

# IDS

## EVIDENCE REPORT

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### Sexuality and Social Justice: What's Law Got to Do with It? International Symposium Workshop Report

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The IDS programme on Strengthening Evidence-based Policy works across seven key themes. Each theme works with partner institutions to co-construct policy-relevant knowledge and engage in policy-influencing processes. This material has been developed under the Sexuality, Poverty and Law theme.

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## SEXUALITY AND SOCIAL JUSTICE: WHAT'S LAW GOT TO DO WITH IT? INTERNATIONAL SYMPOSIUM WORKSHOP REPORT

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# Abbreviations

AIDS	acquired immune deficiency syndrome
DFID	Department for International Development
HDI	Health Development Initiative
HIV	Human Immunodeficiency Virus
IDS	Institute of Development Studies
INCREASE	International Center for Reproductive Health & Sexual Rights
LBT	lesbians, bisexual women and transgender men
LGBT	lesbian, gay, bisexual and transgender
LGBTI	lesbian, gay, bisexual, transgender and intersex
MSM	men who have sex with men
SOAS	School of Oriental and African Studies
UHAI EASHRI	East African Sexual Health and Rights Initiative
UK	United Kingdom
UKLGIG	UK Lesbian and Gay Immigration Group
WSW	women who have sex with women

# Introduction

In March 2015, the Sexuality, Poverty and Law programme at the Institute of Development Studies (IDS) brought together over 60 activists, lawyers, researchers and international advocates to critically assess the scope of law and legal activism for achieving social justice for those marginalised because of their sexual or gender non-conformity. Delegates represented a broad range of expertise in the field of sexuality, gender identity, rights and social justice. They included a number of leading lawyers and activists involved in litigating cases of sexual and gender rights in countries such as Uganda, Malaysia, the United Kingdom (UK), Argentina and Botswana. Lawyers and activists shared their experiences of working within this fast developing area of domestic and international law. Discussions also addressed the wider social and theoretical aspects of recent legal developments, contributing to our understanding of the complex relationship between research, knowledge exchange, activism and law.

# 1 Background and rationale

The symposium formed part of the work of the Sexuality, Poverty and Law programme, a four-year programme (2012–16) funded through an Accountable Grant from the UK Department for International Development (DFID). This initiative was the result of collaboration between colleagues and associates of the programme, and our partners at Kent Centre for Law, Gender and Sexuality at Kent Law School in the University of Kent.

The Sexuality, Poverty and Law programme had been working with partners around the world to explore ways in which human rights activists, legal practitioners and donors can effect meaningful change in the lives of people marginalised on the basis of their sexual orientation or gender identity or expression. We knew from this work that the impact of legal processes can be difficult to measure and that even where legislation has been changed or discrimination and abuse successfully challenged, the benefits may not be sustained, evenly distributed or even apparent. As global efforts are increasingly focused on the work of lawyers and the power of law to achieve social and economic justice for those marginalised because of their sexual or gender non-conformity, we recognised that there was an urgent need for more information and critical thinking on the impacts, opportunities and limits of legal challenge on the everyday lives of individuals and the communities affected.

## 1.1 Objectives

At this critical juncture, the symposium aimed to interrogate the changing dynamics of sexual politics by asking: How do law and legal processes translate into lived experience in different socioeconomic, political and legal contexts? The symposium aimed to critically assess the scope and limitations of the ‘turn to law’ in the context of sexuality and gender, by bringing together legal practitioners, activists and scholars from around the world to explore different legal pathways and their role in reducing economic and social exclusion.

Key objectives:

- To interrogate existing assumptions about the power of law and legal processes to affect change, particularly for marginalised communities, by exploring practical experiences from the perspective of lawyers, activists and scholars;
- To advance thinking about the relationship between law and sexual rights advocacy by reassessing contemporary legal expressions of sexual orientation, gender identity and other aspects of sexuality;
- To document evidence of the impact of legal processes on social and economic marginalisation, including people’s ability to access basic services, contribute to their communities and build advocacy efforts;
- To broaden traditional academic platforms of engagement by facilitating dialogue between a wide range of practitioners – lawyers, activists, artists and others – to map out opportunities for collaboration and practical options for policy influencing.

The symposium had two main thematic areas. Participants were asked to address their contributions to one or more of the key questions outlined for each thematic area.

## 1.2 Theme 1: How useful is law for attaining sexual rights?

Legal reform is perceived by many to be the most effective way to secure sexual rights and freedom from persecution for marginalised communities in the long term. But there is considerable debate over the extent to which legal reform can actually address economic

and social exclusion, or enable political relations of solidarity with larger human rights agendas, and in what contexts.

This theme aims to address the following questions:

- Which parts of legal activism are productive and for whom?
- What are the challenges faced by different communities in response to legal action?
- How can we measure the impact of legal action?
- When should we be looking for results? How soon is 'too soon'?
- Is legal activism the best use of resources and if not, what are the alternatives?
- What are the costs and risks?

We are calling for contributions that address:

- The impact of legal action and/or reform on specific communities, organisations or policies;
- The benefits and challenges of different kinds of legal action and activism;
- Measuring impact;
- Legal personhood, the constitution, and the creation of new subjects of rights;
- Gender and sexual essentialism in law;
- Law as a space of political resistance.

### **1.3 Theme 2: Practical options: what is the scope for joint working to advance sexual rights?**

A wide spectrum of individuals, organisations and institutions at a local, national and transnational level are currently involved in legal processes. However, it is unclear how different stakeholders can or should work towards common legal and developmental goals, particularly in hostile environments.

This theme aims to explore the following questions:

- Which community/institutional alliances and linkages have achieved results/failed and why?
- What are the barriers and enablers for engaging in legal activism?
- What determines impact, who benefits and how?
- Who decides which approaches and legal pathways to take?
- How can individuals and communities be protected from negative consequences of legal actions?

We are calling for contributions that address:

- Activist engagement in legal processes;
- Trans/international and local alliances and solidarity networks;
- The role of development actors in supporting legal action;
- The role of legal action in challenging social and economic exclusion;
- Strategies for reducing risk;
- The integration of human rights, development, gender and public health 'silos'.

## **2 Symposium format**

### **2.1 Crossing intellectual, geographical and institutional boundaries**

The diversity of delegates reflected the complex and multi-layered issues addressed by the symposium and the importance of pluralist and context-specific responses to injustice. In her closing keynote speech, Baroness Lindsay Northover, Permanent Under Secretary of State for International Development, highlighted the urgency of addressing these issues at this time: 'This is cutting edge work. It is exceptionally important for some of the most marginalised people in the world, who cannot be who they are, without this work.'

Each day of the symposium was arranged around a broad question, with day one asking 'How useful is the law for attaining sexual rights?', while day two addressed 'practical options for joint working to secure sexual rights'.

Day one of the symposium was opened by Dr Rahul Rao, Senior Lecturer in Politics at the School of Oriental and African Studies (SOAS), with a keynote address that unpacked the relationship between human rights and social justice. Rao identified two broad and oppositional perspectives on human rights: first, that human rights are necessary but require supplementation to fully achieve social justice; and second, that human rights can be counterproductive, as they limit a sense of justice to individual harms and fail to address wider structural injustices.

The question of the utility of law and rights for achieving justice remained a major theme throughout the symposium. Two further emerging questions were highlighted by Dr Kate Bedford, Reader in Law at Kent Law School, in her opening keynote on the second day. The first issue identified was the pressing practical problem of resources – how do individuals and organisations fund their work and what resources – material, psychological and emotional – do they need to sustain it. Bedford then reflected on the role of development in the context of sexuality and social justice through the question of whether the language of development is a useful means by which to address the issues faced by activists, lawyers and affected communities worldwide.



## 3 Key themes

Over two days, delegates took part in 13 different sessions, made up of panel discussions, roundtables and workshops. Discussions addressed a rich and varied set of issues. In the course of these discussions, a number of key themes and questions emerged:

### 1. The space and role of law

- Law and legal change cannot bring about lasting change on their own. Instead, law, legal activism and litigation must be developed as part of a wider, sustainable strategy.
- While strategic litigation has achieved some success, the decision to litigate should not be taken without consideration of the risks involved – including, but not limited to, risks to security, employment, financial stability or loss of public support.

### 2. Dialogues and the use of language within international forums

- Terminology such as ‘LGBT’ (lesbian, gay, bisexual and transgender) limits our understanding of the lived experiences of individuals’ lives. While pragmatic, umbrella terms cannot accurately reflect the diversity of experience and must be used with caution.
- There is a need to extract transgender issues from debates about sexuality and sexual orientation and to identify and address the specific challenges faced by transgender communities.
- The use of language implicates broader power dynamics where discussions, debates and legal challenges are often led by external actors – excluding local voices and alternative definitions in the process.

### 3. Power dynamics, politics and the state

- It is necessary, and in many contexts, vital, to engage with religious authorities and to understand the political and cultural context in which religious authorities operate.
- In a situation of material precarity, the use of religion, homophobia and culture for political purposes can leave the queer, or LGBT individual, a convenient scapegoat.
- Funders and donor states exercise a great deal of power in international forums and there is a need for informed and analytical engagement with these organisations and states. Even when a domestic or international political and legal system is problematic, it is necessary to identify how best these problematic tools can be used to achieve positive change.

### 4. Resources and solidarity

- The work undertaken in the field of sexuality and social justice can be physically and emotionally draining, or even dangerous. Organisations require funding, material and political support, information and research, training and other resources in order to continue their work. Local voices need to take the lead in outlining the resources required – and resource-rich organisations need to listen to local partners and to their assessment of their own needs.
- The desire to support and show solidarity for LGBT minorities in the global South is counterproductive where there is insufficient understanding of the needs of those located in the global South. Solidarity should not become overwhelming for local partners, or something that leads to their voices being eclipsed.

## **5. Representation**

- The media is a powerful tool when it comes to creating new spaces for marginalised individuals to tell their own stories and to create counter-narratives. Thus, media and social media can play an important role in raising visibility and awareness of sexual rights issues. However, the media is also a double-edged sword when it comes to representation – media visibility can lead to danger for those who are suddenly more visible.
- Tensions around umbrella terms such as 'LGBT' remain and continue to obscure the diversity and complexity of experiences and behaviour. There is a need to pay more attention to the differences and divisions within and between categories and to ensure that individuals and communities are able to determine the terms of their own representation.

## 4 Session summaries

### 4.1 Day 1: How useful is law for attaining sexual rights?

#### 4.1.1 Sexual rights, religion and the state

Chair: Shereen El Feki (Author, consultant, IDS Visiting Fellow)

Presentation by Professor Javaid Rehman, Brunel University London

Panellists:

- Aston Paiva (Justice for Sisters)
- Nicolas Amazigh Silva (CHOUF Minorities)
- Georges Azzi (Arab Foundation for Freedoms and Equality)
- Wanja Muguongo (UHAI EASHRI – the East African Sexual Health and Rights Initiative)
- Lame Charmaine Olebile (Consultant)
- Kapil Gupta (Human Dignity Trust)

This panel focused on the issues that arise when attempting to secure sexual rights in a conservative religious context, in response to a paper given by Professor Rehman. Participants highlighted the way that the **alignment of law and religion can impact significantly on LGBT communities in multiple different ways**, including persecution and violence, negative media portrayals of LGBT individuals or the exercise of religious political power to restrict sexual or gender rights and visibility. Opposition to LGBT rights may create alliances among religious organisations who would not usually work together.

Panellists highlighted the ways that religion is used as a form of **political and social control**, where those in power seek to maintain their authority through an appeal to religious and cultural norms. There is often a close relationship between religion and cultural values, where cultural values are linked to religion as a way to justify the exclusion or mistreatment of LGBT minorities.

Within these spaces, participants also discussed the possibilities for engaging with religious organisations and cultural norms. The law and legal campaigning can play a role in securing justice for minorities – as was the case in Malaysia when a constitutional challenge was brought against the legally and religiously sanctioned persecution of transgender women. Other panellists discussed strategies in which sexual rights cases had been argued by deliberately avoiding cultural or religious arguments, only to find that coalitions of religious organisations sought to re-inject cultural or religious terminology into the debate.

Tensions and challenges:

- **The relationship between religion and politics and modes of engagement with religious organisations should not be oversimplified.** Even though it may be complicated to engage constructively with religion and religious leaders, it is important to acknowledge the power that such institutions hold in the countries discussed.
- The **language** used in debates around religion, sexuality and gender identity is extremely important. The language of LGBT rights may not always be helpful when seeking legal or social change.

- Wider legal strategies that seek to open up space for individuals to tell their own stories can play a significant role in countering negative social stereotypes.

Key quotes:

*Too often, religion, or rather selective interpretations of religion, are used to control sexuality. They are exploited, very often for political gain. Instead of being the grounds for tolerance, they become fuel for prejudice and discrimination and of course, violence against individuals who deviate; who chose a different path from what authorities deem to be the desirable sexual norm.*

(Shereen El Feki, author of *Sex and the Citadel* and IDS Visiting Fellow)

*So much of the international development effort in engaging with religious leaders is engaging those who are at a level, who have invested interest in maintaining the status quo, as opposed to trying to encourage religious literacy so that individuals themselves, at all levels are able to question the received dogmas from the institutions. If we decide to engage with religion, broadly defined, at what level are we doing that?*

(Shereen El Feki, author of *Sex and the Citadel* and IDS Visiting Fellow)

#### 4.1.2 Updating the sexual rights agenda: what happened to women's rights?

Chair: Arturo Sánchez García (Kent Law School)

Panellists:

- Francesca Feruglio (Nazdeek)
- Silvana Tapia (Kent Law School)
- Mary Gyknell Tangente (GALANG)

This panel focused upon the need for and place of, women's rights in ongoing discussions. Panellists discussed the role of the law in securing women's rights and improving women's lives. This remains an ongoing problem in two respects: first, in India and elsewhere, the failure to implement relatively progressive law and policies and the disconnect between lawyers and grass-roots communities, acts as a significant **barrier to justice**. Second, even when implemented, there is a risk that law will **re-enforce, rather than challenge problematic norms**. For example, domestic violence legislation in Ecuador seems to re-inscribe the idea of 'woman' as based within the family and worthy of protection from an irresponsible male aggressor. This is a very narrow idea of femininity and womanhood.

Structural issues have also been highlighted in a recent policy audit in the Philippines, which demonstrated the impact of social and legal marginalisation for urban poor lesbians, bisexual women and transgender men (LBTs). A key finding was the way that **poverty and sexuality interact and interplay for urban poor LBTs**.

All panellists highlighted the importance of recognising the lived experience of women facing endemic poverty, marginalisation and lack of access to justice, and the way that law and policy can contribute to this. The discussion highlighted the significance of employing **multiple strategies to empower women**, including through increased collaboration and the creation of networks, and by providing both material and informational resources about access to justice and rights. Panellists noted the way that women and those marginalised because of their sexual or gender non-conformity who have limited knowledge of sexual rights, are less likely to report sexual rights violation, either due to this lack of knowledge or

as a result of cultural biases. Thus **capacity building around gender, sexuality and rights is vital**.

Tensions and challenges:

- **Resources.** There have been three landmark LGBT rights cases in the Philippines. GALANG believes in pushing for more litigation, but more funding for both LGBT and women's groups is needed to operationalise both activities within communities and legislative advocacy for social protection policies.
- **Data collection.** There is a need for data, including policy audits and the recognition and reporting of rights violations in order for advocates and lawyers to be able to highlight the interplay of poverty and sexuality for marginalised poor individuals and the need for legislative change.

Key quote:

*The woman that the domestic violence legislation constructs is one that has time, resources and a role in the family which makes her worthy of protection from an irresponsible aggressor. It seems to me, therefore, that one reason why criminalising violence against women has been relatively easy is that the penal strategy which is legitimated through rights-based claims finds common ground with discourses that reproduce coloniality.*

(Silvana Tapia, PhD candidate, Kent Law School)

### 4.1.3 Sexual rights and the British state

Chair: Asta Zokaityte (Kent Law School)

Presenters:

- S. Chelvan (No5 Chambers)
- Paul Dillane (UKLGIG – UK Lesbian and Gay Immigration Group)

This panel focused on the current context of LGBT asylum in the UK. Chelvan and Dillane both stressed that this was a context in which **litigation had successfully brought about policy change**. The current challenge was to ensure that good policies were properly implemented as there remains a gap between policy and practice.

After the landmark judgement of *HT (Cameroon) and HJ (Iran) v SSHD [2010] UKSC 31*, LGBT asylum seekers can now no longer be returned to their country of origin and told to live discreetly to avoid persecution. However, the removal of this 'discretion test' has led to a situation in which individuals are disbelieved when they claim that they are gay and often face a series of searching and inappropriate questions focusing on sexual behaviours and outdated stereotypes. Some applicants have submitted video recordings of themselves with same-sex partners in an attempt to prove their sexuality.

The Difference, Stigma, Shame, Harm (DSSH) model, developed by S. Chelvan, moves away from specific questions about sexual behaviours to a series of trigger questions that aim to draw out a narrative of **difference** from a heterosexual norm. Difference is followed by **stigma** – recognition that within the cultural context, non-normative sexual or gendered behaviour is wrong. Stigma is followed by **shame** and then **harm** which is focused towards an individual because of a non-normative sexual or gender narrative. The DSSH model has now been adopted by the UK government.

Also highlighted was the British government's practice of detaining persons claiming asylum on the basis of their sexual orientation or gender identity, which leads to vulnerable individuals being detained in hostile environments where they are subject to homophobic, transphobic and racist abuse. While detained they also have limited access to phones, communication or lawyers for unlimited periods of time and with limited judicial oversight.

Tensions and challenges:

- There remains a **gap between policy and practice in the UK** – despite media attention, independent investigations and the official adoption of the DSSH model, asylum seekers are still asked searching and inappropriate questions based on outdated stereotypes as part of the asylum process.
- LGBT asylum needs to be placed within both the wider migration debate and within the LGBT community. The challenges of religious organisations who have traditionally spoken strongly on behalf of refugees and asylum seekers requires further exploration.
- There is **huge untapped potential within the diasporic and refugee community** – there is a great deal of shared experience and knowledge. However, the conversations that often take place do not take these voices into account – this is a serious problem in bringing about policy and political change.
- There is a **contradiction between the UK's commitments abroad in terms of developing civil society around sexual orientation and gender identity issues and the UK's attitude within its own territory in terms of asylum**. Commitments are made overseas to empowering grass-roots organisations, but LGBT asylum seekers are still routinely disbelieved when seeking refuge in the UK.

#### **4.1.4 Which parts of legal activism are productive? Who benefits and what are the risks and challenges?**

Chair: Adrian Jjuuko (Human Rights Awareness and Promotion Forum)

Panellists:

- Nisha Ayub (Justice for Sisters)
- Lame Charmaine Olebile (Consultant)
- Aflodis Kagaba (Health Development Initiative (HDI)-Rwanda)
- Kamila Gasińska (Lithuanian Gay League)
- Tu-Anh Hoang (Center for Creative Initiatives in Health and Population)

Panellists spoke on the theme of the challenges, benefits and achievements of legal activism through a number of country case studies. In particular, it was emphasised that legal activism can be more than litigation – and indeed, **litigation is often one small part of a wider, long-term and sustainable strategy for achieving change**. In many cases, litigation or other legal activism was viewed as a stepping stone to wider engagement or further actions.

In this regard, a number of panellists emphasised that litigation was often a reactive strategy – a reaction to increased political or legal persecution, for example – or that the decision to litigate was taken only after careful consideration of the **possible risks and benefits of pursuing litigation** as a strategy. Possible risks include violence and threats to security, risks to jobs or family support on the part of the applicants involved and a wider loss of support for LGBT issues as a result of increased visibility. Nonetheless, strategic litigation has enjoyed success in Uganda, Malaysia and Botswana.

Panellists highlighted the serious negative consequences of persecutory state policies that facilitate violence and censorship of LGBT issues. However, a number of panellists also gave

**examples of how they had engaged with the state** – sometimes by avoiding the language of rights. For example, in Rwanda, use of the language of ‘health’ at a time when Rwanda was working to position itself as a state with good Human Immunodeficiency Virus (HIV) prevention programmes, provided the means for combatting the proposed criminalisation of homosexuality and continues to provide protection for ongoing work. In Vietnam, LGBT advocacy groups seek to work with the state as ‘partners’ in developing the law – this has implications for the kind of language that can be used in campaigning work; the language of ‘family’ and ‘modernisation’ is often operationalised in this regard.

Tensions and challenges:

- **It is important to unpack the language of ‘LGBT’** – and in particular, not to lose transgender under that umbrella. In Malaysia, transgender women were particularly visible and therefore particularly vulnerable.
- **Control of the language and narrative** of a legal challenge is very important, as is the space to tell one’s own stories and to disrupt overarching negative narratives. This means that laws that restrict discussion of issues relating to sexual orientation or gender identity – such as the Law on the Protection of Minors against the Detrimental Effect of Public Information in Lithuania – are hugely restrictive to all aspects of campaigning activities.
- Litigation must be contextualised as part of a wider strategy – in Uganda, for example, the Anti-Homosexuality Act was struck down as a result of a legal challenge, but the wider ongoing situation is one of increased violence.

Key quote:

*We need to unpack the LGBT community. Why? Because when everything gets lumped together, the issues of transgender people fall through the cracks and become non-existent.*

(Audrey Mbugua Ithibu, Transgender Education & Advocacy)

#### **4.1.5 Legal concepts and lived realities: framing sexual agency, vulnerability, violence and consent**

Chair: Cheryl Overs (Michael Kirby Centre)

Presenters:

- Svati Shah (University of Massachusetts)
- Ivana Radačić (Ivo Pilar Institute of Social Sciences)
- Rupsa Mallik (CREA)

This panel explored the way that law and powerful institutions respond to and reinforce vulnerabilities. In particular, presenters discussed the general lack of attention to the **uneven effects of law on different individuals**. For example, the police are often perpetrators of violence against people who sell sex, and this violence is rendered invisible in law as the police are acting in their role as law enforcers. Thus, laws that criminalise sex work at the same time allow the police to act with impunity towards sex workers.

Moreover, **law may work to reinforce harmful stereotypes** – such as rape myths – or may work through problematic frameworks of natural vs unnatural to legitimise or delegitimise certain forms of sexual behaviour. A narrow focus on the law will often individualise problems that are in fact structural in nature – **thereby perpetuating a focus on individual rather than structural forms of violence and marginalisation**.

Panellists critiqued the way that agency is often conflated with choice. Instead, the term '**capacity to act**' is more helpful in understanding the negotiations that individuals undertake when faced with a limited set of options. In Hindi and Marathi research participants used the word '*majburi*', which translates approximately to 'compulsion' and refers to making the best out of a poor situation, when faced with the reality of being lower caste, with no land or education and the daily risk of violence.

Tensions and challenges:

- There is a need for an understanding of consent that takes into account the **lived experience** of individuals' lives – class, caste or religious affiliation may impact upon how consent is understood. It is important to ask, 'What are those restrictions in which consent is operating?' What does consent mean in relation to lived experience?
- This discussion raises **questions about the usefulness of the law for achieving change**. The international dimension – such as the European Court of Human Rights – may offer some tools for achieving or accessing justice, although the record of the Court is varied. Although problematic, a human rights approach may still offer concrete tools and language for addressing the vulnerabilities outlined in the panel. The challenge, however, is how to define these issues in terms of rights and state obligations.

Key quotes:

*When sex workers insist that they are working out of choice, they are positioned as victims in trafficking discourses. When survivors of rape insist that they were forced, they are often read as complicit in judicial and popular discourses. It seems that what is at issue here is not just a conversation about definitions and conceptual clarity, but a disconnect in which there is a systemic refusal to believe and an insistence on objective definitions of consent, which doesn't take the subject of the experience seriously.*

(Rahul Rao, Senior Lecturer, SOAS)

*Agency is something that literally means the capacity to act, so it's not an action per se. Choice is an action, agency is the capacity to act.*

(Svati Shah, University of Massachusetts)

## **4.2 Day 2: Practical options for joint working to advance sexual rights**

### **4.2.1 The different faces of HIV: conditionality, sexuality and social justice for whom?**

Chair: Elizabeth Mills (IDS)

Panellists:

- Cheryl Overs (Michael Kirby Centre)
- Tatenda Muranda (Initiative for Strategic Litigation in Africa)
- Matthew Weait (Birkbeck, University of London)
- Aflodis Kagaba (HDI-Rwanda)
- Ian Southey-Swartz (Open Society Initiative for Southern Africa)
- Enrique Restoy (International HIV/AIDS Alliance)



This panel addressed the challenges of HIV prevention, in different legal and political climates. In particular, panellists addressed the **difficulties of working in hostile environments where governments are not willing to engage with or even acknowledge the LGBT population** or language of men who have sex with men (MSM)/gay/homosexuality. Panellists emphasised the way that different cultural and legal contexts impact on engagement. For example, in a setting where heterosexual sex is rarely discussed, it is very difficult to talk about those deemed 'undesirable' or different.

Panellists also noted that legislation, or policies around HIV/AIDS prevention, did not necessarily lead to protection for all sexual minorities and the most vulnerable, or marginalised, may fall through the gaps.

**Different norms, stereotypes and assumptions may interfere with services**, for example, in South Africa women who have sex with women (WSW) have been socially and medically constructed as not being 'at risk' for HIV infection, and lesbians have been assumed to never have had sexual encounters with men. However, studies have shown this not to be the case. It is important therefore to be wary of constructing groups such as 'MSM'/'LGBT', etc., artificially, or in a way that renders very vulnerable populations invisible or ignores their own engagement with such categorisations. Furthermore, **there is a need for sensitivity to differences within groups** – transgender populations may have very different needs and face very different issues to L, G, B, I (intersex), Q (queer), etc., populations.

Tensions and challenges:

- **Cultural contexts and working with religious leaders must be taken seriously** within work on HIV.
- The responsible use of aid conditionality must be acknowledged: donors such as the United States President's Emergency Plan for AIDS Relief (PEPFAR), Global Fund, and private and public foundations have played a role in ensuring that MSM are addressed (albeit in a limited fashion) in every AIDS plan in Southern Africa.
- **Money and resources** are both hugely important and very problematic – to access funding, it is necessary to fit into already constructed categories that may not necessarily be representative.

A series of final questions were identified:

- What about minors? What about the elderly?
- What are the risks in creating vulnerable groups?
- How can we advocate for more work on WSW?
- Moving beyond sexuality, what about gender identity, social norms and structures of systemic issues related to policy?

Key quote:

*The categorisation and compartmentalisation of individual bodies is the central feature of HIV discursive practice. In a phallogentric society comprised of hierarchies of gender and sexual practice this translates into hierarchies of HIV transmission, where more likely roots of transmission trample less likely roots.*  
(Tatenda Muranda, Initiative for Strategic Litigation in Africa)

## 4.2.2 Legal achievements and future agendas: what is the impact of legal change and how can we assess it?

Chair: Arturo Sánchez García (Kent Law School)

Presenters:

- Iñaki Regueiro De Giacomi (AboSex, Lawyers for Sexual Rights)
- Audrey Mbugua Ithibu (Transgender Education & Advocacy)
- Tamara Adrian (Adrian & Adrian Abogados Consultores)

This session focused on how cases are litigated and used in wider processes of building social justice. Presentations highlighted the way that **different legal contexts and cultures can help or hinder progress**. In a number of Latin American jurisdictions – particularly Colombia and Brazil – case law has created a series of progressive precedents on issues relating to sexual orientation and gender identity – such as judicial precedents for *de facto* unions in Colombia. However, these progressive judicial decisions are not uniform throughout Latin America. In a recent case in Peru, the Supreme Court held that gender identity is granted at birth and there is therefore no right to official recognition of changes to gender – even after surgery. This means that the law still plays a role in the regulation and recognition of identities. **The often-arbitrary exercise of power by conservative judges regulates how individuals are gendered or mis-gendered in law.**

Panellists focused on the way that ‘LGBT’ needs to be better unpacked in terms of terminology and representation. **Transgender people need opportunities for self-representation and spaces to speak** about their own issues and the particular forms of discrimination and violence to which they are subject. Moreover, there is a need for more recognition of differences within the transgender community – the different focuses of transgender men and transgender women, for example.

An example of transgender leadership in campaigning can be found in Argentina, which has recently passed a very progressive law that recognises gender identity on the basis of a personal declaration. **This means that Argentina is at the forefront of de-pathologised approaches to legal recognition of gender identity.** The campaigning around the law was led exclusively by transgender organisations, with legal input and technical advice from other organisations.

Tensions and challenges:

- All speakers gave examples of successful litigation, but emphasised that this needed to be contextualised in relation to effects upon the broader community. **Recognition of rights will not immediately solve issues of violence, exclusion and marginalisation.**
- Even after successful litigation, issues remain – the post-campaign agenda in Argentina is facing **backlash** in terms of access to work and pensions and in public opinion.

Key quote:

*This was created in the global South and sometimes when you compare, for example, with some decisions of the European Court of Human Rights, you may be surprised by this traditional view that central countries are always the ones that could lead the debate in this. And this time, it was the opposite.*

(Iñaki Regueiro De Giacomi, AboSex, Lawyers for Sexual Rights – Argentina)

### 4.2.3 Bridging the gap between international human rights dialogues and local priorities

Chair: Rahul Rao (SOAS)

Roundtable:

- Laura Carter (Amnesty International)
- Bisi Alimi (Independent consultant)
- Rupsa Mallik (CREA)
- Thierry Kevin Gatete (Centre for Human Rights – Rwanda)
- Silvana Tapia (Kent Law School)
- Kapil Gupta (Human Dignity Trust)
- Wanja Muguongo (UHAI EASHRI)
- Kay Lalor (Manchester Metropolitan University)
- Ivana Radačić (Ivo Pilar Institute of Social Sciences)

Panellists discussed the problems and power dynamics of global-local relationships and activism around sexual orientation and gender identity issues. There has sometimes been an assumption on the part of international organisations that their input will be wanted and needed. This is not always the case. Panellists discussed different strategies in which a decision had been taken to focus on national issues or local problems rather than pursuing litigation with international partners. In Rwanda, for example, activists have recently campaigned against moves to criminalise homosexuality, which framed the issue in terms of the idea that Rwanda is a place where everyone is accommodated regardless of difference. International activists supported the campaign but remained invisible – this was a deliberate strategy to avoid opening themselves up to accusations of ‘Western influence’.

This indicates that although there is a role for international organisations, particularly in terms of resources or facilitating networking, the power dynamics of global-local politics means that **it is too easy for powerful international organisations to work in front of rather than beside local organisations, meaning that local or national voices are lost.**

Representation and dialogue was also highlighted as a key issue by a number of participants. There are multiple conversations and dialogues going on and multiple strands of dialogue within the same space. There must, therefore, be space for recognition of difference within movements. Significantly, panellists highlighted the **need for, and barriers to, South-South dialogue** and information sharing. This dialogue is currently hindered by issues ranging from language barriers to racism.

Tensions and challenges:

- Several panellists discussed the importance of ‘humility’ from donor organisations – that is, the capacity to step back and listen to local partners. This is necessary to avoid drowning out national voices and grass-roots organisations. However, it was recognised that the issue may be structural rather than individual, as international organisations have their own pressures and commitments.
- **Money, resources and funding.** It is important to be aware that capacity exists in *people*, not exclusively in the international sphere and in international organisations. Resources can be procured and asked for when they are needed, or indeed brought within organisations, but this must be led by those who use those resources and are therefore able to assess their utility.
- **Ownership matters** and thus the question of who owns the idea and who owns the dialogue is central. In whose name are reports written and which voices are heard? Importantly, are those voices treated as the victim or coming in as the expert?

- **Role of international organisations in facilitating dialogue.** There is a 'unique space' for everybody to contribute here, including international organisations. These unique spaces require interrogation.

Key quote:

*History gets written by who gets to the paper first. So just as Europeans claimed to have 'discovered' African mountains and lakes, without regard to the Africans already living there, queer landscapes are now being 'discovered' by the global North. These queer landscapes are being put on paper and in statements. So much so that there is now a great deal of 'stumbling over allies'.*  
(Wanja Muguongo, UHAI EASHRI)

#### 4.2.4 Whole group session: building bridges through international solidarity

Chair: Georges Azzi (Arab Foundation for Freedoms and Equality)

Panellists:

- Adrian Jjuuko (Human Rights Awareness and Promotion Forum)
- Alistair Stewart (Kaleidoscope Trust)
- Téa Braun (Human Dignity Trust)
- Mark Bromley (Council for Global Equality)
- Wanja Muguongo (UHAI EASHRI)
- Claire House (Stonewall)
- Max Anmeghichean (Open Society Foundations)
- Elizabeth Mills (IDS)

Adrian Jjuuko of the Human Rights Awareness and Promotion Forum, Uganda, opened the session by reflecting on the Ugandan Anti-Homosexuality Bill. There was a great deal of international solidarity for activists seeking to halt the passage of the bill, but Jjuuko notes that this solidarity was something of a **double-edged sword** – it must be used, managed and deployed very carefully.

*Understand us – that is very important. Understanding where we're coming from and why we are doing what we do now. The support was too much, too much and I mean too much. Overwhelming support, and we had to manage this support. You know that saying 'too much of a good thing'? So we had to manage this good thing, which meant too much solidarity and too much support. Everyone wanted to do something, so we laid the ground rules as the coalition. We said, 'you know what, [...] alright we are going to do it like this: the Ugandan coalition is going to take the lead. Whether you want it or not we are going to take a lead on this because it is a Ugandan issue and we're going to handle it the Ugandan way and please if you support us, support the coalition.' What was actually helpful was having actors who listened and responded to what we needed. The attention was too often brought into the 'Western agenda' argument. The problem was that sometimes supporters would do things without asking, speaking up without our consent. Another problem was the racial superiority undertones, saviour complex and this portrayal of Uganda being the worst place to be gay.*  
(Adrian Jjuuko, Human Rights Awareness and Promotion Forum)

Panellists were asked to reflect on two questions:

## 1. What does international solidarity look like for you?

Responses highlighted the importance of **listening** to partner organisations and acknowledging difference, local needs and local leadership. Significantly, there is a need to interrogate who is consulted locally as one group may not always speak for all. This also involves acknowledging power differentials that operate both in international contexts and within organisations – there is a need to interrogate who has power and who is leading conversations. **Networking and dialogue** was highlighted as playing a significant role in international solidarity – and this is something that donors can contribute to – but it is important to listen to and follow the **leadership of local allies** at the same time.

## 2. What are the risks and challenges of joint working on this agenda and how does your organisation work to address them?

A number of panellists highlighted the problems of **power differentials in international solidarity** and the need for an **intersectional approach** that pays attention to different and overlapping forms of marginalisation. These problematic dynamics have been acknowledged and discussed for some time, the challenge now is to move from acknowledgement to implementation, and action that recognises the complexity of lived experience.

*One of the challenges for me has been, how do we bring the very nuanced work of our partner organisations in documenting the relationship between legal marginalisation and the everyday experience of poverty, to bear in these international spaces? How do we incorporate this empirical evidence in a way that also pulls weight and can speak to the economic arguments?*  
(Elizabeth Mills, IDS)

**Resources** remain a significant issue and donors can play a key role in contributing resources and finance. **Activists and organisations working on issues relating to sexual orientation and gender identity outside of Europe have specifically identified training and funding as a key requirement.** The challenge is that funding is limited and there is not enough to support everyone. Thus there is a need to explore other aspects of funding such as individual, private and crowdfunding, which has the potential to change and re-shape how movements operate.

Tensions and challenges:

- There is evidence of failed global solidarity and the negative impact that this can have: attention paid to Uganda negatively affected LGBT communities in surrounding communities, who had no platform for campaigning.
- There are ongoing tensions around support:
  - The 'who' and the 'we'
  - The 'what is next'
  - The 'how we move forward'
  - The 'when we respect the next move'.

### 4.2.5 Alternative political spaces: the media and political activism

Chair: Tu-Anh Hoang (Center for Creative Initiatives in Health and Population)

Panellists:

- Hai Yen Nguyen (ICS)
- Georges Azzi (Arab Foundation for Freedoms and Equality)
- Nicolas Amazigh Silva (CHOUF Minorities)
- Cheryl Overs (Michael Kirby Centre)

Panellists reflected on the role of the media and social media in bringing about change for LGBT minorities. A number of panellists highlighted the way that the media, and particularly social media and social networking can play a role in **awareness raising and in creating new, positive representations** to counter negative representation in the mainstream media or society. Thus, the media and social media play a significant role in **creating new spaces, new forms of visibility, new debates and new narratives**.

The discussion also highlighted the way that social media could help to create new **networks, and significantly, new alliances**. A number of participants highlighted how alliances had been created with journalists, and in some cases, a new generation of journalists has emerged and have moved away from derogatory representations of alternative sexualities and gender identities, to acting as allies of LGBT communities.

However, panellists also highlighted the **dangers** inherent in media usage. The media can still perpetuate negative stereotypes and in repressive political environments, those who seek to put forward a counter narrative may face persecution. Moreover, increased visibility can bring increased danger to individuals.

Tensions and challenges:

- How can we best deconstruct media to produce alternative spaces?
- What are the limits and dangers of media representation? – visibility in the media has security implications that must not be overlooked.

Key quote:

*The law criminalises the practice of homosexuality. There is a criminalisation of the sexual interaction but there is nothing in the law about the representation or the possibility to talk about it. So the more we talk about it; the more we show it through that alternative media space; the more people will hear and see it. We hope they will finally listen and watch it.*

(Nicolas Amazigh Silva, CHOUF Minorities)

#### **4.2.6 Sexuality, law and economic development: what are the key conversations and alliances?**

Chair: Kate Bedford (Kent Law School)

Panellists:

- Bisi Alimi (Independent consultant)
- Laura Carter (Amnesty International)
- Lee Badgett (University of Massachusetts)
- Asta Zokaityte (Kent Law School)
- Kapil Gupta (Human Dignity Trust)
- Kay Lalor (Manchester Metropolitan University)
- Wanja Muguongo (UHAI EASHRI)
- Elizabeth Mills (IDS)

Participants reflected on the increased focus on the 'economic' or business case for LGBT rights. This is the argument that discrimination is not only harmful to individuals, but also harmful to states and societies as a whole. This argument, with its focus on data and evidence, seems to be gaining increased traction in some international forums. Participants emphasised that the economic case for rights should not be seen as a replacement for other approaches to LGBT issues, but instead should be seen as **complementary**, or as another

level to, or space for, conversation, analysis and activism. In particular, it may create **new spaces for alliances** through the recognition that poverty harms multiple groups in society and that coalitions of different groups may have more success in compelling governmental action. The evidence base that is available here can add a great deal of weight to other social justice or rights-based approaches.

Panellists also discussed questions of aid conditionality and foreign aid in relation to LGBT rights. Panellists emphasised the need for **more interrogation of the actions of donors and states and for more attention to be paid to the power dynamics of aid and to the politics of aid decision-making and conditionality**. For donors, simply threatening to cut aid is unhelpful and can leave vulnerable LGBT communities in a very difficult position. At times, this focus on single issues or groups may put vulnerable groups at further risk.

For activists, there is a need to better interrogate what is said and what actually occurs in the field of aid conditionality and funding. An advantage of this kind of interrogation may be that even if the system of aid and conditionality is problematic, there may be **better opportunities for activists to use the problematic tools at their disposal to their advantage** – for example, by pushing for equality clauses in bilateral funding agreements.

Tensions and challenges:

- There is a need to think about the different methodologies that can be adopted when making the economic case. In particular, given that there is a demand for more research (from funders and others), **how can research capacity be generated in institutions in the global South and through disciplines that do not normally engage with these issues in this way?**
- **Gross domestic product should not be conflated with actually ensuring that people have access to resources.** Similarly, one of the key critiques of this form of argument is that it is neo-liberal or demands a neo-liberal policy approach. Panellists suggested instead that this argument could be deployed as an example of market failure to fully use people's productive capacity, with associated costs to society. In these terms, the argument becomes one of the advantages of non- or anti-discrimination laws.
- What are the challenges of making a case for socioeconomic rights in a context in which socioeconomic rights are not necessarily recognised or constitutionalised?
- It may be challenging to identify the economic effects of homophobia or the relationship between homophobia and poverty in a context in which poverty has multiple and intersecting causes or in a context of extreme poverty. Relatedly, there is a need for intersectional analysis – and to look at people in different situations and identify how poverty is an exacerbating factor. People in poverty are more at risk and are trapped by those very laws that contribute to their poverty and marginalisation.

Key quote:

*Lost productivity to the larger economy is also a loss to the income of lesbians and gay men and trans men and trans women. And that affects their ability to feed themselves, to house themselves, to take care of their families. So these are really important core issues that we are really getting at. The big strategic advantage... is that it opens up new spaces for conversation. You might not always share the goals, or appreciate what businesses do, what development agencies do, but they do have the potential to contribute to better lives for LGBT people and even in some situations for larger policy changes.*

(Lee Badgett, University of Massachusetts)

## 5 Looking forward

At the start of the symposium, delegates were asked to reflect not only on their work in the present, but also to imagine new ways of doing things, in the future. This is a record of some of those imaginings, here entitled a 'call to action'.

### 5.1 Call to action

- There is a need for a more careful unpacking of the power dynamics of different relationships, including global-local, South-South and within movements. A more nuanced understanding of how these power dynamics operate within relationships and impact upon national and international networks of solidarity is required.
- Recognition of the problematic power dynamics of global-local interactions must be followed by the implementation of strategies to address these dynamics. This must include recognition of country-level expertise and ensuring that those best able to contribute to conversations have the space to do so as equal participants and as thought leaders.
- There is an urgent need to close the gap between progressive law and its implementation and to ensure that sound, evidence-based policy is fully realised in practice.
- Research capacity in institutions and universities in the global South should be supported and developed in order to promote effective research and to develop a strong evidence base for activism and ownership of research output.
- The lived experience of marginalisation and poverty perpetuates vulnerability and further marginalises. A more nuanced and intersectional approach to engaging with and acknowledging the lived experiences of those facing poverty, marginalisation or precarity is required as part of a multifaceted and multi-tiered approach to sexuality, gender identity and social justice.
- In order to respond to the challenges of social injustices, recognition and creation of spaces for alliances and dialogues that move beyond, or do not fit neatly into a 'human rights' or an 'LGBT' framework are required.
- International support for training and funding is key. Resource development, including material and financial resources, research and evidence that can be used to support policy change, as well as political and emotional support during sustained campaigning activities, is a fundamental requirement of those engaged in sexuality and social justice activism.



## 6 Feedback from participants

*Great forums for discussing issues – good methodology. I like the fact that it was orientated towards outputs in the real world.*

*Wonderful group of people. A pleasure to meet them all.*

*I met serious transgender activist and her ally and it made me learn about power of transgender people having mature and respectful allies. A very serious and resourceful symposium.*

*New connections and potential networks to draw on. Fantastic two days – thank you very much!*

*Activism and advocacy provide very important insights for my academic work.*

# Annexes

## Annex 1 List of participants

Adebisi (Bisi) Ademola Alimi	Independent consultant	UK/Nigeria
Adrian Jjuuko	Human Rights Awareness and Promotion Forum	Uganda
Aflodis Kagaba	Health Development Initiative	Rwanda
Alice Nkom	Travailleur indépendant du secteur Cabinet d'avocats	Cameroon
Alistair Stewart	Kaleidoscope Trust	UK
Arturo Sánchez García	Kent Centre for Law, Gender and Sexuality, Kent Law School	UK
Asta Zokaityte	Kent Centre for Law, Gender and Sexuality, Kent Law School	UK
Aston Philip Paiva	Justice for Sisters	Malaysia
Audrey Mbugua Ithibu	Transgender Education & Advocacy	Kenya
Beth Fernandez	The Sigrid Rausing Trust	UK
Carol Smithyes	Institute of Development Studies	UK
Cheryl Overs	Michael Kirby Centre for Public Health and Human Rights	UK/Australia
Chloe Vaast	Institute of Development Studies	UK
Chris Dietz	University of Leeds	UK
Clare House	Stonewall International	UK
David Sampson	The Baring Foundation	UK
Elizabeth Mills	Institute of Development Studies	UK
Enrique Restoy	International HIV/AIDS Alliance	UK
Francesca Feruglio	Nazdeek	Italy/India
Georges Azzi	Arab Foundation for Freedoms and Equality	Lebanon
Hai Yen Nguyen	ICS – Equal Rights for LGBT	Vietnam
Harriet Samuels	Centre for Law, Gender and Sexuality, University of Westminster	UK
Ian Southey-Swartz	Open Society Initiative for Southern Africa	South Africa
Iñaki Regueiro De Giacomi	AboSex, Lawyers for Sexual Rights	Argentina
Ivana Radačić	Ivo Pilar Institute of Social Sciences	Croatia
Jas Vaghadia	Institute of Development Studies	UK
Javid Rehman	Brunel University London	UK/Pakistan
Kamila Gasińska	Lithuanian Gay League	Lithuania
Kapil Gupta	Human Dignity Trust	UK/India
Kate Bedford	Kent Centre for Law, Gender and Sexuality, Kent Law School	UK
Kate Hawkins	Pamoja	UK
Kay Lalor	Manchester Metropolitan University	UK
Lame Charmaine Olebile	Consultant	Botswana

Laura Carter	Amnesty International	UK
Lee Badgett (Skype)	University of Massachusetts	United States
Mark Bromley	Council for Global Equality	UK
Mary Gyknell Tangente	GALANG	Philippines
Matthew Weait	Birkbeck, University of London	UK
Maxim Anmeghichean	Open Society Foundations	United States
Mike Battcock	Department for International Development	UK
Nayeli Urquiza Haas	Kent Centre for Law, Gender and Sexuality, Kent Law School	UK
Nicolas Amazigh Silva	CHOUF Minorities	Tunisia
Nisha Ayub	Justice for Sisters	Malaysia
Paul Dillane	UKLGIG – UK Lesbian and Gay Immigration Group	UK
Polly Haste	Institute of Development Studies	UK
Rahul Rao	SOAS	UK
Rupsa Mallik	CREA	India
S. Chelvan	No5 Chambers	UK
Shereen El Feki	Author, consultant, IDS Visiting Fellow	UK
Silvana Tapia	Kent Centre for Law, Gender and Sexuality, Kent Law School	UK
Stephen Wood	Institute of Development Studies	UK
Svati Shah	University of Massachusetts	United States
Tamara Adrian	Adrian & Adrian Abogados Consultores, Ilga/IDAHO	Venezuela
Tatenda Muranda	Initiative for Strategic Litigation in Africa	South Africa
Téa Braun	Human Dignity Trust	UK
Thierry Kevin Gatete	Centre for Human Rights – Rwanda	Rwanda
Tu-Anh Hoang	Center for Creative Initiatives in Health and Population	Vietnam

## Annex 2 Notes from group activities

The following table is a record of the notes taken during group sessions where participants were asked to record their discussions on flip chart paper or Post-it notes.

What we need/can offer:

Institution/organisation	We can offer:	We could use:
Transgender Education & Advocacy	<ul style="list-style-type: none"> <li>• Information</li> <li>• Documents</li> <li>• Ideas</li> <li>• A hug</li> </ul>	Respect for transgender funds
Travailleur indépendant du secteur Cabinet d'avocats	Expertise and experience of the context	<ul style="list-style-type: none"> <li>• Available media</li> <li>• Skills</li> <li>• Diplomatic representatives, infrastructures</li> </ul>
Lithuanian Gay League	Partnership in LGBT projects	Opportunity to raise awareness of things happening in Lithuania and international support
Independent consultant	Technical assistance on: <ul style="list-style-type: none"> <li>• Conferences</li> <li>• Contacts with African LGBT activists</li> <li>• Information on contexts</li> </ul>	Research, literature, easy access to literature on sexuality, poverty, the law and development
CHOUF Minorities	<ul style="list-style-type: none"> <li>• Media knowledge</li> <li>• Tools to enhance sensitisation campaigns</li> </ul>	<ul style="list-style-type: none"> <li>• Resources and funding</li> <li>• Networking for empowering the community in the country</li> <li>• Be inspired by other regions'/organisations' experiences</li> </ul>
Co-founder, Nazdeek	Toolkits/expertise on access to non-judicial grievance mechanisms	Tools to measure impact of litigation and legal literacy programmes  Funding for research and litigation
Lawyer/activist – Adrian & Adrian Abogados Consultores	<ul style="list-style-type: none"> <li>• Legal resources in Latin America and the Caribbean and international law</li> <li>• Litigation/Inter-America System</li> <li>• Campaign about homophobia, transphobia and gender-based violence</li> </ul>	<ul style="list-style-type: none"> <li>• Resources for funding strategic litigation</li> <li>• Coordination for cross-regional litigation</li> <li>• Creating international research groups</li> <li>• Creation of advocacy groups at the international level</li> </ul>

(Cont'd.)

Institution/organisation	We can offer:	We could use:
ICS – Equal Rights for LGBT	<ul style="list-style-type: none"> <li>Insight and understanding of LGBT movement in Vietnam and the situation for LGBT women</li> <li>Network and support working with grass-roots groups of LGBT people in Vietnam</li> </ul>	<ul style="list-style-type: none"> <li>Technical support to mobilise transgender people into LGBTI rights movement</li> <li>Network with researchers/lawyers on LGBT rights</li> <li>Materials on sexuality education</li> </ul>
Ivo Pilar Institute of Social Sciences	<ul style="list-style-type: none"> <li>Knowledge of the standards of the European Court of Human Rights, and experience working at the court and litigating before it – successfully!</li> </ul>	<p>Support in developing the project to do research on sex work in Croatia</p> <p>Ideas about funding:</p> <ul style="list-style-type: none"> <li>Partners in research</li> <li>Exchange of experience</li> </ul> <p>Ethnographic research skills in the area of sex work</p>
Justice for Sisters	<ul style="list-style-type: none"> <li>Information on transgender issues</li> <li>Info kit, programmes and projects focusing on transgender issues</li> <li>Representation of the transgender community</li> </ul>	<ul style="list-style-type: none"> <li>Funding and sustainability</li> <li>International network on law, specifically on sexuality and gender identity</li> </ul>
GALANG	Can share our experience of our work, as well as our experiences and knowledge in creating LBT research	Resources (training, funding, man power, legal assistance) can be very helpful in GALANG's work, particularly on the issue of sexuality and social justice
Center for Creative Initiatives in Health and Population, Vietnam	<ul style="list-style-type: none"> <li>Publications/research on LGBT in Vietnam</li> <li>Education/advocacy materials</li> <li>Research skills/training</li> <li>Counselling experience</li> </ul>	<ul style="list-style-type: none"> <li>Information/services/guidelines for transgender and transsexual health (self-medication)</li> <li>Cyber protection</li> <li>Tools to assess legal change impact</li> </ul>
AboSex, Lawyers for Sexual Rights	Legal skills that could help find solutions in controversial areas	A bigger non-governmental organisation structure in order to multiply the impact and make it more professional
Adebisi Ademola Alimi - Independent consultant	<ul style="list-style-type: none"> <li>Research expertise and personal experience</li> </ul>	<p>Support and collaboration for research</p> <p>Books for the new library I am opening in Nigeria</p>
Institute of Development Studies	Qualitative research methods/training Social media support	

(Cont'd.)

Institution/organisation	We can offer:	We could use:
Michael Kirby Centre for Public Health and Human Rights , Australia		<p>Ongoing and nuanced analysis of sexuality, law and policy</p> <p>Urgent work needed on the intersections between LGBT rights and sex work rights</p> <p>Analytic and conceptual thinking time for sex workers, independent of HIV world</p> <p>Support for ethnographic research by LGBT people</p>
Kent Centre for Law, Gender and Sexuality	<p><b>Fabulous law students from all over the world who can do research on gender, law and sexuality</b></p> <p>Research skills/access to legal databases</p>	
Kaleidoscope Trust	<ul style="list-style-type: none"> <li>• Advocacy support in the UK and Commonwealth spaces</li> <li>• Access to certain actors in the UK government – decision-makers, policymakers, politicians, parliamentarians</li> <li>• Commonwealth-wide policy research and development</li> </ul>	<ul style="list-style-type: none"> <li>• Experience/advice from Southern activists</li> <li>• Funds!</li> <li>• Research capacity</li> </ul>
Amnesty International		<p><b>Requests for international mobilisation – when it is useful! Public or non-public</b></p>
Stonewall International	<ul style="list-style-type: none"> <li>• Training – campaign development (currently in Eastern Europe)</li> <li>• Help you to work with the UK government – missions, Foreign &amp; Commonwealth Office, etc.</li> </ul> <p>Soon... lots of other things!</p>	
Council for Global Equality	<ul style="list-style-type: none"> <li>• Connections to United States government officials of United States Agency for International Development</li> <li>• Connections to United States LGBT community</li> </ul>	<ul style="list-style-type: none"> <li>• Listserv/communication channels that allow global communication but with more trust and goodwill than the 'SOGI' listserv (ARC)</li> <li>• More dedicated opportunities to explore solidarity discussions</li> </ul>

(Cont'd.)

Institution/organisation	We can offer:	We could use:
UKLGIG	Views, voices and experiences of LGBTI/Black and minority ethnic migrants, asylum seekers, refugees and exiles	Capacity building, fundraising
The Baring Foundation	<ul style="list-style-type: none"> <li>• Connections in the UK and to our grantees around the world</li> <li>• Support – a view as a long-term funder; and – in limited circumstances – funding</li> </ul>	<ul style="list-style-type: none"> <li>• Safe spaces to listen so that we can tailor support</li> <li>• Links with similar work outside of Africa</li> </ul>
Human Dignity Trust	<ul style="list-style-type: none"> <li>• Technical legal assistance to analyse and implement strategic litigation to challenge laws penalising sexual minorities</li> <li>• Assistance with international and comparative law research on the above</li> </ul>	Input on what areas of sexual rights need greater legal support at the international level (women, LGBTI, etc.)
Pamoja	<ul style="list-style-type: none"> <li>• Communications</li> <li>• Capacity building</li> <li>• Getting the message out on Twitter</li> <li>• Amplifying your points within the public health and health systems worlds</li> <li>• A shoulder to cry on</li> </ul>	
No name given	<ul style="list-style-type: none"> <li>• Capacity building for grass-roots civil society organisations</li> <li>• Influencing formulation and implementation of appropriate policies and programmes</li> </ul>	<ul style="list-style-type: none"> <li>• Further training, knowledge sharing – more research. The funding to do more research</li> <li>• Resources, strategic support and experience sharing</li> </ul>

Summary of key areas for capacity building:

- Connections to other people
- Specific resources
- Expertise
- Experience
- Networks
- Context-specific information
- Support and understanding.

Ideas offered:

- Organise a similar symposium for/in Central and Eastern Europe.

## Annex 3 Final session

Question 1: What am I going to do?

Question 2: What do we *need* to do?

Group	What am I going to do?	What do we <i>need</i> to do?
Researchers	<ul style="list-style-type: none"> <li>• Make the L&amp;G&amp;T question travel as different knowledge, different actions</li> <li>• Subversive use of history/language (same-sex)</li> <li>• Learn/share methodology through networks</li> <li>• Link with other networks</li> </ul>	<ul style="list-style-type: none"> <li>• Cross-disciplinary knowledge exchange</li> <li>• Finding ways to communicate</li> <li>• New creative forums to exchange/share (*How do we define research priorities with community and activists?)</li> <li>• Research usefully directed</li> <li>• Workshop methodology</li> </ul>
Lawyers	<ul style="list-style-type: none"> <li>• Plaintiff training and preparation around strategic litigation inspired by others' efforts</li> <li>• Use recent regional precedents to bolster our legal strategy</li> <li>• Learning more about progress made in Latin America and how it may assist African strategies</li> <li>• Advocate for changes to medical procedures for intersex people</li> <li>• Consider developing diploma programme (multidisciplinary) on LGBTI rights</li> </ul>	<ul style="list-style-type: none"> <li>• Publish experiences to share with others</li> <li>• Improve regional/cross-organisation, legal strategies (reduce silos)</li> <li>• Sharing experiences and resources</li> <li>• Create/strengthen global networks of lawyers to provide joint support to cases (e.g. <i>amici curiae</i>)</li> <li>• Translating judgements into other languages (English, Spanish, French, Arabic) so others can use in comparative analysis</li> </ul>
Activists	<ul style="list-style-type: none"> <li>• Prepare legal reforms by sensitising the legal reforms</li> <li>• Working with researchers in gender, sexuality, health and legal domains</li> <li>• Guides on transgender health and legal issues</li> <li>• Collaborate more with transgender people and organisations</li> <li>• Quality not quantity</li> <li>• Be more confident with transgender people/issues</li> <li>• More resource mobilisation</li> <li>• Collaborate and connect and communicate</li> </ul>	<ul style="list-style-type: none"> <li>• Networks to share resources, information, strategies, funds, advocates</li> <li>• Tap into regional or local legal support</li> <li>• Create medical-legal allies</li> </ul>
Funders	<ul style="list-style-type: none"> <li>• Case studies on grass-roots interconnections between LGBTI groups and sex workers</li> <li>• Identify/document existence of these connections</li> <li>• Connections – to draw threads together and how useful this will be?</li> <li>• Look into research method exchange/training</li> </ul>	<ul style="list-style-type: none"> <li>• To be pre-emptive, not reactive</li> <li>• Move beyond 'only' looking at anti-sodomy law, to looking at other laws. 'Being rogue and vagabond', 'loitering'</li> <li>• BUT, harder to fund. Therefore, money directed in narrow ways to LGBTI groups, not other low-income groups, sex workers</li> <li>• Siloed thinking – we will 'not see the world through their eyes, but allow their eyes to see for us'</li> </ul>



## Annex 4 Agenda

Day 1: Theme 1: How useful is law for attaining sexual rights?

Time	Regency Suite (50–60 people)	Gresham Suite (20–30 people)	Syndicate Room (10–15 people)
09:15 – 09:45	Registration – tea/coffee		
09:45 – 10:15	<b>Welcome speeches:</b> Polly Haste (IDS), Elizabeth Mills (IDS) <b>Keynote speech:</b> Rahul Rao (SOAS)		
10:15 – 11:15	<b>Whole group session: new agendas, new questions?</b> <b>Chair:</b> TBC <b>Format:</b> Breakout session		
11:15 – 11:30	Tea break – session sign-up		
11:30 – 13:00	Parallel session A  <b>1. Sexual rights, religion and the state</b> <b>Chair:</b> Shereen El Feki (IDS Visiting Fellow) <b>Format:</b> Expert response to Professor Javid Rehman (Brunel University London)* <b>Presentation time:</b> 20 minutes *Paper will be circulated in advance  <b>Participants:</b> Georges Azzi (Arab Foundation for Freedoms and Equality) Aston Paiva (Justice for Sisters) Nicolas Amazigh Silva (CHOUF Minorities) Kapil Gupta (Human Dignity Trust) Wanja Muguongo (UHAI EASHRI) Lame Charmaine Olebile (Consultant)	<b>2. Updating the sexual rights agenda: what happened to women’s rights?</b> <b>Chair:</b> Arturo Sánchez García (Kent Law School) <b>Format:</b> Panel. Presentations followed by Q&A <b>Presentation time:</b> 10–15 minutes  <b>Panellists:</b> Francesca Feruglio (Nazdeek) Silvana Tapia (Kent Law School) Mary Gyknell Tangente (GALANG)	<b>3. Sexual rights and the British state: migration, refugee law and social justice</b> <b>Chair:</b> Polly Haste (IDS) <b>Format:</b> Roundtable. Presentations by S. Chelvan (No5 Chambers) and Paul Dillane (UK Lesbian and Gay Immigration Group)  <b>Participants:</b> Adrian Jjuuko (Human Rights Awareness and Promotion Forum) Alistair Stewart (Kaleidoscope Trust) Kay Lalor (Manchester Metropolitan University) Mike Battcock (DFID) TBC Harriet Samuels (University of Westminster) Rahul Rao (SOAS)
	<i>Audience welcome. Session followed by Q&amp;A</i>	<i>Audience welcome. Session followed by Q&amp;A</i>	<i>Up to ten participants. Please sign up to join this roundtable</i>

13:00 – 14:00	LUNCH – session sign-up. Sign-up for evening activities.		
14:00 – 15:30	<p>Parallel session B</p> <p><b>4. Which parts of legal activism are productive? Who benefits and what are the risks and challenges?</b></p> <p><b>Chair:</b> Adrian Jjuuko (Human Rights Awareness and Promotion Forum)</p> <p><b>Format:</b> Panel. Short presentations followed by Q&amp;A</p> <p><b>Presentation time:</b> 5 minutes (country case studies)</p> <p><b>Panellists:</b>  Lame Charmaine Olebile (Consultant)  Nisha Ayub (Justice for Sisters)  Kamila Gasińska (Lithuanian Gay League)  Tu-Anh Hoang (Center for Creative Initiatives in Health and Population)  Aflodis Kagaba (HDI-Rwanda)</p> <p><i>Audience welcome. Session followed by Q&amp;A</i></p>	<p><b>5. Legal concepts and lived realities: framing sexual agency, vulnerability, violence and consent</b></p> <p><b>Chair:</b> Cheryl Overs (Michael Kirby Centre)</p> <p><b>Format:</b> Panel. Presentations followed by Q&amp;A</p> <p><b>Presentation time:</b> 10–15 minutes</p> <p><b>Panellists:</b>  Svati Shah (University of Massachusetts)  Ivana Radačić (Ivo Pilar Institute of Social Sciences)  Rupsa Mallik (CREA)</p> <p><i>Audience welcome. Session followed by Q&amp;A</i></p>	<p><b>6. Presentation of paper by Alice Nkom (in French). Decriminalisation and the challenges for sexual rights defenders</b></p> <p><b>Format:</b> TBC</p> <p><i>Audience is welcome for this event but please note that the session will take place <u>in French</u>. The interview will be translated for participants after the event</i></p>
15:30 – 15:45	Tea break		
15:45 – 17:00	<p><b>Whole group session</b></p> <p><b>Chair:</b> TBC</p> <p><b>Format:</b> Session summaries from chairs. Break-out groups (20 minutes)  Key questions addressed in break-out groups (30 minutes)  Feedback from each group (20 minutes)  Summary and close</p>		
18:00 – 19:00	Group visit – the Brighton Eye Meet in hotel reception at 18:30. All welcome (sign up at lunchtime)		
19:30 – 22:30	Delegate dinner. Meet in hotel reception at 19:15 or at the venue at 19:30. Welcome speech by Melissa Leach – Director, IDS <b>Venue:</b> Indian Summer		

Day 2: Theme 2: Practical options for joint working to advance sexual rights

Time	Regency Suite (50–60 people)	Gresham Suite (20–30 people)	Syndicate Room (10–15 people)
09:00 – 09:30	Registration – tea/coffee – session sign-up		
09:30 – 09:45	<b>Welcome and summary. Key questions for day 2:</b> Kate Bedford (Kent Law School)		
09:45 – 11:15	<p>Parallel session A</p> <p><b>1. The different faces of HIV: conditionality, sexuality and social justice for whom?</b>  <b>Chair:</b> Elizabeth Mills (IDS)  <b>Format:</b> Expert response to Cheryl Overs (Michael Kirby Centre) and Tatenda Muranda (Initiative for Strategic Litigation in Africa)*                      *Papers will be circulated in advance  <b>Presentation time:</b> 10–15 minutes</p> <p><b>Participants:</b>                      Matthew Weait (Birkbeck, University of London) TBC                      Dorothy Aken'Ova (INCREASE)                      Aflodis Kagaba (HDI-Rwanda)                      Ian Southey-Swartz (Open Society Initiative for Southern Africa)                      Enrique Restoy (International HIV/AIDS Alliance)</p> <p><i>Audience welcome. Session followed by Q&amp;A</i></p>	<p><b>2. Legal achievements and future agendas: what is the impact of legal change and how can we assess it?</b>  <b>Chair:</b> Arturo Sánchez García (Kent Law School)  <b>Format:</b> Panel. Presentations followed by Q&amp;A  <b>Presentation time:</b> 10–15 minutes</p> <p><b>Panellists:</b>                      Iñaki Regueiro De Giacomi (AboSex, Lawyers for Sexual Rights)                      Audrey Mbugua Ithibu (Transgender Education &amp; Advocacy)                      Tamara Adrian (Adrian &amp; Adrian Abogados Consultores)</p> <p><i>Audience welcome. Session followed by Q&amp;A</i></p>	<p><b>3. Bridging the gap between international human rights dialogues and local priorities</b>  <b>Chair:</b> Rahul Rao (SOAS)  <b>Format:</b> Roundtable</p> <p><b>Participants:</b>                      Laura Carter (Amnesty International)                      Bisi Alimi (Independent consultant)                      Rupsa Mallik (CREA)                      Thierry Kevin Gatete (Centre for Human Rights – Rwanda)                      Silvana Tapia (Kent Law School)                      Kapil Gupta (Human Dignity Trust)                      Wanja Muguongo (UHAI EASHRI)</p> <p><i>Up to ten participants. Please sign up to join this roundtable.</i></p>
11:15 – 11:30	Tea break		
11:30 – 13:00	<p><b>Whole group session: building bridges through international solidarity</b>  <b>Format:</b> Panel. Presentation by Adrian Jjuuko – Reflecting on ten years of activism in Uganda. Followed by panel discussion  <b>Chair:</b> Georges Azzi (Arab Foundation for Freedoms and Equality)  <b>Panellists:</b>                      Alistair Stewart (Kaleidoscope Trust), Mike Battcock (DFID – TBC), Téa Braun (Human Dignity Trust), Mark Bromley (Council for Global Equality), Wanja Muguongo (UHAI EASHRI), Claire House (Stonewall), Max Anmeghichean (Open Society Foundations) and Elizabeth Mills (IDS)</p>		

	<b>Questions for panellists*:</b> 1. What does international solidarity look like for you? 2. What are the risks and challenges of joint working on this agenda and how does your organisation work to address them? *Each panellist will be asked to respond to the questions (5 minutes maximum) before opening out for Q&A		
13:00 – 14:00	LUNCH – session sign-up		
14:00 – 15:30	Parallel session B		
	<b>4. Alternative political spaces: the media and legal activism</b> <b>Chair:</b> Tu-Anh Hoang (Center for Creative Initiatives in Health and Population) <b>Format:</b> Presentation, screenings and Q&A  <b>Participants:</b> Hai Yen Nguyen (ICS) Georges Azzi (Arab Foundation for Freedoms and Equality) Nicolas Amazigh Silva (CHOUF Minorities) Cheryl Overs (Michael Kirby Centre)	<b>5. Sexuality, law, and economic development: what are the key conversations and alliances?</b> <b>Chair:</b> Kate Bedford (Kent Law School) <b>Format:</b> Roundtable discussion  <b>Participants:</b> Bisi Alimi (Independent consultant) Laura Carter (Amnesty International) Lee Badgett (University of Massachusetts) Asta Zokaityte (Kent Law School) Kay Lalor (Manchester Metropolitan University) Kapil Gupta (Human Dignity Trust) Wanja Muguongo (UHAI EASHRI) Elizabeth Mills (IDS)	<b>6. TBC</b>
	<i>Audience welcome. Session followed by Q&amp;A</i>		<i>Audience welcome. Session followed by Q&amp;A</i>
15:30 – 15:45	Tea break – evaluation forms		
15:45 – 16:45	<b>Whole group session: law as a tool for social justice: what does meaningful change look like?</b>  <b>Chairs:</b> Elizabeth Mills (IDS) and Arturo Sánchez García (Kent Law School) <b>Format:</b> Break-out groups		
	Feedback and summary		
16:45 – 17:00	Thanks and close		



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