



GLOBAL PARLIAMENTARY CAMPAIGN AGAINST DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY (*PGA SOGI CAMPAIGN*)

Parliamentarians for Global Action (PGA) is a non-governmental, non-partisan international network of approximately 1,170 legislators in 140 elected parliaments around the globe that informs and mobilizes parliamentarians to advocate for human rights and the rule of law, democracy, human security, non-discrimination and gender equality.

Protecting the Vulnerable

Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) people live with multiple forms of discrimination in their countries increasing their vulnerability to a broad range of human rights violations: hate crimes, torture and cruel treatment, poverty, shorter life expectancy, higher HIV/AIDS prevalence rates, and social exclusion. In 80 countries, discriminatory laws criminalize private, consensual same-sex relationships, exposing millions of individuals to the risk of arrest, prosecution and imprisonment – and even, in at least five countries, the death penalty. Criminalization of consensual same-sex conduct violates rights to privacy and to freedom from discrimination, both protected under international law, and places States in material breach of their obligation to protect the human rights of all people, regardless of sexual orientation or gender identity.

In 2013, PGA launched its *SOGI Campaign* to promote the human rights principles of equality and non-discrimination and to sensitize parliamentarians on the obligations that States have to all individuals regardless of sexual orientation and gender identity and expression under regional and international conventions to which their countries are party. Through actions and consultations on sexual orientation and gender identity, PGA has engaged more than 100 parliamentarians from the following countries: Belize, Costa Rica, Dominican Republic, El Salvador, Ghana, Guatemala, Honduras, Jamaica, Kenya, Liberia, Peru, Sierra Leone, Sri Lanka, Suriname, Tanzania, Trinidad & Tobago, Uganda, Uruguay and Zimbabwe.

PGA actively sensitizes parliamentarians and builds political support on the application of international human rights standards to the lived realities of LGBTI people in their own countries to effectively undertake their prerogatives as lawmakers in protecting the rights of all individuals regardless of sexual orientation and gender identity and expression.

SOGI Campaign History

PGA convened the first international parliamentary seminar on human rights, sexual orientation and gender identity in collaboration with the Chamber of Deputies of Dominican Republic, in Santo Domingo, Dominican Republic on October 2013.¹ The commitments adopted in Santo Domingo prompted the mobilization of the National Council on HIV and AIDS and Dominican legislators, in cooperation with civil society, to work together on a General Law on Non-Discrimination (*Ley General Anti-discriminación*, in Spanish).

On November 3rd, 2014 PGA, in collaboration with PGA's National Group in the Legislative Assembly and the Office of the Attorney General for the Defense of Human Rights of El Salvador, convened a Seminar on Equality and Non-Discrimination for Latin American and Caribbean Parliamentarians in San Salvador.² The San Salvador Statement of Commitment adopted during this event encourages and calls for an open dialogue among legislators, National Human Rights Institutions (NHRI) and LGBTI civil society and to review national legislation on gender identity, hate crimes and non-discrimination.

PGA's mission in March 2015 to Trinidad & Tobago and Suriname, with the participation of Dip. Berta Sanseverino of Uruguay and former PGA member and Human Rights Watch LGBT Advocacy Director, Mr. Boris Dittrich, set the ground work to begin sensitizing and engaging Members in both Parliaments. PGA plans additional follow up activities in these countries.

Plans for 2015 and Beyond

¹ For more information on the Santo Domingo Plan of Action and PGA's Seminar in Dominican Republic, please visit: <http://www.pgaction.org/activity/2013/parliamentary-seminar-on-human-rights-sexual-orientation-and-gender-identity.html>

² For more information on the Statement of Commitment of San Salvador and PGA's Seminar in El Salvador, please visit: <http://www.pgaction.org/activity/2014/el-salvador-seminar-equality-and-non-discrimination.html>



In April 2015, PGA was awarded a two year project grant from the Global Equality Fund of the US State Department to promote the recognition and strengthen the protection of the human rights of LGBT persons in the Caribbean region. The program has the following two specific and related objectives:

- To strengthen the legal framework in the Dominican Republic to prevent, punish, and give redress to LGBT victims of discrimination; and
- To create increased political will to protect the human rights of LGBT persons by incorporating provisions on non-discrimination into legal frameworks, particularly in Belize, Suriname, and Trinidad and Tobago

PGA has also launched a Global Allies Network as a parliamentary resource for current and former Members of Parliament to learn about the goals and activities of PGA's Global Campaign against Discrimination based on SOGI, network with Member of Parliament (MP) peers and experts around the world, and discuss and exchange best practices. As an additional resource, PGA plans to publish a **Parliamentary handbook on Human Rights and SOGI** that describes principles of international human rights law, norms and standards at the regional level, and concrete tools and strategies MPs have used effectively in their own countries to promote human rights and SOGI.

Methodology

PGA employs its Peer-to-Peer methodology of advocacy (MP to MP), which has proven successful in PGA's Campaign for the Ratification and Implementation of the International Criminal Court (ICC) Statute.³ Prior to launching its actions, PGA conducts country-analyses that feed into the formulation of a roadmap outlining the strategy for building political will and capacity, and the design of targeted educational materials/toolkits on sexual orientation and gender identity for each selected country. This strategy is evaluated in consultation with PGA Members giving ownership and sustainability to each of the projects and tailored accordingly to determine the most suitable actions to achieve impact.

Actions to increase awareness and generate understanding about equality and non-discrimination seek to empower MPs to identify and analyze inconsistencies between current and/or proposed legislation and international commitments in each country, preventing the spread of discriminatory measures, hence having a powerful multiplier effect.

Updated July 2015

I. PRIORITY TARGETS (Non-exhaustive list)

- Targets for Increased Awareness, Understanding and Political Support about Non-Discrimination based on SOGI**
Africa: Ghana⁴ and Uganda⁵

³ PGA members have played an active role and directly contributed to 76 of the 123 ratifications of the Rome Statute.

⁴ Under **Ghana's** Criminal Code 190, amended in 2008, 'carnal knowledge' is criminalized. A PGA strategic consultation on *SOGI, Health and Key Populations* held in Accra, Ghana on March 5, 2014 with Ghanaian MPs and other African MPs, revealed interest in raising awareness on sexual orientation and gender identity among MPs; and prioritizing access to healthcare, services and treatment for key populations, among these LGBTI people. A Ghanaian MP highlighted that "...in national legislation the provision to sanction carnal knowledge was not defined to criminalize homosexuality. It referred to other activities, but now people are trying to tie it to homosexuals."

⁵ PGA has a strong National Group of **Ugandan** MPs, which has expressed interest in examining the constitutionality of the Act in tandem with the procedural ground of a lack of quorum on December 20th, 2013 when Parliament "passed" the Bill and many MPs did not attend the vote, and the substantive contravention to international commitments to which the country is party.



and the Caribbean: Belize,⁶ Costa Rica, Dominican Republic,⁷ El Salvador,⁸ Suriname,⁹ and Trinidad & Tobago¹⁰

b. Targets for Progress on/or Adoption of Non-Discrimination Legislation (Short/Medium Term)

Americas and the Caribbean: Costa Rica and Dominican Republic

c. Targets for Progress on/or Adoption of Non-Discrimination Legislation (Long Term)

Americas and the Caribbean: El Salvador, Suriname and Trinidad & Tobago

d. Targets to Repeal Laws Criminalizing Same-Sex Consensual Relations (Long Term)

Africa: Ghana, Uganda

Americas and the Caribbean: Belize, Jamaica, Trinidad & Tobago

II. CALENDAR OF EVENTS AND STRATEGIC ACTIONS 2015 – 2016

*(An asterisk - * - denotes tentative/TBC)*

❖ *Events organized by PGA:*

2015

March 4, 2015: Bilateral meetings with Hon. Wade Mark, Speaker of the Parliament of Trinidad & Tobago, and with members of the Joint Select Committee on Human Rights, Diversity, the Environment and Sustainable Development, Parliament of Trinidad & Tobago [Port of Spain, Trinidad & Tobago]

March 4, 2015: Meeting between Dominican Legislators and Youth LGBTI leaders in the Caribbean, in collaboration with REVASA, Chamber of Deputies of Dominican Republic [Santo Domingo, Dominican Republic]

March 5-6, 2015: Field mission with Human Rights Watch to Suriname on Non-Discrimination based on Sexual Orientation and Gender Identity [Paramaribo, Suriname]

July 6-9, 2015: Parliamentary Delegation to follow up on San Salvador Statement of Commitment, Legislative Assembly of El Salvador [San Salvador, El Salvador]

***October 2015:** Parliamentary Delegation to National Assembly of Belize, Belmopan, Belize [*tentative*]

⁶ Belize's Supreme Court is reviewing the constitutionality of the 'carnal intercourse law, which was legally challenged by Mr. Caleb Orozco, Executive Director of United Belize Advocacy Movement (UniBAM), in mid-2013. In a welcome sign, Prime Minister Dean Barrow and his wife have spoken publicly in favor of equality, highlighting that the duty of the Government is to ensure that all citizens, without exception, enjoy the full protection of the law.⁶ Mr. Orozco participated in PGA's *Parliamentary Seminar on SOGI* in Dominican Republic and requested PGA to replicate this activity in his country. Sen Lisa Shoman participated in the activity in San Salvador on November 3rd, 2014 and has invited PGA to work on this field in her country.

⁷ There is no legislation criminalizing same-sex consensual relations in **Dominican Republic**, however stigma and discrimination against LGBTI people are major challenges. On the other hand, and as a result of the Santo Domingo Plan of Action adopted at PGA's *Parliamentary Seminar on SOGI* in Dominican Republic, the National Council on HIV and AIDS (CONAVIHSA, in Spanish) established a National Group for the Elimination of All Forms of Stigma and Discrimination (GRUNEEED, in Spanish) to draft a Project of General Law on Non-Discrimination in the country, the first of its kind. PGA members are actively engaged in this group and have requested PGA's technical assistance.

⁸ In May 2010, the President of **El Salvador** issued Executive Decree No. 56 on the "Provisions to prevent any kind of discrimination in terms of Gender Identity and/or Sexual Orientation", through which any kind of discrimination based on gender and/or sexual orientation is prohibited within Public Administration agencies. Executive Decree No. 56 is compulsory for all the agencies of the Executive Power, including decentralized bodies and also those attached to them, independently from their delivery - or not - of services to the public. The Secretariat of Social Inclusion of the Presidency of the Republic established the Directorate of Sexual Diversity to follow-up work on its enforcement and also to provide counseling/advice to public administration agencies.

⁹ **Suriname** has no specific laws to protect LGBTI people from discrimination or grant them any specific rights. The government declined to consider specific legislation pertaining to LGBT persons, as it considers existing legislation sufficient. As part of the commitments adopted on the Santo Domingo Plan of Action, Mr. Hugo Jabini, MP from Suriname and chair of PGA's Suriname National Group, has convened meetings between PGA's Suriname National Group and Surinamese civil society—the first ever between civil society and MPs on SOGI issues – to collect information on discrimination cases and address gaps in legislation. Mr. Jabini has also offered to host a parliamentary seminar/dialogue to continue sensitization in his Parliament in 2014.

¹⁰ Law criminalizes consensual same-sex sexual activity in **Trinidad & Tobago**, but generally it is not enforced. In 2013, a Constitutional Reform Commission incorporated discussions on sexual orientation and recommended the issue to be subject of further national discussion and public education. PGA long-time Member, Hon. Wade Mark, Speaker of Parliament, has agreed in principle to work on this topic in his Parliament.



***October/November 2015:** Field mission to follow up on Santo Domingo Plan of Action (bilateral meetings with Parliamentary Committees, National Council on HIV and AIDS, etc.), Santo Domingo, Dominican Republic [*tentative*]

November 29, 2015: Strategy meeting with key MPs and stakeholders on the occasion of PGA's 37th Annual Forum, [San Salvador, El Salvador]

2016

***March/April 2016:** Parliamentary Seminar on Non-Discrimination based on Sexual Orientation and Gender Identity in the Caribbean, National Assembly of Suriname, Paramaribo, Suriname [*tentative*]

***May 2016:** Parliamentary Delegation to Parliament of Trinidad & Tobago, Port of Spain, Trinidad & Tobago [*tentative*]

***August/September 2016:** Parliamentary Seminar on Non-Discrimination based on Sexual Orientation and Gender Identity in the Caribbean [*venue and dates to be confirmed*]

***October/November 2016:** High-Level Parliamentary Delegation on Santo Domingo Plan of Action, Chamber of Deputies of Dominican Republic, Santo Domingo, Dominican Republic [*tentative*]

***December 2016:** Launch of PGA's Publication on Human Rights, Sexual Orientation & Gender Identity on the occasion of PGA's 38th Annual Forum [*venue and dates to be confirmed*]

Ongoing: 1) Dissemination of periodic newsletters on SOGI to PGA's network of 1,170 MPs, communications with MPs on advocacy and outreach as well as through the Global Allies Network;¹¹ and 2) Technical assistance projects upon request from Parliaments to draft, analyze, or strengthen anti-discrimination legislation.

III. CALENDAR OF PAST EVENTS AND STRATEGIC ACTIONS (2014)

❖ *Events organized by PGA:*

March 5, 2014: Workshop on *Health, HIV and Key Populations* as a side event to the "Parliamentary Seminar on Combating Child, Early and Forced Marriage in Ghana," Accra, Ghana

April 21, 2014: PGA's presentation to Delegations of Nigerian MPs from Kano and Jigawa State Assemblies, UN Headquarters, New York, NY

July 15, 2014: Follow-up Meeting with Dip. Magda Rodríguez, Chair of the Gender Equality Committee of the Chamber of Deputies of Dominican Republic, New York, NY

July 18, 2014: Strategic consultation with PGA's National Group in the Parliament of Uganda, Kampala, Uganda

October 27-28, 2014: Study visit for parliamentarian from Dominican Republic and participation in the XXVII World Conference of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), Mexico City, Mexico

November 3, 2014: Seminar on Equality and Non-Discrimination for Latin American and Caribbean Parliamentarians, San Salvador, El Salvador

November 12-14, 2014: Strategic meetings of Hon. Fox Odoi-Oywelowo, MP Uganda, with key stakeholders in New York City

December 6, 2014: Roundtable discussion on SOGI with former UNHCHR, Ms. Navi Pillay, as a side event to the 36th PGA Annual Forum 8th *Consultative Assembly of Parliamentarians for the International Criminal Court and the Rule of Law*, Rabat, Morocco

¹¹ The Global Allies Network is an educational resource for MPs on sexual orientation and gender identity launched at PGA's Parliamentary Seminar on SOGI in Dominican Republic. For more information, please visit: <http://www.pgaction.org/programmes/gep/global-allies-network.html>



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❖ *Events in which PGA participated:*

February 5, 2014: First meeting of multi-agency working group on the Draft of Law on Non-Discrimination in Dominican Republic, Santo Domingo, Dominican Republic

March 24, 2014: Strategic meeting between Chair of PGA's International Council and the US Embassy to Dominican Republic, Santo Domingo, Dominican Republic

October 27-28, 2014: Participation in the XXVII World Conference of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), Mexico City, Mexico

**PGA'S PARLIAMENTARY CAMPAIGN AGAINST DISCRIMINATION BASED ON SOGI
RECEIVES SUPPORT FROM:**



PGA RECEIVES CORE SUPPORT FROM THE GOVERNMENTS OF SWEDEN AND DENMARK

For more information on the Campaign, please contact:

Ms. Mónica Adame, Senior Programme Officer, Gender, Equality and Population Programme
Parliamentarians for Global Action E: monica.adame@pgaction.org | T: 1+646-762-7295
<http://www.pgaction.org/programmes/gep/overview.html>