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CANADA MUST ACT AGAINST INTERNATIONAL HATE LAWS TARGETING LGBTQ PEOPLE

*Marking International Day Against Homophobia and Transphobia,
dozens of organizations release 10-point plan for federal government*

TORONTO, May 16, 2014 — As activists around the world prepare to mark the International Day Against Homophobia and Transphobia (IDAHOT) tomorrow, May 17, more than 85 civil society organizations Canada-wide are calling on the Government of Canada to take critical steps to defend the rights of lesbian, gay, bisexual, transgender and queer (LGBTQ) people around the world. A signed letter to the Honourable John Baird, Minister of Foreign Affairs, details a 10-point plan of action for things Canada can do to uphold LGBTQ rights and concretely pursue its “Dignity Agenda,” a key tenet of Canada’s foreign policy outlined by the minister.

Recently, there has been a marked escalation of assaults on the basic human rights of LGBTQ people in many countries. These assaults include new explicitly anti-LGBTQ laws in countries such as Russia, Nigeria, and Uganda; in other countries, such as India, laws to prohibit homosexuality have misguidedly been reinstated. More than 80 countries worldwide criminalize homosexuality, sometimes punishing by death consensual sex between adults.

With an establish history of supporting LGBTQ rights internationally, Canada has rightly condemned this wave of hate. However, words without action will not produce the kind of change that is now desperately needed, as more and more LGBTQ people are being subjected to legislated persecution and violence.

“Speaking out is important, but we need a strategic and ongoing response to these blatant human rights abuses that are destroying lives the world over,” said Richard Elliott, Executive Director of the Canadian HIV/AIDS Legal Network. “The vitriol and violence are escalating, as we’ve seen most recently in a report from Uganda documenting abuses since the passage of the Anti-Homosexuality Act. We need to work in concert with local human rights advocates in affected countries, letting political and religious leaders know that legislating and inciting hate will not be allowed to continue with impunity.”

To that end, a new coalition, namely #ENDhatelaws, has been formed by group of human rights advocates to raise awareness of this ongoing epidemic of hate and to press the Canadian government to do more to defend the basic human rights of LGBTQ people

(www.endhatelaws.com). This volunteer-run coalition is among the many signatories to the open letter to the Foreign Affairs Minister.

“We call on Minister Baird and the Government of Canada to adopt this well-considered 10-point plan of action to end hate laws,” said Andrea Houston, volunteer with #ENDhatelaws. “The action plan reflects what human rights defenders in countries such as Uganda and Nigeria have asked for by way of support from the international community. It’s a very important time for Canada to take definitive action, as we will be hosting WorldPride next month and welcoming LGBTQ human rights advocates from around the world. Canada needs to outline how it will stand in solidarity with persecuted people around the world.”

Read the open letter to the Honourable John Baird at <http://bit.ly/1sA18WB>.

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OPEN LETTER TO THE GOVERNMENT OF CANADA



May 16, 2014

Hon. John Baird
Minister of Foreign Affairs
Office of the Minister
Foreign Affairs, Trade and Development Canada
125 Sussex Drive
Ottawa, Ontario
CANADA K1A 0G2

Dear Minister Baird:

Re: Urgent action to prevent further human rights violations against LGBTQ people and end hate laws

In recent months, we have witnessed an escalation of assaults on basic human rights of lesbian, gay, bisexual, transgender and queer (LGBTQ) people in various countries. Often, these developments form part of a broader pattern of scapegoating particular communities and suppressing civil society freedoms for political purposes, and reflect a broader culture of corruption and impunity for human rights violations.

These assaults include new explicitly anti-LGBTQ laws in countries such as Russia, Nigeria, and Uganda, which strike at the core of freedom of expression to even discuss or defend the human rights of LGBTQ people, and in some cases, even penalize consensual sex between adults with imprisonment for years, or even life. Such new laws, along with developments such as the recent and widely-condemned decision by India's Supreme Court to re-instate the penal code's prohibition on homosexuality, have led to an increase in the number of countries around the world where LGBTQ people's very identities, expressions, and even existence are criminalized. This is now the precarious situation for LGBTQ people in more than 80 countries worldwide. In some countries, consensual sex between adults of the same sex remains punishable by death.

We have also witnessed increasingly vitriolic statements from various political and religious leaders, including explicit declarations that LGBTQ people are threats to children or, in the recent words of the president of Gambia, "vermin" who should be eradicated. In Zimbabwe, the president has repeatedly declared that gays and lesbians are "worse than dogs and pigs" and has called for them to be beheaded.

That rhetoric has often been amplified by media in many settings, including media outlets actively encouraging prosecution, imprisonment and even murderous violence against LGBTQ people. For example, in the wake of the passage of Uganda's new *Anti-Homosexuality Act*, tabloids have (again) published the names and photographs of alleged LGBTQ people they urge be targeted. Not surprisingly, we have seen numerous instances of hate crimes and mob violence, including horrific assaults, torture, "corrective rape" and murder of LGBTQ people – which included human rights defenders who have dared to speak publicly – from Cameroun to Russia, from Jamaica to Nigeria, to name just a few examples.

The international community has witnessed such a phenomenon before, on numerous occasions. We know where such a gathering storm of hate and violence, encouraged by political leaders, wrapped in the rhetoric of

religion (including, by extremists from Western countries) and authorized by law, can lead if it goes effectively unchallenged, and if world leaders do not pay heed to the warning signs. We already have far too many reports of violence and death, and the risk to many LGBTQ people is mounting steadily in some countries as the international community watches. Meanwhile, fanning the flames of discrimination and persecution based on sexual orientation and gender identity undermines efforts to achieve the globally-agreed goal of universal access to HIV prevention and treatment.

We welcome your public statements as Canada's Minister of Foreign Affairs condemning the adoption of anti-LGBTQ laws in Russia, Nigeria and Uganda. We note that the UN Secretary General, the UN High Commissioner for Human Rights and the Executive Director of UNAIDS have also condemned such violations of basic human rights and have called on countries to desist from such persecution and instead decriminalize homosexuality.

However, such statements are not enough.

Without a more concerted, ongoing response to legislated discrimination and public hatemongering, the message to political and religious leaders adopting and advocating such laws and such violence is that they can continue to do so with impunity. The predictable result is the further spread of such persecution and more human rights abuses that destroy lives, families, and communities.

We therefore call upon the Government of Canada to act, individually and in concert with other like-minded governments, to defend the fundamental human rights of LGBTQ people. In particular, we call upon Canada to take the following steps:

1. **Continue to speak out** publicly and privately against the adoption of anti-LGBTQ laws and against violence and other hate crimes targeting LGBTQ people, and call for the repeal of such laws. **Work with respected jurists and faith leaders, as well as other human rights defenders and community leaders** – both in Canada and internationally in countries where LGBTQ people face criminalization and violence – to mobilize their respective constituencies in speaking out against anti-LGBTQ laws and violence.
2. Temporarily **recall Canada's ambassadors** from countries that have recently adopted anti-LGBTQ laws for consultations on how best our diplomatic representatives can continue pressing these states to suspend and repeal such legislation so as to comply with international and regional human rights standards.
3. **Deny visas** to people who propagate hate or incite or commit violence against LGBTQ people – including legislators sponsoring or supporting laws criminalizing LGBTQ people, those who engage in or publish hate speech inciting violence against people based on sexual orientation or gender identity, or those who knowingly do business with or provide financial support to those promoting or participating in such violations of human rights of LGBTQ people.
4. **Review current official development assistance** to government institutions and non-governmental organizations that promote or support legislation criminalizing LGBTQ people or encouraging hatred or violence against LGBTQ people. While preserving essential health or social services, examine options for redirecting any such funding within a country, so as to support service providers that are inclusive of and address the needs of LGBTQ people and to support community advocacy efforts to protect human rights of LGBTQ people. Clearly and publicly define a commitment to LGBTQ rights in Canada's broader foreign policy, including with respect to international development.

5. **Investigate and freeze the financial holdings or investments** in Canada of legislators or others inciting hatred and violence against LGBTQ people, including those who knowingly do business with or provide financial support to those promoting or participating in such violations of human rights of LGBTQ people. Freeze those assets until such time as those responsible have repealed such legislation, publicly condemned anti-LGBTQ violence or cease such business or support, as the case may be. Through legislative or other means, pressure Canadian corporations that support businesses promoting the criminalization of LGBTQ people or anti-LGBTQ violence – such as through advertising in media promoting such persecution – to withdraw such support.
6. **Use all available diplomatic channels** to pressure countries to repeal anti-LGBTQ laws and to discourage other countries from adopting similar legislation. This should include both bilateral engagement and the use of regional, UN and other international fora and mechanisms. Introduce an inter-departmental task force to advance this Ministerial priority and provide specific tools and additional resources to support the work of Canadian diplomats in advancing LGBTQ rights as a clear foreign policy objective.
7. **Support the work of international and regional human rights mechanisms** to document and respond to human rights abuses against LGBTQ people. Mobilize other states to oppose anti-LGBTQ measures or statements being brought forward in international fora (e.g., Russia’s “traditional values” resolution at the UN Human Rights Council). **Convene an international meeting** to set an agenda for defending and promoting LGBTQ rights as part and parcel of a broader culture of defending human rights.
8. Invite leaders and legislators of states with laws criminalizing LGBTQ people to immediately suspend such laws and **engage in a dialogue** with countries such as Canada that have abolished such legislation about the benefits they have realized from moving beyond such persecution and fostering more inclusive societies on the principle that fundamental human rights are indeed to be universally enjoyed.
9. Contribute political, physical, financial and technical **support to human rights defenders** working to protect the health, safety and rights of LGBTQ people, including through Canadian missions abroad, by: (a) providing support for security measures needed LGBTQ rights defenders; (b) speaking out when LGBTQ people are charged under discriminatory laws criminalizing them or their defense of human rights; (c) intervening when human rights defenders are detained, including by having diplomatic personnel raise objections and monitor trials of human rights defenders and others targeted under anti-LGBTQ laws; (d) strengthening the capacity of both LGBTQ and non-LGBTQ human rights organizations to defend basic human rights; (e) providing support for challenging discriminatory anti-LGBTQ legislation in courts; and (f) more generally providing support for building the capacity of lawyers and the judicial system to defend human rights, including the rights of LGBTQ people.
10. **Facilitate asylum** in Canada for LGBTQ people fleeing persecution because of their sexual orientation or gender identity, in the case of both those seeking asylum from within Canada and those seeking assistance abroad. This should include: (a) expanding the government’s earlier initiative to support LGBTQ refugees in need of protection; (b) recognizing the need for priority processing of LGBTQ people “at risk” or in need of protection under the “Urgent Protection Program;” and (c) offering asylum to LGBTQ human rights defenders and other LGBTQ people unwillingly “outed” by media outlets or political leaders in countries where LGBTQ people are criminalized or where such outing is intended, or can reasonably be expected, to incite violence, criminal prosecution or other persecution against them.

Such actions enjoy widespread support from Canadian civil society and reflect appeals for support from LGBTQ advocates around the world facing hostility, criminalization and hate crimes. We look forward to your response and to a strong, sustained response from the Government of Canada in defence of fundamental human rights.

Sincerely, the undersigned:

Canadian HIV/AIDS Legal Network / Réseau juridique canadien VIH/sida
AIDS ACTION NOW!
Egale Canada
ARC International
#ENDhateLaws Coalition
Jer's Vision
Rainbow Railroad
Rainbow Refugee Committee
#TOwithRussia Coalition
Abortion Rights Coalition of Canada (ARCC)
Action positive VIH/sida
AIDS Coalition of Nova Scotia
AIDS Committee of Durham Region
AIDS Committee of Newfoundland and Labrador
AIDS Committee of Simcoe County
AIDS Committee of Toronto
AIDS Moncton
AIDS PEI Community Support Group Inc.
AIDS Saint John
AIDS Vancouver Island
AIDS Vancouver
BC Coalition of People with Disabilities
Canadian Aboriginal AIDS Network
Canadian AIDS Society / Société canadienne du sida
Canadian Anthropology Society / Société Canadienne d'Anthropologie
Canadian Association of Nurses in HIV/AIDS Care (CANAC)
Canadian Federation of Students
Canadian Harm Reduction Network
Canadian Public Health Association
Canadian Treatment Action Council (CTAC)
Canadian Unitarian Council
Canadian Working Group on HIV and Rehabilitation (CWGHR)
Capital Pride
CATIE (Canadian AIDS Treatment Information Exchange)
Central Alberta AIDS Network Society
Dignity Canada Dignité
Dignity Toronto Dignité
Dignity Winnipeg Dignité
Elementary Teachers' Federation of Ontario
Fierté Montréal
Grandmothers Advocacy Network
HIV & AIDS Legal Clinic Ontario

HIV/AIDS Regional Services (HARS)
Interagency Coalition on AIDS and Development (ICAD) / Coalition interagence sida et développement (CISD)
International Association of Machinists and Aerospace Workers
Kulanu Toronto
Latinos Positivos Toronto
Le Portail VIH/sida du Québec
M.A.IN.S. (Mouvement d'aide et d'information sida) Bas St-Laurent
Northern AIDS Connection Society
Nova Scotia Rainbow Action Project
Ontario Federation of Labour
Ontario HIV Treatment Network
OPSEU (Ontario Public Service Employees Union) Rainbow Alliance
Ottawa International SOGI Rights Network
Out On The Shelf
Pacific AIDS Network
Parksville/Qualicum KAIROS
PFLAG Canada Brockville, Ontario
PFLAG Canada Durham Region
Portail VIH/sida du Québec
Positive Living North
Positive Living Society of British Columbia
Positive Women's Network
POWER (Prostitutes of Ottawa-Gatineau Work Educate & Resist)
Pride Toronto
Public Service Alliance of Canada
Queer Ontario
Rainbow Health Network
RÉZO
Saskatchewan Federation of Labour
Saskatchewan HIV HCV Nursing Education Organization
Saskatchewan Public Health Association
Sexuality Education Resource Centre MB
Social Action For Equality Inc.
Socialist Action / Ligue pour l'Action socialiste
Stella
The AIDS Network (serving Hamilton, Halton, Haldimand, Norfolk and Brant)
Toronto PFLAG
Toronto Queer West Arts Centre
United Church of Canada
University of Guelph
Vancouver Island Persons Living with HIV/AIDS Society (VPWAS)
West Coast LEAF
Women in Toronto Politics (WiTOpoli)
Women's Legal Education and Action Fund (LEAF National)
YouthCO HIV & Hep C Society

