

Envisioning Global LGBT Human Rights

Envisioning Global LGBT (lesbian, gay, bisexual, transgender) Human Rights is an international research project that fosters links between Canada and the Global South and will document and analyze i) criminalization of LGBT people, ii) flight from violence and persecution, iii) resistance to criminalization, and iv) the interaction between International Treaty Body Human Rights Mechanisms and LGBT rights initiatives.

In 2010, homosexual acts were still criminalized in 76 countries and punishable by death in 7. Homosexuality continues to be criminalized in 77% of Commonwealth nations. By contrast of non-Commonwealth countries, 32% criminalize same-sex sexual acts. At the same time, there is growing resistance to these 19th century laws, including legal challenges, being initiated throughout the Commonwealth. For example, on July 2, 2009, New Delhi's High Court struck down s.377 of the Indian Penal Code put in place by British colonial rule in 1861, which criminalized "carnal intercourse against the order of nature."

Envisioning will research and document these contemporary movements for decriminalization and human rights for LGBT peoples in India, East Africa, Southern Africa, and the English speaking Caribbean, investigating the complex processes underlying these cultures of resistance. Further, as the oppression that LGBT people face includes broader forms of stigmatization, hatred and marginalization, we will probe into the impact of criminalization and discrimination including investigating LGBT refugee and asylum issues in Canada and South Africa.

Our work addresses a gap in the documentation and analysis of these contemporary movements and conditions and will generate critical and timely new knowledge. Further, *Envisioning* will foster understanding across different societies internationally and different ethno-cultural communities within Canada. Our research will inform the search for solutions to a pressing international human rights challenge. *Envisioning* will capture and contribute to history-in-the-making of distinct but linked struggles at a key moment of national and global change.

Envisioning brings together a strategic alliance of partners with proven capacity in international LGBT human rights work with university partners, grass roots community partners, academic and community-based researchers, filmmakers and students to undertake a project of applied research, participatory video and documentary, capacity enhancement and knowledge mobilization. Our research team and partners are based in: Canada, India, Kenya, Uganda, Botswana, South Africa, Jamaica, Belize, Saint Lucia and Guyana. *Envisioning* is strengthened by the participation of partners who are at the forefront of decriminalization strategies and social service providers who serve LGBT immigrant communities. By building an international network of partners, *Envisioning* aims to share experience, resources and knowledge, and develop policy interventions that will translate local concerns into effective strategies to address issues of criminalization, human rights and asylum for LGBT people. Our aims are to: i) contribute an analysis of criminal and immigration laws that impact sexual minorities, ii) identify human rights violations, iii) document organizational histories, and iv) build community outreach and participation.

Envisioning seeks to develop global partnerships that respect cultural, economic and

social differences. We have identified specific regions, countries and partners based on our understanding of current LGBT decriminalization and human rights initiatives - to address the intersections between criminalization, colonialism, sexuality and gender. While we are undertaking research in multiple sites, our project is not a comparative study, although there are comparative aspects of the legal research. A qualitative study that probes the antecedents and civil society responses to laws criminalizing LGBT people must be tailored to each site, because conditions in each country are historically produced and geographically specific. While LGBT identities exist in non-western countries, LGBT, sexual orientation and gender identity are western concepts that are inadequate to describe the indigenous practices of gender transfer or third-sex that exist in regions of our study. Further, colonialism shaped understandings of gender and sexual identity. The policing of identities/expressions and sexuality/gender is entangled with issues of power and inequity inherent to colonialism. Our approach requires sensitivity to cultural differences and a critical stance toward the imposition of western definitions that fail to engage with the diverse practices and understandings of sexual orientation and gender identities/expressions in the Global South.

The project will result in the following outcomes: two feature length documentaries based in India and Botswana and participatory video projects with our partners in Kenya, Uganda, and the Caribbean on precedent setting decriminalization initiatives; academic papers and reports on decriminalization, LGBT human rights; academic papers and reports on asylum issues affecting LGBT people in South Africa and Canada; conference participation; policy recommendations; and an international conference in Toronto with published proceedings to be produced in book form.

Envisioning Global LGBT Human Rights Research Team:

Host institution: York University. The project will be sited at the Centre for Feminist in partnership with Osgoode Hall Law School, the Sexuality Studies program and the Faculty of Fine Arts.

Principle Investigator: Associate Professor Nancy Nicol, Visual Arts Dept., York University and documentary filmmaker. nnicol@yorku.ca

Research Team

1. Barry Adam, Sociology and Anthropology, University of Windsor, and Senior Scientist and Director of Prevention Research, Ontario HIV Treatment Network.
2. Aditya Bondyopadhyay, Lawyer and LGBT activist. South Asia representative for ILGLaw, based in India.
3. Naisargi N. Dave, Assistant Professor, Department of Anthropology, University of Toronto.
4. Enakshi Dua, Associate Professor, Director Feminist Research Centre, York University.
5. R. Douglas Elliott, Charter Rights lawyer, Toronto.
6. Gareth Henry, formerly director: Jamaica Forum for Lesbians, All-Sexuals and Gays (J-FLAG).
7. Jennifer Hyndman, Associate Director, Centre for Refugee Studies, York U, Toronto.

8. Adrian Jjuuko, Executive Director: Human Rights Awareness and Promotion Forum-Uganda (HRAPF)
9. Helen Kennedy, Executive Director, Egale Canada, Toronto.
10. El-Farouk Khaki, immigration and refugee lawyer, Toronto.
11. Gary Kinsman, Professor, Sociology, Laurentian, Sudbury.
12. Lydia Makoroka, Research Coordinator, AIDS Committee of Toronto.
13. Monica Mbaru, Lawyer and human rights defender, Kenya
14. Nick Mulé, Associate Professor, School of Social-Work, York University.
15. David Murray, Associate Professor, Director of Graduate Program in Women's Studies, York University
16. Kyle Scanlon, Education, Training and Research Consultant, 519 Church St. Community Centre, Toronto.
17. Pam Shime, Founding Director, Global Advocacy & Leadership Institute, Toronto.
18. Monica Tabengwa, Lawyer, founder of Lesbians, Gays and Bisexuals of Botswana, based in Botswana.
19. Maurice Tomlinson, Law, University of Technology, Jamaica
20. Kim Vance, Co-Director, ARC International (Canada/Switzerland) and graduate student, Adult Education, St. Francis Xavier University, Nova Scotia.
21. Phyllis Waugh, Community Outreach Worker, Rainbow Health Ontario; Chair, Rainbow Health Network.
22. Charmaine Williams, Chair of Social Work in Health and Mental Health at U. of T.

Partners

Africa:

1. Coalition of African Lesbians (CAL), Johannesburg, South Africa.
2. Forum for Empowerment of Women, FEW, Johannesburg, South Africa.
3. Gay and Lesbian Coalition of Kenya (GALCK), Nairobi, Kenya.
4. The Inner Circle, Cape Town, South Africa.
5. Lesbians, Gays and Bisexuals of Botswana (LEGABIBO). Gaborone, Botswana.
6. Sexual Minorities Uganda, Kampala, Uganda.
7. University of the Witwatersrand, African Centre for Migration and Society, Johannesburg, South Africa.

Canada:

8. APPA, African's in Partnership Against AIDS. Toronto.
9. Alliance For South Asian AIDS Prevention (ASAAP). Toronto.
10. ARC International. Ottawa, NYC and Geneva.
11. Black Coalition for AIDS Prevention, Toronto.
12. Egale Canada. Toronto.
13. Inside Out Toronto LGBT Film and Video Festival. Toronto.
14. University of Toronto, Mark S. Centre for Sexual Diversity Studies. Toronto.
15. Pride Uganda Alliance International. Toronto.
16. The 519 Church St. Community Centre. Toronto.
17. Ontario Council of Agencies serving immigrants (OCASI), Toronto.
18. Ontario Research and Innovation Optical Network (ORION), Toronto.
19. Rainbow Health Ontario. Toronto.

Caribbean:

20. Jamaica Forum for Lesbians, All-Sexuals and Gays (J-FLAG), Kingston, Jamaica.
21. United and Strong. Castries, Saint Lucia.
22. United Belize Advocacy Movement (UNIBAM). Belize City, Belize.
23. Society Against Sexual Discrimination. Georgetown, Guyana.

India:

24. Naz Foundation (India) Trust, New Dehli.
25. Naz Foundation International in conjunction with the Maan AIDS Foundation, Lucknow.
26. Sangini (India) Trust, New Dehli.

International

27. International Gay and Lesbian Human Rights Commission (IGLHRC). New York City, U.S.A. and Cape Town South Africa
28. International Lesbian, Gay Bisexual, Transgender and Intersex Law Association (ILGLaw).
29. Global Alliance for LGBT Education (GALE). Amsterdam, Netherlands.