

Information Document on the Rights of Lesbians

This information document was written by the Fédération des femmes du Québec's Comité pour la reconnaissance des lesbiennes (Committee for the Recognition of Lesbians) in collaboration with the Réseau des lesbiennes du Québec/Quebec Lesbian Network. It is being distributed to all women's groups participating in the *World March of Women in the Year 2000*.

Ground-breaking demands

At the initiative of the delegations from Quebec and France present at the International Preparatory Meeting of the World March of Women in the Year 2000, held in Montreal, October 16, 17 and 18, 1998, demands concerning lesbians' rights were proposed. These demands provoked heated discussion and reactions of discomfort or opposition on the part of some delegates. The two demands on equality of rights for lesbians did not elicit the hoped-for consensus and therefore must be submitted for adoption to each participating group in its respective country.

Some participants thought the meeting went too far when it included demands on lesbians rights in the March's political platform. Others, by contrast, argued that the assembly showed a lack of knowledge about lesbians' circumstances and a lack of solidarity with them. Notwithstanding the emotion elicited by the debate, the two demands are now an integral part of the political platform of the *World March of Women in the Year 2000*; in that respect, the meeting in Montreal represented an important step forward.

The question of equal rights for lesbians has never gone beyond the level of discussion at

UN governmental conferences on the situation of women. In 1995, however, during the preparations for Beijing and then at the NGO forum in Huairu, NGOs fiercely defended a proposal to include prohibiting discrimination on the basis of sexual orientation in the Beijing Platform for Action. Some governments supported the proposal, but it was not incorporated into the final text. Instead the rights of lesbians were subsumed in a more general demand on women's sexual autonomy. Some governments stated that their interpretation of the forms of discrimination prohibited in the Platform for Action included discrimination on the basis of sexual orientation. This may be a useful tool for women in those countries, but much remains to be done to put an end to discrimination of lesbians on a larger scale.

Three years later, at the international meeting in Montreal, delegates of feminist groups from some 65 countries discussed the subject again. Building on the work done in Beijing, the situation of lesbians throughout the world was considered by most delegates as worrisome enough to be included as a specific issue in the political agenda of the *World March of Women in the Year 2000*.

The Montreal meeting also made clear the need for women's organizations to be better informed about lesbians' experience with violence and their lack of protection in international instruments on human rights. On October 18, 1998, the Quebec delegation committed itself to writing an information document on the subject. The Fédération des femmes du Québec's Comité pour la reconnaissance des lesbiennes was entrusted with the task.

This document was written in a spirit of openness and respect. Of course a few pages are not

enough to break down false beliefs, taboos and prejudices that have been deeply entrenched in the collective memory for centuries. However, every time women decide to break the silence and talk about their living conditions and world views, preconceived notions give way to a better understanding of their reality. These voices are and have been the strength of feminism. Patriarchal society has imposed silence on love between women. This silence allows violence against lesbians to continue, and their lives, freedom, personal safety and integrity are threatened in many countries of the world.

The project of a world march to eliminate poverty and violence against women is a unique occasion to analyze and exchange thoughts on the situation of lesbians. If we manage to do this, we will have taken an important step; we will have begun to march.

Reading this document will serve as an introduction to such an analysis. We suggest you take the time to read these pages written in good faith and to the best of our knowledge and data available. We hope you will find the contents helpful in making an informed decision about the relevance of supporting the two demands below. We would like you to let us know about your decision by filling out the attached reply slip.

The *World March of Women in the Year 2000* will be an imposing event in the history of modern feminism. We must take up the challenge of solidarity within the women's movement. We have the power to do so.

The demands

- That, based on the principle of equality of all persons, the United Nations and States of the international community recognize formally that a person's sexual orientation should not bar them from the full exercise of the rights

set out in the following international instruments: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination Against Women.

- That the right to asylum for victims of discrimination and persecution based on sexual orientation be adopted as soon as possible.

Lesbians' rights are human rights and yet...

In this document, the terms *sexual orientation* and *lesbian* are used following the Government of Canada's (1998) definition:

"Sexual orientation refers to the gender (or genders) of the people we have feelings of attraction and affection toward both emotionally and physically."

"Lesbian is to be a woman who has feelings of affection and attraction, both emotionally and physically, to women."

Government of Canada, *Gender and Sexual Identity: The Journey Begins* (1998)

- **With the exception of one instrument, international legislation on human rights does not offer protection specifically for the individual rights and freedoms of lesbians and gay men.**

A half-century after it was enacted, the *Universal Declaration of Human Rights* still contains no prohibition of discrimination on the basis of sexual orientation. Yet international human rights instruments as they exist today were largely drawn up as a reaction to atrocities committed during the Second World War. Homosexuals were the victims of Nazism just like Jews, Gypsies and "defective" people. Consid-

ered “antisocial elements” by the Nazi regime, lesbians were forced to wear a black triangle and shared the same fate in detention as did women labelled anarchists, criminals and marginal people. One hundred thousand men identified as homosexuals were also deported to concentration camps. These men wore a pink triangle, which subsequently became the symbol of the gay movement. They were among the millions of other people starved, hung, gassed and worked to death. Armistice Day was not a day of liberation for lesbians and gays. Quite the contrary, instead of giving them their freedom, the Allies herded them into prisons or psychiatric hospitals in Europe, where lobotomies and electroshock therapy were common practices to cure them of their “deviant behaviour.”

Despite these historical events, which show how much gays and lesbians were victimized by Nazism, homosexuals were not made the specific object of international measures to safeguard human rights when the United Nations drew up the *Universal Declaration of Human Rights* after the Second World War. Later on, the issue of systematic discrimination against minorities was addressed in international treaties such as the *International Convention on the Elimination of All Forms of Racial Discrimination* and the *Convention on the Elimination of All Forms of Discrimination Against Women*.

We know these instruments have provided an important legal framework for the fight against different forms of abuse and violence against women and ethnic minorities. Here again the international community did not consider it necessary to bestow such protection on lesbians and gays. The sole exception is the *European Convention for the Protection of Human Rights and Fundamental Freedoms*, which includes some protection for same sex couples.

• **Homosexuality is a crime in almost**

half the world's countries

Amnesty International has counted at least 83 countries where homosexuality is explicitly condemned in the criminal code. Sanctions range from imprisonment to death. For a detailed description of the criminalization of male and female homosexuality, see the Amnesty International report (*Breaking the Silence: Human Rights Violations Based on Sexual Orientation*, 1998).

• **No country in the world guarantees equal rights for lesbians**

Most States discriminate systematically against lesbians and gays in their laws, regulations, policies and services. The vast majority of them do not provide legal recognition of same sex couples nor do they grant them legal protection of any kind. Lesbians lose their jobs and custody of their children; they are barred from housing and any number of benefits prescribed by law in many countries.

Lesbians' rights are women's rights and yet...

As feminists, we believe that lesbians should be entitled to the protection afforded in international human rights instruments including the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *Convention on the Elimination of All Forms of Discrimination Against Women* and the *Convention and subsequent Protocol relating to the Status of Refugees*. We believe the rights and freedoms of lesbians cannot be dissociated from the rights and freedoms of all women and all human beings.

Yet the Beijing Declaration and the Platform for Action contain no provisions to explicitly

recognize lesbians as having the same rights as other women on the planet. Lesbians all over the world, then, have a long way to go in terms of women's rights and freedoms. They cannot pressure the UN and their governments to respect and ratify international covenants and conventions that exclude them and that, by the same token, seriously limit the defense of their rights. More than ever, they must rely on the solidarity of feminists everywhere to get these international human rights instruments to apply to them as well.

This was the motivation behind the proposal to include in the political platform of the *World March of Women in the Year 2000* two demands deemed important. We want to make the March a powerful feminist tool in doing away with violence against women and the conditions fostering women's poverty the world over. We are anxious for the March to include lesbians' experiences in both its analysis of violence against women and in its demands, and we are anxious to have it defend lesbians' right to live as equals.

Examples of the violation of lesbians' rights and freedoms around the world

The following examples are taken from the above-mentioned Amnesty International report (*Breaking the Silence: Human Rights Violations Based on Sexual Orientation*, 1998) and the publications of the International Gay and Lesbian Human Rights Commission. Although homosexual men's basic rights and freedoms are also trampled, we have confined ourselves to cases involving women. Lesbians, moreover, do not only experience the discrimination and violence practised against homosexual individuals, they also experience the discrimination directed at their sex.

On reading about the cases below, we realize

that lesbians are not so much denied the right to be different but the right to life, to personal safety and integrity, to freedom of expression and association, the right to freedom from harassment and all other forms of violence, the right to freedom from discrimination.

1. Right to life

In certain Muslim countries that enforce the sharia, an intimate, sexual relationship between two women is punishable by public flogging and even death. This is true in particular in Afghanistan, Saudi Arabia, Bahrain, Iran, Kuwait, Mauritania, Qatar, Chechnya, Sudan and Yemen. Lesbians' lives are seriously threatened in those countries.

2. Right to personal safety and integrity

In Pakistan, a woman seen as a lesbian is liable to be given a life sentence in prison and one hundred lashes.

In all countries, including western ones, lesbians risk being insulted, harassed and attacked by strangers if they are demonstrative with their partners in public.

In the United States and other countries, health authorities resort to conversion therapy to pressure lesbians to become heterosexual.

In many countries, lesbians are subjected to psychiatric treatment because it is argued that their love for women is pathological. This interpretation goes against the parameters set by the World Health Organization (WHO), which acknowledges, without passing judgement, the diversity of sexual orientation. Among the kinds of treatment used are psychotropic drugs and electroshock therapy.

3. Right to freedom of expression and

freedom of association

In Turkey the government prohibited the 1st Congress of Homosexual Solidarity, scheduled to be held in Istanbul.

Angry crowds set fire to movie theatres in India when the film *Fire* was shown in 1998. The film tells the story of a love relationship between two Indian women.

The Gays and Lesbians of Zimbabwe (GALZ), a group that defends the rights of homosexuals, made a request to have a stand at the International Book Fair in Harare. Deeming homosexuality as going against nature, the Zimbabwean government issued an order prohibiting GALZ from taking part in the Fair. Despite the ban, the group managed to set up the stand, whereupon members of GALZ received death threats. When the event closed, the stand was ransacked by the crowd who tore up publications and set fire to the stand while the police looked on and refused to intervene. Titsi Tiri-pano (not her real name), one of the people minding the stand, has since been harassed in her country and her safety is compromised still today.

4. Right to freedom from harassment, arbitrary detention, torture and other forms of violence

In 1994, seventy-five lesbians at a bar in Lima, Peru, were arrested, mistreated and imprisoned by the security forces because of their sexual orientation.

In Rumania, Mariana Cetiner was arrested for presumably attempting to seduce her partner with whom she was living. She was sentenced to three years in jail during which time she was severely mistreated by prison guards. When Amnesty International met with her, she still bore the marks of those attacks.

5. Right to freedom from discrimination

Where human rights are concerned, most States have not adopted legislation to forbid discrimination on the basis of sexual orientation. In all countries lesbians are the object of many kinds of discrimination in terms of laws and regulations, policies and public services. Most countries do not recognize lesbian couples socially or legally. Lesbians lose their jobs, lose custody of their children and are refused housing, often without the State affording them any protection.

6. Right to live as a lesbian and not be forced to marry

In many countries it is not possible for a woman to make known her love for another woman without being repudiated by her family, and rejected or ostracized by her community; without risking being locked away in a psychiatric hospital or prison, or even being given a death sentence. Homophobia; intolerance; the prevalence of prejudices in religious texts, the media and books; the lack of objective information and education campaigns about sexual orientation also limit women's chances of experiencing their love for other women freely. All too often, and this applies to western countries as well, these coercive means constrain women who are attracted to women to marry. Moreover, the discrimination and violence practised by State, community and family prevent lesbians from demonstrating in public, speaking out and organizing to defend their most fundamental rights and freedoms.

Why should you support these demands?

- ***All women must have the right to life, respect and dignity.***

• **All women must have the right to freedom from discrimination and violence.**

These are two core principles of the *World March of Women in the Year 2000*. After reading this document, you know that most countries do not recognize these rights for lesbians. If we do not agree to recognize the most fundamental rights and freedoms contained in international human rights instruments for all women, including lesbians, what then is the meaning of the word *feminism* and the term *solidarity among women*? What will be the meaning of this world march aiming to eradicate poverty and violence against all women of the planet?

Do you think these demands only concern women in western countries?

Think again! There are lesbians everywhere in the world, but whether they are married or single, mothers or not, most of them experience their love in secret to avoid violence. Oppression makes them invisible in the public eye. In some languages there is not even a word to designate them. Lesbians' affirmation in a society depends on how open that society is to them. This document shows that lesbians' rights and freedoms are trampled to a greater or lesser extent in all countries, including yours.

Listen to what lesbians in your country have to say about their living conditions. Listen to what they have to tell you about the prejudice and violence they are exposed to, about their fight for respect and equality. If you don't know any lesbians, if they have no voice, ask yourself how your society treats them in its legislation, religious texts, customs and practices. Perhaps then you will be convinced of the importance of supporting these demands.

Do you hesitate because you fear the demands will tarnish the image of the women's movement in your country?

Yet as a feminist, in the past you must have supported other demands that created a good deal of resistance. Do you remember how the resistance of other women was at times due to ignorance, prejudice or fear? Does not the feminist movement have a wealth of experience in fighting stereotypes and prejudices about women? The strategies to adopt in the case at hand are no different: popular education about respect for different sexual orientations among women is needed. It is also important to examine our own beliefs, values and attitudes towards lesbians, and to find out what their real situation is in our country. The patriarchy associates love between women with immorality, shameful behaviour, hatred of men and pathology; once this association is broken down, there is no justification for the idea that lesbians undermine the feminist movement's image.

A woman's love for another woman is one expression among many of her right to make choices freely where her body, her life and her sexuality are concerned. Instead of hiding the existence of lesbianism, should we not view it as a manifestation of women's independence, the same way we view the right to divorce, to premarital sex and to control over our fertility?

Do you hesitate to support the demands for fear of reprisals?

At the international meeting in Montreal, some delegates said their own lives would be endangered by the political and religious authorities if they defended lesbians' rights in their countries. It is true that some governments are extremely repressive regarding women's sexuality,

women controlling their reproductive potential and homosexuality. If the lives of activists defending these rights are threatened in some countries, we can imagine how unsafe it is to be a lesbian there. The need, then, to support the demands and put an end to this kind of violence is more than obvious.

If you think the demands are justified but you cannot support them within your country, other women elsewhere will make sure to speak for you and for the lesbians of your country at the UN. You can still send us the reply slip and specify that you want the information kept confidential. Women have shown many times in the past that the most effective response to threats is unity and solidarity.

Do you hesitate because you don't consider these demands a priority?

The situation of minorities of women is rarely a national priority, much less an international one. Let us remember though that for the women in question, the demands are indeed a priority.

In the final analysis, every demand could be considered low on the priority list by women who do not experience the situations we are denouncing. Fortunately, our social conscience and feelings of solidarity prevent us from thinking like this. If we do not consider the lack of recognition for lesbians' rights a priority, how will we treat demands by other minorities of women such as native, migrant or undocumented women, who also want the protection of international human rights legislation?

Feminist solidarity is the link that binds us to women the world over, with whom we share many interests. It is also what leads us to feel a sense of responsibility towards all these women.

Would you like more information?

You may be uncomfortable with the issue of homosexuality and you may know little or nothing at all about the situation of lesbians in the world. It is important for you to be well informed before making a decision about the proposed demands.



Please return the reply slip on the back of this sheet to the following address:



World March of Women
 110, rue Sainte-Thérèse #203
 Montréal (Québec)
 Canada H2Y 1E6

Fax: (1) 514-395-1224
 E-mail: info@marchemondiale.org

- **Get in touch with lesbian organizations in your country or region of the world.**
- **Visit the following Web sites and consult the publications mentioned:**

Amnesty International, *Breaking the Silence: Human Rights Violations Based on Sexual Orientation*, Paris, 1998. The report is also available in French and Spanish.

Web site: <http://www.amnesty.org>
E-mail: comhomo@amnesty.fdn.fr

The newsletters of the *International Gay and Lesbian Human Rights Commission*

Web site: <http://www.iglhrc.org>
E-mail: iglhrc@iglhrc.org

- **You may also contact the Fédération des femmes du Québec's Comité pour la reconnaissance des lesbiennes (Committee for the Recognition of Lesbians) at the following address:**

Comité pour la reconnaissance des lesbiennes de la Fédération des femmes du Québec
110, rue Sainte-Thérèse #309
Montréal (Québec)
Canada H2Y 1E6

Fax: (1) 514-876-0162
E-mail: info@ffq.qc.ca



Reply Slip

Our organization supports the two world demands of the World March of Women in the Year 2000 regarding sexual orientation (see page 2 of this document).

Name of group: _____

Contact person: _____

Address: _____

Country: _____

For security reasons in our country, we want our organization's support to remain confidential.

We would appreciate having the reply slips before January 2000 with a view to launching the World March activities on March 8, 2000. We will, however, accept them until the end of the project.