



INTERNATIONAL DAY AGAINST HOMOPHOBIA AND TRANSPHOBIA 2014

GLOBAL FOCUS ISSUE: FREEDOM OF EXPRESSION

A BACKGROUND DOCUMENT



The issue of freedom of expression for sexual and gender minorities was chosen by activists worldwide as a priority area of concern that deserves our full attention on the upcoming International Day Against Homophobia and Transphobia, May 17, 2014.

This document offers some elements of reflection on this issue, proposes potential objectives for advocacy, suggests ideas for action and references key documents and declarations.

It is a document designed to be regularly updated and we invite all stakeholders to send us their suggestions for improvements and additions

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RATIONALE FOR MOBILIZING

WHY IS THE RIGHT TO FREEDOM OF EXPRESSION IMPORTANT?

Freedom of expression is a fundamental human right. It also underpins most other rights and allows them to flourish. The right to speak your mind freely on important issues in society, access information and hold authorities to account, plays a crucial role in the democratic vitality and health of any society.

The Universal Declaration of Human Rights (UDHR) sets forth in its first Article that 'all human beings are born free and equal in dignity and rights'. The right to freedom of expression is guaranteed in Article 19.

The International Covenant on Civil and Political Rights (the ICCPR), adopted by the UN General Assembly in 1976, gives legal force to many of the rights contained in the UDHR. All 167 states party to the ICCPR are required to respect its provisions and implement its framework at the national level. The ICCPR guarantees the right to freedom of expression in Article 19 in similar terms as the UDHR.

Article 19 of the ICCPR states: '(1) Everyone shall have the right to hold opinions without interference. (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice. (3) The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (i) For respect of the rights or reputations of others; (ii) For the protection of national security or of public order, or of public health or morals.'

The right to freedom of expression of members of sexual and gender minorities should thus be universally respected as part of the most fundamental human rights, as is enshrined in Article 19 of the Universal Declaration of Human Rights.

Yet, in the 78 countries in the world where same sex relationships are criminalized, positive expressions on the issue of sexual identity are censored, putting an initial barrier to any possibility to advocate for change, or to start addressing the stigma that sexual and gender minorities face. In many additional countries,

freedom of expression around sexual orientation and gender identity issues is heavily restricted by abusive laws which equate information about sexual and gender diversity to pornography, or deem them intrinsically harmful to children and/or offensive to society at large.

Our analysis reveals that at least 70% of the world population live in contexts where their freedom of expression on issues related to sexual orientation and gender identity is systematically being violated. This includes either countries where same sex relationships are outright illegal, or those like Russia which explicitly restrict freedom of expression on sexual orientation and gender identity issues, and also those which use other laws, like pornography or public morality laws, to systematically censor information related to sexual orientation and gender identity (as in China and Turkey, for example).

WORRYING TRENDS

The Russian Federation has recently provided the most notorious case of violation of freedom of expression for sexual and gender minorities through the banning of so-called ‘homosexual propaganda’ towards children, which actually results in the prohibition of any public discourse about sexual orientation and gender identity or expression; a case which has sparked international outrage.

But this cloaking of repression in the language of children’s rights and public morality has also become a very popular tactic for conservative constituencies in contexts where the direct and total criminalisation of same sex relationships is not an easy political option, which is the case in many of the Council of Europe countries and in much of Latin America. Bills were tabled recently in Ukraine, Costa Rica, Hungary, Lithuania and Latvia (and discussed by authorities in Armenia and Kyrgyzstan), and while largely unsuccessful for now (and recently repealed in Moldova), this trend casts a dark shadow over the future. Many organisations working with sexual and gender minorities are fearing that restrictions on freedom of expression and information will constitute their upcoming battleground.

Even in the most progressive countries on this issue, censorship on grounds of child protection is a constant concern, especially in regards to children's literature and school curricula. Freedom of expression also includes the freedom to seek, receive and impart information. Nevertheless, some UK faith schools were recently revealed to have maintained bans on the promotion of LGBT issues; an echo of the 'Section 28' legislation of the 1990s, which banned any positive information on homosexuality in schools.

WHAT CHILDREN NEED IS REAL PROTECTION

A core argument of opponents of sexual and gender diversities is the potential harm (i.e. confusion) that information about sex and gender can provoke in young people. Advocates of this position often refer to the 'best interest of the child'. Yet, international treaties such as the Convention on the Rights of the Child (CRC) have clearly defined that the best interest of the child is to have access to accurate and comprehensive information.¹

Moreover, restrictions on freedom of expression reinforce and legitimize hatred against LGBT people, rendering positive expressions taboo. This impacts on the self-esteem of LGBT young people, and generates school dropout and self-harming attitudes, including suicide. These effects are aggravated by the fact that imposing silence on LGBT young people causes deep psychological harm, characterised by self-stigma, loss of voice, and lack of access to redress.

Whereas legal restrictions play a fundamental role in restricting children and young people's freedoms of expression, local regulations - as well as attitudes - also play a devastating role. One example that has recently attracted attention is the blocking of certain websites in schools via internet filters, on the sole presumption that LGBT-related content is systematically offensive or equated with pornography (i.e. 'adult')

¹ Art. 13/1: 'The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.'

content). This constitutes a clear violation of the right to information. In addition, Article 19 of the CRC protects children from all forms of physical or mental violence, which includes hate speech and bullying.

For children raised by LGBT parents, restrictions to freedom of expression and right to information obviously constitute even more serious violations of these children's rights, as it directly impacts on the capacity of the parents to ensure their parental duties.

THE RIGHT TO FREEDOM OF GENDER EXPRESSION UNIVERSALLY VIOLATED

Many trans people have physical or behavioral characteristics that identify them as gender non-conforming. They are therefore more likely to be visible targets and to fall victim to discrimination, including the denial of basic civil rights and protections in education, labour, housing, public accommodation, and health care. They are also primary targets of physical and sexual violence, often committed by the same people who target lesbian, gay, and bisexual people.

In almost *no* country in the world can trans people freely express their gender identities without having to face extreme violations of their human rights. Progressive legislation, guaranteeing people's rights to free gender expression, lags far behind sexual orientation focused legal gains in all world regions.

In Europe, for example, 16 countries deny trans people the right to change their name and gender on official documents. And 23 of the 33 countries which do allow it require forced sterilisation as a prerequisite for such changes. 19 countries require divorce. Doctors and psychiatrists are all too often the final decision-makers on how trans people will be allowed to access their right to express their gender identity.

Less than a handful of governments worldwide have legal provisions in place for non-binary identifying individuals to have their gender expressions formally recognised. Interestingly, it is Nepal, Bangladesh and Pakistan which lead the way in providing recognition of 'third gender' on national identification papers. The

rest of the world lags far behind, and only a handful of national medical authorities do *not* categorise trans or gender non-conforming identities in terms of mental health conditions.

Gender expression is constantly being overlooked in laws protecting freedom of expression. And, even in countries where trans people's basic civil liberties are enshrined in wide-ranging equality laws, many experience serious everyday limits on being able to fully express their gender identities, or to reveal their transgender histories, without fear of social rejection, work-related reprisals or violence.

In some regions, notably Latin America, transphobic violence is perhaps the singular greatest threat facing LGBT communities as a whole – with clear impact on the rights of trans people to express themselves fully in public and in private.

LACK OF PROTECTION REINFORCES LEGAL RESTRICTIONS

Public expressions of LGBT concerns often face violent opposition from other social groups (mainly from nationalistic and dogmatic religious groups). Many manifestations like pride marches or cultural or academic events have had to be cancelled or were violently disrupted for lack of adequate protections. In many contexts, states have consistently failed to ensure the right to freedom of expression of LGBT groups by failing to provide even basic protections.

LACK OF LEGAL PROTECTION REINFORCES SOCIAL CENSORSHIP

Beyond the legal environment, social pressure acts as a tremendously powerful censor of the freedom of members of sexual and gender minorities to express themselves in many fundamental aspects of their lives. From the more or less conscious censorship of sexual or gender non-conforming expressions in the media,

to self-censorship of individuals in their everyday social and professional lives, for fear of repercussions, the lives, loves and emotions of millions of people are being silenced.

Even in progressive social and legal contexts, there is often a lack of explicit protection against discrimination on ground of sexual orientation and gender identity. This leaves individuals exposed to homophobic and transphobic abuse, which further acts to reduce the confidence of people to express what is perceived to be outside of strict gender and sexual majority norms. This does not only affect people who identify as sexual or gender minorities. This affects everyone in our societies, as social pressure and intimidation censors everyone's emotions and freedom to express their true selves.

HATE SPEECH AGAINST LGBT PEOPLE LEFT UNCHALLENGED

Whereas freedom of expression is also valid for opponents to LGBT equality, there is a red line beyond which expressions of opposition become hate speech. There is no universally accepted definition of the term 'hate speech' in international law. The term is usually used to refer to expression that is abusive, insulting, intimidating or harassing and/or which incites to violence, hatred or discrimination against groups identified by a specific set of characteristics.

Hate speech against people because of their sexual orientation or gender identity is in many places allowed to dominate public discourse without being challenged by public leaders or the media. Hate speech plays a key role in legitimising and encouraging discrimination, hostility and violence, and contributes to an environment in which homophobia and transphobia thrive.

Article 20 (2) of the ICCPR explicitly states that 'any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law'. Though it does not explicitly include discrimination, hostility or violence based on sexual orientation and gender identity, this could be inferred given the wider context of the covenant.

Arguably, the most effective response to hate speech is *more* speech, and states have a role in ensuring that all voices in a debate can be heard - including the voices of LGBT people, without fearing violence. Yet at the same time, states should clearly prohibit the advocacy of homophobic or transphobic hatred that constitutes incitement to imminent hostility, discrimination or violence.

Such prohibitions should conform to international standards on limiting the right to freedom of expression and information. Prohibitions that unnecessarily censor contentious viewpoints are often counter-productive to the aim of promoting equality for LGBT people and fail to address the underlying social roots of the kinds of prejudice that homophobia and transphobia are symptomatic of. Yet, only a grim 7% of the world population benefit of explicit laws restricting hate speech against sexual and gender minorities. And even this is largely cosmetic: the list of these countries include places like Serbia and Croatia, where appeals to violence against sexual and gender minorities systematically go unpunished, or Lithuania, whose Parliament has been continuously considering anti-LGBT legislation since 2009.

HIV AND FREEDOM OF EXPRESSION

Around the world, LGBT people are disproportionately affected by the HIV epidemic. Specifically, infection rates in men who have sex with men (MSM) and trans people are up to 20 times higher than in the general population. One of the main causes of this is, obviously, the restriction of accurate and objective information on the specific drivers of HIV for these groups, as homophobic laws, regulations and practices leave them out of public prevention and treatment policies.

In places where homosexual propaganda is banned, health services are often forced to silence all aspects of prevention for MSM and trans people who, in addition, do not dare to seek medical care and treatment, as this may lead to persecution, denial of services, detention, blackmail or violence.

Homophobic laws furthermore have strong indirect effects on the spread of HIV: they increase stigma and discrimination, and they damage the self esteem of sexual and gender minorities, resulting in more exposure to risk, including unprotected sex.

DIGITAL OPPORTUNITIES AND ONLINE CENSORSHIP

Digital media holds an enormous potential as a means of fulfilling the fundamental right of free expression. Online spaces often provide sanctuary for the safe expression of dissenting views, even if security concerns are a dire reality, with police or homophobic individuals trapping LGBT people, and governments exploiting digital technologies to suppress freedom of expression and bolster surveillance.

Unfortunately, access to online information concerning sexual orientation and gender identity or expression faces particular restrictions. Many governments, including from countries which don't explicitly restrict sexual and gender diversity, try to restrict information by closing sites or setting up filters.

Cases are regularly reported from around the world, of LGBT information sites getting censored by authorities. Sometimes, as in Turkey, legal cases bring justice, at least until renewed crackdowns. But in the vast majority of cases, vague morality or public order laws are being successfully and systematically enforced to silence information which is not conforming to strict majority norms.

In addition, local regulations and practices increase state-driven censorship. Many schools employ web filters that block any LGBT site, even the ones destined to prevent suicide amongst teenagers. Despite successful campaigns, such as the ones led by the American Civil Liberties Union in the US, blocking LGBT information sites remains a common practice left unchallenged.

BEYOND SEXUAL AND GENDER MINORITIES

Interestingly, the censorship of sexual and gender minorities issues acts as a powerful indicator of the general level of respect for human rights. Not surprisingly, the heaviest crackdowns on sexual and gender minorities come from contexts where there is equal pressure against advocates for democracy, right to freedom of religion or belief, racial equality, women's rights and minority rights in general.

Repeatedly, as in recent developments in Turkey and Armenia for example, gender equality measures are being cast – and effectively smeared – as enabling the promotion of homosexuality, attacks on traditional values, and the breakdown of established families. Where LGBT people are censored, all people are deprived of diverse and important viewpoints.

Defending freedom of expression of sexual and gender minorities is therefore not only to defend particularly vulnerable groups of people, it is also a strategic move; to stand in solidarity at the forefront, often referred to as the 'last frontier', of the defence of human rights. It is therefore a concern to all human rights organisations campaigning for freedom of expression rights for all people.

Freedom of expression is a fundamental human right. It also underpins most other rights and allows them to flourish. The right to speak your mind freely on important issues in society, access information and hold the powers that be to account, plays a vital role in the healthy development process of any society.

The Universal Declaration of Human Rights (UDHR) sets forth in its first Article that “all human beings are born free and equal in dignity and rights.” The right to freedom of expression is guaranteed in Article 19. The International Covenant on Civil and Political Rights (the ICCPR), adopted by the UN General Assembly in 1976, gives legal force to many of the rights contained in the UDHR. All 167 states party to the ICCPR are required to respect its provisions and implement its framework at the national level. The ICCPR guarantees the right to freedom of expression in Article 19 in similar terms as the UDHR.

Article 19 of the ICCPR reads as follows: “(1) Everyone shall have the right to hold opinions without interference. (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice. (3) The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (i) For respect of the rights or reputations of others; (ii) For the protection of national security or of public order, or of public health or morals.

The right to freedom of expression of members of sexual and gender minorities should thus be universally respected as part of the most fundamental human rights, as is enshrined in Article 19 of the Universal Declaration of Human Rights. Yet, in the 78 countries in the world where same sex relationships are criminalized, any positive expression on the issue of sexual identity is censored, putting an initial barrier to any possibility to advocate for change, or to start addressing the stigma that sexual and gender minorities face. In many additional countries, freedom of expression around sexual orientation and gender identity issues is heavily restricted by abusive laws which equate information about sexual and gender diversity to pornography, or deem them intrinsically harmful to children and/or offensive to society at large.

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ADVOCACY AGENDA

The advocacy agenda points below are taken from various existing mobilisations and policy briefs. This section does not intend to provide a ready-made agenda, but to provoke thoughts for organisations in the development of their own agenda.

UNITED NATIONS MECHANISMS:

- All Member States of the UN Human Rights Council should consider tabling a Resolution to affirm the right of LGBT people to freedom of expression and information and freedom of peaceful assembly.
- All Member States of the UN Human Rights Council should ensure, in light of the Advisory Committee's study, that future resolutions on traditional values recognise the negative as well as positive impact of traditional values on the effective implementation of human rights, in particular for people advocating for greater acceptance of LGBT rights.
- The Office of the High Commissioner for Human Rights, in completing the report on best practices in the application of 'traditional values', must consider measures taken by states to modify or eliminate traditional values and practices that contradict international human rights standards, particularly in relation to the rights of LGBT people to freedom of expression and freedom of peaceful assembly.
- All UN treaty monitoring bodies must clearly denounce any prohibition on 'homosexual propaganda' in their concluding observations to reports submitted by states.
- All member states must use the opportunity of the Universal Periodic Review process to call into question states that fail to respect the freedom of expression and peaceful assembly rights of LGBT people.

REGIONAL BODIES:

- Regional bodies must take concrete measures to support their denunciation of laws prohibiting “homosexual propaganda” in Member States, as incompatible with human rights standards. Any defiance against these standards must be shown to have consequences.
- Regional bodies should monitor the implementation and enforcement of prohibitions on “homosexual propaganda” and remind Member States of their obligations under the international and regional human rights instruments.

STATES WHERE PROHIBITIONS ON “HOMOSEXUAL PROPAGANDA” HAVE BEEN ADOPTED OR ARE UNDER CONSIDERATION:

- States and provincial administrations where prohibitions on ‘homosexual propaganda’ have been adopted or proposed should repeal or reject those prohibitions immediately.
- Any individuals convicted of ‘homosexual propaganda’ offences should have their convictions quashed and removed from their records, be refunded any fines that they have paid, and be afforded adequate redress for the violation of their human rights.
- States must reaffirm their commitment to promoting and protecting the rights to freedom of expression of all people on the basis of equal treatment and non-discrimination, regardless of sexual orientation or gender identity.
- States must fulfill their responsibility to take sustained and systematic action to modify or eliminate stereotypes and negative, harmful and discriminatory practices against LGBT people justified by traditional values.

ALL STATES:

- Include sexual orientation and gender identity or expression in legal provisions prohibiting incitement to hatred, discrimination, hostility or violence.
- Set up, and fund if need be, monitoring mechanisms on the censorship of voices from the sexual and gender minorities movements.
- Ensure that adequate positive exposure is given to voices from sexual and gender minorities so as to balance out the negative effects of social stigma and stereotypes. The most effective response to hate speech is more speech.
- Ensure adequate support and protection to sexual and gender minorities so as to balance out the intimidation from radical opponents.

ALL MEDIAS:

- Conduct analysis of their work on the stigmatisation and discrimination of members of sexual and gender minorities, as these have a direct effect on their freedom of expression.
- Ensure that reporting on sexual and gender minorities gives their members an opportunity to speak and be heard in a way that promotes a better understanding of them, while at the same time reflecting the perspectives of those communities.
- Ensure that sexual and gender minorities have the opportunity to express themselves directly.
- Ensure there are vehicles allowing that sexual and gender minorities find accurate, relevant and non-stigmatising information.



The issue of freedom of expression for sexual and gender minorities was chosen by activists worldwide as a priority area of concern that deserves our full attention on the upcoming International Day Against Homophobia and Transphobia, May 17, 2014.

For almost 10 years now, each May 17th marks the International Day Against Homophobia and Transphobia. Over the years, the Day has received attention from a very large range of institutions, including most UN agencies, and has received official recognition from the European Parliament, numerous states and countless local authorities across the world.

The Day acts as an entry point for all concerned stakeholders to take whatever action they see relevant in their context, and in light of their overall mission.

In approximately 120 countries in the world, hundreds of organizations take the most varied forms of action, from organising conferences to film festivals, protest or pride marches. Many other innovative actions mark the Day, such as the UNESCO-supported 'IDAHO lesson' to fight homophobic and transphobic bullying in classrooms, and many others which can be read about in our annual reports at www.dayagainsthomophobia.org/reports

Below are some quotes from activists around the world regarding the Day:

"The Day provides a clear focus and allows for easy actions, that can be done by small groups, be it 'simple' social gatherings or more elaborate public happenings, street actions, flashmobs, etc."

"The fact that the Day is officially recognized by almost 20 States, countless local authorities and several international institutions like the EU provides a strong argument for the legitimacy of our action in hostile contexts. On the Day, our opponents don't just have to face us, they have to face millions of our supporters, friends and allies worldwide."

“In countries where the government had already taken commitments to fight discrimination related to sexual orientation and gender identity or expression, the Day constitutes a perfect annual moment for accountability.”

“By addressing both homophobia and transphobia, the Day encourages people to keep thinking about the commonalities of these two aspects of hetero and cisnormativities. It also provides an entry point to questioning the transphobia within LG and B communities.”

“The Day constitutes an interesting moment to present reports on hate crimes. It also constitutes a privileged moment to talk to the medical sector, to psychiatrists’ associations, to academia, historians, anthropologists, etc.... This ‘scientific’ approach has been very effective in highly repressive contexts.”

“Opposing homo/transphobia can form a common denominator for a large spectrum of stakeholders. Hardly anyone, including religious authorities, will want to appear to support homophobia and transphobia, even if they refuse to support any concrete progressive measure to fight them as well. This framing also facilitates outreach to straight people and can move them from a ‘neutral’ position to a more proactive one.”

“The Day helps us attract better media attention. Each year, we meet a lot of interest from the press, and papers do extensive coverage of our activities.”

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IDEAS FOR ACTION



This section will be updated regularly at <http://dayagainsthomophobia.org/ideas-for-action-on-2014-idahot/>



You are also invited to join our "Creative Protest" working group on Facebook at <http://www.facebook.com/groups/IDAHOTcreative.protest>

The ideas listed below are designed to hopefully inspire creative actions to be held during the Day.



HELP MAKE THE WORLD A "FREE EXPRESSION ZONE"

One of the main ideas that is being taken up by activists around the world is the concept of reclaiming local public spaces as Free Expression Zones.

The suggestion is that Zones could be marked out with ribbon, tape, rope, human chains, posters, stickers or declarations etc. And acts within them could then include a diversity of expressive/creative actions such as kiss-ins, a 'one minute noise', dance flashmob street theatre performance, or visual arts-based activities, such as rainbow chalk events, face painting, or collective street art. Activists could also organise more established activities such as community speeches or candle-light memorials. More confrontational activities such as linking arms around a government building or church to reclaim it as a Free Expression Zone could also take place, and individual acts can also feature strongly around the Day – such as a single person taking a photo of themselves declaring their city a Free Expression Zone, and sharing it online.

There is also room here for playing with the concept of borders, in which the border becomes the focus of the action; either through symbolically constructing and defending 'minimum' spaces, or symbolically deconstructing and expanding 'safe' spaces. Alternatively, borders don't have to feature at all; a rainbow-coloured balloon release could be held as a way of liberating/expanding spaces, beyond safe/community zones, for example.

The Zones idea can also be 'added-on' to a range of activities. For example, at the meeting point/start of a street march – in which people are making banners or constructing other protest material, meeting one another, hearing speeches, etc. – can be reclaimed as a 'Free Expression Zone'.

In hostile contexts, where police repression is likely, actions can also be about simply expressing ourselves rather than explicitly 'protesting'. For example: getting a group of people together to 'just talk', stand still, read a book, hold a May 17 'stich and bitch', etc.

The framework therefore offers a very loose and flexible framework for a diversity of actions, which can be joined together – both symbolically – and in terms of numbers/visibility. As the actions come in they go up on the site and out to social media and partners. And, on the day, image/video/reports from actions can be joined together via a hashtag campaign on social media, and a co-ordinated communications buzz, supported by the IDAHO Committee team.

For more info see: www.dayagainsthomophobia.org/new-4-months-to-may-17-2014-help-make-the-world-a-free-expression-zone/

Within this call (or as alternatives to it), we're also finalizing various specific suggestions for community protest actions around Freedom of Expression. Some specific ideas include the following:



TALKING PROTEST (WE'RE JUST TALK-IN...)

Inspired by the Standing Man protests in Turkey in 2013 (and the Ice Cream protests in Moscow in 2013), the idea is really simple: people can get together on May 17 in a public space, not to explicitly hold a 'protest', 'demonstration' or 'march', but to just stand and talk to one another. Because it's not exactly a protest – just a group of people who've come together to stand around and talk – it makes it difficult for police to justify dispersing crowds or arresting people. After all, why would a supposedly democratic state arrest people for just talking, or just happening to be together in a public space? Symbolically, it's a powerful way to speak up about restrictions on freedoms of expression, assembly and association, and to practically challenge those restrictions at the same time.

For more info see: www.dayagainsthomophobia.org/talking-protest-were-just-talk-in/



ONE MINUTE NOISE

Rather than hold a one minute silence, why not hold a One Minute's Noise, or Shout Against Hate for May 17? Maybe it makes more sense to do an act where people really unleash their emotions and make themselves heard, rather than stay quiet? Activists who have taken part in these events report that the

atmosphere can become electric – much more than they had imagined – revealing the hidden (or until then silent) power of collective passion for change. It could be held in a local or private space, such as a community centre, perhaps as an ‘ice breaker’ before other events (therefore helping everyone to feel more at ease to express themselves). Or it could be held in a public space, or as part of a community show or performance.

For more info see: www.dayagainsthomophobia.org/one-minute-noise-shout-against-hate/



GOOGLE EARTH ‘LOVE’ BOMB

Join a collective Google Earth Bomb on May 17 to cover sites of hate and repression, with expressions of love. Made famous by Tunisian anti-censorship protesters, in 2005, who covered Ben Ali's presidential palace with video testimonies of political prisoners, Google Earth Bombing is a really simple way to put love, justice and human rights on the map – especially where physical protests are impossible, due to state restrictions on freedom of expression and assembly. Since anyone can upload images, videos or text additions to a particular place, all you really need are some simple instructions (absolutely no programming skills needed). People could ‘love’ bomb anywhere they want – e.g. by posting a photo of themselves and their partner kissing at a particular landmark. Or rainbows could appear above the Congress/Parliament buildings of certain countries which criminalise expressions of LGBT rights. Links or screen-shots can be shared via the hashtag #lovebomb (and #IDAHOT).

For more info see: www.dayagainsthomophobia.org/join-the-google-earth-love-bomb/



CHALLENGE THE (UGLY) WRITING ON THE WALL

How many times have we passed by walls on the street – or sat in a public toilet – and seen hateful messages about LGBT people? We are so used to them that almost nobody pays attention. But the hatred is still there, shouting at us through the streets of our own communities. Sure, graffiti is about expression, but what about our right to challenge that – to freely express our feelings, and to talk back about it? After all, these messages threaten our integrity as human beings and reinforce the idea that LGBT people are fair

targets for humiliation and attack ! Inspired by a great project by activists in Uruguay, community groups (or educators) can invite people to share pictures of graffiti against LGBT people, as a way of opening up discussion about everyday hate speech. The original project was made into a video which got over 10,000 views and got great feedback, especially from teachers.

For more info see: www.dayagainsthomophobia.org/challenge-the-ugly-writing-on-the-wall/

Further ideas for action, including dance flashmobs, kiss-ins, free expression bike rides and rainbow chalk-ins, are available (and being regularly expanded) at

www.dayagainsthomophobia.org/ideas-for-action-on-2014-idahot/

5 EXISTING ESSENTIAL REFERENCE TEXTS

The list below provides international reference text to the rights to freedom of expression as well as other related crucial rights.

The Universal Declaration of Human Rights

<http://www.ohchr.org/en/udhr/pages/introduction.aspx>

The International Covenant on Civil and Political Rights

<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

The European Convention on Human Rights guarantees the right to freedom of expression in Article 10. Protection from discrimination is prohibited in Article 14 and in Protocol No. 12. In its case law, the European Court of Human Rights has recognised that the prohibition of discrimination in Article 14 includes ‘sexual orientation’ and ‘transsexuality’ among its protected characteristics. Attempts to restrict freedom of expression are mainly referring to Article 10 (2), which states that ‘the exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.’

http://www.echr.coe.int/Documents/Convention_ENG.pdf

The African Charter on Human and People's Rights guarantees the right to freedom of expression and information under Article 9. There is no provision within the African charter equivalent to Article 20 of the ICCPR requiring states to prohibit incitement.

http://www.achpr.org/files/instruments/achpr/banjul_charter.pdf

The American Convention on Human Rights guarantees the right to freedom of expression under its Article 13. The article places a positive obligation on states to ‘make offences punishable by law for the advocacy of national, racial and religious hatred that constitutes incitement to lawless violence or to any other similar

action against any person or group of persons on any grounds including those of race, color, religion language or national origin.

http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm

The ‘Report of the United Nations High Commissioner for Human Rights: Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity’ is a study documenting discriminatory laws and practices and how international human rights law can be used to end violence related to sexual orientation and gender identity.

http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.41_en.pdf

The Camden Principles on Freedom of Expression and Equality represent a progressive interpretation of international law and standards, accepted state practice and the general principles of law recognised by the community of nations. The Principles were prepared by ARTICLE 19, in consultation with high-level UN and other officials, and civil society and academic experts. This document was created to promote greater global consensus about the relationship between respect for freedom of expression and the promotion of equality.

<http://www.article19.org/data/files/pdfs/standards/the-camden-principles-on-freedom-of-expression-and-equality.pdf>

The Convention of the Rights of the Child

<http://www.unicef.org/crc/>

Special Rapporteur on the right to education

<http://www.ohchr.org/EN/issues/Education/SREducation/Pages/SREducationindex.aspx>

Special Rapporteur on trafficking in persons, especially women and children

<http://www.ohchr.org/EN/issues/Trafficking/Pages/Traffickingindex.aspx>

Special Rapporteur on the sale of children, child prostitution and child pornography

<http://www.ohchr.org/en/issues/children/pages/childrenindex.aspx>

The Yogyakarta Principles are a universal guide to human rights which affirm binding international legal standards with which all states must comply. They were prepared by a panel of independent international legal experts.

<http://www.yogyakartaprinciples.org>

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**PUBLICATIONS ON
FREEDOM OF EXPRESSION,
SEXUAL ORIENTATION
AND GENDER IDENTITY**

The list below provides publications on freedom of expression and its connection to sexual orientation and gender identity published by human rights activists around the world.

ARTICLE 19's Analysis on Prohibition of Incitement to Discrimination, Hostility or Violence

This ARTICLE 19 policy paper proposes a set of recommendations to be used for interpreting and implementing those international obligations which prohibit all advocacy that constitutes incitement to discrimination, hostility or violence (“incitement” or “incitement to hatred”), as mandated by Article 20(2) of the International Covenant on Civil and Political Rights (“ICCPR”). Firstly, it delivers an in-depth analysis of the international and European legal framework for the interpretation and the regulation of “hate speech” and incitement to hostility, discrimination or violence in the case of sexual orientation and gender identity, compared to comparable forms of expression spreading other types of hatred. Secondly, it clarifies concepts by providing a typology of the different forms of “hate speech” regulated by different legal systems, on the double basis of the intention of the authors and of the actual impact of such forms of expression. Thirdly, the research provides a comparative analysis of different national and international legal systems.

<http://www.article19.org/data/files/medialibrary/3572/12-12-01-PO-incitement-WEB.pdf>

ARTICLE 19's Analysis on Homosexual Propaganda Bans

<http://www.article19.org/data/files/medialibrary/3637/LGBT-propaganda-report-ENGLISH.pdf>

The Trans Rights Europe Map & Index

A map and index published by Transgender Europe that provides an overview of European legislations as regards legislation allowing expression of gender identity:

http://www.tgeu.org/Trans_Rights_Map_Europe

ILGA Europe's Resource Center on Hate Speech Issues

http://www.ilga-europe.org/home/issues/hate_crime_hate_speech

IGLYO ON

A quarterly periodical published by IGLYO that provides thematic and training-oriented information for LGBTQ youth and students organisations in their fight for equality and justice.

<http://www.iglyo.com/resources/iglyo-on/>