

HOW CANADA CAN DEFEND AND PROMOTE HUMAN RIGHTS FOR LGBTI PEOPLE AROUND THE WORLD

Recent years have witnessed significant progress in many countries around the world in the realization of the fundamental human rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people, from securing decriminalization of our sexuality and protection against discrimination to achieving recognition for our relationships and families.

But even where important gains have been made on some fronts, the recognition and protection of rights remains uneven. Trans people remain particularly vulnerable, and often without adequate legal protection, while the rights of intersex people rarely receive much discussion at all. Meanwhile, gender-based violence remains a reality for many LGBTI women, including violence motivated by real or perceived sexual orientation, gender identity or gender expression. Factors such as class, race, ethnicity, (dis)ability, HIV status, migrant status, drug use, incarceration and sex work often exacerbate the vulnerability of LGBTI people to discrimination, violence and other human rights abuses.

Meanwhile, even as there is progress in some countries, there has been a backlash in other places against basic human rights for LGBTI people. These troubling developments are often part of a broader pattern of human rights abuses, and of scapegoating particular communities and suppressing civil society freedoms for political purposes. All too often, these situations reflect a broader culture of corruption and impunity for those committing a wide range of human rights violations.

More than 80 countries or territories worldwide criminalize the expression, identity or existence of LGBTI people, with harsh penalties of years or life in prison — or even death in a handful of settings. In some places, defending the human rights of LGBTI people is a crime. Political, religious and other community leaders have fomented hatred against LGBTI people, including calling for extermination and beheading. Some media outlets have actively encouraged prosecution, imprisonment and even murderous violence against LGBTI people. We have seen numerous instances of hate crimes and mob violence, including horrific assaults, torture and so-called “corrective rape” and murder of LGBTI people and of human rights defenders who have dared to speak out publicly about abuses.

The United Nations (UN) Secretary General, Secretary General, the UN High Commissioner for Human Rights and many world leaders have condemned such violations of basic human rights. They have called on countries to desist from such persecution, to decriminalize LGBTI people and to protect against violence and abuse. In international forums, Canada has fairly consistently been a solid supporter of universal human rights protection for LGBTI people. But such statements are not enough. Without a more concerted, ongoing response to legislated discrimination and public hate-mongering, the message to political and religious leaders adopting and advocating such laws and violence is that they can continue to do so with impunity. The predictable result is the further spread of such persecution and more human rights



BACKGROUND TO THE DIGNITY INITIATIVE

In March 2014, motivated by a commitment to international solidarity against the backdrop of a rash of new laws and acts of violence targeting LGBTI people, dozens of civil society groups Canada-wide issued an open letter to the Minister of Foreign Affairs endorsing an initial plan of action for Canada to play an active and constructive role in supporting the global protection and realization of the fundamental human rights of LGBTI people. In June 2014, the international Human Rights Conference at WorldPride in Toronto brought together dozens of groups and hundreds of people from across Canada and around the world. It further highlighted the work that remains to be done in Canada to secure full human rights, as well as the struggle for basic human rights still faced by LGBTI people elsewhere around the globe.

To build on these efforts, in 2015 a working group of committed organizations and individuals came together to launch the Dignity Initiative, with the twin objectives of strengthening both international solidarity work by Canadian civil society groups and Canada’s foreign policy commitment to supporting the realization of human rights for LGBTI people internationally. The working group includes representatives of organizations from around Canada, and is committed, within the scope of its resources, to a country-wide, collaborative approach that involves and engages with groups in every province and territory in pursuit of these twin objectives.

abuses that destroy lives, families and communities, and that undermine respect for the human rights of all people, as well as impeding economic development and the full contribution of all members of society to their communities' and countries' well-being.

The Dignity Initiative recognizes the universality of human rights and the importance of the intersection of various human rights. LGBTI people face a range of violations of their human rights, including the rights to: life; security of the person; privacy; freedoms of expression, association and peaceful assembly; freedom from discrimination; freedom

from arbitrary search, arrest and detention; freedom from torture and other cruel, inhuman or degrading treatment; and the full range of social and economic rights such as housing, employment and the highest attainable standard of health. An agenda to realize the fundamental dignity of the human person for LGBTI people reflects that LGBTI people need to be free not only from criminalization, violence and discrimination related to sexual orientation and gender identity or expression, but also to enjoy the full range of universal human rights that are the entitlement of all people. Such an agenda situates the realization of the human rights of LGBTI people within a broader agenda of sexual and reproductive

health and rights, gender and racial equality, ending poverty, and other fundamental rights and freedoms.

The Dignity Initiative was developed through a process of open participation and input from both Canadian and international human rights advocates. This initiative will be a resource to Canadian organizations in supporting LGBTI human rights advocacy internationally, and a guide to securing a future commitment and action by Canada in support of such rights globally.

CANADA'S ROLE IN EXPORTING HOMOPHOBIA

Sadly, there are Canadian organizations and individuals who have not only mobilized against the rights of LGBTI people in Canada, but have also promoted hatred beyond our borders, including encouraging the retention or adoption of anti-LGBTI laws in other countries. One way to act in solidarity with LGBTI people around the world is to expose and challenge these organizations and individuals in Canada.

ADDRESSING HUMAN RIGHTS HERE AT HOME

Strengthening Canada's support for human rights abroad for LGBTI people does not mean that the fight for human rights here at home is finished. Among other things, trans people must enjoy explicit protection against discrimination and hate crimes in Canadian law, adequate and non-discriminatory health services, and access to documents reflecting their identity properly. LGBTI youth still face harassment and abuse, and high levels of homelessness and poverty; they need safe services. So, too, do LGBTI seniors. Canada has some of the most egregious laws in the world unjustly criminalizing people living with HIV. Violence touches the lives of at least one quarter of women in Canada at some point, and some women - in particular, Indigenous women - face even higher rates. Racialized people face much higher rates of policing and police violence, and are disproportionately imprisoned. One of the world's most aggressive and expansive criminal law regimes puts sex workers at greater risk of harm. Asylum-seekers are denied essential health care. The struggle for human rights is universal; action abroad must be matched by action at home.

RECOMMENDATIONS TO THE CANADIAN FEDERAL GOVERNMENT

We call upon the Government of Canada to act, individually and in concert with other like-minded governments, to defend the fundamental human rights of LGBTI people around the world. In particular, we call upon Canada to take the following actions, widely supported by Canadian civil society and reflecting appeals from LGBTI advocates around the world facing hostility, criminalization, violence and discrimination:

 **REACH OUT** to LGBTI activists and human rights defenders in countries where such rights are denied or violated, and actively participate in regional and global initiatives that work to amplify the voices of LGBTI activists around the world.

1. Speak out publicly in support of governments that take positive actions to support human rights for LGBTI people. Follow the advice of local LGBTI activists regarding whether, when and how to speak out publicly and/or privately against the adoption of anti-LGBTI laws and against violence or other hate crimes targeting LGBTI people. Recognizing that there may not always be local groups to work with, it is important to connect with regional organizations, international NGOs already involved in that country, or the diplomatic missions of countries familiar with the area.
2. Work with respected jurists and faith leaders, as well as other human rights defenders and community leaders, both in Canada and in countries where LGBTI people face criminalization, discrimination and violence, to support a wide and diverse array of voices speaking up for the human rights of LGBTI people. Canada should be sensitive to the concern that sometimes speaking out publicly can cause more harm than good.
3. Intervene when human rights defenders are detained, including by having diplomatic personnel raise objections and monitor trials of human rights defenders and others targeted under anti-LGBTI laws. When deemed appropriate by local LGBTI advocates, speak out publicly

when LGBTI people or their allies are charged under discriminatory laws criminalizing them or their defense of human rights.

 **ENHANCE FUNDING** to support organizations around the world and in Canada working to defend and promote human rights, including of LGBTI people.

4. Strengthen the capacity of both LGBTI and non-LGBTI human rights organizations to defend basic human rights, including for LGBTI people. Provide support for building the capacity of lawyers, law enforcement personnel, national human rights institutions and judicial systems to respect and defend human rights, including the rights of LGBTI people. Examples include providing support for non-governmental organizations challenging discriminatory anti-LGBTI legislation in courts, or funding security and safety measures for human rights defenders facing threats of violence.
5. Beyond simply responding to urgent situations of attacks on human rights, provide financial support for LGBTI movement-building around the world, including core and program support to organizations working in areas such as health, community development, and engagement of religious leaders and institutions, so as to assist in mobilizing key constituencies speaking out in support of human rights for LGBTI people.
6. Ensure that official development assistance (ODA) does not go to non-governmental organizations that promote or support legislation criminalizing LGBTI people or that encourage hatred or violence against LGBTI people. Examine

options for redirecting any such funding within a country, while taking care to preserve essential health and social services, so as to support service providers that are inclusive and address the needs of LGBTI people, and to support community advocacy efforts to protect the human rights of LGBTI people.

7. Mainstream LGBTI rights into development funding policies and processes, such that monitoring and evaluation mechanisms oblige organizations, where appropriate, to report on the extent to which projects have worked with LGBTI populations to protect and advance their well-being and rights.
8. Ensure that LGBTI rights are systematically integrated into other intersecting international development and human rights funding programs, such as those to alleviate poverty, protect against discrimination, promote civil liberties, address gender-based violence, and/or promote health (i.e., including HIV prevention and care, and sexual and reproductive health more broadly).

 **USE DIPLOMACY** to clearly and publicly define a commitment to the human rights of LGBTI people in Canada's broader foreign policy, including with respect to international development. Use all available diplomatic channels to advance and support human rights of LGBTI people around the world. It is important to acknowledge that one size does not fit all and diplomatic approaches will vary from region to region.

9. Use bilateral diplomatic engagement and dialogue with countries to pursue the repeal of anti-LGBTI

laws and to discourage countries from adopting such legislation. Engage in a dialogue about the benefits realized from moving beyond such persecution and instead fostering more inclusive societies based on the principle that fundamental human rights are to be universally enjoyed. Canada should be mindful that our existing and future trade relationships should not affect our commitment to promoting human rights for LGBTI persons, regardless of country or region.

10. In countries where there have been significant violations of human rights of LGBTI people, or adoption of new anti-LGBTI laws, Canada should instruct its diplomatic representatives to consult with local human rights defenders on how best to engage governments in making the case for compliance with international and regional human rights standards. Informed by those discussions with local advocates, Canada's diplomatic representatives in-country should consult with the Minister and senior staff regarding appropriate actions to take that can best support efforts to defend and promote human rights in that specific country context.
11. Provide tools and additional resources to support the work of Canadian diplomats in advancing LGBTI rights as a clear foreign policy objective. Develop guidance, such as a manual, for use by Canadian embassies and high commissions in supporting local LGBTI human rights movements, including the allocation of support from the Canada Fund for Local Initiatives.
12. Introduce a federal task force bringing together Global Affairs Canada (GAC) and other relevant departments to pursue and

implement a coordinated strategy to advance the human rights of LGBTI people globally.

13. Enhance the human rights capacity of the GAC including through the provision of additional resources to human rights policy and legal divisions, to support a more comprehensive and consistent approach to the promotion of human rights, including those of LGBTI people.
14. Monitor comprehensively on the human rights situation for LGBTI people globally, including the state of legislation that criminalizes or otherwise persecutes LGBTI people.
15. Work with other like-minded countries to support LGBTI human rights and oppose anti-LGBTI measures or statements in international and regional forums. Join and support the existing LGBT Core Group at the United Nations on Ending Violence and Discrimination to coordinate efforts to support LGBTI human rights movements and defenders.
16. Support the work of UN and regional human rights mechanisms in documenting and addressing LGBTI human rights violations around the world. Such mechanisms can be used to hold states accountable for such violations and to build a body of internationally-recognized norms protecting and promoting the universal human rights of LGBTI people, consistent with the Yogyakarta Principles (on the application of international human rights law in relation to sexual orientation and gender identity).



SUPPORT REFUGEES and

facilitate asylum in Canada for LGBTI people fleeing persecution because of their sexual orientation or gender identity or expression, in the case of both those seeking asylum from within Canada and those seeking assistance abroad.

17. Expand and make permanent the government's Rainbow Refugee Assistance Program to support LGBTI refugees in need of protection.
18. Recognize the need for priority processing of LGBTI people who are "at risk" or in need of protection under the "Urgent Protection Program."
19. Reduce wait times for private sponsorship applications so that time from application to arrival is less than one year.
20. LGBTI refugee claimants in Canada, like all refugee claimants, should be eligible for basic and extended healthcare through the Interim Federal health Program, for which funding should be fully restored.
21. Broaden private sponsorship programs to include countries with high levels of LGBTI persecution.
22. Offer asylum to LGBTI human rights defenders and other LGBTI people who are unwillingly "outed" by media outlets or political leaders in countries where LGBTI people are criminalized, or where such outing is intended, or can reasonably be expected, to incite violence, criminal prosecution or other forms of persecution.

LIMITATIONS OF LANGUAGE

The Dignity Initiative recognizes the limitations of using the terms lesbian, gay, bisexual, transgender and intersex. There is a spectrum of gender identity and sexual diversity both in Canada and around the world, and there are many other words in various languages to describe this diversity, reflecting the culturally- and historically-specific ways in which sexual and gender identities are recognized and expressed. For example, in Canada, the term “two-spirited” is used by and within Indigenous communities, reflecting the history among some peoples of describing those who differed from gender norms and crossed gender boundaries as carrying both male and female spirits. We use LGBTI because it is widely understood in the Canadian context and in international settings, but acknowledge its limitations.

THE WAY FORWARD

Violence, criminalization and discrimination against LGBTI people require a comprehensive and consistent response from the Government of Canada. Canada has a valuable role to play in advancing the rights of LGBTI people. The Dignity Initiative is inspired by Canada’s existing efforts to protect and promote these rights. It is time for Canada to step up its efforts and take bold, strategic actions, in collaboration with local community advocates, to champion LGBTI rights at home and globally.

INFORMED BY GLOBAL VOICES

The Dignity Initiative believes that international solidarity efforts should be informed by engagement and discussion with local human rights defenders and LGBTI organizations leading

the struggle in their local context. Our recommendations have been created in consultation with such organizations and individuals working on human rights, and will continue to be informed by these perspectives.

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ENDORSED BY



ADVANCING LGBTI
HUMAN RIGHTS GLOBALLY

The 519 (Toronto)
Abortion Rights Coalition of Canada
Action Canada for Sexual Health and Rights
Action Positive VIH/sida
Africans in Partnership Against AIDS
AIDS Action Now!
AIDS Committee of Durham Region
AIDS Coalition of Nova Scotia
AIDS Committee of Newfoundland and Labrador
AIDS Committee of Ottawa
AIDS Committee of Toronto
AIDS Committee of Windsor
AIDS Community Care Montreal (ACCM)
AIDS Vancouver Island
Alliance for South Asian AIDS Prevention (ASAAP)
Amnesty International Canada
ARC International (Halifax)
Arc-en-ciel d'Afrique (Montreal)
Asian Community AIDS Services
Barrie Pride
Black Coalition for AIDS Prevention
British Columbia Civil Liberties Association
Buddies in Bad Times Theatre (Toronto)
Canadian AIDS Society
Canadian Anthropology Society
Canadian Association of Nurses in HIV/AIDS Care (CANAC)
Canadian Centre for Gender and Sexual Diversity
Canadian Gay and Lesbian Chamber of Commerce
Canadian Harm Reduction Network
Canadian HIV/AIDS Legal Network
Canadian Labour Congress
Canadian Lesbian and Gay Archives (CLGA)
Canadian Positive People Network
Canadian Public Health Association
Canadian Union of Public Employees (CUPE)
Canadian Treatment Action Council (CTAC)
Canadian Working Group on HIV and Rehabilitation
CATIE
Central Alberta AIDS Network Society
Chair for Research in Homophobia, University of Quebec at Montreal (UQAM)
Dignity Toronto Dignité
Elder Abuse Prevention Muskoka
El-Tawid Juma Circle Unity Mosques
ENDHateLaws
Egale Canada Human Rights Trust
Equitas
Fierté Canada Pride
Fierté Montreal Pride
Fondation Emergence (Montreal)
Glad Day Bookshop (Toronto)
Grandmothers Advocacy Network (Ottawa)
GRIS-Montreal
Halton Equity and Diversity Roundtable
Hamilton Health Sciences
HIV & AIDS Legal Clinic Ontario (HALCO)
HIV/AIDS Regional Services (Kingston)
HIV/AIDS Resources and Community Health (Guelph)
Injured Worker's Consultants Community Legal Clinic – Toronto
Interagency Coalition on AIDS and Development
Inspire Awards (Toronto)
Inspired Media (Toronto)
Institute for Sexual Minority Studies & Services (ISMSS) – University of Alberta
International Lesbian & Gay Association (ILGA) North America
Iranian Railroad for Queer Refugees (IRQR)
Ismaili Queers

John Humphrey Centre for Peace and Human Rights (Edmonton)
Kulanu Toronto
KyivPride Canada
Lake Country Community Legal Clinic (Bracebridge, Ontario)
LGBT+ Baie-des-Chaleurs – Association pour la diversité sexuelle et de genre
LGBT Family Coalition Montreal
Mark S. Bonham Centre for Sexual Diversity Studies, University of Toronto
McLeod Group
Méta d'Ame (Montreal)
Metro Toronto Chinese & Southeast Asian Legal Clinic
Metropolitan Community Church Toronto
Metropolitan United Church (Toronto)
Moose Jaw Pride
My House Rainbow Resources of York Region
Northern AIDS Connection Society (Truro, Nova Scotia)
Okanagan Pride Society
OPSEU Rainbow Alliance Arc-en-ciel
Ontario Humanist Society
Our City of Colours (Vancouver)
Out on the Shelf (Guelph)
Oxfam Canada
PFLAG Canada Durham Region
Positive Living BC
Positive Space Network (Halton Region)
Positive Women's Network (Vancouver)
POWER Ottawa
Pride Calgary
Pride Centre of Edmonton
Pride in Art Society (Vancouver)
Pride PEI
Pride Toronto
Pride Winnipeg Festival
Pride at Work Canada
ProudPolitics Canada
QMUNITY (Vancouver)
Queen West-Central Toronto Community Health Centre
Queer Ontario
Queer Yukon
Rainbow Nursing Interest Group of RNAO
Rainbow Refugee Association of Nova Scotia
Reaching Out Winnipeg
RÉZO, santé et mieux-être
Safe Alliance (Labrador)
Salaam: Queer Muslim Community
Saskatchewan HIV HVC Nursing Education Organization
Saskatchewan Public Health Association
Sherbourne Health Centre (Toronto)
Social Action for Equality (Toronto)
Socialist Action
South Etobicoke Legal Community Services
Sudbury Community Legal Clinic
Support and Housing Halton
Toronto PFLAG
Trans Alliance Society (British Columbia)
United Church of Canada
United Food and Commercial Workers (UFCW) Canada
United Steelworkers
Vancouver AIDS Society
Vancouver Pride Society
Action positive VIH/sida
Women in Toronto Politics (WiTOPoli)
Women's Legal Education and Action Fund (LEAF)
Women's Legal Education and Action Fund (West Coast LEAF)
YouthCo (Vancouver)