of all their meetings and proceedings. Meetings should so far as possible be open to the public, and a permanent public record of deliberations should be produced. NGOs should have full access to delegates and to all deliberations, and should have adequate venues and opportu-

nities to express their views. NGOs operating at the local and national levels should enjoy such opportunities equally with international organizations. Access to the meetings of UN and other bodies, as well as consultative status with those bodies, should be granted without any form of discrimination based on the gender or sexual orientation of an organization's membership or representatives, and should be open to any organization whose purposes are consistent with those of the United Nations.

- The Secretary-General of the United Nations should review the Holy See's current status as a Non-Member State Permanent Observer. No church should be privileged above all other religions as a state participant. The Holy See should participate fully and fairly in UN deliberations as a non-governmental organization, along with other religious bodies.

IGLHRC and CWGL make the following *recommendations to states and their governments*:

- States which have not done so should ratify all international and regional human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women (including its Optional Protocol), and the Convention on the Rights of the Child. States should withdraw any restrictive reservations, declarations or understandings they have attached to these conventions. All states should fully harmonize their legislation, policy, and practice with the provisions of those treaties.
- States should enact legislation and policy implementing all provisions of the Beijing Platform for Action, including those provisions regarding women's human rights and health; they should do so as well as with attention paid to respecting, protecting, and promoting women's sexual and reproductive freedom.
- States which have not done so should eliminate laws criminalizing consensual sexual acts between adults, including so-called "sodomy laws" as well as laws against adultery or pre- or extramarital sexual relations, and any other laws (including those punishing acts which "offend good morals" or "cause public scandal") which can be used to penalize the expression of lesbian or gay identity, or the exercise of other basic rights by lesbian, gay, bisexual, or transgender people.
- States should enact anti-discrimination legislation offering comprehensive protections against unequal treatment based on sexual orientation and gender identity. These protections should involve all areas of life, including but not restricted to housing, employment, and the family; they should protect against

unequal treatment by non-state actors as well as the state; they should include penalties for discrimination as well as provisions for redress.

- States should review and reform all laws that regulate marriage, to ensure that they prevent early marriage; allow for and protect mutual consent; protect gender equality in all aspects of the married relationship; recognize same-sex relationships on an equal footing with heterosexual relationships; and allow equal access to marriage and its benefits and burdens for all persons without discrimination. States should also review and reform all laws in all spheres to eliminate all forms of discrimination against persons on the basis of their marital status, whether single or married.
- States should name and identify as such all violations which are based on sexual orientation, or motivated by gender-based hatred. They should create mechanisms for statistically recording acts of violence, as well as recognizing the specific forms of hatred which give rise to them.
- States should ensure that full support is available—including all necessary legal and social services—to women who are vulnerable to, or victims of, discrimination or violence due to their gender, sexual orientation, and/or gender expression.
- States should take all necessary measures to prohibit and prevent violations of the rights of women, including lesbians. Laws should expressly and clearly punish all forms of violence against women, including domestic violence and all forms of rape and sexual assault; these laws should be enforced by a criminal justice system which itself reflects gender balance in its makeup, and which is equipped with expertise in understanding all issues relating to gender and sexual orientation.
- States should identify and speedily remove or remedy any impediments, including economic, cultural, or social barriers, which prevent women, including lesbian, bisexual and transgender women, from accessing social services, state benefits, or the criminal justice system equally or fairly.
- States should also attend to their responsibilities to promote human rights, by creating cultures of respect for diversity and equality. States should ensure that educational systems at every level, as well as state media and all other systems for the dissemination of knowledge, promote understanding of human rights. Issues of gender, sexual orientation and gender expression should be integral to this education, and framed so as to clearly condemn intolerance while promoting equality and respect for the rights of all peoples.
- As an integral part of human rights education, states should educate all persons in sexual rights so that they can decide and act in relation to their sexual and gender conduct and expression, take responsibility for their sexual behaviour

and its consequences, enjoy sexual health, and employ their reproductive freedoms to ensure a safe and satisfying sexual life.

- States should identify and remove all unreasonable legal, regulator, or social barriers—whether based on gender, marital or economic or health status, age, sexual orientation, gender identity or any other status—to obtaining information on sexual rights, or services relating to sexual rights and health.
- States should ensure that governmental involvement in all international bodies and conferences is open to both the advice, participation, and scrutiny of civil society. Among other steps, NGOs should have opportunities to join in delegations to international meetings; a permanent record of the government’s participation, positions and interventions should be documented and publicly available.
- States should ensure that all religious bodies represented in the national community have equal roles and voices in policymaking, and that these are no greater or more influential than the roles and voices allotted to secular organizations from civil society.
- State restrictions on the registration and legal recognition of NGOs should be the minimum necessary to establish financial and legal accountability, and procedures for such recognition should be both speedy and fair. States should not discriminate in any way based on the gender, gender identity or sexual orientation of the organization’s members, or on the groups, identities or status toward which its purpose may be directed.
- Where states support organizations in civil society through funding, technical assistance, or any other means, they should do so fairly and equitably, establishing a procedure for allotting such support which insulates decision-making from political pressures, and not discriminating between organizations or persons on the basis of gender or sexual orientation.
- States should hold fully accountable any state employees or agents, as well as non-state actors, who harass, persecute, pursue or violate the rights of persons because of their gender or sexual orientation. Personnel of every state agency, from the criminal justice system to providers of social services, should be trained and sensitized in issues of gender and sexual orientation.
- In all state institutions of extraordinary control, including the military as well as the penal system and psychiatric institutions, grievance and investigatory procedures should be established which protect the rights of all persons to justice and redress, as well as their confidentiality and safety. Prohibitions on discrimination based on gender or sexual orientation should be instituted. Sexual abuse should be expressly prohibited and punished. Privacy protections and protections against verbal degradation should be safeguarded, and personnel

in such institutions should receive particular training in addressing issues of gender and sexual orientation.

IGLHRC and CWGL call upon *non-governmental organizations* around the world, as well as all other *actors in civil society*, to affirm their solidarity in a community of mutual respect.

- NGOs and other agents in civil society should respect one another’s rights to exist. All groups must enjoy their basic freedoms of expression, of association, and of assembly. No NGO or group should attempt to challenge or restrict another’s enjoyment of those freedoms.
- NGOs and other agents in civil society, whatever their ideologies or political affiliations, should defend one another’s basic rights. When one group is silenced, the voices of all are threatened. When one group is deprived of space and safety, all are rendered vulnerable. When one group is denied the freedom to organize, the freedoms of all are in danger. NGOs must affirm and act upon the indivisibility of essential rights and freedoms. When human rights are at stake, they must not allow their own ranks to be divided. They must work in coalition wherever possible, to give strength to the vulnerable and restore voices to the voiceless.



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Women take risks in talking about sexuality, whether on a personal or political level. For this reason, we are deeply grateful and indebted to the many courageous activists who contributed their stories to this report, but who, for various reasons, wished not to be named. Ultimately, it is precisely for the sake of their concern about being “written out” that this report was produced.

# WRITTEN OUT

## HOW SEXUALITY IS USED TO ATTACK WOMEN'S ORGANIZING

"These women, who speak the loudest in defending women's rights in the family, present in their personal lives a model that directly opposes the ideal and desirable Croatian family."

*Croatian journalist, describing women's rights activists, 1998*

"There are a bunch of lesbians, homosexuals and sodomites within our society who have embarked on a concerted and orchestrated campaign to occupy this nation with their self-centred deviant activities."

*Government-funded Namibian newspaper, 1997*

Social stigmatization of members of sexual minorities...makes them more vulnerable to violence and human rights abuses, including violations of the right to life."

*Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, 1999*

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Women's sexualities are under attack. Around the world, women who organize, assert themselves, enter the political sphere or simply fail to behave "acceptably" are called "deviant" or "perverted." The accusations are used to discredit and to control them. Violence may greet the refusal to conform.

Originally published in 2000, *Written Out* has been updated to include an analysis of the current political climate and recent experiences of sexuality-baiting directed at women because of their political work, who they are or who they are seen to be.

In this revised report, the International Gay and Lesbian Human Rights Commission (IGLHRC) and the Center for Women's Global Leadership (CWGL) again show how attacks on women's sexualities threaten all women's basic human rights to bodily integrity, to expression and to association—as well as undermine essential values of equality and dignity. The stories told here reveal how women have refused to be silenced: how activists have met prejudice with courage and hatred with determination.

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