

REPORT ON LAUNCH OF YOGYAKARTA PRINCIPLES

**For further information about the
Yogyakarta Principles:**

<http://yogyakartaprinciples.org>
mail@yogyakartaprinciples.org

Report prepared by:



Introduction:

The Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity were officially launched on March 26, 2007. The international and regional response has been swift, far-reaching, and overwhelmingly positive.

The Principles were developed at a meeting in Yogyakarta, Indonesia, and adopted by a distinguished group of international human rights experts. They set out key obligations of States and other actors, and were developed in response to well-documented patterns of abuse, perpetrated because of actual or perceived sexual orientation or gender identity. They address rape and other forms of gender-based violence; extrajudicial executions, torture and other forms of cruel, inhumane and degrading treatment; medical abuses; repression of free speech and assembly; and discrimination in work, health, education, housing, access to justice and immigration.

The Principles were publicly launched at a series of international and regional events, timed to coincide with the main session of the United Nations Human Rights Council in Geneva. This report outlines the key launch activities, and the international response. For more information about the background and contents of the Principles themselves, see <http://yogyakartaprinciples.org>, or contact mail@yogyakartaprinciples.org.

Overview of launch activities:

- The Principles were previewed in New York at a parallel event at the UN Commission on the Status of Women, titled: "Not Such Strange Bedfellows: Sexual Orientation & Gender at the UN" on March 6, 2007. Panellists included Cynthia Rothschild of the Center for Women's Global Leadership, Kim Vance of ARC International, Scott Long from Human Rights Watch, Wendy Isaac of People Opposed to Women Abuse and Rebecca Sevilla, a human rights defender from Peru.
- The Principles were publicly launched in Geneva on Monday, March 26, 2007, at an evening reception immediately following a plenary session of the UN Human Rights Council. Approximately 200 guests attended, including Ambassadors, State delegates, UN Special Procedures, members of treaty bodies and NGO representatives. The evening was hosted by the International Commission of Jurists and International Service for Human Rights. Key speakers included the meeting rapporteur and member of the UN Human Rights Committee Prof. Michael O'Flaherty, Co-Chairs Sonia Corrêa and Prof. Vitit Muntharborn and special guest Mary Robinson, former President of Ireland and former UN High Commissioner for Human Rights, speaks at the launch of the Yogyakarta Principles



Mary Robinson, former President of Ireland and former UN High Commissioner for Human Rights, speaks at the launch of the Yogyakarta Principles

Human Rights. The launch was very well-received and moved the Yogyakarta Principles squarely onto the international agenda.

- A panel discussion was held at the Human Rights Council on Monday, March 26, titled: *"The Yogyakarta Principles: the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity"*. Speakers consisted of experts who had attended the Yogyakarta meeting and been involved in developing the Principles, including Prof. Vitit Muntharborn, Sonia Corrêa of Sexuality Policy Watch, Prof. Michael O'Flaherty, Sunil Pant of the Blue Diamond Society, and Mauro Cabral of the International Gay and Lesbian Human Rights Commission. The panel attracted broad interest from more than 75 State and NGO attendees, and engaged participants in a vigorous discussion of the Principles and how they can be applied at both the international and national levels.



Prof. Vitit Muntharborn, Prof. Michael O'Flaherty and Sonia Corrêa engage States and NGOs in discussion of the Yogyakarta Principles

- A follow-up panel took place at the Human Rights Council on Wednesday, March 28, titled: *"The Yogyakarta Principles in Action: the application of the Yogyakarta Principles on Sexual Orientation and Gender Identity to human rights situations in regions around the world."* This panel provided an opportunity for NGO speakers to highlight the practical application of the Yogyakarta Principles to actual human rights abuses currently being experienced in different countries. The panel was facilitated by Alejandra Sardá of Mulabi - Espacio Latinoamericano de Sexualidades y Derechos and the Sexual Rights Initiative. Speakers included Cynthia Rothschild of the Center for Women's Global Leadership, Daniel Ottosson from ILGA, Beto de Jesus of ABGLT (the Brazilian LGBT federation), Mauro Cabral of IGLHRC and Prudence Mabele of the Positive Women's Network in South Africa and the Sexual Rights Initiative. A broad range of international NGOs were involved in supporting the panel, including the International Commission of Jurists, the International Service for Human Rights, Global Rights, Amnesty International, the Center for Women's Global Leadership, ILGA, ILGA-Europe, IGLHRC, Human Rights Watch and ARC International.
- Two background documents were prepared in all 6 UN languages and distributed to NGOs around the world, together with a sample Press release that could be adapted for local use. This facilitated very positive engagement by activists from every region to promote visibility and awareness of the Principles.

State responses:

Many States expressed their support for the Yogyakarta Principles, attending the launch reception, lunchtime panels and providing positive feedback. A particularly significant development is that within days of the launch, States were already beginning to cite the Principles in their statements to the plenary of the UN Human Rights Council.

More than thirty States made positive interventions at the Council on sexual orientation and gender identity issues, with seven States specifically referring to the Yogyakarta Principles: the Czech Republic, Switzerland and the Nordic Countries Denmark, Finland, Iceland, Sweden and Norway. In addition, a number of Latin American and European States expressed a willingness to highlight the Principles during upcoming sessions of the Council.

In their interventions, States described the Principles as "groundbreaking" and as articulating "legally-binding international standards that all States must respect". States commended the Principles to the attention of the UN Human Rights Council, the High Commissioner for Human Rights, Special Procedures and treaty bodies, thus laying the groundwork for future action.

State interventions included:

- **Czech Republic (during interactive dialogue with the Special Rapporteur on Freedom of Expression):**

"In view of the joint statement adopted by 54 States at the last session of this Council, urging all Special Procedures to integrate consideration of human rights violations based on sexual orientation and gender identity within their mandates, may we ask you to give particular consideration in your next report to violations of the right to freedom of expression based on sexual orientation and gender identity? In this respect, the Czech Republic would also like to draw your attention to the recently-adopted Yogyakarta Principles."

- **Switzerland (during general debate):**

"Switzerland is concerned by the cases of serious discrimination, violence, arbitrary detention, torture and even death, directed against people because of their sexual orientation or their gender identity. ...

We would also like to draw the attention of the Council to the Yogyakarta Principles, adopted last November in Indonesia. These are a set of principles on the application of international human rights law in relation to sexual orientation and gender identity. These Principles focus on legally-binding international standards that all States must respect. We invite the High Commissioner for Human Rights, this Council, the Special Procedures and the treaty bodies to apply these Principles in their future work.

We ask the Council to grant all necessary attention to human rights violations based on sexual orientation and gender identity and we support holding a discussion on this issue in the near future."

- **Joint statement delivered by Norway on behalf of Nordic States Denmark, Finland, Iceland, Norway and Sweden:**

"During our session in November last year, Norway had the honour to make a statement on human rights violations based on sexual orientation and gender identity on behalf of 54 States. In that statement we urged the Human Rights Council to pay due attention to these violations and requested the President of the Council to provide an opportunity for discussing these important human rights issues.

Numerous Special Procedures have documented violations of the human rights of lesbian, gay, bisexual and transgender persons, including the use of the death penalty, torture, criminal sanctions, police harassment, violence, rape, beatings, disappearances, denial of freedom of expression, raids and closures of NGOs, and violations of their right to education, health and housing.

The Nordic countries welcome the launching last Monday of the groundbreaking Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity. We believe they will make a useful contribution to the promotion and protection of human rights on the ground, and we commend them to the attention of States, treaty bodies and Special Rapporteurs."

- In addition to State interventions, the Yogyakarta Principles were also referenced in the UN plenary by NGOs, including the newly-accredited ILGA-Europe in a joint statement:

"A first step is to recognize the discrimination and violence suffered by our members, and we welcome the work of the Special Rapporteurs, who highlight in their reports the abuses suffered by sexual minorities in many parts of the world. ... We believe that, in the

framework of this debate, it is important to mention the Yogyakarta Principles, recently adopted by experts in international law and human rights. These Principles provide a solid basis for understanding the application of international human rights law to issues of sexual orientation and gender identity. We invite all members of the Council to consult these Principles, with a view to holding an informed debate on these issues.”

Regional responses:

In the weeks and days leading into the launch, information about the Yogyakarta Principles was distributed to NGOs around the world. Background documents, together with a sample Press release, helped maximize regional activities to highlight the application of the Principles to domestic human rights initiatives.

Positive responses were received from NGOs working in countries including Andorra, Argentina, Australia, Belize, Brazil, Cameroon, Canada, Chile, China, Denmark, Ecuador, France, Germany, Guyana, Hong Kong, India, Indonesia, Ireland, Japan, Kenya, Latvia, Mexico, Nicaragua, Peru, the Philippines, Romania, Russia, Senegal, South Korea, Thailand, Tonga, Uganda, UK, Uruguay, the USA and Zimbabwe.

Just some of the regional responses and activities to date have included:

- a Kenyan group seeking to use the Principles “to involve the media in our mission through sexual health and rights policy visibility”;
- a University professor in China planning to incorporate the Principles into an upcoming course on gender and culture;
- a letter, written by the Society Against Sexual Orientation Discrimination in Guyana, which was published in the national *Stabroek News*. The letter applied the Principles to challenge a government-sponsored debate on the topic “Teachers who are homosexual/lesbian should not be allowed to teach”, and drew upon specific recommendations in the Principles to demand action, both of the government and of the teachers’ union:
http://www.stabroeknews.com/index.pl/article_letters?id=56516979
- a transgender group in South Warwickshire, UK, adapting the press release to raise visibility for their activities;
- a group in Uganda describing the Principles as “a source of encouragement” and affirming the Principles as a valuable tool for domestic advocacy;
- broad dissemination of the Principles by a political party within the Principality of Andorra;
- use of the Principles in a transgender human rights training seminar in the USA;
- activists in Nicaragua interested in using the Yogyakarta Principles in upcoming community and government meetings to help challenge criminal provisions against homosexuality;
- a lawyer working on a challenge to colonial penal laws in India, who wrote that in the course of working on the legal petition, “I realized how vital was the Yogyakarta meeting and the attempt to put in place normative standards on the question of sexual orientation and gender identity”;
- a youth group seeking to use the Principles to challenge homophobia in Poland;
- an organization in Belize for men who have sex with men, requesting copies of the Principles to forward to their National AIDS Commission for legislative review.

Translations:

The Principles are being made available in the 6 official UN languages: English, French, Spanish, Russian, Chinese and Arabic.

In addition, community-members have expressed interest in translating the Principles into a variety of other languages, including Korean, Japanese, Nepali, Portuguese, Catalan, Romanian and Polish.

The willingness of many groups and individuals to commit volunteer energy to make the documents available in a broad range of languages reflects an exciting degree of interest in the Principles, and their relevance to domestic advocacy.

Media and publications:

Press releases have been issued by numerous local and international NGOs. A Google search on the term "Yogyakarta Principles" brings up more than 100,000 references, and highlights the fact that the Principles are being cited on Websites around the world. Media coverage has included columns in the UK Guardian, on-line news outlets in Indonesia and South Africa, a Kansas City on-line paper, the Australian Sydney Star Observer, and countless web blogs, newsletters and infazines.

Some typical comments from Web-bloggers have included:

- "These principles ... are far reaching and perhaps worth the three years [since Brazil withdrew its UN resolution on sexual orientation and human rights.] In the end what will happen is anyone's guess. ... Your job is to get [the United Nations] to pick it up and do something with it." (<http://queerthoughts.blogspot.com/2007/03/from-brazil-to-yogyakarta-gay-rights.html>)
- "I am now, under International Human Rights Law, officially human. And yesterday, I wasn't." (<http://aebrain.blogspot.com/search/label/TS%20Human%20Rights>)
- "Do we need the 29 Yogyakarta Principles? You bet your very life we do." (<http://philosophycorner.shelhnsn.com/search/label/Yogyakarta%20Principles>)

Not all the public responses have been positive: in a critique widely distributed through the Friday Fax of the Catholic Family & Human Rights Institute, the Principles were condemned as the work of "a handful of UN officials in league with a radical homosexual rights group", advancing "ideas on the far frontier of social policy."
(<http://www.cwnews.com:80/news/viewstory.cfm?recnum=50213>).

Another Conservative blogger wondered ominously in French:

"Pour le moment, aucun traité ou document contraignant de l'ONU ne comporte de référence à l'orientation sexuelle ... Mais pour combien de temps?"

("For the moment, no treaty or document binding on the UN includes reference to sexual orientation ... but for how long?")
(<http://leblogdejeannesmits.blogspot.com/2007/03/onu-encore-des-pressions-pour-les.html>)

Even these Conservative fears, however, reflect the extent to which the Principles have attracted international attention, and are perceived by opponents and supporters alike as a significant step forward in the recognition of human rights for lesbian, gay, bisexual and transgender people.

In addition, a number of respected legal and academic journals have expressed interest in publishing the Yogyakarta Principles, including:

- Reproductive Health Matters (a journal which produces in-depth coverage of sexual and reproductive health and rights issues for a multi-disciplinary, international audience);
- The International Human Rights Report (which gave similar treatment to the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights, and to the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights);

- La Revista Iberoamericana de Derechos Humanos (a leading Latin American Human Rights journal).

Next steps:

With the Principles publicly launched, and already being referenced by States and NGOs, significant efforts will now need to be dedicated to developing the tools to ensure their implementation at the international, regional and domestic levels. This will involve development of an Activists' Guide, preparation of legal and academic articles, as well as annotated jurisprudential supporting documentation, continued engagement with UN mechanisms, measures to support the use of the Principles in regional and domestic human rights advocacy, and education, training and awareness activities in partnership with NGOs in countries around the world.

A number of international and domestic NGOs have already begun discussions about projects to advance implementation of the Yogyakarta Principles, and we look forward to working with other members of the international community towards the Principles' promise of "a different future where all people born free and equal in dignity and rights can fulfil that precious birthright."
