

REPORT ON

ROUNDTABLE DISCUSSION ON EFFECTIVE ANTI-DISCRIMINATION MEASURES BASED ON SEXUAL ORIENTATION & GENDER IDENTITY (SOGI) IN SOUTH AMERICA & THE CARIBBEAN

FRIDAY, OCTOBER 27, 2017 | RAMADA HOTEL | PARAMARIBO, SURINAME

Dr. Jennifer Simons, Speaker of the National Assembly of Suriname, delivered the welcoming remarks and opened the discussion stating that the best way to move forward on equality and non-discrimination is with information and encouraging people to meet LGBTI persons as a way to make them feel comfortable about their issues. She underscored that in Suriname no one should be discriminated and that the right to equality is enshrined in the Constitution. She said that the country is working for a real equal society and pointed out that although there is no legislation that criminalizes a particular group, in this case the LGBTI community, there is still a lot of stigma and discrimination.

The process to accept the ‘other’ takes time and parliamentarians need to assist the general public in this process through policy and legislation. Dr. Simons wished success to the participants in this discussion and noted she would be very interested to learn the tools and results from these discussions.

Mr. Patrick Kensenhuis, Member of the National Assembly of Suriname and Chair of PGA’s National Group in Suriname, expressed his gratitude for the participants’ attendance and shared his experience in the several PGA activities on SOGI that he has participated, as well as the importance of the joint PGA/UNDP publication [“Advancing the Human Rights and Inclusion of LGBTI Persons: a Handbook for Parliamentarians”](#) (the Handbook).

He noted that some people say there is no discrimination, but there are situations where minority groups still face some discrimination. “As parliamentarians, we can work to prevent this,” he added. Mr. Kensenhuis also reminded participants about PGA National Group’s work to support justice, democracy and human rights, as well as their important advocacy that contributed to abolishing the death penalty in the country. He pledged to continue convening different activities with PGA’s National Group.

Mr. Armstrong Alexis, Deputy Representative of UNDP in Suriname, thanked PGA and the Government of Suriname for raising awareness on this important topic and expressed his hope that participants could agree on some actions to make equality and non-discrimination on the basis of SOGI a reality in the country. Mr. Alexis stated the need to keep working for a more inclusive society and offered UNDP’s support to the efforts undertaken in Suriname. “We stand with you to promote the SOGI agenda,” he stated confidently.

Mr. Alex Roche, Program Officer of PGA’s SOGI Campaign, thanked the National Assembly of Suriname, particularly the members of PGA’s National Group, for the realization of this

activity. He provided an introduction to the concept of human rights, with references to the historical and legal context, and elaborated on the rights to equality and non-discrimination. Mr. Roche explained that parliamentarians have a key role to play in protecting and promoting human rights and presented the Handbook and PGA's [LGBTI Inclusion Site](#) as tools that can help them better understand their role in ensuring equality and non-discrimination of all individuals.

He mentioned specific ways in which MPs can take action to safeguard the rights of LGBTI people by: (1) enacting comprehensive laws that specifically prohibit discrimination on the basis of sexual orientation and gender identity, (2) enacting progressive legislation that recognizes the right to identity of trans people, (3) adopting hate crime laws and (4) engaging with civil society. Mr. Roche provided specific examples of good practices by PGA members in the Dominican Republic, Costa Rica, Chile, El Salvador and Suriname.

Session on best practices to strengthen engagement between parliamentarians, civil society representatives and the private sector

Mr. Faisel Tjon-A-Loi, Chairman of the LGBT Platform Suriname, provided an introduction about his organization and then elaborated on his participation at the Committee on Diversity and Inclusion that was set up by the Ministry of Justice and Police of Suriname. He presented the results of the survey conducted by the Committee on the perception and attitude of the Surinamese civil society regarding the human rights of LGBTI people in the country. Mr. Tjon-A-Loi said that the main conclusion of the survey was that the resistance against acceptance of LGBTI people is minimal, with the only clear resistance coming from religious groups.

He finished with the following recommendations for next steps: (1) organize a follow-up activity to continue the discussion on LGBTI issues, (2) start awareness programs by the Ministry of Human Rights on the rights of LGBTI people, (3) provide LGBTI Sensitization training for religious leaders and (4) ratify the de American Convention against All Forms of Discrimination and Intolerance.

Mr. Juan Pigot, Chairman of Parea, provided an introduction about his organization and then elaborated on the Declaration of Paramaribo, a document sponsored by Parea in accordance to which approximately 30 Surinamese companies have committed to be non-discriminating and inclusive in their relationship with their employees. He also presented the planned next steps with regards to the Declaration, including the provision of training for Human Resources departments.

Mr. Pigot underscored that article 176 of the Surinamese Penal Code prohibits discrimination based on SOGI. However, same-sex partners are unable to access social security or pensions. He mentioned, for example, that Statoil has gender-neutral policies where provisions are noted for 'partner' and not for wife/husband. His recommendations were to adjust the Civil Servant Retirement Act and to promote work environments that are not discriminatory and inclusive.

Mr. Steven Mac Andrew, Director of Suriname's Trade and Industry Association, stated that the employers organizations have a commitment to fight for decent work for all, and that this objective is in line with the Sustainable Development Goals (SDGs). Decent work is a right for everyone. He shared some of the initiatives of his organization, such as workshops and gender-sensitive trainings for companies, in collaboration with the LGBT Platform Suriname. He noted that when there is a trade union, there is a greater chance of success. "I can tell you that we will not shy away from this discussion and we will strive for a dignified life for everyone in Suriname," he stated.

Interactive discussion on effective anti-discrimination laws based on SOGI and strategies to promote such measures in Parliament (moderated by Mr. Boris Dittrich, Advocacy Director of the LGBT Rights Program at Human Rights Watch)

Ms. Desirée de Sousa-Croes, Member of Parliament from Aruba, recalled that in 2008, when she fell in love with a woman, she lost all her rights. She called on her fellow parliamentarians to act and take action given that this is not about just listening. "You cannot be half pregnant. You must act and take action and I want to encourage my colleagues to call for action," she said.

Hon. Dr. George Norton, Member of Parliament and Minister of Social Cohesion of Guyana, noted that the government of Guyana strongly believes that no person should be discriminated on the basis of SOGI. All human beings are equal. He added that Guyana has a zero-tolerance policy for discrimination. However, he noted that law and policy reform is needed to ensure that no one is discriminated since, in practice, it is a different story.

He mentioned that the Prevention of Discrimination Act of 1979 does not explicitly include sexual orientation or gender identity (SOGI) and shared that the NGO SASOD is assisting in preparing an amendment to this Act, so that subsequently it can be reviewed by the Attorney General.

Minister Norton also mentioned that it is important to educate and raise awareness about these issues and that the establishment of the Ministry of Social Cohesion in Guyana responded to this need. He added that UNDP has helped in designing a National Policy that is being currently implemented and that the Ministry that he leads has received feedback from SASOD and collaborates with this organization regularly.

"I want to encourage all my fellow CARICOM colleagues not to neglect the community in the hinterlands. We need to educate about all forms of diversity, including SOGI, and even if this is a taboo subject, it needs to be discussed," he said. Minister Norton concluded by stating: "No one should be excluded from the development of our country and the government will continue working to prevent discrimination."

Ms. Ingrid Karta-Bink, Member of the National Assembly of Suriname and a PGA member, shared that some of the actions that PGA's National Group in Suriname has taken since 2015 have been meeting with Mr. Dittrich and Lucien Govaard, then Co-Chair of the LGBT Suriname

Platform, participating in the Pride March and providing feedback to the Handbook and presenting it to Speaker Dr. Simons and other colleagues.

She posed the following questions to her colleagues from other countries: “What should the Parliament do? We are in a multicultural society. Should we request a referendum on this topic from society? How do we face religious and conservative groups? We recognize that we need a majority to adopt any laws and so we need to convince our colleagues in the National Assembly to push this agenda forward.”

Sen. Wade Mark, Leader of the Opposition Business in the Senate of Trinidad and Tobago and Chair of PGA’s National Group in the country, shared that Trinidad and Tobago’s Attorney General has established a Committee to evaluate two pieces of discriminatory legislation in the country. He added that religious freedom means the right to ones’ beliefs, but not to impose them onto others, in particular in their private bedroom, whether it is in a same-sex or in a heterosexual relation. He said that enforcing these discriminatory laws brings no value and has a high social cost.

“As MPs, we have the responsibility to advance the human rights and inclusion of all individuals. When there are discriminatory attitudes against some groups, it is our responsibility to prevent this and we need to amend any laws to reform legislation and policies in line with international human rights standards,” he underscored. Senator Mark concluded by calling on his fellow parliamentarians to place particular attention to the implementation of the SDGs.

Ms. Tamara Adrián, Member of the National Assembly of Venezuela, emphasized that Human Rights are for all human beings and are separate from religion or beliefs. “Not so long ago, we had these conversations on women’s rights and the arguments were very similar to the current ones on LGBTI rights,” Dip. Adrian recalled. All these discussions already happened on slavery, racial inequality and other beliefs. The consequences were similar: these groups were prevented from getting married, owning property and enjoying the right to self-determination.

She noted that we keep having the same conversation with the same arguments against. She also informed that the economic impact of exclusion of LGBTI people in a country is a plus or a minus 3% of their GDP as a result of homophobia and transphobia (according to a World Bank report). Dip. Adrian concluded by underscoring three tasks as parliamentarians: (1) guarantee equal access to all public services by enacting non-discrimination laws on the basis of SOGI, (2) assure rights for LGBTI families and (3) protect identity of transgender people and prevent surgeries to intersex people. Therefore, it is important to consider the introduction of some temporary affirmative actions for LGBTI people. “We need to overcome our own prejudices,” she concluded.

Interactive discussion

Mr. Kensenhuis, MP Suriname: expressed his gratitude to all MPs for attending and noted that the most important thing is building blocks with target groups and different stakeholders. He mentioned Parliament is taking a hard look at their legislation, particularly on how to use article 8 on non-discrimination enshrined in Suriname's Constitution to advance human rights for LGBTI persons, and invited civil society representatives to provide recommendations and feedback in this process.

Mr. Pigot, Parea Suriname: noted they are ready to start the discussion, but feel the National Assembly has not shown initiative. "We have been ready for a long time," he pointed out.

Ms. Tjon-A-Loi, LGBT Suriname Platform: echoed Mr. Pigot and said they are prepared to give support for registered partnerships.

Ms. Karta-Bink, MP Suriname: noted that Parliament is not ready yet to discuss registered partnerships. She emphasized she is an advocate for equal rights and equal opportunities, but the majority of the Parliament has to decide if legislation is adopted or not. She said she would take these building blocks and discuss them in PGA's National Group and subsequently take the topic to the National Assembly.

Mr. Dittrich, HRW: reminded participants that in Aruba a majority of MPs did not want the registered partnerships legislation, but Ms. de Sousa-Croes succeeded in passing it.

Ms. de Sousa-Croes, MP Aruba: highlighted that "When we swear an oath to serve as parliamentarians, we do so to protect the Constitution, even if we place our hand on the Bible. We do not swear to protect the Bible with our hand on the Constitution."

Dr. Wijdenbosch, former Surinamese MP and former PGA Board member: pointed out that there has been some improvement and more tolerance towards LGBTI people in the last years, and advised current parliamentarians that initiatives do not need a majority to be introduced for discussion in Parliament; that it takes only one person. "You need different MPs that can come out and lobby with you for the reform, to speak out and say they support these rights. We need courage and guts because no one likes it when you come out to say you want to protect the LGBTI community. That is why people are reluctant, but if you have a handful of MPs, you can achieve it," she added. Dr. Wijdenbosch reminded her former colleagues that this is how she shepherded a bill to abolish the death penalty in 2015, during her last year as a parliamentarian.

Ms. Cheung, former MP Suriname: noted that no one is above the law and called on PGA's Chair and other colleagues to include the issues discussed in the roundtable in the agenda of the legislative session. "Please take action, words are not enough," she urged them.

Dr. Sharman, MP Suriname and PGA member: stated that it is important to take into account the culture of Suriname as these issues require a mind shift; even with strong lobbying and advocacy in favor of a bill, it could be not supported by society. There is a balance where the bill has to reflect the will of the people and, at the same time, social awareness about the topic has to be raised. The press also plays a role so there can be a

wider discussion. “We also need to include religious groups as this topic is still taboo,” he concluded.

Mr. Dittrich, HRW: “Sometimes, as lawmakers, you need to take the lead and then society will follow.”

Ms. Bakboord, Women’s Rights Center Suriname: noted that her organization is prepared and willing to present to MPs a report on the LGBTI situation in Suriname and noted the importance to hear from all the voices that are marginalized. She urged MPs to finalize a date for an appointment between civil society and Surinamese MPs.

Ms. Doorson, Women’s Way Foundation Suriname: said that if Parliament is ready, they can share reports about the discrimination that LGBTI persons and people living with HIV/AIDS suffer in the country. The reports include testimonials and statements that need to be known and that are important information for MPs. “Give them a chance because this is an urgent issue. Lives are lost every day,” she urged parliamentarians. “Every day a transgender person is raped in Suriname. Let’s stop discussing and do something,” a representative from the Transgender Sex Workers also urged.

Ms. Mathoera, MP Suriname and member of the Human Rights Committee: said that the Parliament has to work hard and coordinate with other authorities like the police and agree to take the lead, within their groups and political parties. “We can start with our own communities and, in parallel, work for law reform,” she advised.

Dr. Norton, MP and Minister from Guyana: reminded participants that many Guyanese lost their lives to the AIDS epidemic before Parliament took action and thus, there is urgency in this work to protect and respect the rights of everyone.

Sen. Mark, MP from Trinidad and Tobago and PGA member: the Catholic Church in the country is open and flexible to begin discussions about SOGI. He shared that this positive change was an example on the incremental changes in society. “We need to influence some of our Committees in our Parliaments on the way forward. In Trinidad and Tobago, for example, we need to work to amend the Equal Opportunity Act,” he concluded.

Ms. de Sousa-Croes, MP from Aruba: “we will never get all people on board. And yes, it is scary and I know very well the electorate, but it is also the right thing to do. We need courageous politicians and remember that there is also support and many demonstrations that show their love towards us.”

“Let’s also not forget that we are talking about LGBTI children and youth who are discriminated and abused by their own families,” pointed out a representative from civil society.

Dip. Adrian Venezuela & PGA member: “The time has come. 80% of the population in the Americas has equal rights enshrined in their legal frameworks. We need to be ready for the 21st century.”

Mr. Wendell Asadang, Member of the National Assembly of Suriname and a PGA member, closed the roundtable discussion with the following final reflection and agreed actions:

The best way forward is to obtain information and data about the LGBTI situation in Suriname and open the dialogue. There is an anti-discrimination measure in the Constitution. Mr. Asadang noted that this conference had given them tools to work for a better world and move forward in this discussion. This social discussion should happen in a multi-cultural society, including other stakeholders such as the media to improve awareness of this issue among the population at large. The different groups need to be part of this process. In Parliament, 4-5 members can introduce a bill to be included in the legislative agenda.

Agreed actions:

1. During the second week of November, Mr. Kensenhuis will meet with Ms. Carla Bakboord, Executive Chair of Women's Rights Center, as a preliminary meeting to define an agenda for a follow up meeting in early 2018 with LGBTI civil society. Ms. Bakboord is a prominent leader of the LGBTI civil society in the country.
2. PGA will provide assistance to its National Group in requesting their Ministry of Foreign Affairs information about the Equal Rights Coalition with a view of incorporating Suriname into the coalition.
3. In close connection to the first action, the meeting with LGBTI civil society aims to begin discussions on a draft that could amend legislation to protect same-sex partners either through amending the current Social Pensions Act and/or through advocating for the right to registered partnerships for both same sex and different sex partners.