To: All Sections
   Campaign Coordinators
   International Lesbian, Gay, Bisexual and Transgendered (ILGBT) Network
   Intersectional Women’s Network (IWN)
   Inter-governmental Organizations (IGO) Coordinators/Home government lobbyists
   Lawyer’s network
   Health Professionals Network
   Refugee Coordinators
   Press Officers

From: Themes Team

Date: June 2001

**Crimes of Hate, Conspiracy of Silence**
**Torture and ill-treatment based on sexual identity**

**Summary**

This circular, which is part of the Campaign against Torture, outlines the key messages and recommended actions on torture and ill-treatment of Lesbians, Gay men and Bisexual and Transgender (LGBT) people.

The objectives of the action are:

1. To **promote the five key messages** outlined in the circular to the general public and to key target audiences

2. To **promote understanding of LGBT rights** within Amnesty International and the broader human rights movement

3. To **lobby for the implementation of specific changes to prevent human rights abuses against LGBT people** based on the recommendations in the report

Other materials related to the LGBT goal include: the report *Crimes of Hate, Conspiracy of Silence. Torture and ill-treatment based on sexual identity* (AI index ACT 40/016/2001); a
summary of the report (attached); 5 appeal cases covering some of the themes of the report; a Question and Answer briefing (AI Index ACT 70/004/2001); training modules; and the publications contained in the Outreach pack: the LGBT campaigning manual The Louder We Will Sing (AI index ACT 79/03/99), the Imagine-Focus article (AI index ACT 79/002/2001) and Discrimination: Fertile ground for torture (AI index ACT 40/011/2001) summary of the discrimination chapter of the Campaign Against Torture launch report Take A Step To Stamp Out Torture (AI Index ACT 40/13/00).

Keywords

SEXUAL ORIENTATION / TORTURE/ILL-TREATMENT / CAMPAIGNS / MEMBERSHIP TRAINING / AI APPEALS / HOMOSEXUAL RIGHTS ACTIVISTS / REFUGEES / HARASSMENT / NON-STATE ACTORS / IMPUNITY / NAMIBIA / UGANDA / ROMANIA / ECUADOR /

Distribution

This action circular is being sent in the weekly mailing to all sections and membership structures in countries without sections. The action circular is also being sent electronically to Campaign Coordinators, the International Lesbian, Gay, Bisexual and Transgendered (ILGBT) network; the Intersectional Women’s Network (IWN); Inter-Governmental Organisations (IGO) Coordinators/Home Government Lobbyists; Refugee Coordinators and Lawyers Network; Health Professionals Network; press officers

Please ensure that copies of this circular are given to all staff who will be involved in this action to ensure their involvement in the action planning and in the campaigning activities.

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June 2001

**Action Circular**

**Crimes of Hate, Conspiracy of Silence**

**Torture and ill-treatment based on sexual identity**

This action is part of the AI Campaign Against Torture (CAT). It is part of a series of actions highlighting patterns of torture and ill-treatment against particular identity groups, including women, children and ethnic minorities.

This is the first time there is a major focus on lesbian, gay, bisexual and transgender (LGBT) people in a world-wide Amnesty International theme campaign. It is also the first time an international human rights organisation has published a world-wide report on torture and sexual identity. The launch of the report and the related campaigning activities are likely to attract considerable interest from the media and general public, as it did at the time of the campaign launch.

AI’s research indicates that the torture and ill-treatment of LGBT people is a widespread and world-wide problem. The stigma surrounding homosexuality in many cultures means that homophobic violence by state officials goes unreported, uninvestigated and unchallenged. Torture and other cruel, inhuman or degrading treatment are prohibited under international human rights law in all circumstances. But while some governments deny that such torture takes place, others openly justify torture and ill-treatment of LGBT people in the name of morality, religion or ideology.

In this Action, Amnesty International is calling on governments to take immediate and effective steps to prevent the torture and ill-treatment of LGBT people, to tackle the discrimination that give rise to it, and to end the impunity that sustains it.

This circular draws on AI’s report *Crimes of Hate, Conspiracy of Silence. Torture and ill-treatment based on sexual identity* (AI Index ACT 40/016/2001) to present and enlarge on the key messages and campaign strategy for this action. The report will be launched in Buenos Aires, Argentina, on 22 June 2001.

**KEY MESSAGES OF THIS ACTION**
Key message 1: Torture and ill-treatment of LGBT people is a widespread and global phenomenon.

The report refers to some thirty countries where such ill-treatment has been documented in recent years. But even this figure underestimates the scale of the problem. The report is not an exhaustive global survey, and the cases featured are only illustrative of broad patterns of violence worldwide. The stigma surrounding homosexuality and transexuality means that the torture and ill-treatment of LGBT people routinely goes unreported and undocumented. What is clear is that it occurs in all continents and across cultures.

Key message 2: There is a conspiracy of silence surrounding the torture and ill treatment of LGBT people

In many countries, the ill-treatment of LGBT people provokes little outrage. Official and popular tolerance of these abuses means that incidents of ill-treatment are even less likely to be denounced or investigated. In some countries, prejudice against LGBT people extends to some in the human rights community, who may be reluctant to take up issues of sexual identity. Those who defend the human rights of LGBT people have also themselves been attacked by government forces or other groups in society. As a result, the torture and ill-treatment of LGBT people is shrouded in impunity and indifference.

Key message 3: Campaigning against torture and ill-treatment of LGBT people is an integral part of the broader struggle to eradicate torture

The right to be free from torture and ill-treatment is absolute and universal. Torture cannot be justified against anyone in any circumstances. AI’s ongoing work against torture shows that discrimination plays a key role in the persistence of torture today. Discrimination - whether in the form of racism, sexism or homophobia - means that certain people are particularly vulnerable to ill-treatment in police or prison custody, and to violence on the streets or in the home. It also means that they are less likely to have access to justice. Campaigning against the torture and ill-treatment of LGBT people is one of the concrete ways in which AI is highlighting the link between discrimination and the continuing practice of torture.

Around the world, there are individuals and organizations working to end violence, including torture and ill-treatment, against LGBT people. As the UN Special Rapporteur on Human Rights Defenders has recognized, organizations working on issues of sexuality are at particular risk of repression. AI’s campaign’s aims include highlighting the role of people defending LGBT rights and to show support for them in their hazardous work.

Key message 4: Torture and ill-treatment in police custody or in prison is part of a broader spectrum of violence against LGBT people

There is a spectrum of violence against LGBT people, who are at risk of ill-treatment not just at the hands of the police or prison guards, but in other state institutions such as the army or in medical
institutions, as well as in the broader community and in the home. For many LGBT people, the greatest risk of physical and psychological abuse is at the hands of parents, relatives, schoolmates or extremist groups and individuals in the community in which they live.

While the settings vary, the violence may be very similar in nature, severity and purpose. The aim is to punish, intimidate and control those seen as dissenting from society’s models regarding gender and sexuality. Common to all these forms of violence is the discrimination that gives rise to it and the official impunity surrounding it.

**Key message 5:** Governments are accountable for preventing and responding to violence against LGBT people by “non-state actors”

Homophobic ill-treatment in the community and in the home occurs largely at the hands of private individuals or “non-state actors”. Yet this does not absolve the state of responsibility. Under international human rights standards, states are obliged to take effective measures to prevent and respond to homophobic violence in the community and in the home.

In practice, in most countries, so-called “hate crimes” against LGBT people habitually go unpunished. State inaction takes many forms: failure to take preventive measures; police indifference to abuses; bias in the court system or lack of effective access to redress. In some cases, official tolerance may amount to complicity or acquiescence, for example where government leaders use virulent “hate speech” which incites others to violence against LGBT people.

Combatting impunity for torture and ill-treatment means holding governments accountable if they fail to exercise due diligence to prevent and respond to violence against LGBT people, wherever it occurs. A key aim of the campaign against torture is to raise awareness about what “due diligence” means in practice, by spelling out the threshold of effort which a state must meet in order to fulfil its responsibility to protect individuals from attacks on their rights.

**ACTION MATERIALS**

The following materials have been produced for campaigning work:


(Please see appendix One for a summary of the report for internal use)

Below are the headings of the recommendations in the report. Most of the recommendations are aimed at governments. Others are addressed to inter-governmental and non-governmental organisations. **Please see the report for the full text of the recommendations.**

**Recommendations for governments**

1. Repeal laws criminalizing homosexuality.
2. Condemn torture, whoever the victim.

3. Provide safeguards in custody.

4. Prohibit forced medical “treatment”.

5. End impunity.

6. Protect LGBT people against violence in the community.

7. Protect refugees fleeing torture based on sexual identity.

8. Protect and support LGBT human rights defenders.

9. Strengthen international protection.


**Recommendations for inter-governmental and non-governmental organizations**

Existing UN human rights monitoring bodies should seek out information on torture and ill-treatment based on sexual identity.

The UN High Commissioner for Refugees should issue guidelines on asylum claims based on sexual orientation or gender identity.

Non-governmental organizations should strengthen their work in documenting and reporting human rights abuses against LGBT people.

2. **Appeal cases**: There are five appeal cases which highlight some of the issues outlined in the report. The text of these appeal cases has been approved for external use, sections and structures are encouraged to shared them with other organisations in appropriate formats. Please see appendices Three to Seven for the approved text of the appeal cases.

   Repeal of “sodomy laws”: Romania and Uganda
   Fear that “hate speech” may lead to violence against LGBT people: Namibia
   Human rights defenders: Ecuador
   Refugees fleeing torture based on sexual identity.

Other appeal cases might be produced in the course of the campaign.

3. **Question and Answer briefing.** (AI index ACT 79/004/2001) This is an internal document intended to help sections press officers and AI members deal with a range of questions they may face from different audiences. The Q&A was circulated in May to AI press officers and campaign coordinators.
4. **Training modules.** This is an **internal** document intended to help section staff and membership to run internal training workshops on LGBT issues and the LGBT goal of the Campaign Against Torture. Please see Appendix Two.

5. **Website.** The report will be posted on the International Secretariat’s website ([www.amnesty.org](http://www.amnesty.org)) and on the Campaign Against Torture website ([www.stoptorture.org](http://www.stoptorture.org)) in all four core languages on 22 June 2001.

6. **The Outreach Pack** was sent to ordering sections in April and contained the following material: the LGBT campaigning manual *The Louder We Will Sing* (AI index ACT 79/03/99), the *Imagine-Focus* article (AI index ACT 79/002/2001) and *Discrimination: Fertile ground for torture* summary from the launch report (AI index ACT 40/011/2001)

7. **Forthcoming materials:** The Themes Team in the IS is working on the production of additional LGBT appeal cases and a general leaflet on the issue of discrimination that can be expected in late October. These will provide sections with extra material to sustain the campaign on this goal. The human rights education team will work on developing additional training modules and training materials to accompany the modules in this action also by late October.

**RECOMMENDED ACTIONS**

**Public activities, outreach and networking**

The key messages of this action are applicable to all countries. Raising awareness of these issues is an important part of the strategy. It is crucial that AI’s key messages are heard by a wide audience. There may also be particular target audiences, such as human rights organizations, the media, medical workers, religious groups, women’s rights organizations, and particular government sectors (e.g. immigration officials, police forces).

Sections are encouraged to invite representatives of the wide human rights movement, civil society and government officials to launches of the report and any other activities related to this goal. Many of the risks and obstacles faced by LGBT people are common to all groups facing discrimination. For example, in many countries women, ethnic minorities and LGBT people face similar difficulties in obtaining justice and redress if they have been tortured in custody or subjected to violent attacks in the home or the community. Discrimination reinforces impunity.

Sections are encouraged wherever possible to develop links with and express solidarity to LGBT rights organizations who are at the forefront of the struggle to combat violence and discrimination against LGBT people. Prior to the launch, Sections are encouraged to engage in a dialogue with national and local LGBT organizations so as to identify common agendas and possibilities for collaboration. The message to the LGBT community should also be one of inclusiveness and integration, that AI is a space where LGBT people, as members, can work for the human rights of LGBT people around the world and participate in the wider campaign for human rights of all people.

Amnesty International is uniquely placed in many countries to reach out to LGBT organizations and to lead and participate in the integration of NGOs working on LGBT rights and the broader human
rights community through networking activities. AI could help to bridge the gap that sometimes exists between LGBT NGOs and non-LGBT NGOs and to promote the message that there is no excuse for torture or ill-treatment and that campaigning against human rights violations based on sexual identity is part of the overall struggle for the respect of everybody’s human rights.

The integration of the campaigning on this goal should start at an internal level. It is true that this action provides an opportunity to boost the role of the AI-LGBT networks which exist in many sections; however, Sections should ensure that campaigning on torture of LGBT people is seen as the responsibility of the whole movement. Work on the different appeal cases, for instance, should involve relevant activists and networks (refugee, human rights defenders, etc) as well as country specialists.

A range of possible activities are suggested below. Not all will be appropriate in every context. Sections are encouraged to share other ideas about possible activities by sending brief descriptions of their plans activities to torture@amnesty.org; the Themes Team at the IS will post them onto the Campaign Against Torture database.

Public launches of the report may take place on 22 June 2001 or any other date after that which is relevant to each specific country.

We encourage participation in marches and activities such as Gay Prides, celebrations of Stonewall Day on 28 June (an anniversary which marks a key moment in the history of LGBT resistance to police ill-treatment) if such events occur in your country.

We also encourage participation and organization of human rights forums highlighting discrimination and issues related to sexual identity.

Distribution of the report to LGBT individuals and organizations might also include an invitation to join AI.

We also urge relevant activists and networks to work on the appeal cases and to share them with relevant organizations outside AI.

**Possibilities for lobbying activities**

LGBT people are at risk of torture and ill-treatment and other forms of violence and intimidation not only at the hands of the police and other agents of the state but also in the broader community and at home at the hands of private individuals or “non-state actors”.

Sections are encouraged to seek public statements from their own governments condemning all forms of torture and ill-treatment based on sexual identity and committing to act with due diligence to protect LGBT people against violence within the broader community, including domestic violence. The authorities should make clear that such violence is a criminal offence and will not be tolerated.

**Section IGO Coordinators are requested to:**
Lobby for ratification of the Optional Protocol to the UN Convention on the Elimination of All Forms of Discrimination against Women (UN Women’s Convention). Through its two main provisions, the *Individual Complaints Procedure* and the *Inquiry Procedure into grave or systematic violations*, this Optional Protocol offers women means to seek redress at international level for violations of their rights under the Women’s Convention. For additional information, please see action circular on goal 2 *Broken Bodies, Shattered Minds* (AI index: ACT 77/003/2001) and *Claiming women’s rights: the optional protocol to the UN Women’s Convention* (AI Index: IOR 51/001/2001)

Sections and structures which are member states of the Council of Europe should lobby for ratification of Protocol 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention). Protocol No. 12 to the European Convention provides for a **general prohibition of discrimination**. The current non-discrimination provision of the Convention (Article 14) is limited because it only prohibits discrimination in the enjoyment of the rights guaranteed by the Convention. Protocol 12 removes this limitation and guarantees that no-one shall be discriminated against **on any ground** by any public authority. The list of grounds on which discrimination is prohibited is identical to the list set out in Article 14 of the European Convention on Human Rights. It should be noted that this list of grounds (which is preceded by the words “such as”) is not an exhaustive list; instead other grounds, not specifically set out in the Protocol, including sexual orientation, are also prohibited. To date, 26 member states of the Council of Europe signed this Protocol, but not one of the 43 Council of Europe member states has taken the final step to ratify this treaty. For additional information, please see *World Conference Against Racism - Action Circular 2* (AI Index: IOR 41/004/2001) and also the Council of Europe’s website [http://conventions.coe.int/treaty/EN/cadreprincipal.htm](http://conventions.coe.int/treaty/EN/cadreprincipal.htm) for text of the protocol and table of signatures and ratifications.

Sections and Structures which are member states of the Organization of American States (OAS) should lobby for ratification of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (“Convention of Belem do Para”). This treaty requires states to condemn violence against women without delay to prevent, punish and eradicate violence against women. The treaty requires that states parties report to the Inter-American Commission of Women measures it has adopted to prevent and prohibit violence against women. Under the treaty, individual and organizations may complain to the Inter-American Commission on Human Rights that a state has not fulfilled its obligations to prevent, punish and eradicate violence against women. Please see OAS website [www.oas.org](http://www.oas.org) for text of the convention and table of signatures and ratifications.

**Members can be requested to lobby their governments to:**

- Review legislation which may facilitate torture or ill-treatment, such as laws criminalizing homosexuality, or anti-torture legislation which falls short of international standards;

- Review domestic refugee policy and practice and lobby for guidelines on LGBT refugees or other specific measures to protect them against torture or ill-treatment in their country of origin and in the “host” country using the appeal case for refugee coordinators;

**Promote understanding of LGBT human rights within AI’s staff and membership and the**
broader human rights movement:
Campaigning against violations of human rights of LGBT people and against the discrimination that fosters them has been seen in many cases as a separate work to be carried out by LGBT organizations or LGBT individuals and networks within human rights NGOs such as Amnesty International.

In order to break this cycle it is important that AI staff and members understand and feel comfortable with the issues that affect LGBT people in a unique way.

The IS has prepared two training modules (Appendix Two) for Sections and Structures which could be used as models for training or raising awareness among staff and members. Recognizing that it is impossible to produce a model that can serve the different realities and environments of our global membership, the modules are suggestions and it is anticipated that they will be adapted and complemented to take into account different audiences and realities. The HRE team, together with the Themes Team, The Activism Support Team and the AI-LGBT will work on developing the suggested modules, developing alternative modules and training materials such as session plans, activities and visual aids to accompany the modules by late October.

As mentioned above, AI-LGBT networks should receive a boost with the work on this action; and indeed they have played a key role so far in the developing of this work. However Sections and Structures should ensure that the campaigning work on this action involves other networks and the general membership.

It is anticipated that launch activities will be supported by media work and attended by Section Directors, Board members, etc.

Refugee coordinators and groups working on refugee issues are encouraged to send the appeal case on refugees fleeing torture based on sexual identity to all their contacts and to work with AI-LGBT networks and other activists working on this action on this appeal case

Health professionals networks: Please send a copy of the report to professional organizations in your country; if appropriate, in a covering letter you could inquire if homosexuality is categorized as a disease by the medical bodies in your countries; ask for reassurances that the professional body publicly opposes this position as it might lead to the practice of forced medical/psychiatric treatment of LGBT people.

Legal networks, and country coordinators and RAN Networks and groups working on the countries highlighted in the Appeal Cases (Namibia, Uganda, Romania and Ecuador)should be encouraged to work on them.

Human rights defenders (HRDs) networks should work on the Ecuador HRDs appeal case.

Sections should look for appropriate opportunities to support and participate in public forums organized by other institutions on issues related to LGBT rights, include the issue of torture and ill-treatment based on sexual identity in human rights forums and take the lead in organizing such forums. For example, the French Section is actively participating in a week-long seminar organized
by the Université Euro-méditerranéenne des Homosexualités of Marseille, the Venezuelan Section is leading a month-long series of activities related to LGBT issues in June and the membership in Ecuador is hoping to host a forum that will bring together LGBT NGOs and Human Rights Defenders and more other human rights NGOs around the launch of the report.
APPENDIX ONE- SUMMARY OF THE REPORT

This summary has been approved for internal use. Sections and structures might want to adapt it to produce opinion pieces; a version of this summary will appear in the July issue of The Wire, the external newsletter of Amnesty International.

Crimes of hate, conspiracy of silence

Torture and ill-treatment based on sexual identity

“The arresting officer is alleged to have pulled down Mason’s pants, and sprayed blue cleaning liquid on a billy club before ramming the baton into Mason’s rectum. As he sodomized Mason, the officer is alleged to have made remarks such as “I’m tired of you faggot...you sick mother fucker”... Mason contends that he was subjected to abuse -- including racist and anti-gay names such as “faggot ass nigger” and “nigger fag”-- from the moment he was arrested.”


Federick Mason’s description of his treatment by Chicago police last July shows all too clearly the link between sexual identity and torture. Discrimination - whether in the form of racism, sexism or homophobia - means that certain people are particularly vulnerable to ill-treatment in police or prison custody, as well as violence on the streets or in the home.

Torture of LGBT people is a world-wide problem - AI has documented cases in every continent - but one that is greatly under-reported. The stigma surrounding homosexuality in many cultures means that homophobic violence by state officials goes unreported, uninvestigated and unchallenged. While some governments deny that such torture takes place, others openly justify it in the name of morality, religion or ideology.

One of the key messages of AI’s ongoing Campaign against Torture is that torture feeds off discrimination. Homophobia is one of many forms of identity-based discrimination which lead to people being seen as less than human, and therefore treated inhumanely.

Dozens of countries around the world criminalize homosexuality. Criminalization - for example through “sodomy” laws - provides fertile ground for torture. Mariana Cetiner described how she was treated “worse than a criminal” after being imprisoned in Romania on charges of attempting to seduce another woman. In some countries, cruel punishments such as flogging are applied by law as a sanction for the “crime” of homosexuality. In many others, torture is meted out as an extrajudicial punishment by police or prison guards.

Torture and ill-treatment are not limited to countries where homosexuality is illegal. People who
come into contact with the law for other reasons may also be ill-treated because of their real or perceived sexual identity. Homophobic violence in custody is often sexualised, with rape used as method of breaking down the person’s sexual identity. Marli da Silva, a lesbian woman detained in Brazil in 1996, was threatened with rape by police so that she would “learn to be a proper woman”.

LGBT people in prison often find themselves on the lowest rungs of the prison hierarchy, and therefore vulnerable to abuse by both guards and other inmates. Other patterns include the alarming levels of violence against transgender people and the use of ill-treatment as a means of preventing LGBT people from organizing publicly or meeting socially.

Torture in police and prison custody is just the tip of the iceberg of violence targeted at LGBT people. For many, the most common experience of violence will be in their homes, schools, places of work or on the street. Though the perpetrators are not state officials, the treatment is often as severe as official torture. The purposes are similar and the consequences just as damaging.

AI’s campaign aims to hold governments accountable for their obligations to end the torture of LGBT people, whether inflicted by agents of the state or private groups and individuals. AI will be campaigning for repeal of “sodomy” laws and other legal provisions which have been shown to facilitate torture and calling for specific preventive safeguards for LGBT people in custody. We will also be pushing for more effective protection of LGBT refugees fleeing torture and human rights defenders working on issues of sexual identity.

A recent AI appeal case shows the particular risks facing those who speak out against abuses. Vanesa Piedrabuena, a transgender activist from Argentina who lodged a formal complaint following the death in custody of her transgender friend Vanesa Ledesma, has herself been threatened by police. “No-one is going to look out for you when something happens to you”, they told her.

AI’s report will be launched just before Stonewall day on 28 June, an anniversary which marks a key moment in the history of LGBT resistance to police ill-treatment. The LGBT dimension of Amnesty’s Campaign Against Torture is an opportunity for all amnesty activists and supporters around the world to work towards the three main goals of the campaign: preventing torture, ending impunity and tackling discrimination. By lifting the veil on the torture and ill-treatment based on sexual identity, it is also an opportunity to make a real difference to the lives of LGBT people across the globe.
APPENDIX TWO - TRAINING MODULES

The modules below are given as an example. Sections and structures should adapt the models proposed to their own cultural and social reality. They should be developed in consultation with human rights education (HRE) specialists and with people from inside and outside AI who have experience in working with LGBT issues. It is important that the people facilitating any workshop are comfortable dealing with any questions thrown out.

The report, its summary and recommendations, appeal cases included in this circular, the Questions and Answers briefing, the LGBT campaigning booklet The Louder We Will Sing (ACT 79/03/99), the Imagine-Focus article (ACT 79/002/2001) and Discrimination: Fertile Ground for torture (ACT 40/011/2001) the discrimination chapter of the launch report summarized for the outreach pack should be used as resource documents together with others produced by sections and with the pictures used in the report, available in the temporary images database. Sections are encouraged to share their own materials with other sections and structures.

Please send feedback of your experiences from these workshops to the Campaign Against Torture team in the IS.

LGBT Training Package

Aim: To strengthen campaigns by equipping members and staff with the information, motivation and confidence to campaign on LGBT issues or include these issues in thematic campaigning

Target Group: AI Membership & staff

Time: 2 x two hour modules. Each module can be delivered separately, selection will depend on the experience of the target group.

Module One

Aim: To develop a broader understanding of the principles supporting AI’s work on campaigning for LGBT human rights.

Objectives: Recognise the myths and realities surrounding LGBT issues and prejudices

Discuss and explain the reasons for discrimination against LGBT persons in different societies

List the type of human rights violations that are suffered by LGBT persons

Explain why Amnesty can and should campaign against these violations.

Proposed workshop model:
1. Ask participants in small groups to develop a list of stereotypes that are used against LGBT people by different societies. Writing each one on a separate card. Paste the cards on a wall.

2. Provide some information with visual aids and examples that explains how this stereotyping discriminates against LGBT issues in society.

3. Ask participants to divide the cards into categories. In groups ask participants to select a category and write a short statement that responds to the stereotypes. Share the responses in a plenary discussion.

4. Brainstorm in the plenary the types of violations that LGBT people experience.

5. Divide participants into groups and provide each group with a variety of case studies of violations against LGBT. Ask them to discuss and report back on reasons why AI should take up the cases.

6. Summarise

**Module Two**

**Aim:** To assist groups / members select and implement campaign actions on the LGBT goal of the Campaign Against Torture.

**Objectives:**

- Explain the main recommendations of the report and discuss in the context of the Campaign against Torture.
- Explain how campaigning on LGBT issues can strengthen AI’s campaigns.
- Identify and discuss the difficulties introducing LGBT issues into the campaign.
- Develop a strategy for introducing LGBT issues into the campaign.
- Identify materials, activities and resources that will be needed.

**Proposed workshop model:**

1. Ask participants what experience they have had in promoting and taking up LGBT issues.

2. Provide a summary of the report and recommendations.

3. Divide participants into groups and ask them to discuss these recommendations in the context of the Campaign against Torture.

4. Explain why including these issues can strengthen a campaign.

5. Brainstorm the difficulties of campaigning on LGBT issues.

6. Provide a case study of a society - types of violations - AI membership and ask participants in groups to develop a strategy for including LGBT issues in the CAT (taking into account the problems). Including what they would need to implement such a strategy. Ask them to report back.
President Nujoma has frequently described lesbians and gays as “unnatural” and “against the will of God”. On 19 March 2001, he told University of Namibia students in Windhoek that “The Republic of Namibia does not allow homosexuality, lesbianism here. Police are ordered to arrest you, and deport you [i.e. in the case of foreigners or non-citizens] and imprison you”. Members of Nujoma’s cabinet have made similar statements that homosexuals should be “eliminated” from Namibian society.

President Nujoma’s statement violates Article 10 of the Namibian Constitution that states: (1) “All persons shall be equal before the law”; (2) “No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed, or social or economic status”.

Further, article 25 stresses that the President is not above the Constitution: “the Executive and the agencies of Government shall not take any action which abolishes or abridges fundamental rights and freedoms”.

This and other statements may lead not only to the violation of Namibian citizens’ individual rights, including the imprisonment of individuals solely for having exercised their rights. This may lead to widespread intolerance with regard to sexual minorities. As president of the country his stance will inevitably contribute to intolerance of sexual minorities and may make them vulnerable to targeted acts of violence by state officials or members of the public.

Amnesty International believes that the vilification and persecution of persons for their sexuality is a violation of their fundamental human rights and that statements made by the president are creating a climate conducive to the ill-treatment and torture of Lesbians, gay men and bisexual and transgender (LGBT) people.

The British Broadcasting Corporation (BBC) reported in May 2001 how statements made by President Nujoma had resulted in outrageous episodes of discrimination against male citizens who were arrested only because they were wearing earrings and on the assumption that they were gay. The Special Field Force (SFF), the Namibian paramilitary unit, started arresting men wearing earrings in Katutura, a suburb of the capital, Windhoek. The information reported by the BBC and originated by the daily newspaper “The Namibian”, stated that the SFF members said that they
were acting on an order by the president to clamp down on suspected criminals and gays.

The Namibian government distanced itself from the actions of SFF members. The Ministry of Information said in a statement that “The President had at no time issued orders in any shape or form for SFF members to act against anyone wearing earrings or any other piercing”. According to the BBC, disciplinary action has now been instituted against the SFF members.

Please send appeals to President Nujoma:

1. Expressing concerns at reports that President Nujoma and other members of his government have made public statements to the effect that LGBT people have no rights under Namibian law and are liable to arrest, deportation or imprisonment solely on the grounds of their sexual identity.

2. Noting that the Namibian constitution considers all persons equal before the law and that in the terms of its obligations under international human rights law and standards, Namibia must not discriminate against individuals simply because of their sexual identity.

3. Calling on President Nujoma to commit publicly to respect the rights of all Namibians irrespective of their sexual identity and to act with due diligence to protect them from torture and ill-treatment, whether by government forces or private individuals.

Appeals to:

His Excellency  Sam Nujoma
The President
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Fax: +264 61 221 770

Copies to:

The Hon Mr Hage Geingob
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APPENDIX FOUR- UGANDA APPEAL CASE

UGANDA: CRIMINALIZING HOMOSEXUALITY - A LICENCE TO TORTURE

...Look for homosexuals, lock them up and charge them...”

President Yoweri Museveni of Uganda

September 1999

In September 1999, in the wake of publicity in the Ugandan media about an alleged “gay marriage” in Kampala, which subsequently proved to be false after a police investigation, President Yoweri Museveni announced to the press that he had ordered the Criminal Investigations Department “to look for homosexuals, lock them up and charge them”.

The effect of President Museveni’s statement on the lives of five Ugandan activists, who formed a gay and lesbian human rights group in early 1999, was devastating. The five were gay and lesbian human rights defenders. Following the President’s statement, they met in a private home to discuss strategy. The military found out about the meeting and eight armed men burst into the room and arrested them. “No one could speak. We were all shocked... They tied black cloths on our heads and led us to the cars”, Christine¹, one of the five human rights defenders, recalled.

They were all taken to different detention centres, including military barracks. Christine was left alone in a room with three male detainees. “Coming midnight they said “we want to show you something”. They took my clothes off and raped me. I remember being raped by two of them, then I passed out”. Norah was also subjected to sexual violence because of her sexual orientation.

“I was kept in a small filthy room with bats in the ceiling. I was by myself in that room for about five hours, then three men came in and started interrogating me. These men were so cruel and intimidating, it was unbearable... I was also beaten, abused both sexually and physically. My clothes were ripped off. Nasty remarks were made that I should just be punished for denying men what is rightfully theirs, and that who do I think I am to do what the President feels to be wrong. They even suggested that they should show me what I am missing by taking turns on me.” Norah recalled.

The others were also subjected to torture and other ill-treatment, including severe beatings, death threats and humiliation.

The five activists were released some two weeks later. Fearing for their safety if they returned to their homes, they fled to a neighbouring country. All five required medical treatment following their ordeal. The psychological scars will take even longer to heal. Some have moved on to other countries as they have not been able to return in safety to Uganda.

¹Pseudonyms have been used for all Ugandan activists referred to in this appeal
The Constitution of Uganda upholds the equality of all persons under article 21 (2). However, this is directly contravened in the Penal Code where under articles 140 (a) and 140 (c) homosexuality is a crime. "Any person who has carnal knowledge of any person against the order of nature" and "Any person who permits a male person to have carnal knowledge of him or her against the order of nature" is liable to life imprisonment. Article 141 further stipulates that anyone attempting to commit a homosexual act is liable to seven years’ imprisonment.

Amnesty International is concerned that such legal provisions allow for the imprisonment of individuals as prisoners of conscience solely for their consensual, private homosexual relations and facilitate the torture and ill-treatment of LGBT people.

Please appeal calling for the immediate reform of the Penal Code so as to abolish Articles 140 and 141, since they contravene article 21 (2) of the Uganda Constitution and are in blatant violation of the fundamental rights set out in the Universal Declaration of Human Rights including the right to freedom of opinion and expression, freedom of assembly and association, the right to privacy and the right to equality before the law.

Please send appeals in September 2001 so that they are given maximum attention and are kept separate from AI’s concerns on the lead up to and outcome of the parliamentary elections that are due to be held in July 2001.

Background

Many of the reports AI has received of torture and ill-treatment of Lesbian, Gay, Bisexual and Transgender (LGBT) people in detention have come from countries where same-sex relations are outlawed. At least 70 states have such laws on their statute books. In many other countries where same sex relations are not a criminal offence per se, other provisions are used to detain people solely on the basis of their sexual orientation or gender identity, including discriminatory age of consent laws which effectively criminalize behaviour which is perfectly legal for heterosexuals.

AI’s research indicates that such laws can act as a licence to torture and ill-treat LGBT people in a number of ways. They may encourage law enforcement officials to disregard the humanity of the detainee whose very identity is criminalized. Where accusations of homosexuality are used as a pretext to detain political opponents, torture and ill-treatment are used to extract confessions in order to make fabricated charges stick. In some countries, cruel, inhuman and degrading punishments such as flogging are imposed for the “crime” of homosexuality. In many countries, laws criminalizing homosexuality have been shown to create a climate conducive to violence against LGBT people at the hands of private individuals or groups.

The UN Human Rights Committee and the European Court of Human Rights have held that laws criminalizing same-sex relations are in breach of international human rights standards, as they violate the right to privacy and the right to be free from discrimination on the basis of sex or other status.

Appeals to:

Hon. Joshua Mayanja Nkang
Minister of Justice and Constitutional Affairs
PO Box 7183
Kampala Uganda
fax:+256 41 254 828

Lt General Yoweri Museveni
Office of the President
Parliament Buildings
PO Box 7168
Kampala Uganda
Fax: +256 41 34 33 53

Mr Bart Katureebe
Attorney General
Ministry of Justice and Constitutional Affairs
P O Box 7183
Kampala Uganda

Mr Richard Buteera
Director of Public Prosecutions
Ministry of Justice
P O Box 7183
Kampala Uganda
Fax: +256 41 258 565

Additional information can be found in:
“Crimes of hate, conspiracy of silence - torture and ill-treatment based on sexual identity”
(AI Index: ACT 40/016/2001)
APPENDIX FIVE - ROMANIA APPEAL CASE

ROMANIA: CRIMINALIZING HOMOSEXUALITY - A LICENCE TO TORTURE

“....I was treated like the lowest of the low”

Mariana Cetiner

April, 1998

Mariana Cetiner was arrested in October 1995 for “attempting to seduce another woman”. In June 1996, she was convicted and sentenced under Article 200 of the Romanian Penal Code to three years’ imprisonment. “I was treated very badly by the prison guards, because in Romania there is no approval for those who have had relations between the same sex. And worse, the guards... beat me and insulted me. Criminals are better regarded than a relationship between two women...So because of this homosexual or lesbian thing..I was treated like the lowest of the low.”

Article 200, paragraph 1, of the Romanian Penal Code penalizes homosexual relations between consenting adults "if the act was committed in public or has produced public scandal". Paragraph 5 makes it an offence, punishable by sentence of one to five years' imprisonment "to entice or seduce a person to practise same-sex acts, as well as to form propaganda associations, or to engage in other forms of proselytizing with the same aim".

Amnesty International is concerned that such legal provisions can lead not only to the imprisonment of adults solely for engaging in consensual homosexual relations in private, but that they could also lead to the imprisonment of individuals solely for having exercised their rights to freedom of expression and to freedom of assembly and association.

Please appeal to all members of the Romanian Senate to adopt the Law Concerning the Revision of the Penal Code and the Code of Penal Procedure which is currently under their consideration. The proposed revision, which was adopted on 28 June 2000 by the Chamber of Deputies, the lower house of the Romanian Parliament, includes the abrogation of Article 200.

Appeals to:

Romanian Senate

D-lui Nicolae V|c|roiu (speaker)

Senatul României

Piața Revoluției 1

D-lui Nicolae V|c|roiu (speaker)

Senatul României

Piața Revoluției 1
*note! It has been indicated that the Senate finally will discuss the proposed revision during its current session, which will terminate in the middle of July 2001. It is unclear whether the revision will be on the agenda, but it is possible that it will be discussed during a sitting before 22 June. If the revision is adopted before 22 June we will inform you immediately and appeals will not be needed.

Additional information can be found in:

Concerns in Europe July - December 2000 - Romania entry (AI index: EUR01/001/2001 - 1 March 2001)


Romania: Mariana Cetiner - Prisoner of conscience (AI Index: EUR 39/030/1997)


“Crimes of hate, conspiracy of silence - torture and ill-treatment based on sexual identity”

(AI Index: 40/016/2001)
APPENDIX SIX- ECUADOR, HUMAN RIGHTS DEFENDERS APPEAL CASE

ECUADOR: DEATH THREATS TO LESBIAN, GAY, BISEXUAL AND TRANSGENDER HUMAN RIGHTS DEFENDERS

Orlando Montoya, Director of Equidad, a Lesbian, Gay, Bisexual and Transgender (LGBT) organization based in Quito, Ecuador, and members of this organization received several anonymous death threats during the end of March and throughout April 2001. E-mails addressed to him accused him of being an “ideologist of human scum” and promised that he would “be the first” (Orlando Montoya mentalizador de la escoria humana seras el primero). Orlando Montoya is a well know human rights defender and was a co-founder of the first LGBT organisation in Ecuador, Sociedad Gay, Gay Society. He has been advocating LGBT people's rights, in particular he has been campaigning on eradicating human rights violations against LGBT people, including torture and ill-treatment, since 1985.

Neptali Arias Zambrano, Director of Friends for Life Foundation, Fundación Amigos por la Vida, an LGBT human rights organisation and Cristhian Landeta, Coordinator of Rainbow Youth Juventud Arco Iris, an AIDS prevention group, based in Guayaquil, received an e-mail whose subject box read: Exterminio de Sodoma y Gomorra, “The Extermination of Sodom and Gomorrah” on 3 April 2001. The message compared Ecuador's two main cities, Quito and Guayaquil, with Sodom and Gomorrah, promising to clean both cities of queers.

Amigos por la Vida, Friends for Life, has received at least five new telephone threats in the last two weeks of April. A anonymous male caller said “we are keeping an eye on you” (los estamos vigilando).

Death threats have been received by other members of the LGBT community since March 2001. On 30 April 2001, a number of Ecuadorean human rights organizations from Quito and Guayaquil presented a letter to the authorities informing them of the death threats that lesbian, gay, bisexual and transgendered people and defenders of their rights have been receiving since March. They expressed concern that the threats could be a sign of a wider homophobic movement similar to the one that took hold of the country in 1993 and 1994. At that time, more than 20 LGBT people were killed in individual attacks. They also asked the Attorney General to take action to find those responsible for the threats and bring them to justice.

These threats comes at a time when police officers have allegedly tortured and threatened to kill LGBT people. According to reports from human rights NGOs, at least 60 have been arbitrarily arrested in the last six months in Guayaquil alone. LGBT organizations such as those named above have reported many cases of ill-treatment and torture and other allegations to the authorities, but little progress has been made. Amnesty International is monitoring these reports of police abuses.
Please appeal to the President and the Attorney General of Ecuador to request that an immediate, exhaustive and independent investigation is carried out into the threats and intimidation against gay rights groups and that those responsible are brought to justice. Please also remind the President and the Attorney General of the importance of adhering to the principles of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms which states in Article 1 that “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”.

**Appeals to:**

**President**

Dr. Gustavo Noboa Bejarano

Presidente Constitucional de la República del Ecuador

Palacio de Carondelet

García Moreno 1043

Quito

ECUADOR

Fax: + 593 2 58 07 35

Salutation: Sr. Presidente/Mr. President

Email: despresi@presidencia.ec-gov.net

**Attorney General**

Dra. Mariana Yépez de Velazco

Ministra Fiscal General de Estado

Robles 731 y Av. Amazonas

Quito

ECUADOR

Fax: + 593 2 560 355 (when voice answers, ask “por favor, me puede dar tono de fax”)

Salutation: Señora Fiscal General/ Dear Attorney General
Copies to:

Fundación Equidad

Rabida N 26-32 y Santa María

Quito

Ecuador

equidad@ecuanex.net.ec

Fundación Amigos por la Vida

Pedro Carbo 1106 y Colón, 10º piso

Guayaquil

Ecuador

famivida@yupimail.com
APPENDIX SEVEN - APPEAL CASE ON REFUGEES

REFUGEES: FLEEING TORTURE BASED ON SEXUAL IDENTITY

“...sexual orientation is a characteristic which is either innate or unchangeable or so fundamental for identity that the individual should not be forced to forsake or change the characteristic.”

Refugee Status Appeal Authority in New Zealand, 1995

Alla Pitcherskaia, a lesbian threatened with being placed in a psychiatric institution if she continued her activity in a lesbian organization in Russia, fled to the USA where she lodged an application for asylum. Her application was initially rejected by the US Board of Immigration Appeals, in part because they claimed the motive for the forced institutionalization was the desire to “treat” or “cure” and not to punish and therefore was not “persecution”. However, a federal court reversed the Board’s decision, ruling that “punishment” is “neither mandatory nor sufficient aspect of persecution” and that “persecution simply requires that the perpetrator cause the victim suffering or harm. Human rights law cannot be sidestepped by simply couching actions that torture mentally or physically in benevolent terms such as “curing” or “treating” the victims.”

One of the major obstacles for Lesbian, Gay, Bisexual and Transgender (LGBT) people to obtain protection in another country is the unwillingness of states to recognize that people fleeing persecution on the grounds of sexual orientation should be granted international protection. The main international instrument of refugee protection, the 1951 UN Convention Relating to the Status of Refugees (the Refugee Convention), does not explicitly provide protection to persons fleeing persecution on the basis of sexual orientation (it covers those who have a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion”), but it has been widely recognized in virtually all leading jurisdictions and by the United Nations High Commissioner for Refugees (UNHCR) that people sharing sexual orientation can constitute a “social group” as defined under the Refugee Convention. In some cases, persecution following the open expression of one's sexual orientation or activism on LGBT rights would mean that refugee status could also be granted on the basis of their political opinion. Some decision-makers reject claims for asylum on the grounds that persecution could be avoided if the asylum seeker refrained from expressing his or her sexual orientation. Such a position is clearly discriminatory, as similar claims are not made regarding the expression of political or religious belief, or of any other vital aspect of people’s lives or personalities. Some countries also have another restrictive interpretation of the Refugee Convention and do not recognize claims for protection that are made by people fleeing persecution by non-state actors when the state is unwilling or unable to provide protection. This can constitute a major obstacle for many LGBT people who are targeted

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Refugee Status Appeal Authority, Refugee Appeal No. 1312/93 (Re GJ), Aug 30/95.
by members of their local communities in their home countries, with the authorities standing by.

Even in countries where they would be able to enjoy protection, many refugees might not initially disclose their sexual orientation and all reasons behind their flight in an intimidating interview with immigration officials. This often compromises their asylum claim at a later stage in the process.

LGBT refugees may be at further risk of ill-treatment in detention centers or prisons where asylum seekers are held while their claims are being reviewed. A gay man from Indonesia was detained in the El Paso Service Processing Center unit, a detention facility of the Immigration and Naturalization Service (INS) in the USA, for over two years, between 1998 and 2000. He fled Indonesia after receiving death threats and other threats from groups that accused him of “shaming” them because he was gay. While held in detention, he experienced persistent homophobic verbal harassment by officers in the facility. He was told he would be transferred to a prison “for his own safety” or placed in the Special Housing Unit, the solitary confinement area of the detention center, where detainees are kept, allegedly when the INS feels that it cannot protect a detainee.

**Model recommendations to national authorities**

Ask your national immigration authorities to issue relevant guidelines to immigration officials, government authorities, decision-makers, counsels and others on the handling of asylum claims based on sexual orientation or gender identity. Such guidelines should take into account the unique problems faced by LGBT asylum seekers, as well as sensitivities and fears they may harbor.

Ask your national authorities to adequately train all immigration officials to eliminate bias in interviewing, documenting and assessing asylum claims based on sexual orientation or gender identity. LGBT groups should be involved in this training.

Ask your national authorities to ensure that decision-makers take into consideration country of origin information from LGBT organizations, women's organizations and human rights organizations working on LGBT issues when dealing with claims based on sexual orientation or gender identity.

Ask your national authorities to actively monitor and investigate any complaints of discrimination based on sexual orientation in the asylum procedure.

If your country does not provide adequate protection for refugees fearing persecution on the basis of their sexual orientation or gender identity:

- Ask your national authorities to fully implement the UN Refugee Convention and not exclude people seeking asylum for reason of persecution for their sexual orientation or gender identity from being recognized as refugees under the Refugee Convention.

- Ask your national authorities to fully implement the UN Refugee Convention and other human rights instruments such as the UN Convention against Torture.

- Ask your national authorities to provide protection to anyone, including people fleeing persecution for his or her sexual orientation or gender identity, including serious human rights violations such as torture and ill-treatment at the hands of non-state actors where the
state is unable or unwilling to provide protection.

To the UNHCR regional office:

- Ask UNHCR to provide guidelines on asylum claims based on sexual orientation or gender identity and that they also actively promote awareness of this issue with your national authorities and NGOs in the countries in which they operate.