



**REPORT ON THE SEMINAR ON EQUALITY AND NON-DISCRIMINATION BASED ON SEXUAL
ORIENTATION AND GENDER IDENTITY FOR LATIN AMERICAN AND CARIBBEAN
PARLIAMENTARIANS**

PARLIAMENT OF URUGUAY, MONTEVIDEO

MONDAY, JULY 11, 2016

On July 11, Parliamentarians for Global Action (PGA) organized a **Seminar on Equality and Non-Discrimination based on Sexual Orientation and Gender Identity for Parliamentarians of Latin America and the Caribbean** hosted by the Parliament of Uruguay, in Montevideo in the sidelines of the Global LGBTI Human Rights Conference that took place from July 13 to July 15 in Montevideo, Uruguay. The objectives of the Seminar were to:

- 1) Present a revised draft of *Advancing the Rights and Inclusion of LGBTI people: A Handbook for Parliamentarians*, prepared by PGA and the United Nations Development Programme (UNDP), a tool with key information about human rights and concrete actions to raise awareness, examine, and reform the legal framework to address the needs of LGBTI persons;
- 2) Review, share and exchange best practices and strategies among parliamentarians from different countries to strengthen the human rights of Lesbian, Gay, Bisexual, Trans* and Intersex (LGBTI) persons in Latin America and the Caribbean, including regional mechanisms and national human rights institutions;
- 3) Discuss legislative reforms and modernization of criminal codes to promote equality and non-discrimination of all individuals regardless of their sexual orientation or gender identity, deepening collaboration among parliamentarians from Latin America and the Caribbean; and
- 4) Promote constructive dialogue between parliamentarians and LGBTI civil society organizations.

Participating parliamentarians from Aruba, Bolivia, Belize, Costa Rica, Dominican Republic, the Republic of Seychelles, Suriname, Trinidad and Tobago and Uruguay were joined by a wide range of actors and different stakeholders, including government officials from the Ministries of Foreign Affairs of Australia, Canada, Uruguay and the Kingdom of the Netherlands – the latter two co-organizers of the Global LGBTI Human Rights Conference that began on July 13 in Montevideo - members of intergovernmental organizations such as Mr. Francisco Eguiguren, Rapporteur on the Rights of LGBTI Persons of the Inter-American Commission for Human Rights, Mr. Michael van Gelderen from the Office of the High Commissioner for Human Rights, Dr. Justin Pettit from the Commonwealth Secretariat, and officials from UNDP's headquarters and Asia-Pacific and Uruguay's offices; representatives from civil society organizations of Belize, Costa Rica, Dominican Republic, Guatemala, Jamaica, Mexico, St. Lucia, Trinidad and Tobago, Uruguay and Venezuela, as well as global NGOs such as ARC International, ILGA, Human Rights Watch, Outright Action International; and members from the donor community.

Dip. Berta Sanseverino, Chair of the Human Rights Committee of the Chamber of Representatives of Uruguay and Co-Convenor of PGA's Gender Equality and Population (GEP) Programme, thanked the presence of all participants and highlighted the importance of *Advancing the Rights and Inclusion of LGBTI people: A Handbook for Parliamentarians* as an institutional tool and its use as an entry point in different contexts and countries, thus facilitating the complex task of sensitizing and advocating on LGBTI human rights in the field. She noted that the revised draft version of the Handbook had been enhanced by the valuable feedback of legislators from sixteen countries, representatives of civil society LGBTI and human rights experts, that met on November 29, 2015 in the city of San Salvador, El Salvador, in a [Strategy Session organized by PGA](#) to share observations and comments on the first draft of the Handbook. She stated the purpose of the Handbook as a resource for parliamentarians that is easy and accessible, where condensed information on international or regional human rights can be found to serve for many purposes such as drafting bills, responding to interviews with media and constituents and assist in the formulation of questions to the ministries and other government



agencies. She concluded by encouraging fellow parliamentarians to take the lead in their home countries and begin taking legislative action and concrete policies to promote and protect the rights of lesbian, gay, bisexual, trans and intersex persons.

Ambassador Laura Dupuy, Director General for Technical and Administrative Affairs, Ministry of Foreign Affairs of Uruguay, urged the audience to reflect on the changes at the global and regional levels on sexual diversity and highlighted the significance of this Seminar in the context of the Global LGBTI Human Rights Conference, co-chaired with the Kingdom of the Netherlands, which was taking place on July 13-15 in Montevideo, Uruguay. She stressed the importance of having political leaders committed to human rights, working towards a more just, equitable and inclusive democratic society, particularly in such a sensitive subject. She reflected on the problems facing the LGBTI population, mainly the lack of opportunities due to pervasive discrimination that affects all the areas of their lives. The need for inspiring leaders in this area to bring about the necessary changes was underscored and she drew attention to the recent UN Resolution that mandates an independent expert on the subject who will complement existing regional mechanisms, such as the Inter-American Commission on Human Rights. The independent expert represents a new opportunity and opens the possibility for synergic, complementary work on the subject. She concluded that this constitutes an additional tool that will support parliamentarians from every region.

Paula Veronelli, Country Office Representative of the United Nations Development Programme (UNDP), stated that the argument in favor of extending the same human rights to LGBTI people is not radical or complicated. It is based on two fundamental principles underpinning international human rights law: equality and non-discrimination. The opening words of the Universal Declaration of Human Rights are unequivocal: “*All human beings are born free and equal in dignity and rights*”. However, despite the recognition in legal frameworks, this is insufficient. For laws to translate into effective changes in the lives of citizens, it is necessary to have effective public policies. This is the way forward in reducing legal and social gaps that often persist. She concluded that the World Conference on Human Rights of LGBTI people can be a milestone for vindicating the achievements to date, but also an opportunity to list the enormous challenges ahead to combat discrimination on grounds of sexual orientation and gender identity, ensuring that the promise of the Agenda 2030 of leaving no one behind is upheld.

Dip. Ronny Monge Salas of the Legislative Assembly of Costa Rica and member of PGA’s Executive Board, described the complex set of challenges and threats that LGBTI people face throughout their lives, including discrimination, prejudice, violence, denial of access to basic public services and barriers to articulate their needs for protection. Dip. Salas underscored the fact that feeling discriminated against is a form of social violence that acquires unique shades depending on the context and the subject targeted. He gave a brief overview of *PGA’s Global Parliamentary Campaign against Discrimination on the basis of Sexual Orientation and Gender Identity* highlighting past activities organized by PGA in Latin America and the Caribbean; and explained how such activities fall in line with the practical steps and tools proposed to parliamentarians in the Handbook, particularly the sections “Actions that parliamentarians can take” and “Some practical steps”, which focus on the role parliamentarians can have in protecting the rights of LGBTI people through the exercise of their legislative, representative and oversight prerogatives.

As an example Dip. Monge Salas noted that PGA’s actions in El Salvador have ignited the work of parliamentarians in their legislative role. After [PGA’s Seminar in San Salvador in 2014](#) and a [Delegation on Equality and Non-Discrimination in 2015](#), a major goal of the [San Salvador Statement of Commitment](#), i.e. the inclusion of hate crimes provisions in the Penal Code of the country, was achieved in September 2015 when the Legislative Assembly approved a reform to the Penal Code increasing sanctions against murders (article 129) and threats (article 155) motivated by hate, including on the basis of race, ethnicity, political views, religion, gender, gender identity and expression, sexual orientation or any other equivalent.

Dip. Monge concluded that despite the significant progress in this area, discrimination against LGBTI persons remains an endemic problem. The needs for protection are left unmet and state agents are not always aware of

their own prejudices and discriminatory attitudes about sexual orientation, gender identity and body diversity. Therefore, training parliamentarians on this matter becomes essential for the development of inclusive public policies that reflect and respond to the diversity of their constituents. The Handbook itself is aligned with the core values that PGA strives to achieve: the empowerment that results from education, dialogue and access to information for parliamentarians committed to addressing this issue effectively and promoting the creation of a society free of discrimination (consult this panelist’s presentation in resources).

Suki Beavers, Policy Advisor, Inclusive Political Processes from the United Nations Development Programme, presented other relevant aspects of the Handbook and its practical applications for parliamentarians and other stakeholders. The ongoing situation of stigma, discrimination and violence places parliamentarians in a key position to advance the rights and inclusion of LGBTI people. An overview of the different mechanisms and procedures under International Human Rights Framework was provided with a focus on Africa, America and Europe. Ms. Beavers underscored the importance of the Handbook in light of the Sustainable Development Goals (SDGs), the Agenda 2030 and the LGBT Inclusion Index led by UNDP. Through several case studies from Nepal, Mozambique, Malta, Chile, Australia, India and Scotland, Ms. Beavers conveyed the multiple approaches and practical tools found in the Handbook that MPs can use to advance the rights & inclusion of LGBTI people (consult this panelist’s presentation in resources).

Ms. Beavers concluded that Members of Parliament are in a position to take concrete steps to drive global legal, policy and social norm change, through the following actions:

- Use of the media
- Development of context specific strategies
- Sustained efforts over time
- Working with and learning from LGBTI organization
- Supporting broad based civil society coalitions
- Sharing experiences, lessons learned with other MPs
- Becoming a champion of rights and inclusion of LGBTI people
- Inspiring other MPs on the issue

Uruguayan Dip. Daniel Radio and member of PGA, moderated the next panel entitled “Using regional mechanisms and national human rights institutions to promote equality and non-discrimination” which featured interventions on the role of National Human Rights Institutions, the Inter-American Commission on Human Rights, and the Commonwealth Secretariat.

Dr. Ariela Peralta, President of the National Human Rights Institution and Ombudsman from Uruguay, divided her presentation into three parts. First, she gave an introduction of the national context in her country and relevant data in terms of LGBTI rights. The second part focused on defining the scope of discrimination and equal treatment, as it applies to different contexts. Lastly, she explained the work that National Human Rights Institutions and Ombudsman can do in the field. She noted that in Uruguay the National Human Rights Institution and the Ombudsman have jurisdiction both in the regulatory framework and the implementation of the enjoyment of all rights based on the constitutional provisions derived from the national legal framework and international human rights instruments. She highlighted the importance of ensuring a democratic space for the development of the LGBTI community, as well as for human rights defenders, activists and other organizations of civil society as it is crucial to ensure that they can enforce their rights effectively, without violence, without threats and persecution. She concluded that this can only be achieved through strategic alliances and joint efforts between partners and with participatory and inclusive dialogue between organizations, human rights institutions, the political system, the judiciary, academia, and international organizations. National Human Rights Institutions offer the possibility to be in permanent contact with international mechanisms for protecting human rights, such as the Inter-American System and UN treaty bodies which allow to join forces and raise the stakes in protecting the rights of all individuals.



Dr. Soledad García Muñoz, Regional Coordinator of the Inter-American Institute of Human Rights, gave a general overview of the main international standards in the area and presented the new “Interdisciplinary Laboratory for Gender Equality - “gender.lab South America”, which raised interest among attendees. She underscored international and regional mechanisms in place and focused her intervention on the Inter-American court’s leading case ‘Karen Atala Riffo y Ninas v. Chile’ that established important standards that States are under the obligation to respect and uphold and mentioned the “control of compliance” mechanism exercised by local judges and courts of member states to ensure compliance. She reminded the audience of the importance of training, educating and sensitizing the population, especially law enforcement officials and civil servants on the issues of diversity and human rights. These trainings, coupled with constant promotion and awareness efforts should not remain scattered, but rather should be inscribed in greater public policies of States to achieve a more just, equitable, non-discriminatory and, above all, diverse society. García Muñoz remembered LGBTI activist Pedro González Zerolo, her partner at the law firm in Madrid who died a year ago. In his memory, she paid tribute to those who strive every day to end discrimination of LGBTI people by “putting their lives at risk in the process”. Lastly, she shared the Institute’s site and encouraged attendees to participate in its regional initiatives (available at <http://www.iidh.ed.cr> and at <https://www.facebook.com/iidhsuramerica/reviews>).

Justin Pettit, Human Rights Officer of the Commonwealth Secretariat, focused in the different ‘niches’ that the Commonwealth Secretariat has engaged in, mainly through the Universal Periodic Review (UPR) and the role of parliamentarians and national human rights institutions and their relationship with Parliaments. Mr. Pettit highlighted potential entry points for change and challenges for action. He noted that 39 Commonwealth member states still criminalize same sex consensual relations between adults. As a result, Members States have received a wide range of recommendations on sexual orientation and gender identity under the UPR. Developing the capacities of parliamentarians has become a key goal of the Commonwealth Secretariat through a series of regional seminars convened in collaboration with the Commonwealth Parliamentary Association. Mr. Pettit noted the critical role of parliamentarians in the work of the UPR to promote the rights of vulnerable groups. The participation of Hon. Lenny Le Bon, MP National Assembly of the Seychelles, in the Seminar showed the commitment of the Commonwealth Secretariat to foster technical support through regional networks to exchange good and promising practices. In his concluding remarks, Mr. Pettit offered four recommendations as entry points for future engagement:

- Increase advocacy around parliamentary representation on the delegations to Geneva to deliver the UPR country report and engagement with the Human Rights Council;
- Building relationships with national human rights institutions and in line with the Belgrade Principles;
- Strengthen relationships with regional mechanisms including the Organization of American States, the Inter-American Commission on Human Rights, the Caribbean Court of Justice; and
- Go beyond the passage of legislation as an answer to strengthening rights protection. Specific legislative actions and functions through which parliamentarians can also protect human rights include, but are not limited to, translating international commitments into national policies and laws; amending existing laws and introducing motions; hold hearings, reporting to Parliament and making recommendations to Government; awareness raising through parliamentary questions; influencing policies and budgets at the national level; monitoring policy implementation programs at local levels; addressing the needs and concerns of their constituencies; and acting as a catalyst in the realization of rights domestically and internationally (consult this panelist’s presentation in resources).

The following session, moderated by **Dip. Macarena Gelman** from Uruguay, explored “Best practices and various strategies for legislative reform, including the modernization of criminal codes and engagement with civil society”.

Mr. Michael van Gelderen, Human Rights Officer of the Office of the United Nations High Commissioner for Human Rights, began his intervention noting that over the past 20 years the UN has been making



recommendations to States on how they should implement their obligations under existing international human rights law to protect the rights of lesbian, gay, bi, trans – and more recently, intersex people. He noted that States have also been making voluntary commitments: 107 countries accepted recommendations during the UPR process relating to combating violence or discrimination on the basis of sexual orientation and gender identity at the UPR.

He noted that currently States are engaging more proactively to implement UN recommendations. He focused on key areas where parliamentarians can play a significant role: repeal discriminatory laws, adopt protective laws, and exercise their consultation, leadership, oversight capacities. Each role was supported with different examples drawn from particular country experiences. Mr. Van Gelderen highlighted the gaps and challenges ahead which he identified in the following terms:

- Persistent Human Rights violations - gap between law and practice;
- Absence of comprehensive policies;
- No evaluation of effectiveness of existing policies;
- Much less progress has been measured on the rights of trans people;
- There are few initiatives to protect intersex people; and
- Policies do not address diversity – and multiple discrimination / vulnerabilities inside LGBTI population.

Mr. Van Gelderen shared a draft of a forthcoming publication spearheaded by the Office of the United Nations High Commissioner for Human Rights entitled “Living Free and Equal”, relating to the rights of LGBTI people which will feature more than 200 examples of 65 countries, including all regions and branches of States (Executive, Parliaments and Judiciary), National Human Rights Institutes, as well as the different areas of UN recommendations. The publication is scheduled to become available to the public later this year and will be shared by the Office of the United Nations High Commissioner for Human Rights soon (consult this panelist’s presentation in resources).

Ms. Desirée de Sousa Croes, Member of Parliament (MP) gave an account of the recent developments in Aruba and the introduction of the current civil union campaign. Despite the fact that Aruba does not have same-sex marriages, these marriages are recognized for couples who married in the Netherlands, or in Bonaire a neighboring island of Aruba. Ms. De Sousa Croes qualified this as “a strange situation” as gay couples cannot legally get married themselves within the island.

She informed the audience that on June 5 she presented an amendment (known as the ‘De Sousa Amendment’) to the civil code of Aruba, to allow gay and straight couples to enter into civil unions, which will be voted on August 22, 2016. Lastly, Ms. de Sousa Croes highlighted that in Aruba there are no hate crimes and that social acceptance is generally very positive. However, Christian and Catholic Church presence has led the way towards pressuring parliamentarians into voting against the proposed amendment or refraining from voting at all. She invited the audience to share their support in this process and sign the petition at the campaign’s website (www.igualdadaruba.com).

Dane Lewis, Executive Director of J-Flag, stated that changes in the Caribbean, especially in Jamaica, have been very slow. This means that advocacy is necessary at all levels. Politicians, in general, are not leading this issue but follow the course of events. He noted that the church in general, including evangelical groups, present an intense rhetoric against rights for LGBTI people. Regarding political will, the Ministry of Justice has publicly endorsed these issues recently and he was pleased to inform the audience that the mayor of Kingston has spoken publicly in favor during pride celebrations in December. This shows the positive steps from the government by showing their support and willingness to work with the LGBTI community. Elections are expected soon in Jamaica and a change of government will be decisive on these issues. J-Flag has also worked closely with the Ministry of Health in access to healthcare, especially requesting some policy changes that are



not inclusive. Mr. Lewis shared that there are forces working against progress and inclusion, mainly, from evangelical churches. He noted the importance of preparation and dialogue, however he identified as a limitation the issue of ‘cultural respect’, especially in rural communities, and encouraged the audience to think about how participation with other communities can begin to include the LGBTI community as well in the fight for rights for all.

Senator Maria Lourdes Landivar Tufiño from Bolivia gave a general overview of the recent Gender Identity Law that shaped much of the public debate in the last months in La Paz. Prior to the gender identity law, in order to obtain a change of name and gender marker, a person had to undergo sex reassignment surgery and then request a judicial rectification of their documentation. The judicial proceedings required psychological, psychiatric and forensic studies to test the applicant’s gender identity before authorizing the new identity documents, which was a protracted and complex procedure. The Gender Identity Law was the result of an 8 year process that required the constant involvement and assistance of civil society organizations such as: Organization of Transvestites, Transsexuals and Transgender Female of Bolivia (OTRAF) and Trans Red Bolivia (Trebol) who introduced several bills to the Department of Justice, ultimately achieving a single proposal for legislation in May 2012. Given that the Gender Identity Law is very progressive, it has received severe backlash from conservatives and religious organizations that organized public demonstrations against it, even after the law had passed. As an example, she relayed the experience in her hometown Santa Cruz, a city of two million people where, shortly after the bill was passed, over two hundred thousand people, around 10% of the city population, protested against it. One of the organizers was the Catholic Church, who presented a letter in which it expressed its concern over the lack of public debate around the law, alleging that the law restricts the rights of the majority for the benefit of a minority. She stated that it remains unclear what rights are restricted to heterosexual people, but the evangelical church brought forth that argument as a justification to oppose the law. She concluded that even when accepting that beliefs and faith are important, these cannot be used as shields for intolerance. Education of the general population therefore, becomes paramount in the path towards creating a society where everyone can exercise their civil and political rights, including the right to express their gender identity (consult this panelist’s presentation in resources).

Kenita Placide, LGBTI activist from St. Lucia, stated that in her country, as in Guyana, equal opportunity legislation has been in place since 1999. In 2006, after much deliberation and discussion, the legislation was amended becoming the first piece of legislation to give some recognition and protection on the grounds of sexual orientation in employment. The law prohibits employers dismissing an employee on the basis of sexual orientation. However, a gap continues to exist in the daily discrimination experienced by LGBTI people. She noted that recently parliamentarians have begun engaging with the topic and have been mindful to have that conversation in a meaningful respectable way, considering the backlash of certain conservative members of society. She added that LGBTI people are still considered second-class citizens in many of the Caribbean countries because “...we sexualize people”. She acknowledged that there are people who are persecuted for their religious beliefs and stated that our struggle is not against them but with them. Meetings with parliamentarians are being taking place in some circles and are kept informal and private given that more progress is found that way; embassies also allow safe spaces to interact with ministers. She concluded by stating that “no group should be held hostage by the majority, we are all citizens and we all deserve equality and justice regardless of sexual orientation or gender identity”.

Dr. Diana González-Perrett, Uruguayan researcher and legal advisor in human rights issues, opened with a quote by Mexican researcher and academic Karen Pérez stating that “equality is not natural, but rather it is created and recognized through rights”. She went on to explain the different nuances between formal equality, substantial equality, equality in recognition and asserted that injustice is rooted in social patterns of representation, interpretation and communication. A ‘rights-based approach’ entails five key areas to be addressed: empowerment, participation, accountability, enforceability and resources. Dr. González-Perrett described the importance of a gender and intersectional analysis in the preparation, analysis and discussion of all the legislative initiatives. She offered an overview of the applicable international human rights standards and placed emphasis on the role of the Inter-American Court of Human Rights and the Inter-American



Commission by analyzing the case ‘Karen Atala Riffo y Ninas v. Chile’ (consult this panelist’s presentation in resources). Dr. González-Perret highlighted some mechanisms that parliamentarians can put in place to ensure equality:

- Non-discriminatory language in legislation;
- Affirmative Action plans;
- Creation of agencies and processes to ensure access to justice;
- Budgetary changes to reflect equal access and exercise of rights;
- Comprehensive laws; and
- Equality impact assessment policies.

Dip. Minou Tavaréz chaired the second section of the Seminar, which entailed an interactive “**Discussion of case studies in Latin America and the Caribbean**” that emphasized specific cases and experiences in each of the countries represented, thus encouraging parliamentarians to promote agendas that build more just and diverse societies where discrimination will no longer be tolerated.

Commissioner Francisco José Eguiguren Praeli, Rapporteur on the Rights of LGBTI Persons of the Inter-American Commission on Human Rights, provided a general overview of the situation on the Rights of LGBT and Intersex Persons in Latin America and the Caribbean. He divided his presentation in two main issues. First, he focused on the recent [report](#) on the violence perpetrated against lesbian, gay, bisexual, trans, and intersex (LGBTI) persons or those perceived as LGBTI. He explained that the report focuses on violence against LGBTI persons as a complex and multifaceted social phenomenon and not just as an isolated incident or individual act. He explained that the report contains many of the concerns expressed hitherto in the Seminar in relation to the lack of data and specialized records in the States to identify these cases of violence.

The report itself provides certain recommendations that are transferable to the parliamentary arena:

- States are expected to take measures and repeal the laws that criminalize consensual same-sex or ambiguous broad rules that allow for prosecution of same-sex behavior;
- States are expected to adopt positive legislation that recognizes the rights of LGBTI people and, moreover, explicitly condemns and punishes any form of discrimination based on sexual orientation, gender identity or body diversity; and
- Legislation should be in line and reflect international human rights standards on the matter.

Commissioner Eguiguren Praeli stated that in many countries there is a wide gap between the rules and compliance and enforceability. This has created legitimacy problems for Parliaments in the region. He highlighted that parliamentarians are the expression of popular representation and that it is assumed that the Parliamentary Assembly will reflect the plurality of the political representation that exist in a democracy. However, chauvinistic perspectives still prevail and cannot be changed by the law. He concluded by recognizing the importance of alliance and consensus-building with different stakeholders, a task that is not easy. He commended the important efforts such as this Seminar organized by PGA to help transform Parliaments in the region where this issue is difficult to discuss or even raise. He encouraged participating parliamentarians to explain to their colleagues how they stand up for change, how to navigate backlash and attacks, and more importantly, how to overcome their colleagues’ prejudices on this issue.

The Seminar noted the experiences of Belize, Trinidad and Tobago, Suriname and Uruguay. **Senator Valerie Woods** from Belize began her presentation by referring to her recent experience as Senator and informing that there is a larger group of people and new entities fighting for this issue in Belize who are beginning to receive media attention. She viewed this as positive and a good sign. However, when reflecting on the Parliament itself, despite much good intentions, she noted a lack of initiative and action on the issue. From her point of view, there are many people who do not speak of the situation of LGBTI people in Parliament at all. She underscored the responsibility of parliamentarians to create awareness and uphold the mandates enshrined in the Belizean



Constitution. This leads to the daily challenge of examining laws that are contradictory and contrary to constitutional principles. She concluded that decisions and actions need to be taken as there is an array of laws in place which are discriminatory against this sector of the population.

Caleb Orozco, Executive Director of United Belize Advocacy Movement from Belize, gave an account of the first challenge in Caribbean history to the criminalization of sodomy. The case “Caleb Orozco v. the Attorney General of Belize” focuses on Section 53, a statute in the Belize criminal code that calls for a 10-year prison term for “carnal intercourse against the order of nature”. The case started in 2010 and on July 27, 2016 a decision is expected by the Supreme Court. Before this ruling, he explained that he conducted a series of demonstrations in front of the Supreme Court to articulate the aspirations of the community at the national, regional and international levels and engaged the media to convey the message back to the public. He noted that there was significant backlash from fundamentalists during the process where issues of freedom of speech were raised. He concluded by refuting the assumption that this is a controversial topic and asked the audience: “How can my body be considered controversial? How I can see my family’s feelings as controversial? How can I think that you do not want to protect the blood of my family friends who are LGBTI? How can it be that their blood is controversial?”

Senator Wade Mark from Trinidad and Tobago informed the audience about PGA’s Parliamentary Delegation that visited the Republic of Trinidad and Tobago in June. This delegation’s objective was to start exploring ways to provide a forum for parliament to hear the concerns of the LGBTI community, as well as to encourage national officials to expressly support inclusion and dignity for all, including LGBTI people. Senator Mark was pleased to announce the creation of PGA’s National Group in Trinidad and Tobago and linked it to the subsequent steps: to report back on the Seminar in Montevideo and disseminate the Handbook to members of the Human Rights Committee, as well as members of the Commission on Equal Opportunities and others important stakeholders. He concluded that these important steps will contribute in the critical advance required address the challenges and fears of fellow parliamentarians and friends from the LGBTI community.

Colin Robinson, Executive Director of CAISO T&T, referred to the current legal framework that discriminates against LGBTI people in Trinidad and Tobago. He stated that political parties are more willing to be leaders when they are in opposition than when they are in government. With the current legal framework, margins for intervention are very narrow and this factor coupled with the ethnic base and a neoliberal type of governance, have a negative impact on social movements. This context makes it difficult to advance in this issue. He reminded the audience that human rights have become a problematic discourse because of the great political opposition in both parties to repeal the death penalty. There is great resistance to speak of human rights and expansion of human rights in international fora. He concluded that the initiative shown by PGA’s chapter to include this topic must be accompanied with significant offers for technical cooperation and support to bring these aspirations forward and turn them into law.

Mr. Patrick Kensenhuis, Member of Parliament of Suriname, stated that priority has been given to protect and punish violence against LGBTI people. The constitution of Suriname, includes the principles of equality and non-discrimination. In workplace settings, a recent collective agreement has allowed LGBTI people to register their partners. Furthermore, the Ministry of Justice has recently agreed to meet with LGBTI groups to address their concerns. As a parliamentarian from Suriname, Mr. Kensenhuis, committed to look for opportunities to advocate for protective measures to enhance the human rights of LGBTI people, as well as to join efforts with civil society and with the business community to introduce LGBTI friendly policies. Upon his return to Suriname, Mr. Kensenhuis stated his intention to share the Handbook with the National Assembly, PGA National Group, Minister of Justice and civil society members.

Mauricio Coitiño from Uruguay explained that a big challenge ahead is to translate the advanced legal framework that enshrines legal equality into *de facto* equality. There is a lack of anti-discrimination legislation and an absence of specific measures to prevent homophobia, transphobia and lesbophobia in public policies that still remains unaddressed. Furthermore, he identified a catalogue of concrete positive actions in several



offices of the State and in government, but regretted that the lack of joint commitment and, above all, the inexistence of a broader action plan to translate these laws into a series of public policies, has obstructed the implementation of a modern legal framework. Coitiño concluded that the progressive legislation and leadership of Uruguay in advancing rights and equality of LGBTI people has stemmed from a secular perspective that began in the early twentieth century with the vote of women at the national level, the rights of workers and other significant social achievements.

After the case studies, **Jessica Stern**, Executive Director of Outright Action International, facilitated the group discussion around three main themes: a) The Parliamentary Handbook; b) Effective collaboration between parliamentarians and civil society; and c) Positive and inspiring examples of best practices.

The first topic focused on the Parliamentary Handbook and featured interventions from Senator **Wade Mark and Patrick Kensenhuis** who reasserted their commitments to share the Handbook with colleagues and other stakeholders in their respective countries. Attendees enthusiastically shared ideas of other potentially interested parties that could benefit from receiving the Handbook and entry points, including: National Human Rights Institutions, Ombudsman, members of the Judiciary, the Attorney General, prosecutors, universities, schools, the business community and attendees of the Global LGBTI Conference that will be held in Montevideo. **Federico Nola**, from the organization 'Daniel Zamudio', mentioned the importance of allies in this process and the need to find a synergy with them in all cross-cutting issues that affect vulnerable populations. He voiced his concern in relation to other existing forms of social violence that affect trans women and, specifically, sex workers and manifested the vital role of civil society organizations in the process of recognition of rights. **Rossana Marzan**, from Dominican Republic, highlighted the broad scope of the Handbook and invited the audience to consider the general public as a target for its use. **Graeme Reid**, from Human Rights Watch, reiterated the value and importance of collaborating with allies in the process of sharing the material. **Mr. Kees van Baar, Human Rights Ambassador of the Netherlands**, shared his interest and intention to take the Handbook to the Global LGBTI Human Rights Conference and make it available to other government representatives. Lastly, **Johana Ramirez** from Guatemala, proposed to share the document with the 'Central-American Integration System' (SICA, in Spanish) that unites business and private entities in that region. **Dip. Monge Salas** stated that no matter where the Handbook is shared, education has to become the ultimate tool to guarantee LGBTI people no longer suffer stigma and discrimination because of deeply-rooted cultural and religious prejudices. There is a compelling need to create social awareness so that future generations in our countries understand that LGBTI people also have rights and that we stand with them in this fight.

Regarding the second theme on building alliances posed the question on how parliamentarians can work more effectively with civil organizations and vice versa. **Natasha Jiménez**, an LGBTI activist from Costa Rica, highlighted that in Costa Rica a useful strategy in the process of raising awareness were discussion or dialogue tables between civil society and parliamentarians. She underscored the need to do this systematically to ensure these processes benefit the LGBTI community. **Dip. Sanseverino** noted that parliamentarians have to know what civil society organizations they should approach depending on the particular issue. There are some sectors of society that are very reluctant to discuss sensitive topics, such as LGBTI rights. However, other more progressive sectors are willing and enthusiastic to work with parliamentarians. Lastly, **Dip. Minou Tavaréz** underscored the notion of visibility and the need of resistance against powerful structures and mechanisms that render the agendas and politicians that carry them invisible. That work entails to start changing the prejudices we have against each other first because to reduce the debate as a one-sided issue will block the way towards any kind of progress. She stated the need to work not only with civil society, also with business groups, churches.

During the dialogue, **Colin Robinson** highlighted the need for a proactive role of intergovernmental organizations such as the Organization of American States (OAS). **Génesis Rafael** from Mexico noted that in his country other problems, such as the generalized violence and organized crime have created a climate of cultural disappointment. This is in addition to the strong presence of religious fundamentalism, especially from the Catholic Church, which makes the opportunity for dialogue even more protracted and complex.



The main themes that emerged from the discussion were:

- Identify key allies among parliamentarians and civil society to build a sustained dialogue; focus on representatives who are working on the same issues.
- Create platforms of dialogue and working groups with government officials. It was suggested that the approach should be tailored: at the parliamentary level and at the municipal level respectively. Local realities should inform these choices.
- Reflect on the importance of the link between democracy, human rights and good governance. These concepts have to do with the foundations of government: to ensure law enforcement, security and equal access to rights for all citizens.
- Seek opportunities where regional and international spaces offer opportunities for parliamentarians and civil society to meet and exchange views. For example, the Sustainable Development Goals (SDGs) process provides a space for engagement between government and civil society on the topic.
- Take note that civil society can strengthen parliamentary meetings with information, expertise and valuable resources.
- Approaching and contacting parliamentarians is a two-way street for civil society. The answer lies halfway because both stakeholders need each other.

Dip. Minou Tavárez of the Dominican Republic and PGA President, led the final discussion on the **Montevideo Action Document** adopted by participating parliamentarians, with input from civil society representatives. Parliamentarians pledged to take concrete legislative and political actions to guarantee equal protection and inclusion of LGBTI people, including in relation to: combatting violence, stigma and discrimination against LGBTI people, and ensuring equal access to justice, education, housing, employment and health services for all citizens, regardless of sexual orientation, gender identity or expression and sex characteristics. Please review the full Action Document under the resources section.

In her closing remarks **Dip. Minou Tavarez** thanked the Parliament of Uruguay, Dip. Berta Sanseverino, her fellow parliamentarians and all civil society attendees who she qualified as key players and essential partners in this field. She acknowledged the inherent difficulties in understanding the needs and concerns of different sectors of the population, particularly when they are rendered invisible through jokes and mockery pervasive in everyday interactions. She reminded the audience that this issue affects us all, however what can never be left out of sight, is the powerful impact that the sum of wills can have when they are working in collaboration with one another, each one from their particular role or sphere of action. She underscored that “everyone, absolutely everyone, is essential in moving these agendas forward”.

The adopted Action Document was shared with officials from the National Institute against Discrimination, Xenophobia and Racism (INADI, in Spanish), of the Ministry of Justice and Human Rights of Argentina who chaired Plenary Session Working Group III on Legislation and Shrinking Space for Civil Society to inform their deliberations and ensure that Parliaments’ perspective was incorporated in the final documents of the Global LGBTI Human Rights Conference.

This activity was possible thanks to the generous support of the Global Equality Fund (GEF) administered by the United States State Department.

PGA would also like to acknowledge the generous support of the Arcus Foundation; the Open Society Foundations; the Sigrid Rausing Trust and the Oak Foundation to PGA’s Parliamentary Campaign against Discrimination based on Sexual Orientation and Gender Identity.