

RIGHTS at RISK

Time for Action

Observatory on the Universality of Rights Trends Report
2021



The Observatory on the Universality of Rights (OURs) is a collaborative initiative that aims to monitor, analyze, and share information on initiatives that misuse religion, culture, and tradition to undermine the universality of human rights. Grounded in a feminist framework, the OURs initiative works across regions, issues, and human rights spaces towards the advancement of social justice. The OURs Working Group is made up of organizations and activists who work to protect and promote the universality of rights. For more on OURs, please visit www.oursplatform.org

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- Association for Women’s Rights in Development (AWID)
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- Due Diligence Project
- FEMENA
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- Muslims for Progressive Values
- Planned Parenthood – Global (PPFA)
- Sexual Rights Initiative (SRI)
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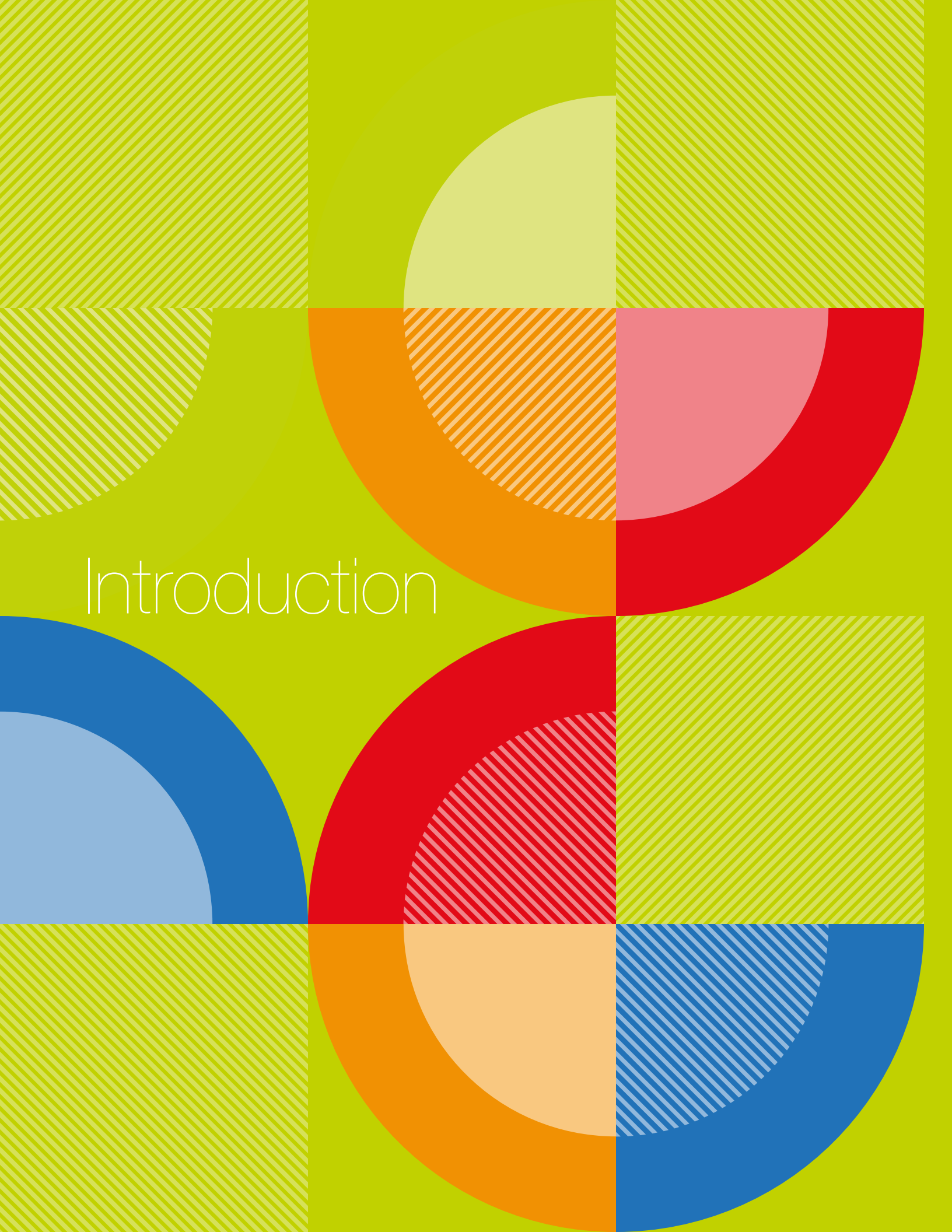
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Introduction

Introduction

– Inna Michaeli and Isabel Marler
AWID

Today, we face a global backlash against the human rights of women and LGBTQI people, against the right of each and every person to live freely and safely in their body and identity.

This backlash intensifies in response to the positive changes that threaten oppressive laws and social norms. Since the publication of our first report in 2017, millions of people's human rights have been defended and advanced in domestic and international law, against all the efforts of anti-rights actors.

In 2018, Uruguay passed an act for trans rights, while Portugal prohibited genital surgeries in intersex children. In 2019, laws criminalizing same-sex relations were repealed in Botswana and Angola. In 2020, Argentina's congress legalized abortion. In the United Nations, the tireless efforts of feminist and human rights advocates have advanced bodily autonomy and attention to intersecting discrimination in international human rights norms, and countered the misuse of freedom of religion in the service of patriarchal agendas. Chapter 1 celebrates these and other key wins for rights and justice around the world and in the international human rights system.

Meanwhile, anti-rights actors continued growing in their financial and political power. For example, the budget of Alliance Defending Freedom (ADF) skyrocketed from \$14 million USD in 2002¹ to \$55 and \$60 million USD in 2018² and 2019³ respectively. CitizenGo counts senior executives of companies like

IBM and Nestle among its donors.⁴ These enormous resources are put to use in the service of anti-rights agendas around the world, from eroding comprehensive sexuality education in Kenya to vilifying Black Lives Matter activists in the United States.

Recent years have seen many far-right leaders rise visibly to power. Considerably more than half of the world's population is now governed by far-right leaders.⁵ Perhaps less visibly, fundamentalist and fascist forces have entered our parliaments and municipalities. Once they enter, they act first and foremost to erode the most fragile parts of political systems, usually those that serve the people who have been historically marginalized, excluded from, and harmed by institutional power.

Recently, traditional conservative and centre-right parties have been pandering to extreme elements on the right and have mainstreamed their extremism. In some contexts, it took the form of xenophobic and anti-migrant sentiments, in others, the return to patriarchal and heteronormative family values, and often both. It is not uncommon to encounter – across different regions of the world – the notion that for a political party to appeal to the “mainstream,” it should compromise on equal rights commitments and embrace more and more extreme rhetoric against the rights of immigrants, Black and Brown people, ethnic and religious minorities, impoverished communities, women, LGBTQI people, and any other social group that can be scapegoated.

Beyond the realm of formal politics, we see the influence of fascisms and fundamentalisms on education systems, within development and charity sectors, manifesting in informal organizations and street demonstrations, and shaping the parameters of public discourse and consciousness. Generally speaking, anti-rights actors are abetted by media monopolies which support the same powerful elites these anti-rights actors belong to. With the rapid evolution of digital communications tools within the context of tech monopolies, we see anti-rights actors investing in social media spaces as a key avenue through which to claim the discursive sphere.

These socio-political trends cannot be detached from local and global economic developments. With most of the global wealth concentrated in the hands of corporations and incredibly wealthy individuals rather than states, public policy is increasingly subject to corporate and private sector interests. Financial institutions and the corporate sector claim adherence to liberal values and human rights discourses while advancing neoliberal, market fundamentalist agendas which erode pre-existing social safety nets and prevent the establishment of new ones. The resulting growth in poverty and social inequalities within and among societies allow anti-rights agendas and actors to win hearts and minds by exploiting social distress and scapegoating minorities. The concentration of the world's resources in the hands of the few ensures that inconceivable amounts of money can flow to finance anti-rights agendas, without

transparency and accountability. The section on corporate capture of the UN in Chapter 2 elaborates on the broader risks currently presented by market fundamentalism and corporate power to the international human rights system and its ability to fulfill its mission.

GENDER AND SEXUALITY ARE THE BREAD AND BUTTER OF FUNDAMENTALIST AND FASCIST AGENDAS

Gender and sexuality are the bread and butter of fundamentalist and fascist agendas. Patriarchy and its family unit – always heteronormative and reproduction-oriented – are the cornerstone of fundamentalisms and fascisms, and of colonialist, nationalist and ultra-nationalist ideologies. Gender justice, bodily autonomy and integrity, the freedom to live safely in diverse gender identities, expressions and sexual orientations, are the ultimate enemy. A section in Chapter 2 observes the current re-emergence of nationalist and ultra-nationalist discourses globally and the interconnections between far-right and fundamentalist actors. It makes clear how strict and repressive regulation of gender and sexuality plays a key role in nationalist and ultra-nationalist agendas and their demographic priorities. It is unsurprising that an ultra-nationalist government in Poland seeks to criminalize all forms of abortion and supports municipalities' declaration of "LGBT-free zones." In the same vein, we see that the Hindu nationalism resurgent in

Prime Minister Narendra Modi's India fixates on concepts such as "Love Jihad" – with gender and sexuality the boundary-keepers of nation and religion, which then need to be violently policed.

Three decades ago, a US television evangelist and Republican candidate famously said that feminism is an "anti-family political movement that encourages women to leave their husbands, kill their children, practice witchcraft, destroy capitalism and become lesbians."⁶ Today, this conspirative notion gains unprecedented grasp and legitimacy in the form of "gender ideology" discourse, analyzed in Chapter 3.

The proponents of this discourse perceive traditional patriarchal and heterosexual norms of masculinity and femininity as the only moral form of human existence. The concept of gender – and the reality that men and women's social roles vary across times and cultures – are obscured as a social fact and presented as a dangerous "ideology." In its essence, this discourse frames the threat that feminism presents to patriarchy and to the violent oppression of women and LGBTQI people, as a threat to society itself. Initially promoted by the Vatican and a few affiliated groups, this discourse has gained extensive ground, even with some individuals and groups affiliated with feminism and women's rights.

These local and global developments are reflected in international and regional human rights systems, as anti-rights actors gain

increasing power and present an existential risk to human rights. The phenomenal achievements on gender and sexuality in our human rights systems are under threat, as is the potential of international law progressions to enable successful advocacy for rights and justice nationally and regionally.

THE PHENOMENAL ACHIEVEMENTS ON GENDER AND SEXUALITY IN OUR HUMAN RIGHTS SYSTEMS ARE UNDER THREAT

The previous UN High Commissioner for Human Rights, Zeid Ra'ad al-Hussein, announced that he would not seek a second term in 2018, as “to do so, in the current geopolitical context, might involve bending a knee in supplication” to rights violators and “lessening the independence and integrity of my voice – which is your voice.”⁷

In theory, strong multilateral institutions could safeguard against human rights violations driven by anti-democratic, ultra-nationalist and fascist agendas on the national level. In practice, the entrance of these agendas and actors into national institutions of power across all regions of the world compromises the ability of multilateral institutions to respect, protect and fulfill human rights.

Building on the content in the first *Rights at Risk* report in 2017, this report analyzes in detail some of the main actors and the discourses and tactics they use so that policymakers,

civil society, and the public are better equipped to counter this influence and to safeguard human rights and the international human rights system. Chapter 3 explains and debunks key anti-rights discourses, such as “gender ideology,” “cultural imperialism,” and “prenatal genocide.” Chapter 4 conducts an overview of two prominent anti-rights actors (ADF and CitizenGo), their organizational profile, their leadership and the main tactics they employ. Chapter 5 offers a systematic examination of key tactics and strategies anti-rights actors use to undermine human rights systems, from disguising their goals to acquire formal accreditation, to infiltrating UN NGO committees and lobbying to place anti-rights actors in key positions.

WE ARE WITNESSING FASCIST AND FUNDAMENTALIST ACTORS THAT ARE ULTRA-NATIONALIST IN THEIR DISCOURSE, YET COMPLETELY TRANSNATIONAL IN THEIR NETWORKS

We are witnessing fascist and fundamentalist actors that are ultra-nationalist in their discourse, yet completely transnational in their ideological underpinnings, political alliances and networks of financing. In a pronounced neo-colonial dynamic, key anti-rights actors headquartered in the United States and Western Europe, in collusion with local anti-rights groups, export their anti-rights agendas throughout the world, as Chapter 4 demonstrates. This is all the more

ironic given that a key anti-rights discourse presents gender equality and a safe and free existence for LGBTQI people as “cultural imperialism” and the imposition of “Western values” on Global South and postcolonial societies. Chapter 3 highlights this and other key discourses employed by anti-rights actors in the international human rights system.

The tactics of anti-rights actors in international human rights spaces have a principal purpose: to undermine the system and its ability to respect, protect and fulfill human rights for all people, and to hold member states accountable for violations. Some anti-rights tactics operate from outside the UN and include delegitimization and political pressure to defund the UN, or to withdraw from international human rights agreements. In recent years however, anti-rights actors have also gained increasing presence and influence inside the UN. Their inside tactics include training of delegates, distortion of human rights frameworks, watering down and lowering human rights agreements, infiltrating NGO committees, applying for ECOSOC status under neutral names, infiltrating youth spaces and lobbying to place anti-rights actors in key official positions. Chapter 5 conducts an overview of these latest tactics.

Non-state anti-rights actors collude in multiple ways with member states, as Chapter 5 describes. In the hands of governments closely affiliated with fascism and fundamentalism, member states become active accomplices in eroding the multilateral system from the

outside (for example by defunding it or opting out of agreements and institutions) or from the inside (using their voice to undermine human rights processes).

THE TACTICS OF ANTI-RIGHTS ACTORS IN INTERNATIONAL HUMAN RIGHTS SPACES HAVE A PRINCIPAL PURPOSE: TO UNDERMINE THE SYSTEM AND ITS ABILITY TO RESPECT, PROTECT, AND FULFILL HUMAN RIGHTS

Facing this reality, civil society, human rights defenders, feminist and social justice movements – as well as policymakers and mandate holders committed to human rights – are working hard to “hold the line” and protect multilateralism and the international human rights system. They face the risk however that their engagement may bring with it violent reprisals, as the section on this topic in Chapter 2 elaborates. The rise of transnational corporate power and anti-rights actors have also raised questions about the role of the state in human rights systems, and whether it is able to deliver on demands for human rights.

Since the previous report in 2017, the world has changed. Presidents Donald Trump in the US and Jair Bolsonaro in Brazil joined the growing ranks of far-right leaders, emboldening one another and wreaking devastation on human rights and the environment, both domestically and on a global level.

THE CURRENT WEAKNESSES OF MULTILATERALISM WERE STARKLY HIGHLIGHTED DURING THE COVID-19 CRISIS

The COVID-19 crisis brought an extraordinary demonstration of progressive social policies and community initiatives of support and solidarity where governments failed to deliver for the people. It also exposed the cracks in the “old normal” and made the need for public health systems, for adequate social services and safety nets, for ending environmental degradation and the destruction of natural resources even more evident.

At the same time, it presented an irresistible opportunity that fascist and fundamentalist actors inside and outside governments exploited to increase the criminalization and persecution of human rights defenders, to legislate new levels of authoritarianism under “emergency regulations,” to militarize society, and to scapegoat people and social groups as fitting their agendas: Chinese people, Muslims, immigrants, LGBTQI people and so on.

The COVID-19 crisis further served as an excuse to attack multilateral institutions, primarily the World Health Organization (WHO), and to attempt to roll back reproductive and LGBTQI rights, domestically and internationally. Meanwhile, the pandemic created new restrictions on the already

compromised access of human rights defenders to regional and international human rights systems.

Although the moment called urgently for global cooperation, instead the current weaknesses of – and limited buy-in for – multilateralism and intergovernmentalism were starkly highlighted during the COVID-19 crisis. The United States, for instance, took this moment of worldwide health and economic crisis to harshly criticize, scapegoat, and ultimately withdraw from the World Health Organization in May 2020.⁸ In addition, by September 2020,⁹ a small number of rich countries rushed to buy 51 percent of the future supply of a COVID-19 vaccine, bypassing global initiatives to ensure equitable access. Amidst this absence of international solidarity and coordinated responses, international financial institutions (IFIs) like the IMF and World Bank continued to propose neoliberal solutions to the crisis in the form of new emergency loans targeting poor countries.¹⁰



How to read this report

This report complements the preceding 2017 edition which offers a detailed overview of anti-rights trends and discourses in the multilateral system and remains a highly relevant source of information and analysis. The signposting of relevant content in the 2017 report and internal cross-references is intended to ease access and navigation.

This report illuminates more recent developments, additional context analysis, and extends to analyze anti-rights trends in regional human rights systems. The report can be read as a whole, while chapters can also be read in any order, and used as stand-alone resources.

A collaborative effort of the OURs initiative, it brings together thorough research, analysis and expertise of the diverse OURs members. It also features powerful and inspiring short stories of feminist action and resistance, featuring the experience of OURs members.

You will find exercises and reflection questions interspersed throughout the chapters. Use these as a guide or starting point to discuss, with your organization or collective, how anti-rights trends are playing out in your context, and how to strengthen your response. Bring your findings and reflections back to us – email us at rightsatrisk@awid.org or get in touch via the OURs members' social media platforms, using the #RightsAtRisk hashtag.

This report aims to serve as a **practical tool for human rights advocates**, be they grassroots groups or international development agencies, individuals serving in state delegations or UN offices. Whether they are experienced lobbyists who know their way around UN corridors by heart, or individuals and communities who have survived through centuries of injustice and now come to an international or regional human rights system for the first time, believing their story finally deserves to be heard.

THE STORIES OF FEMINIST RESISTANCE THROUGHOUT THIS REPORT ILLUSTRATE THE POWER OF REJECTING FUNDAMENTALISTS' CLAIMS TO SPEAK ON BEHALF OF RELIGION, CULTURE, OR TRADITION

We hold no illusions about the limitations of existing human rights frameworks and institutions in overturning injustices rooted in centuries of patriarchy, colonialism, white supremacy, and other forms of oppression. At the same time, we recognize these spaces as an important front on which a struggle is being waged – a struggle between those that believe that *everyone* is entitled to their human rights, and those who wish to erode this principle of universality and make rights the preserve of a powerful few.

We are inspired by generations of feminist and social justice activists who have pushed far beyond the boundaries of what was possible

within the human rights system and have shaped and defended human rights norms and standards. To address the pressing need for social justice and human rights in this time of contestation and crisis, global cooperation and coordination are key. Both disruption and transformation are crucial strategies. It is essential to highlight and challenge attacks on human rights systems and at the same time support the transformation of these systems to best achieve their emancipatory goals.

When anti-rights actors claim monopoly over religion, culture and tradition, they target not only legal frameworks, but also education, popular culture, even our imagination and sense of self. Yet, the stories of feminist resistance throughout this report illustrate the power of rejecting fundamentalists' claims to speak on behalf of religion, culture, or tradition. When feminists speak up at the UN, use art and media to capture imaginations, and forge new alliances, they are able to influence policy as well as to shape public narratives. Feminists working from faith-based perspectives are promoting liberating practices of spirituality, building emancipatory narratives of love, equality and justice, and sparking critical conversations in communities.

We must remember that the intensive assault of anti-rights actors on the public opinion and institutions of power is a direct backlash against the success of feminists, gender justice and LGBTQI movements. In some countries, this success takes the form of progressive legislation; in others,

it establishes alternative subcultures that celebrate gender and sexual diversity.

**THE INTENSIVE ASSAULT OF
ANTI-RIGHTS ACTORS IS A DIRECT
BACKLASH AGAINST THE SUCCESS
OF MOVEMENTS**

Fascist and fundamentalist worldviews are based on hatred and fear, on scarcity, limitation, and coercion. Our feminist realities are based on justice, expansiveness, abundance, and possibility for all. This is the worst nightmare of anti-rights actors. Because the simple truth they seek to hide from society at all costs is that when we are free to live safely and respectfully in our bodies, our identities, and our chosen relationships and families, life is beautiful.



1

Chapter 1: Advancing Feminist Agendas: Key Progressions on Gender and Sexuality

– Naureen Shameem
AWID

Progress in national, regional, and international policy spaces is always driven by feminist and human rights movements. These progressive movements have adopted multi-pronged strategies to combat discriminatory laws related to gender and sexuality, while leveraging the affirmative potential of the law to claim rights and create an enabling environment for social change. But legal reform is a complex and iterative process and is only one of many strategies employed towards the transformation of our societies.

**FEMINIST MOVEMENTS
CONTINUE TO PERSEVERE
AND CELEBRATE GAINS
ALL OVER THE WORLD**

In their everyday lives, feminists challenge fundamentalisms and fascisms, and advocate for changes in laws and legal frameworks, as well as in social norms and cultural practices. Their resilient advocacy promotes discourses, norms, and systems that reflect the lived realities of women, LGBTQI people and historically oppressed communities. While fundamentalisms, fascisms and other systems of oppression shapeshift and find new tactics and strategies to consolidate power and influence, **feminist movements continue to persevere and celebrate gains all over the world:**

- Laws prohibiting consensual same-sex activity were repealed in Seychelles in 2016¹¹ and in Botswana in 2019.¹²
- In 2018, a referendum in Ireland repealed a constitutional provision that prohibited abortion in almost all circumstances,¹³ and in January 2019, abortion services opened up in the country.
- In 2020, Argentina's congress legalized abortions up to 14 weeks, after decades of feminist struggle.¹⁴
- Malta passed a law that permits legal gender recognition based on self-determination and prohibits surgical interventions in intersex infants – an intrusive procedure that stigmatizes and undermines intersex persons' rights to bodily integrity and health.¹⁵
- Brazil, Colombia, Mexico, Nepal, Bolivia, Ireland, and Norway have also taken up policies which support legal gender recognition based on self-identification.¹⁶
- In Portugal, a new law was approved in 2018 granting the right to gender identity without the need for medical diagnosis or intervention, and prohibiting genital surgeries in intersex children.¹⁷
- In 2016, Belize activists were successful in repealing the nation's law against same-sex sexual activity,¹⁸ as were those in Angola in 2019.¹⁹
- The Comprehensive Trans Act was approved in Uruguay in 2018, including

reparations for trans people persecuted during the military dictatorship.²⁰

- From June 2019, contraceptives and reproductive health consultations became free of charge in Burkina Faso.²¹
- In 2019, the High Court in Kenya ruled that rape survivors have the right to legal abortion.²²
- Legislation passed in May 2019 in Mexico grants domestic workers labour rights such as limited work hours and paid time off.²³

The early 1990s saw a proliferation of international feminist networks coming together to strategize, build alliances, debate, confront governments, and hash out critical disagreements amongst themselves. As many governments were making commitments in the international arena, feminists and progressive movements recognized the potential of international policy forums as a space to influence and lobby for state accountability for human rights violations – especially in national contexts where such advocacy might prove too risky.

In a globalized world where fundamentalisms and fascisms are increasingly consolidating institutional power, the international human rights system has become another space in which our bodies, rights, and freedoms are used as pawns. However, feminist and progressive movements have been using their creativity, resilience, and organizing skill

to resist this backlash, influence decision-makers and hold states accountable.

IN 2019 THE UN FIRST RECOGNIZED THE RIGHT TO BODILY INTEGRITY AND AUTONOMY

Feminist movements continue demanding sexual and reproductive health and rights, as well as broader socio-political transformation as they challenge traditional models of “women in development” and propose alternative frameworks based on Global South perspectives.

Global Spaces

Feminists have shaped international law and contributed to progressions in human rights standards, norms, and instruments at the UN Human Rights Council (HRC),²⁴ affiliated UN Special Procedures, UN treaty monitoring bodies, and at the International Labour Organization (ILO).

UN Human Rights Council

The HRC’s annual resolutions on discrimination against women and girls (DAWG)²⁵ have been key to progressions in rights relating to gender and sexuality from 2018 through 2020. At the 38th session of the HRC in June and July 2018,²⁶ the annual resolution included **the first reference to bodily autonomy in a UN resolution**, calling

on states to ensure the development and enforcement of policies, good practices, and legal frameworks that respect bodily autonomy.²⁷ This was a significant step towards recognition by a political body of the feminist principle of “the right to self-governance over one’s own body without coercion or external pressure.”²⁸

Feminist groups organized to ensure²⁹ that bodily autonomy was again reinforced as a norm in the 39th session of the HRC in September 2018. The resolution on preventable maternal mortality and morbidity and human rights in humanitarian settings³⁰ calls on states to eliminate maternal mortality and to bring their laws and policies concerning sexual and reproductive health in line with international human rights laws to respect women’s bodily autonomy and privacy. In 2019, the DAWG resolution also called for full respect for the dignity, integrity and bodily autonomy of the person.³¹ Another significant step was taken in 2019 at the 40th session of the HRC – as **the UN first recognized the right to bodily integrity and autonomy.**³²

The right to sexual and reproductive health has also been developed and repeatedly affirmed and embedded at the Human Rights Council over the past few years. The DAWG resolution at the 38th session of the HRC in 2018 recognized the right to sexual and reproductive health for the first time ever in a politically negotiated UN document. The resolution made critical connections between economic empowerment and women’s and

girls' sexual and reproductive health rights and bodily autonomy, thus reaffirming the landmark General Comment on the right to sexual and reproductive health from the UN Committee on Economic, Social and Cultural Rights.³³ The HRC has gone on to uphold this right multiple times from 2018 to 2020, including in the resolution on the elimination of discrimination against women and girls in sport,³⁴ and the DAWG resolutions of 2019 and 2020.³⁵

There is now more comprehensive recognition of intersecting and systemic discrimination in law and practice at the Council. The DAWG resolution at the 44th session in 2020, for example, focused on this theme and **urged states to recognize and address its compounded impact on women and girls.** It also called on states to review legislation using an intersectional approach, asking states to acknowledge that multiple and intersecting forms of discrimination perpetuate damaging stereotypes. It also urged states to include this understanding in any gender bias training for government officials, and to modify any social and cultural patterns of conduct which might underlie or perpetuate intersectional discrimination.

Resolutions at the HRC have also called out and expressed concern regarding anti-rights backlash and tactics in recent years. **Several resolutions on DAWG at the Council recognize that backlash is linked to retrogressive lobbies, ideological views or misuse of culture or religion to oppose women's and girls' equal rights.**³⁶

SEVERAL RESOLUTIONS AT THE COUNCIL RECOGNIZE THAT BACKLASH IS LINKED TO RETROGRESSIVE LOBBIES, IDEOLOGICAL VIEWS, OR MISUSE OF CULTURE OR RELIGION

The 2019 resolution reaffirmed the human rights of women and girls to have control over and decide freely on matters related to their sexuality. Access to comprehensive sexuality education (CSE) has also been reinforced at the Council in recent years. **Language on CSE is now widely considered “agreed language.”** The DAWG resolution in 2018 included unqualified and strong language on CSE, as did resolutions in 2019 and 2020.

Feminist progressions in this space are notable. Hostile amendments (amendments aimed at undermining the resolution and its purpose) to omit access to CSE as a part of state obligations were proposed by states such as the Russian Federation, Egypt, Pakistan, and Saudi Arabia. **They have all been defeated³⁷ – and the numbers of state support and state sponsors of these resolutions have also been increasing over this period.**

UN Special Procedures

We can see a number of feminist progressions in the recent work of UN Special Procedures – independent officials with mandates to advise and report on human rights from a thematic or country perspective.³⁸

In its reports and statements, the UN Working Group on discrimination against women and girls (WGDAW) has highlighted the ways in which the cultural construction of gender determines the role of women and girls within the family. It also reaffirmed the diversity of families worldwide and the obligation of states to combat discrimination in cultural and family life.³⁹ WGDAW has also called for states to apply the principles of equality to all forms of family law in all systems.⁴⁰

THE WGDAW HAS EMPHASIZED THE OBLIGATION OF STATES TO COUNTER NARRATIVES AROUND GENDER IDEOLOGY

The Working Group has called out the instrumentalization of women's bodies in service of "a politicized patriarchal agenda," and called for the achievement of women's highest attainable standard of health, without discrimination.⁴¹ **WGDAW also has highlighted the need for states to counter the rise of fundamentalisms, racist and xenophobic forces, attacks on autonomous women's rights movements and women human rights defenders (WHRDs), and efforts to**

re-entrench patriarchal understandings of gender and family into law.⁴²

The Working Group has further called on states to **repeal all discriminatory laws and practices, including those that discriminate against women on traditional, cultural or religious grounds;** create an enabling environment for civil society to combat the backlash against women's human rights; and resist all anti-rights trends and movements with a response grounded in human rights obligations – with women's and girls' rights at the centre.⁴³ The WGDAW has also **emphasized the obligation of states to counter the narratives around gender ideology used by conservative lobbies to misinform and undermine the advancement of women's rights and gender equality.** And it has urged states to continue promoting the fundamental principles that all rights are universal, indivisible, interdependent, and interrelated, calling on countries to ensure a respect for women's rights to make decisions about their own bodies and to receive comprehensive sexuality education.⁴⁴

In other advances, **WGDAW has highlighted that freedom of religion or belief, or "protection of the family" cannot be used as justifications to discriminate against women.** It has also stated that **the right of a woman or girl to make autonomous decisions about her own body and reproductive functions is at the core of her rights to equality and privacy, and is a precondition for the enjoyment of other rights.**⁴⁵

THE SR IN THE FIELD OF CULTURAL RIGHTS HAS CALLED OUT ANTI-RIGHTS ACTORS' MISUSE OF REFERENCES TO "CULTURE" AS A GUISE FOR CULTURAL RELATIVISM

The UN's Special Rapporteurs are independent experts who act as watchdogs on human rights issues. The recent work of the Special Rapporteur (SR) on Cultural Rights has shone a light on the ways in which anti-rights actors attempt to twist and misuse language on culture, contrary to the real commitments under international cultural rights. **The SR has highlighted that cultural rights, rather than standing in opposition to women's rights, must be ensured for women on an equal basis. Women must have equal rights to access, participate in, and contribute to all aspects of cultural life without barriers.**⁴⁶ This includes women's rights to interpret cultural heritage and traditions, and to decide which practices, values or traditions are to be kept, reoriented, modified or discarded. The SR has also noted that the preservation of a specific cultural community should not be achieved to the detriment of any of its members, and calls on states and non-state actors to address community or religious norms that perpetuate women's subordination.⁴⁷

The SR on Cultural Rights has recently highlighted the issue of rising fundamentalisms across regions, and its impact on women's

cultural rights. She has called on states to recognize fundamentalisms as a threat to human rights which must be addressed through a human rights approach.⁴⁸ **The SR also has called out anti-rights tactics – flagging that women's cultural rights are a prime target for fundamentalists, who often claim to be defending culture, religion or tradition, but instead work to deny the rights of others in these regards.**⁴⁹ She highlights that ultra-nationalism, myths of a homogenous nation, and claims of ethnic or racial superiority or purity also undermine cultural rights.

The SR emphasizes that **respecting, protecting, and fulfilling women's rights is an essential part of the human rights response to fundamentalisms.** She has called for states and the international community to combat the root causes of fundamentalisms through implementation of economic, social, and cultural rights, and to recognize the warning signs of fundamentalisms uncovered by feminist movements and take preventive action to stop the rise of anti-rights movements.⁵⁰ We can see the advancement of feminist agendas in the work of the UN Special Rapporteur on Freedom of Assembly and Association – particularly in highlighting the impact of all forms of fundamentalisms, including religious, market, political and cultural, and nationalist fundamentalisms.⁵¹

The SR in the field of Cultural Rights has also called out anti-rights actors' misuse of references to "culture" as a guise for cultural

relativism. She has stated that the resurgence of cultural relativism represents a particular threat to human rights, including women's rights, which must be countered.⁵² The SR has also highlighted that discourse around the “protection of the family” and “traditional values,” is being used to undermine women's rights to equality and non-discrimination, and notes that **the universality of rights and cultural diversity are two mutually reinforcing and interlocking human rights principles.**

THE SR ON FoRB HAS EMPHASIZED THAT RELIGIOUS BELIEFS CANNOT BE INVOKED AS A JUSTIFICATION FOR VIOLENCE OR DISCRIMINATION

Recent reports from the UN's Special Rapporteur on Freedom of Religion and Belief (FoRB) have also been important in countering misleading anti-rights attempts to appropriate discourse on religious freedom in an attempt to roll back human rights, particularly those related to gender and sexuality. The SR on FoRB has on many occasions **clarified that the right to freedom of religion pertains to believers, not beliefs, and has highlighted that freedom of religion and non-discrimination should function as mutually reinforcing rights.**⁵³ The SR has called on states to repeal gender-discriminatory laws supposedly grounded on religious beliefs and to address gender-based violence carried out in the name of religion by non-state actors.⁵⁴

The SR on FoRB has specifically emphasized that under human rights law, **religious beliefs cannot be invoked as a justification for violence or discrimination against women, girls or persons who are non-conforming in their gender or sexuality.**⁵⁵

Advances in human rights norms can also be seen in the recent work of the UN Independent Expert (IE) on Sexual Orientation and Gender Identity (SOGI). It is also notable that **the resolution to renew the mandate of the IE on SOGI in 2019 was successful,**⁵⁶ and that it had a greater number of cosponsors and votes than when the mandate was first established in 2016. The IE has recently **called on states to repeal laws that criminalize consensual same-sex relations, gender identity or expression, anti-LGBTQI “anti-propaganda” laws, and laws criminalizing sex work.**⁵⁷

He has recommended that states enact gender recognition laws, redress structural discrimination, and remedy the socioeconomic inequalities that contribute to the vulnerability of those sexually and gender non-conforming persons who are the most marginalized. The IE further called on states to ban so-called “conversion therapy,” non-consensual medical examinations and sterilizations, and other medical procedures that pathologize LGBTQI persons and force them to comply with heterosexual and cisgender norms.

The recent work of the UN Special Rapporteur on the Rights of Persons with Disabilities has also been important. For instance, the SR has called **for the recognition of the sexual and reproductive health and rights of girls and women with disabilities and for states to prohibit harmful practices, including forced contraception and sterilization.**⁵⁸

The recent work of the UN Special Rapporteur on Human Rights Defenders also supported the agendas of women human rights defenders, as shown in his 2019 report on the situation of WHRDs.⁵⁹

UN Treaty Monitoring Bodies

There have also been key advances through the UN treaty monitoring bodies in recent years. As mentioned above, the Committee on Economic, Social and Cultural Rights embedded a robust understanding of sexual and reproductive health and rights in its General Comment 22.⁶⁰ General Comment 36 of the Human Rights Committee⁶¹ on the right to life, which oversees state compliance with the International Covenant on Civil and Political Rights, is also noteworthy. Despite being the target of significant anti-rights organizing, **the Committee's General Comment affirms that the right to life begins at birth, that preventable maternal deaths are a violation of the right to life, and that access to safe, legal, and accessible abortion is essential to realize women's and girls' right to life.**

The CEDAW Committee made important advances in its General Recommendation 35 on gender-based violence against women.⁶² The recommendation **highlights that violations of women's rights related to sexuality and reproduction, such as forced sterilization, forced pregnancy, and the criminalization and denial of abortion or post-abortion care are forms of gender-based violence that may amount to torture or cruel, inhuman, or degrading treatment.** It also calls for states to respond to the erosion of legal and policy frameworks that seek to eliminate gender-based discrimination and violence. Such erosions are often justified in the name of tradition, culture, religion or fundamentalist ideology, or through reductions in public spending as part of "austerity measures."⁶³

THE CEDAW COMMITTEE CALLS FOR STATES TO RESPOND TO THE EROSION OF LEGAL AND POLICY FRAMEWORKS THAT SEEK TO ELIMINATE GENDER-BASED DISCRIMINATION AND VIOLENCE



Yogyakarta + 10

Notably, on the 10-year anniversary of the (soft law) Yogyakarta Principles on the Application of Human Rights Law in Relation to Sexual Orientation and Gender Identity,⁶⁴ activists came together to develop the Yogyakarta+10⁶⁵ (Y+10), a supplement of the principles. The Y+10 expands previous normative definitions in several ways, including by adding sexual characteristics as another critical dimension when addressing the violations of intersex persons.

The Y+10 also includes the right for all to obtain identity documents, and the right to legal recognition without requiring assignment or disclosure of sex, gender, sexual orientation, gender identity, gender expression or sexual characteristics. The updated principles include the right to bodily and mental integrity, autonomy, and self-determination; the right to be free from torture and cruel, inhuman, and degrading treatment on the basis of sexual orientation, gender identity, gender expression and sex characteristics; and the right to protection from all forms of poverty and social exclusion associated with sexual orientation, gender identity, gender expression and sexual characteristics.

International Labour Organization

A key progression for feminist and labour movements in recent years at the global level is the new International Labour Conference (ILC) Violence and Harassment Convention 190⁶⁶ and its accompanying Recommendation to combat violence and harassment in the world of work.⁶⁷ Thus far, the convention has been ratified by Uruguay and Fiji, which means that it will enter into force in June 2021.

The treaty applies to both formal and informal sectors, including domestic work and work from home, and is intended to account for

violence and harassment involving third parties, such as clients, customers or service providers. It also recognizes that groups in situations of vulnerability may be disproportionately affected by violence and harassment in the workplace and calls for states to ensure the right to equality and non-discrimination in employment and occupation. The treaty obligates governments to monitor the issue, provide measures to protect victims and whistleblowers from retaliation, and provide access to remedies through complaint mechanisms.

The convention also requires governments take measures to prevent and protect people from violence and harassment, and provide enforcement mechanisms and remedies for victims, including compensation. These include adopting legal prohibitions of violence and harassment at work and ensuring effective inspections, investigations, and protection from retaliation.

Exercise

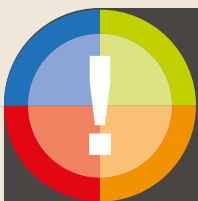
Let's map and celebrate our wins!

To Think Collectively

The advances mentioned in this chapter have been key at the international level and would not have been possible without the struggle of feminist movements. Highlighting our wins is essential, even if we still have a long road ahead of us to realize our vision. It is important because they give us strength, hope, and reasons to celebrate, and because they give us tools to hold institutions of power accountable, and foundations to build from.

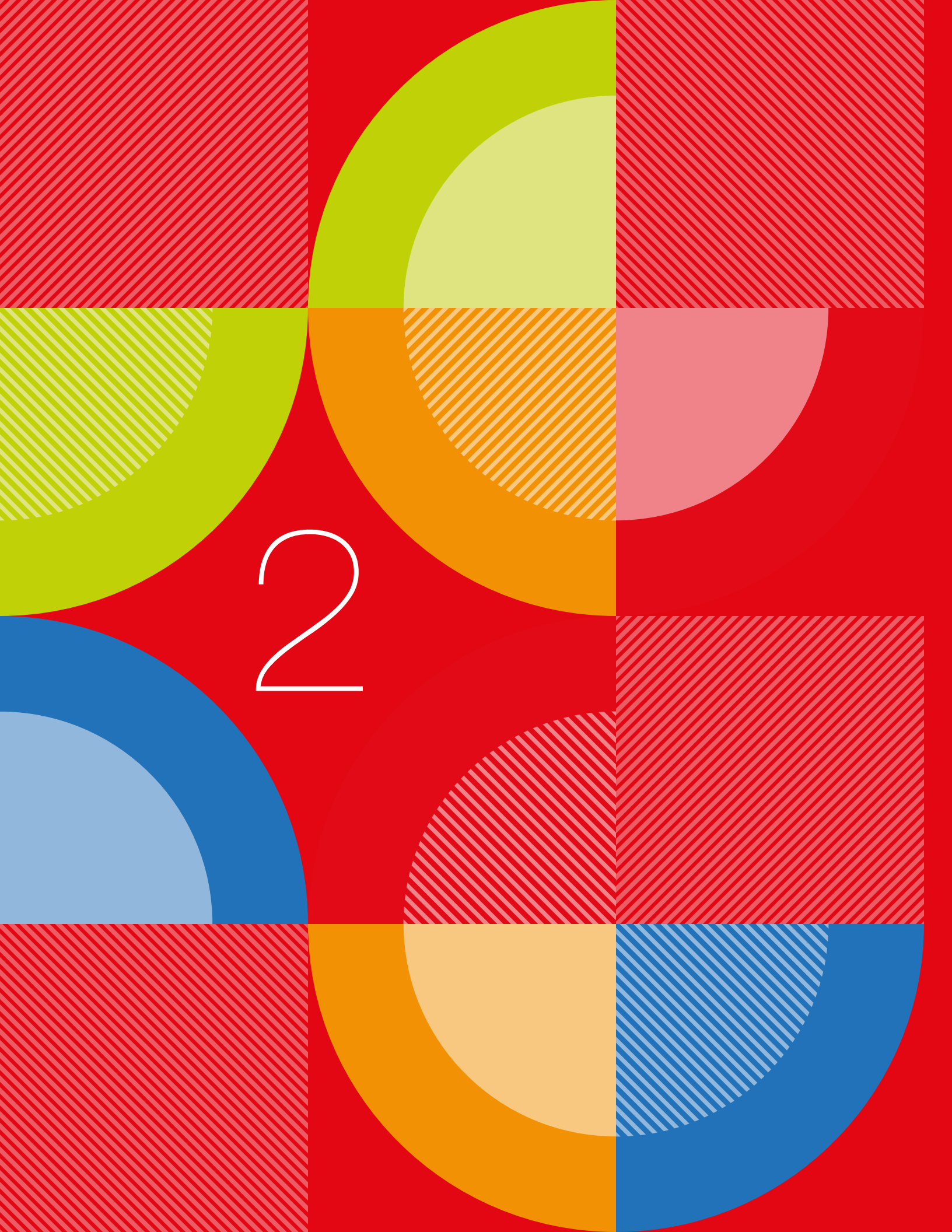
We invite you to come together with your colleagues and reflect together on the following questions. You may want to set a time period to frame your discussion, such as the last 5 years, 10 years, etc.

- What advances have been achieved in your local, national, or regional context?
- Who was involved (movement, state, NGO, institutions etc.) and how did they work together in achieving these successes?
- What strategies did you use to achieve them? What helped and what were the obstacles you met?
- Have advances at the national, regional, and international levels reinforced each other? If so, how? If not, why?
- What new doors do these advances open? What new opportunities have they created?



We want to hear what you found out!

Please share your reflections with us at rightsatrisk@awid.org
or via OURs members' social media platforms using
#RightsAtRisk



2

Chapter 2: Understanding the Context of Anti-Rights Threats

Nationalism and Ultra-nationalism

– Isabel Marler
AWID

Undermining the Authority of International Human Rights Systems

As ultra-nationalist leaders and agendas increasingly take up national offices and positions of influence, we see further undermining of human rights systems. While much of this is done from within, we are also seeing more outright attacks on, and withdrawal from, the framework of international human rights.

In June 2018, the United States withdrew from the Human Rights Council, citing what it called the council's anti-Israel bias. The announcement came amid criticism of the Trump administration's policy of separating children from their parents at the US-Mexico border.⁶⁸ Such a move aimed to undermine the council's importance and stability, and to detract from its investigation of and international sanction for human rights abuses committed by states – including the US itself.⁶⁹ The withdrawal was a part of the United States' broader systematic attack on multilateralism under the Trump administration. In January 2019, it was revealed that the US had not responded to any formal queries from the UN Special Rapporteurs since May 7, 2018, with at least 13 requests unanswered.⁷⁰

The US is not alone in its work to undermine multilateralism. Its exit from the council was applauded by Israeli Prime Minister Benjamin Netanyahu. However, Israel continues to engage at the Human Rights Council, using its platform to continually claim anti-Israel bias and undermine efforts for the promotion of human rights for Palestinians.⁷¹ The Philippines also threatened to remove itself from the United Nations following the passing of a Human Rights Council resolution to investigate human rights violations tied to President Rodrigo Duterte's "war on drugs."⁷²

The trend amongst these nationalist leaders is to make claims that the UN is biased, and that it is overstepping its mandate and interfering with their national affairs. Often, they will also claim the organization is in collusion with progressive civil society and pushing "foreign" influences upon their countries. This is consistent with the trends of delegitimization, persecution, and criminalization of human rights organizations in multiple countries.⁷³ It is notable that US ambassador Nikki Haley blamed human rights organizations for the US' withdrawal from the Human Rights Council, citing their lack of support for the country's proposed changes to the council.⁷⁴

The attacks by nationalist and ultra-nationalist governments upon multilateral systems, while at the same time cracking down on human rights defenders domestically, aim to take away one more important front where states can be held accountable.



Read more about the **range of inside-outside tactics of anti-rights actors** in Chapter 5

Key Elements of Nationalist and Ultra-nationalist Discourse

Threat to the Nation

Ultra-nationalist actors evoke national sovereignty discourses to undermine the very idea of international community and international human rights by juxtaposing the future of the nation with the human rights of those placed, physically or politically, outside it. For example, at the 39th session of the Human Rights Council in September 2018, Hungary's Foreign Minister Peter Szijjarto stated, "Hungary will never be a nation of migrants," and "migration is not a human right." His speech presented migrants as an inherent threat to Hungarian culture, identity, and heritage, claiming that Hungarian people have "the right not to allow those persons to enter our own country who would disrespect these factors," referencing the country's "Christian culture and traditions" as well as appeals to national security.⁷⁵

Echoing local and national dynamics, (ultra-) nationalism on the international stage constructs threats to the imagined entity of the nation from "outsiders" – primarily migrants and refugees – as well as from unwanted "insiders": people of colour, ethnic and religious minorities, political dissenters

– including feminists – and people of sexual orientations, gender identities and expressions outside of the dominant norm.

(ULTRA-)NATIONALISM CONSTRUCTS THREATS TO THE IMAGINED NATION FROM “OUTSIDERS”

At the World Congress of Families in Verona in March 2019, Sandro Oliveri of the Federation of Italian Pentecostal churches and Fondazione Chàrisma clearly indicated his view of who does and does not constitute the nation: “We should be talking about Italians, not about homosexuals!” The context was a speech calling for increased heterosexual marriages and higher birthrates.

Similar discourses are used across different contexts to construct national identity and the institution of citizenship as gendered,

racialized, and of a particular ethnicity or religion, thereby marginalizing or excluding all others in law and/or in practice.

Life-Family-Nation: How Nationalism Interacts with the Gender Regime of Anti-rights Actors

The control of women’s bodies and policing of gender and sexuality have always been central to national projects.⁷⁶ At the same time, nationalism has always been baked into patriarchal fundamentalist discourses, ideologies, and agendas, albeit with differing levels of visibility. Buddhist nationalist discourse in Myanmar, for example, depicts Muslim men as a rapacious menace to Buddhist women, and interfaith marriage as a demographic threat to the nation.⁷⁷ Similarly, caste, gender, religion, and nation all intersect in India’s resurgent Hindu nationalism, as illustrated in the conspiracy theory of “love



The nation and the family

Anti-rights actors make strong parallels between the nation and the family as patriarchal and heteronormative institutions. Both are constructed in exclusionary ways that reinforce social hierarchies and norms of gender, sexuality, race, ethnicity, and often class. In this ideology, a deviation from the norms of the patriarchal and heteronormative family is perceived as a form of national threat or betrayal. Once the nation is imagined as a single homogenous social unit of kinship, particularly when grounded in racial ideologies of shared origin and supremacy, the nation and the family become almost interchangeable.

jihād” – the narrative that there is a covert campaign of Muslim men luring Hindu women into marriage in order to convert them.⁷⁸ When it comes to the United States’ Christian fundamentalism, the movement’s historical underpinnings in struggles to retain racial segregation are key to understanding its current agenda as a place where patriarchy and white supremacy meet.⁷⁹

THE TRIAD OF “LIFE-FAMILY-NATION” IS A CORE FOUNDATION FOR INTERNATIONAL ANTI-RIGHTS ALLIANCES, INCLUDING WITHIN UN SPACES

The triad of “life-family-nation” is a core foundation for international anti-rights alliances, including within UN spaces. It allows a “broad church” of ultra-conservative actors to coalesce around shared concerns.⁸⁰ In various anti-rights forums we are seeing discourse focused on “the family” which is inextricably linked to xenophobic and/or white supremacist ideology.

For example, at the 2019 World Congress of Families (WCF) in Verona, Ed Martin from the ultra-conservative US-based Eagle Forum⁸¹ declared that “the world needs Europe great again, the world needs America great again, the world needs the family great again!” He emphasized “we have to have borders, we have to be a nation [...] what happens when countries are overrun is that our families are destroyed.”⁸² At the same event Nicholas Bay,

general secretary of the far-right French party National Rally (previously National Front), reinforced that “family is best for the future of the nation. It generates security and safety. This is better than migration.”⁸³ Meanwhile co-founder and president of Family Watch International⁸⁴ (FWI), Sharon Slater, made similar connections: “Family is the beating heart that keeps the nation strong. If families fail, then nations fall. If we are to save the world, we must save the family.”⁸⁵

When it comes to arguments linking a particular conception of family (read: patriarchal, heteronormative, nuclear, married, reproduction-oriented, and often of particular ethnicity, class and religion) and a sense of national strength, **there is a direct line between spaces like the WCF and the discourses put forward by anti-rights actors in international human rights forums.** For example, at the 63rd session of the Commission on the Status of Women (CSW), Family Watch International held an event in collaboration with Qatar, Gambia, and Pakistan entitled “Social Protection: Making it work for families to achieve gender equality and the empowerment of women and girls.” Despite the rights-based language of the title, the event focused on the connection between “strong families” (narrowly conceived as above), and prosperous nations. Slater made claims that families with two parents (man and woman, implicitly cis-gendered) make for stronger children and nations. The “natural family” was put forward (by Qatar as well as FWI) as a defense against a wide range

of social ills including malnutrition, maternal mortality, and “drug abuse.”⁸⁶

In this vision for society, married, heterosexual, reproductive relationships are the only ones of value, and women’s primary role (while they may have additional ones) is to reproduce the nation, the race, and the religion. Meanwhile trans, non-binary and gender diverse people, as well as lesbian, gay and bisexual people, are seen as deviants threatening the “natural” family and not serving the nation’s “preservation or renewal.”

This is evident in the discourse, rampant across anti-rights spheres, of “civilizational decline” and “demographic winter.” At both the 2018 and 2019 World Congress of Families, in Chisinau and Verona respectively, anti-rights figures repeatedly returned to the idea that a low birth rate was responsible for the economic, social, and moral decline of nations, especially in North America and Western and Eastern Europe. Many speakers blamed low birth rates on declining religiosity and, depending on the economic ideology of the speakers, some also blamed state welfare provisions for removing the need for children, who otherwise would provide the labour of caring for their parents in old age.⁸⁷

At a session at the Verona WCF, speakers lauded Hungary as a global leader for its policies of tax breaks, interest-free loans, and housing help for families with multiple children.⁸⁸ While such policies on the face of it could seem beneficial for the people,

there is a catch. First, this pro-birth agenda has clear aims of increasing white European Christian populations in order to do away with the “need” for migration to feed the labour force of European countries. This vision also involves white Christians gaining demographic advantage over other religions and cultures (and implicitly, racialized groups), as well as non-religious “liberal” populations.⁸⁹ Secondly, these incentives and benefits are not accompanied by a deliberate progressive policy that responds to people’s social and economic needs. On the contrary, they are a band-aid for an otherwise neoliberal agenda that deepens poverty and increases socio-economic inequalities.⁹⁰

**THERE IS A DIRECT LINE
BETWEEN SPACES LIKE THE WCF
AND THE DISCOURSES PUT
FORWARD BY ANTI-RIGHTS
ACTORS IN INTERNATIONAL
HUMAN RIGHTS FORUMS**

In addition, imagery of civilizational and religious conquest is never far away from such discussions of demography. Allan Carlson, in his opening remarks to the WCF in Chisinau, declared: “We are in a moral and social crusade!”⁹¹ In Verona, Patriarch Ignatius Joseph III Yonan, the Syrian Catholic Patriarch of Antioch, asked the audience: “Isn’t it time to firmly declare [...] that Christian culture must be defended and celebrated throughout the world?” “Your brothers and sisters are being threatened [with disappearance]. This will be

not only for Christians in the Middle East but the entire church and world.”⁹²

According to its proponents, opposition to this worldview is seen as at once “anti-national” and “anti-family.” Feminists and others who defend bodily autonomy, those supporting the rights of migrants, and leftists in general, are then traitors to both the “natural order” and “national interests.”

The Different Faces of Nationalism

Using outright nationalist and ultra-nationalist rhetoric is not the primary *modus operandi* of anti-rights states and their non-state allies at the UN. Select examples like those above notwithstanding, what we see is the use of more subtle discourses which ultimately serve the same ends.

**WE SEE THE USE OF MORE
SUBTLE DISCOURSES
WHICH ULTIMATELY SERVE
THE SAME ENDS**

As outlined in Rights at Risk (2017), anti-rights actors have, for some time now, used national sovereignty in international human rights spaces to undermine the universality of human rights, and limit state responsibility to respect, protect, and fulfill rights.⁹³ This discursive strategy continues to be employed, often in tandem with the co-optation of the language of cultural imperialism, cultural sensitivity, and other related concepts such as “ideological colonization.”



Read more about **discourses of “ideological colonization” and “cultural imperialism”** in Chapter 3 of this report



Read more about **anti-rights use of “national sovereignty” discourse** in the first edition of this report

Understanding this as an issue of co-optation is critical since national sovereignty has a different meaning in contexts of liberation from colonialism and neo-colonialism. In anti-colonial and post-colonial struggles, concepts of cultural imperialism and ideological colonization have emancipatory meanings. However, in anti-rights discourses they are instrumentalized for opposite purposes, as a means of attack on human rights.

**UNDERSTANDING THIS AS
AN ISSUE OF CO-OPTATION
IS CRITICAL**

It is common to hear from certain states, seeking to undermine human rights standards, that they “retain the right to interpret the provision [of a resolution] on the basis of our international legal obligations and domestic legislation.” The same is often heard from anti-rights actors from civil society. During the 63rd session of the Commission on the Status of Women (CSW) held in New York in March 2019, CitizenGo, an ultra-conservative petition

platform, launched petitions railing against references to abortion, sexual orientation, gender identity, and comprehensive sexuality education in CSW documents. One petition claimed that, “including this language in international documents is culturally insensitive and impedes the local sovereignty of United Nations member states.”⁹⁴ Such claims falsely suggest there is one homogenous (regressive, patriarchal) “culture” in certain (implicitly Global South) contexts, and erases struggles for rights and justice led by communities and movements across the Global South.⁹⁵

ARGUMENTS BASED ON NATIONAL SOVEREIGNTY STRATEGICALLY EVOKE DIFFERENT NATIONAL CONDITIONS AND LAWS TO WEAKEN MULTILATERAL AGREEMENTS OR ATTEMPT TO “OPT-OUT”

Arguments based on national sovereignty strategically evoke different national conditions and laws in order to weaken multilateral agreements or attempt to “opt-out” of them. While this discourse is more subtle than outwardly nationalist or ultra-nationalist, it has the same aims and seeks to advance them under the political conventions of the policy space.



Read more in the first edition of this report, in sections on “**National Sovereignty and Anti-Imperialism**” and “**State Reservations**”

Anti-rights Bedfellows: Links Between Religious Fundamentalist and Ultra-nationalist Actors

Though religious fundamentalist, nationalist, ultra-nationalist and fascist⁹⁶ actors do exhibit ideological divergences and differences in their priorities and the framing of their agendas, **there is extensive cross-over in worldview, personnel, and resources, as well as strategic collaboration and alliances, between these forces across local, national, regional, and international levels.**

The global trend towards the mainstreaming of extreme nationalist ideologies has created fertile ground for increased alliances between anti-rights actors who foreground gender and sexuality on the one hand, and those focused on racism and anti-immigration on the other. Anti-rights actors often purposefully obscure these connections and practice strategic distancing in attempts to present themselves as “apolitical.” They frequently distance themselves from more outwardly extreme elements, while presenting their agendas in the language of rights and freedoms.

The 2018 and 2019 World Congress of Families (WCF) exhibited the convergence of global ultra-conservative Christian agendas with ultra-nationalist actors within Europe and beyond. In WCF Verona in March 2019, speakers from groups representing fundamentalist Catholic, Mormon, Orthodox, and Evangelical agendas (from North America, Western and Eastern Europe, and Africa)

sat on panels and networked over coffee with far-right politicians, businessmen and aristocrats from countries including Hungary, Italy, Georgia, Russia, Brazil, the Netherlands, the United Kingdom, France, and Serbia. Clergy from various denominations and staff of organizations doing missionary and campaigning work, mingled with individuals like Levan Vasadze, the Georgian tycoon who recently vowed to violently oppose Tbilisi Pride.⁹⁷ After the Congress, some participants took part in a “March for the Family” through the streets of Verona, reportedly joined by extreme elements of the Italian political landscape, including Forza Nuova and other fascist groups.

As detailed below in Chapter 4, CitizenGo has been shown to be supporting Spain’s far-right party Vox. The petition platform’s director described plans to attack Vox’s political opponents through advertisements, and a senior Vox member compared CitizenGo to a “Super PAC” for the party. A separate investigation also found that CitizenGo’s affiliate HatzeOir has connections to the ultra-right Mexican Catholic group El Yunque.⁹⁹



Read more about
CitizenGo in Chapter 4

**ANTI-RIGHTS ACTORS OFTEN
PURPOSEFULLY OBSCURE
CONNECTIONS AND PRACTICE
STRATEGIC DISTANCING TO PRESENT
THEMSELVES AS “APOLITICAL”**

Ultra-conservative religious groups active in international and regional human rights systems have also been operating in alliances with local ultra-nationalist actors. For example, the international arm of the US-based strategic litigation organization, Alliance Defending Freedom (ADF), spearheaded an (unsuccessful) campaign in Romania for a constitutional amendment to effectively block marriage equality. ADF collaborated with local groups led by extremist Christian nationalists, some of which are linked to white supremacist and fascist actors.⁹⁸

Corporate Capture: Untamed Corporate Power is Putting Rights at Risk

– Felogene Anumo and Ana Ines Abelenda
AWID

Corporate power can be defined as the excessive control and appropriation of natural resources, labour, information, and finance by an alliance of powerful corporations and global elites, in collusion with those in power. Read AWID and Solidarity Center's report, *Challenging Corporate Power: Struggles for Women's Rights Economic and Gender Justice*, for a detailed feminist analysis on corporate power.¹⁰⁰

Corporate capture refers to the increasing influence and leadership of large businesses and transnational corporations in multilateral policy-making spaces, including the United Nations, with tremendous impacts on how human rights for all can be achieved.

Market fundamentalism refers to the strict and literal adherence to the principles of free market capitalism in which economic growth should be prioritized over all else, including people's health during a global pandemic, undermining the primacy of human rights and threatening the planet.

As a result of decades of global capitalist expansion, the wealth of corporations is on par with some of the largest economies in the world: Walmart's revenue exceeds the GDP of Spain and Australia, for example. This has given them immense power to influence decision-making (i.e. how much tax to pay) and public policy, while keeping accountability minimal and voluntary.

**THE WEALTH OF CORPORATIONS
IS ON PAR WITH SOME OF
THE LARGEST ECONOMIES IN
THE WORLD**

In recognition of their economic power and in the name of inclusion and “multi-stakeholderism,”¹⁰¹ large businesses, particularly transnational corporations, are occupying seats at the negotiating table and taking recurrent leadership positions in a number of multilateral institutions, including the United Nations. This corporate capture is having a tremendous impact on whether human rights for all can ever be achieved.

**IN THE NAME OF
“MULTISTAKEHOLDERISM,”
TRANSNATIONAL CORPORATIONS
ARE OCCUPYING SEATS AT THE
TABLE AND TAKING RECURRENT
LEADERSHIP POSITIONS**

At the national level, large corporations are exerting their economic power by demanding

massive bailouts from governments to weather the global recession.¹⁰² From tax incentives, to direct loans, to demands for flexibility in labour and environmental standards, particularly in the Global South, the results are millions in precarious or underpaid jobs, weak public revenues that are unable to sustain essential public services like health care, and climate disasters. Through Investor State Dispute Settlement (ISDS) mechanisms embedded in investment and trade agreements, companies are even able to sue governments¹⁰³ when they deem that measures to protect the people endanger their profits.

CORPORATIONS SUPPORT ANTI-RIGHTS ACTORS IN OFFICE AS A MEANS TO CONSOLIDATE POWER, YET THEY ARE RARELY UNDERSTOOD IN SUCH TERMS

Policymakers and civil society in multilateral, regional and other policy spaces are generally aware of the active presence of the private sector and corporate interests, yet the full scope of their influence and the extent to which it undermines human rights, is never transparent. Understanding corporate capture and visualizing the risks and threats to human rights that it represents is what this chapter is about.

Corporations have always been on the radar of gender justice activists as potentially **anti-economic rights actors**. This has manifested in the rise of the one percent (1%) and their

contribution to widening global inequalities, the gender wage gap, the normalization of deplorable working conditions, illicit financial flows, liberalizing trade and investment, the lack of access to quality public services, the appropriation of land and natural resources, and the invisibility of women's care work.

Corporations support anti-rights actors in office **as a means to consolidate power, undermining the protections of human and environmental rights in the interests of profit**. Yet they are rarely understood in such terms, nor held accountable for their complex role in the erosion of human rights and standards.

The rise of the right globally has strengthened the influence of anti-rights actors in economic policy-making. Yet while a lot of attention has been paid to the manifestations of cultural and religious fundamentalisms, less attention has gone to the purveyors of market fundamentalism. Former United Nations Special Rapporteur on Freedom of Association and Assembly, Maina Kiai, defined market fundamentalism as “the belief that free market economic policies are infallible, and consequently are the best way to solve economic and social problems.”¹⁰⁴ He emphasized that fundamentalisms of any kind pose a great threat to human and environmental rights, especially *when they become closely allied to power or are used as a tool by those in power* in institutions such as the state, religious groups, local government structures, militia groups, and political parties – to name a few.¹⁰⁵

Market fundamentalism is powered by an economic – mostly corporate – elite that undermines the realization of human and environmental rights by exerting undue influence over domestic and international decision-makers and public institutions. The Economic, Social and Cultural Rights Network (ESCR-net), who runs a research project to support collective action to address this phenomenon, describes this influence as corporate capture.¹⁰⁶

CIVIL SOCIETY AND SOCIAL JUSTICE MOVEMENTS HAVE LONG SOUNDED THE ALARM ON CORPORATE CAPTURE'S THREAT TO THE UN

Is the rise of anti-rights groups linked to a growing corporate influence in multilateral spaces? How are corporate interests preventing the advancement of human and environmental rights worldwide? Looking at corporate influence in multilateral spaces well beyond funding, these questions are briefly addressed in this section.

A Growing “Formal” and “Shadow” Power in Decision-making Spaces

In 2019, the United Nations made an unprecedented move by striking a partnership with the World Economic Forum, positioning corporations as best placed to find solutions to key global challenges. The partnership was denounced by hundreds of civil society organizations¹⁰⁷ who argued in a letter that the

agreement grants transnational corporations preferential and differential access to the UN system at the expense of states and public interest actors.¹⁰⁸

Civil society and social justice movements have long sounded the alarm on corporate capture's threat to the UN. A report by Friends of the Earth International ahead of the 20th anniversary of the UN Conference on Environment and Development, also known as the Rio Earth Summit of 2012, laid bare this worrying trend. This observation feels sadly relevant today:

“We are experiencing a corporate takeover of the UN, as big business exerts its influence in a number of ways. There is increased business influence over the positions of national governments in multilateral negotiations; business representatives dominate certain UN discussion spaces and some UN bodies; business groups are given a privileged advisory role; UN officials move back and forth to the private sector; and – last but not least – UN agencies are increasingly financially dependent on the private sector.”¹⁰⁹

The International Organization of Employers (IOE) describes itself as a “global voice of business”¹¹⁰ and holds formal UN consultative status across a wide range of UN agencies and international organizations, including the G20 intergovernmental process on labour and social policy. The International Trade Union Confederation (ITUC) and the International

Transport Workers' Federation criticized the IOE for "trying to block progress towards a UN treaty which would bring the international operations of multinational companies under the rule of law."¹¹¹

The International Chamber of Commerce (ICC) is a lobby group based in Paris with over 45 million corporate members and is similar to the IOE in its goals. The ICC holds observer status in the UN, giving the body a privileged position in formal negotiations compared to civil society, human rights, and labour rights organizations.¹¹² The group has a long history of lobbying around international regulations intended to hold companies accountable. Examples include the Kyoto Protocol, the Convention on Biodiversity, and the Basel Convention against trade in toxic waste, where the ICC conducted what has been referred to by Corporate Europe Observatory as "obstructive lobbying" intended "to weaken international environmental treaties."¹¹³ Climate negotiations are another one of its main areas of influence: The ICC is an admitted observer of the United Nations Framework Convention on Climate Change (UNFCCC), while it is governed by executives from some of the world's largest fossil fuel companies, like BP Group, Shell, and Exxon Mobil.¹¹⁴

There is already evidence that the ICC's narrative on private sector-led economic recovery is permeating the UN's COVID-19 efforts. Together with the United Nations Development Programme (UNDP) and the UN Global Compact (which the ICC itself

helped found in order to strengthen the business agenda at the UN level), the ICC is leading the "COVID-19 Private Sector Global Facility" inviting corporate giants DHL, Microsoft and PwC as "strategic partners" to – in their own words – "ensure that immediate stimulus efforts flow into the real economy."¹¹⁵ Such neoliberal, corporate-led narratives of economic recovery at the UN are cause for concern. They go against feminist movements' demands for a human rights-centred economic recovery that prioritizes the well-being of people and the planet over corporate profits.¹¹⁶

CORPORATE-LED NARRATIVES OF ECONOMIC RECOVERY AT THE UN ARE CAUSE FOR CONCERN

Corporations also have formal power within the International Labour Organization's (ILO) tripartite structure, where employers, workers and states are represented. However, corporate influence in the UN is much more ambitious than what the ILO's formal tripartite structure can accommodate. **In reality, the private sector – and especially transnational corporations (TNCs) – are more insidiously involved in UN negotiations, and operate as a "shadow power."**

Working with their interest groups and industry associations, TNCs have adopted various strategies to undermine democratic policy-making. For example, in the process to secure

a legally-binding treaty that will regulate corporations with respect to human rights, both the IOE and the ICC have taken a vocal role. At the fourth negotiation session on the draft treaty on transnational corporations and other business enterprises and human rights, the ICC and IOE released an analysis of the draft zero, stating their general lack of support for the text and the draft optional protocol.¹¹⁷ Corporate Accountability explains how “given [their] ties to abusive industries, the ICC and the IOE have vested interests in blocking, weakening, and delaying the negotiation and implementation of the present draft treaty and other regulatory processes that might impact their members’ bottom lines.”¹¹⁸

TNCs often work in co-operation with powerful member states.¹¹⁹ This is particularly pervasive in cases of TNCs that would be most affected by regulatory efforts, such as those in the infant food, pharmaceutical, tobacco and alcohol industries, and most recently digital companies.¹²⁰ **In 2018, Ecuador tabled a resolution at the World Health Assembly supporting breastfeeding.¹²¹ In response, the US government threatened countries with trade sanctions and withdrawals of military support if they endorsed it.** It also threatened to cut funds to the World Health Organization (WHO). The resolution ultimately passed with US support, but only after the Russian government reintroduced a modified text.¹²² It is reported that the US government was acting in favor of a \$70-billion-dollar USD infant food industry.¹²³

Corporate “shadow power” often takes the shape of promoting one-size-fits-all discourses on women’s (economic) empowerment. In these narratives, there is no alternative to the market economy. Women’s economic rights are reduced to microcredit schemes and entrepreneurship, rather than labour market restructuring and decent employment opportunities. The definition of work is reduced to waged labour and denies the value of the reproductive labour and care that sustains human life. **Challenging the neoliberal discourses that urge women, trans and gender diverse people to seek individual fulfillment through self-exploitation is part of challenging corporate power.**

TRANSNATIONAL CORPORATIONS HAVE ADOPTED VARIOUS STRATEGIES TO UNDERMINE DEMOCRATIC POLICY-MAKING

Corporate capture is more than how corporations wield their economic power; it encompasses the capture of public discourse and policy agendas. It is used to influence government policies and multilateral spaces, such as through the United Nations (UN) and private foundations, so that they serve corporate interests rather than the public good. This growing influence is transforming international development and human rights policy and practice, directly affecting the rights of women, girls, gender diverse, migrants and people of colour, Indigenous peoples, and ethnic and religious minorities.

The Blue-washing of Corporate Human Rights Violations

Blue-washing is a term referring to companies' tendency to use the United Nations' positive image to improve their brand.¹²⁴ This practice was legitimized in 1999 when former UN Secretary-General Kofi Annan tabled the idea of the Global Compact, a cooperation between the United Nations and the private sector. The compact is a voluntary mechanism for companies to align their business operations to ten principles covering human rights, labour standards, the environment, and anti-corruption practices.¹²⁵ One of the criticisms

of this UN-corporate partnership includes the tendency of corporations to misuse the Global Compact for marketing purposes and to "blue wash" their image and/or reputation without substantially changing their harmful practices.¹²⁶ Such partnerships are a wound to the United Nations' legitimacy to uphold and advance human rights.

An example is the partnership between the Anglo-Australian mining giant BHP Billiton and UN Women to advance vocational learning programmes even though BHP Billiton has been accused of human rights abuses and

Risk of Corporate Capture of the UN

Sold to the highest bidder

Corporate capture refers to the increasing influence of large businesses and transnational corporations in multilateral policy-making spaces, including the United Nations.* The risk is fueled by market fundamentalism as well as by the defunding of the UN by Member States.

* <https://www.escri-net.org/corporateaccountability/corporatecapture/manifestations>



environmental violations.¹²⁷ Another example is corporations investing billions of dollars to advance “climate denialism” narratives and stop any real climate action or mitigation.¹²⁸ A 2019 report from Influence Map revealed that the top five oil and gas companies (BP, Shell, Exxon Mobil, Chevron, and Total) spend approximately \$200 million USD a year on lobbying to block, control or delay the adoption of legally-binding climate policies.¹²⁹

DO CORPORATE PARTNERSHIPS CONSTITUTE A FORM OF COMPLICITY OF UN AGENCIES IN THE CONTINUATION OF HUMAN RIGHTS VIOLATIONS?

At the 59th session of the Commission on the Status of Women (CSW) in 2015, trade unions, feminist and women’s rights organizations, and international non-governmental organizations opposed UN Women’s proposed partnership with Uber, forcing the agency to end the partnership.¹³⁰ In a letter to UN Women, the International Transport Federation (ITF) highlighted Uber’s lack of job protection, its poor safety record for women, trans and gender diverse persons, and noted that the proposed partnership would reinforce systematic inequalities. The ITF wrote that the ambition to create one million Uber jobs would “not contribute to women’s economic empowerment and represents exactly the type of structural inequality within the labor market that the women’s movement has been fighting for decades.”¹³¹

Another example of blue-washing is the partnership between pharmaceutical corporate giant Bayer, and the UN in the Every Woman Every Child (EWEC) Initiative.¹³² The EWEC initiative, as per its own website, advocates for the health of women, children and adolescents everywhere. However, Bayer – along with BASF (also a EWEC partner), ChemChina and Corteva (Dow-Dupont) – controls the majority of the world’s seeds and pesticides. In 2018, Bayer acquired the controversial Monsanto, known, among other things, for legal disputes with small farmers over seed patents,¹³³ and for its harmful pesticides.¹³⁴ Around the world, women farmers, particularly indigenous women, are on the frontlines denouncing corporations like Bayer-Monsanto for the appropriation of native seeds. They are also resisting these corporations’ land grabbing and agribusiness practices which threaten their health and their communities’ right to exist.

These illustrative examples call for deep examination of the impact corporate partnerships are having on human rights and the achievement of the Sustainable Development Goals (SDGs). Even more urgently, it forces us to ask: do corporate partnerships constitute a form of complicity – unwilling as it may be – of UN agencies in the continuation of human rights and environmental violations?

The UN itself has reflected on the risks of idealizing partnerships with businesses, showing that it is capable of critical self-appraisal. A 2006 paper by the United Nations

Research Institute for Social Development (UNRISD) programme conceded that “focusing on foreign direct investment, linkages between transnational corporations (TNCs), small and medium-sized enterprise, and privatization as an objective or outcome of partnerships, is problematic from the perspective of equitable development.”¹³⁵ Realizing the political implications of such partnerships and allowing for internal critique is a step in the right direction towards reclaiming the UN’s mandate to support and uphold human rights for all.

UN Corporate Funding and the Love for Public-Private Partnerships

In October 2019, the United Nations Secretary-General held a press statement to announce that the UN is facing “severe shortage of cash of \$230 million [USD]” and may be unable to carry out its mandate due to almost one third of member states failing to honour their funding commitments.¹³⁶

CHRONIC UNDERFUNDING HAS RESULTED IN A GREATER UN DEPENDENCE ON A LIMITED NUMBER OF DONORS, INCLUDING PRIVATE FOUNDATIONS

Chronic underfunding of the UN can be seen as a deliberate tactic by some states to undermine the multilateral system. This has resulted in a greater UN dependence on a limited number of donors, including private

foundations. For example, the UN Foundation – a private foundation – raises funds from corporations and other private funders to support the UN system. It also brokers “global partnerships” between UN agencies, corporations, governments, and civil society.

In view of such funding shortages, it is not surprising that the UN has been a key proponent of public-private partnerships (PPPs), which is defined as any collaboration between the public and private sectors to achieve a public policy goal. But evidence suggests that governments continue to bring more financial resources to these partnerships than the private sector, and that PPPs, contrary to their promises, actually threaten the provision of public services.¹³⁷ This suggests that public funds are increasingly being used to finance big development programs that in reality are implemented by corporations.

Yet another example of UN and business partnerships that is particularly concerning for feminist movements in a context of the rise of anti-rights actors, is that of the 25th anniversary of the Fourth World Conference on Women and the adoption of its landmark outcome, the Beijing Declaration and Platform for Action (known as B+25). After suspending large gatherings during the pandemic, the UN began to organize the Generation Equality Forum¹³⁸ around key thematic areas called “Action Coalitions.”¹³⁹ Each Action Coalition – including private actors across the board – was mandated to “launch a targeted set of concrete, ambitious and immediate actions within the period of

2021-2026 to deliver tangible impact on gender equality and girls' and women's human rights."

**PUBLIC FUNDS ARE INCREASINGLY
BEING USED TO FINANCE BIG
DEVELOPMENT PROGRAMS THAT
IN REALITY ARE IMPLEMENTED BY
CORPORATIONS**

This marks a significant restructuring of UN accountability mechanisms in favor of PPPs and happens to mirror the recommendations in a recent World Economic Forum narrative that argues that governments are no longer the overwhelmingly dominant actors on the world stage.¹⁴⁰ The WEF vision includes a "public-private UN, in which certain specialized agencies would operate under joint state and non-state governance systems." **This indicates that "formal" corporate power is fully entering the international governance system for women's rights and gender equality agendas, and as feminists we need to be alert.**

Feminist and women's rights groups have also critiqued the Addis Ababa Action Agenda (AAAA) and the 2030 Agenda for giving a privileged role to multi-stakeholder partnerships that include the private sector.¹⁴¹ There is even a specific target set on public-private partnerships (PPPs) under Goal 17 of the Sustainable Development Goals. This marked an important departure from the Millennium Development Goals (MDGs) which defined a global partnership as principally

between states. Although the AAAA and the 2030 Agenda acknowledge the existence of human rights standards and norms – including ILO labour standards, environmental safeguards and the UN Guiding Principles on Business and Human Rights – they fail to acknowledge the need for a binding instrument that will provide a mechanism to truly hold corporations accountable. Now the prospects of having such a mechanism are also under threat by corporate actors and allies trying to obstruct the process.

**"FORMAL" CORPORATE POWER
IS FULLY ENTERING THE
INTERNATIONAL GOVERNANCE
SYSTEM FOR WOMEN'S RIGHTS AND
GENDER EQUALITY AGENDAS, AND
FEMINISTS NEED TO BE ALERT**

A lack of core funding at the expense of global partnerships and specific programs undermines the UN system as a whole.¹⁴² It leads to fragmentation, competition, and overlap between UN agencies, and elevates priorities set by the corporate sector over and above those set by intergovernmental bodies. As if in a never-ending circle, the rise of corporate power globally is creating a lack of public financing for effective multilateralism to uphold human rights and equality for all.

Corporate Obstruction to Advancing Rights and Accountability

Obstructing a UN Legal Instrument for Corporate Accountability

The non-transparent influence of corporations threatens democratic principles and weakens the sovereignty of member states, particularly when it comes to holding them accountable for human rights abuses and environmental violations.

CORPORATIONS ARE ENGAGED IN BLOCKING EFFORTS AT THE UN HUMAN RIGHTS COUNCIL TO END IMPUNITY FOR CORPORATE ABUSES AND VIOLATIONS

Currently, corporations are engaged in blocking efforts at the UN Human Rights Council (HRC) to end impunity for corporate abuses and violations, such as the destruction of territories, plundering of resources, exploitation of labour, or environmental damages. Currently, companies simply refer to the UN Guiding Principles on Business and Human Rights, which are voluntary. Voluntary principles, to which companies only need adhere to if they wish,¹⁴³ have led to the current state of impunity with local communities offered very little in return for the destruction of their health and livelihoods.

To address these concerns, an international legally-binding treaty on transnational corporations and other businesses in relation

to human rights has been the subject of discussions at the HRC in Geneva since 2014 as part of a historical struggle led by social movements demanding accountability.¹⁴⁴ Including a women's rights and gender justice perspective in the prospective treaty would provide a much needed legal tool to address corporate abuses.

Corporations, however, are actively trying to disrupt this process. A corporate lobby, for example, is directly campaigning against the treaty – mostly through the ICC and the IOE. The IOE released a document targeting states that might be supportive of the treaty, laying out what the organization said were possible major financial losses in exports, investment, and development if the treaty is ratified.¹⁴⁵

IT IS THE WORK OF FEMINIST ORGANIZATIONS ACROSS THE GLOBAL SOUTH, IN ALLIANCE WITH GLOBAL ORGANIZATIONS, TO PEEL BACK THE CURTAIN OF THIS HYPOCRISY

On top of this, is the issue that corporations hold enormous power at the national and global levels. States are under continuous economic and political pressure from corporations and financial institutions, to varying degrees of success. To illustrate, a comparative analysis found that the arguments voiced by the European Union (EU) against the treaty are virtually identical to the arguments put forward by the private sector lobby.¹⁴⁶ A number of EU countries are often

considered “champions of gender equality” in UN deliberations, reporting, and initiatives. However, upholding corporate power in order to protect companies in their home countries clearly fuels gender inequality and rights violations everywhere. **It is the work of feminist organizations across the Global South, in alliance with global organizations, to peel back the curtain of this hypocrisy and demand full support for gender-responsive legally-binding instruments on corporations and human rights.**

Shrinking Civic Space for Feminist and Women’s Rights Organizing

Through multi-stakeholder engagements, PPPs or direct funding, as well as invitations as speakers and “experts,” transnational corporations are increasingly being given a voice in the UN. The expertise of feminist and gender justice organizations and historically oppressed communities – even on matters pertaining to their own lives – are often devalued and marginalized by comparison.

THE DOMINANCE OF CORPORATE VOICES IS NARROWING THE SPACE TO INTERROGATE CORPORATE PRACTICES THAT CONTRIBUTE TO WOMEN’S MARGINALIZATION

To illustrate, only one women’s rights organization is represented on the first UN high-level panel on women’s economic empowerment, while six representatives from either corporations or private foundations are

included.¹⁴⁷ The panel, launched by the UN and the World Bank with the backing of the UK government and the IMF, is co-chaired by the CEO of IKEA Switzerland. **The dominance of corporate and private foundation voices is narrowing the space to interrogate corporate practices that contribute to women’s economic, social, and political marginalization, or to question current economic policies and the dominant economic system at large.**

THE PRINCIPLE OF PRIMACY OF HUMAN RIGHTS OVER CORPORATE INTERESTS - IF IT EVER WAS - IS NO LONGER A GIVEN

In summary, this brief overview of multi-faceted corporate power, influence and capture of the UN makes clear that the mandate to protect and uphold human rights is deeply compromised. **The principle of primacy of human rights over corporate interests – if it ever was – is no longer a given.** It is critical to continue exposing the interference of private sector interests and corporate ideologies in human rights systems, and to hold both states and UN institutions to account when they place these interests above human rights and public interest. In a world where corporations hold more economic power than states, it is not the corporations who rely on the international human rights system for the respect, protection, and fulfillment of their human rights, it is the people.

Reprisals and Closing Civic Spaces for Feminist Activists, LGBTQI and Women Human Rights Defenders

– Verónica Vidal Degiorgis¹⁴⁸

Project on Economic, Social and Cultural Rights
(ProDESC, México)

Since the early 2000s, feminist activists, LGBTQI and women human rights defenders have seen the resources and spaces for their work narrowed and their work increasingly contested at domestic, regional, and international levels.¹⁴⁹ Defenders also face reprisals and intimidation when engaging with international or regional human rights mechanisms to try and hold their states accountable or to push for human rights standards. Pressure from states within the multilateral system has increasingly limited defenders' access to negotiations on human rights, including some forums where civil society presence has traditionally been strong.¹⁵⁰

With events and sessions cancelled or shifted online, the COVID-19 pandemic has created a new barrier for the international advocacy efforts of human rights groups, particularly those based outside of Geneva and New York. In his 2020 report, the Secretary-General noted that cooperation with the UN was significantly altered by COVID-19 and the cancellation of activities required adaptation and new forms of engagement in order for civil society to cooperate freely and safely with the UN.¹⁵¹

It is essential for the voices of feminist activists, LGBTQI and women defenders to be heard and their demands addressed in order to keep governments accountable for their human rights violations and to continue to push the multilateral system to fulfill its mandate. A lack of their participation and access presents a threat to this already fragile system.

The right to defend rights, as well as the rights to protest and to freedom of assembly and association, have been recognized under international law in a number of international and regional human rights instruments.¹⁵² In 2013, the UN General Assembly adopted a resolution focused on the protection of women human rights defenders.¹⁵³ This followed the appeals of feminist, LGBTQI and women human rights defenders for an international instrument that specifically recognized and addressed the differentiated and gendered violence they face. The UN Secretary-General also instructed the Assistant Secretary-General for Human Rights to coordinate efforts to protect defenders engaging with the UN.¹⁵⁴

Despite these advancements in international law, we are seeing that any work related to achieving rights and liberation is increasingly being silenced, attacked, and punished. **The reprisals against women and LGBTQI defenders take many forms: use of legislation to criminalize their work, intimidation, written or verbal threats, online and offline harassment, defamation**

campaigns, travel bans, restrictions on funding, arbitrary arrests, sexual violence, and even murder. Gender-based and sexual violence, and threats to children and family, are also common gender-specific types of violence.

With the alarming escalation of reprisals and intimidation of activists documented in recent years, the 2018 Reprisals Report acknowledged that such incidents “have become increasingly severe in nature”¹⁵⁵ and that cases faced by defenders working on the rights of women or gender issues are under-reported.

Of particular interest is the case of Alicia Wallace, a feminist activist from The Bahamas. Wallace represented her organization, Equality Bahamas, in the review of her country by the Committee on the Elimination of Discrimination against Women (CEDAW) in October 2018.¹⁵⁶ Following this, Rodney Moncur, a local radio personality, made statements about Wallace which, according to the International Service for Human Rights (ISHR), included “drawing false equivalency between LGBTQ+ sexual relations and bestiality.”¹⁵⁷ This contributed to an unsafe environment for her and other defenders, as documented by ISHR.¹⁵⁸

Despite The Bahamas subsequently affirming its commitment to protect human rights defenders and ensure that they can engage freely with the UN¹⁵⁹ no measures of remedy and redress for Wallace were ever taken by the government, nor was any follow-up by the UN mentioned in the Reprisals Report

in successive years.¹⁶⁰ Wallace has suffered trauma as a consequence of this reprisal. She subsequently made three demands on her government: (1) to code hate crimes in its criminal legislation; (2) to demonstrate public support for women human rights defenders; and (3) to make a cease-and-desist notification to Rodney Moncur.¹⁶¹ None of her demands were met.

Alicia’s case might be only one of the many cases of documented reprisals, but it exemplifies the challenges and obstacles to the gender-responsive prevention mechanisms that are needed to protect defenders. Meanwhile, reprisals perpetrated by state and non-state actors continue happening both in UN headquarters and local contexts.

The obstacles for NGOs to get ECOSOC consultative status within the UN is another indication of closing space for activists. ECOSOC status provides the ability to pursue advocacy activities, influence agendas, and participate in key negotiations for the advancement of human rights at the multilateral level. The Human Rights Council’s NGO Committee Chair expressed concern that, **“a large and growing number of NGO applications for consultative status continue to be perceived as arbitrarily deferred based on politically-motivated and repetitive questions by committee members.”** This trend threatens the very engagement of civil society with UN bodies and mechanisms.

Also of concern is the “no objection procedure” through which member states have the power to veto any NGO’s participation in certain high-level meetings without providing a reason.¹⁶² Considered alongside the increasing access of anti-rights actors to human rights processes – including via the acquisition of ECOSOC status – it becomes an apparent part of a broader process to undermine human rights and the multilateral system itself.

Similar trends are taking place in regional human rights mechanisms. The Nicaraguan Initiative of Women Human Rights Defenders has documented reprisals against feminists, women and trans human rights defenders. The feminists, trans and indigenous women human rights defenders Lottie Cunningham, Haydée Castillo, Francisca Ramírez, Irlanda Jeréz, and Victoria Obando have been subject to various reprisals related to their engagement with the Inter-American Commission of Human Rights (IACHR) to denounce the current political situation and multiple human rights violations in Nicaragua.¹⁶³

Reprisals are not limited to activists, they also target prominent UN mandate holders. In 2018, the Special Rapporteur on Indigenous Peoples, Victoria Tauli-Corpuz, was accused by the government of her home country, the Philippines, of being a “terrorist,” along with 600 other activists.¹⁶⁴ The Rapporteur has been a key voice in denouncing the attacks on activists in the country and spoke about the atrocities of

the Duterte government against indigenous people defending their land and territories.

A GROWING NUMBER OF NGO APPLICATIONS FOR CONSULTATIVE STATUS CONTINUE TO BE PERCEIVED AS ARBITRARILY DEFERRED BASED ON POLITICALLY-MOTIVATED AND REPETITIVE QUESTIONS BY COMMITTEE MEMBERS

Such an attack, coming as it is from her own government, is aimed at discrediting the Rapporteur’s work and undermining her contributions to human rights. It also exposes her to further risk and attacks.¹⁶⁵ As noted by the International Service for Human Rights (ISHR), attacks on prominent UN experts and ambassadors, with no consequence to the perpetrators, “may deter civil society from engaging with [human rights] mechanisms and is likely to increase fear for those seeking the protection of the UN.”¹⁶⁶

These reprisals are fueled by a global context that is increasingly authoritarian, promoting hate speech and economic, social, religious, and cultural fundamentalist values. Other trends in this context include: online harassment, cybercrime regulations that intensify electronic surveillance, the delegitimization and legal and administrative restriction of civil society, the criminalization of human rights defenders and activists, and limitations on freedom of movement,

international travel and freedom of speech and assembly in different countries all over the world.¹⁶⁷

UN INSTITUTIONS, AND MEMBER STATES MUST HOLD THEMSELVES AND EACH OTHER TO ACCOUNT TO ENSURE THAT HUMAN RIGHTS DEFENDERS AND MANDATE HOLDERS CAN ENGAGE FREELY WITHOUT THREAT OF REPRISALS

The UN must be a space where defenders and communities can speak out freely for rights and justice, particularly with civic spaces closing and the increased repression of human rights defenders around the world. Yet today, defenders are risking their safety and well-being to report human rights violations to UN bodies, with feminist activists, LGBTQI, and women human rights defenders exposed to gender-specific threats and violence as reprisals. UN institutions, regional human rights mechanisms, and member states must hold themselves and each other to account and act to ensure that human rights defenders and mandate holders can engage freely without threat of reprisals.

Movement Resistance Stories

CEDAW's Article 16: A Pathway for Reformation of Discriminatory Family Laws in Muslim Contexts

– Alex McCarthy and Hyshyama Hamin
Musawah

The Convention on the Elimination of Discrimination against Women (CEDAW) is the most important human rights treaty for women's groups in Muslim contexts because of its three key principles: substantive equality, non-discrimination, and state obligation. These enable activists to use the CEDAW reporting process to put pressure on their governments to reform laws and practices that discriminate against women.

Today, CEDAW is the human rights convention with the most state reservations (through a reservation, the state excuses itself from upholding certain provisions of the convention or treaty).¹⁶⁸ Of the 440 reservations entered against the Convention, over 60 percent are based on religion. CEDAW's most reserved article is Article 16 on marriage and family relations. Many reservations come from Muslim-majority countries invoking religion to erroneously excuse discriminatory regulations as *Shari'ah* or "God's divine and unchangeable laws," and justify non-compliance with treaty obligations or their lack of progress on law reform.

Musawah, the global movement for equality and justice in the Muslim family, started submitting thematic reports on CEDAW's Article 16 to the CEDAW Committee in 2011 during different country review sessions. Working closely with national-level activists, lawyers, and civil society organizations, Musawah uncovered both the *de facto* and *de jure* discrimination faced by women under Muslim family laws, as well as *Shari'ah* court systems and community practices.

Musawah has since intervened 38 times for 31 countries in 24 CEDAW sessions, including submitting 34 thematic reports, making oral interventions, and participating in NGO briefings. These reports have been the backbone of Musawah's extensive documentation of the impact of discriminatory Muslim family laws on women and girls, with the identification of 12 principal issues of concern in these laws where women face discrimination. These include:

- Discriminatory legal frameworks
- Male guardianship
- Women's consent and capacity to enter into marriage
- Child and forced marriage
- Divorce
- Polygamy
- Violence against women in the family (including female genital mutilation/cutting and honour-based violence)
- Inheritance
- Nationality
- Post-divorce maintenance
- Matrimonial assets
- Access to justice in *Shari'ah* courts.

Importantly, these reports also outlined examples of positive legal developments in Muslim contexts around the world. Such examples illustrate the range of legal regimes in Muslim-majority countries, and the possibility for reform, showing the fallacy of state arguments that appeal to *Shari'ah* to avoid commitments to women's rights,

thereby strengthening Committee members' questioning of state parties and supporting activists' calls for reform.

For many activists denied the opportunity to raise their concerns about discriminatory laws and practices in their home countries, Musawah's joint engagement with CEDAW has provided a unique platform to be heard. Engagement with the CEDAW Committee and reporting process fulfills a niche need in advancing the rights of women in Muslim contexts. As a result of Musawah's work, there has been more constructive and critical engagement between the CEDAW Committee and reporting governments. This work has also facilitated impactful Concluding Observations by the CEDAW Committee, including urging governments to raise the minimum age of marriage to 18, discourage polygamy, abolish unilateral divorce, provide equal inheritance rights, and appoint women as judges in religious or *Kadi* courts.

In March 2020, Musawah launched a global Campaign for Justice in Muslim Family Laws, bringing together women's rights activists, academics, and policy makers. In addition to strengthening national advocacy and building regional networks for change, Musawah continues to support national activists to engage with CEDAW in order to support the reform of Muslim family laws in their respective countries.

3



Chapter 3: Anti-Rights Discourses

Gender Ideology

– Fernando D’Elio and Maria Luisa Peralta
**AKAHATÁ – WORKING TEAM ON
SEXUALITIES AND GENDERS**

The concept of “gender ideology” emerged from the rhetoric of the Vatican two decades ago and was used initially in Europe by the Catholic hierarchy and a few affiliated groups. The concept emerged as a tool to defend dogmas related to sexuality and gender and to oppose the advances made in the United Nations conferences of the 1990s. The reaction was particularly to the Cairo and Beijing conferences, where crucial advances in sexual and reproductive rights were achieved and gender was first placed on the global human rights agenda.

The crux of the “gender ideology” narrative is that radical LGBT and feminist activists are conspiring to impose a worldview that subverts the natural, moral, and social order. In this discourse, the very notion of gender – as something socially constructed rather than something biologically determined by sex – is presented as a threat to society. Pope Francis, for instance, has stated that the notion of gender “endangers mankind” by erasing sexual differences and “complementarity of the sexes,” thus “eliminating the anthropological basis of the family.”¹⁶⁹

A key element of the narrative is that this radical gender lobby is authoritarian and dictatorial, and seeks to indoctrinate others,

including children. Protesters opposing LGBTQI equality and defending the “natural family” in Italy and Slovenia, for example, have fashioned themselves as “guards” of free speech, holding silent vigils in public squares and claiming to be under attack from “gender theorists.”¹⁷⁰

How the Discourse is Being Used

From its inception, “gender ideology” became a powerful discursive weapon to counteract feminist and gender studies – and later queer theory – to delegitimize and hold back advancement in the recognition of the rights of women and LGBTQI people.

The rapid proliferation of this concept across different regions, societal spheres and institutions, caught many feminist and sexual rights activists off guard, at first. **Today this concept is used across the world to attack a broad range of progressive initiatives, not solely related to sexuality and gender, but also other struggles such as social justice or environmental issues.**

GENDER IDEOLOGY IS ALSO INVOKED TO OPPOSE STRUGGLES THAT CHALLENGE NEOLIBERAL POLICIES, CAPITALISM, NATIONALISM, MILITARISM, XENOPHOBIA OR RACISM, TO NAME A FEW

“Gender ideology” is employed by a range of actors – from high government and

diplomatic spheres, to the pulpits of different religions, print and social media, conferences and seminars of conservative secular groups, and even in street demonstrations. The most significant characteristics of the discourse are: its extraordinary flexibility and versatility; its ability to bring together diverse and sometimes otherwise divided anti-rights actors; and its objective of delegitimizing academic concepts, studies and productions, scientific theories, and gender-centred approaches.

“This is the genius of the anti-gender ideology formula. Its plasticity to be secular and anti-Muslim in Europe, and unapologetically Christian in Latin America. The term is no longer part of the Catholic rightwing vernacular, but that of a transnational conservative movement dedicated to preventing, and even undoing, progress on women’s and LGBT rights.” – Gillian Kane, Ipas¹⁷¹

It has become commonplace to see the concept of “gender ideology” invoked against comprehensive sexuality education, the rights of LGBTQI people and their families, violence against women, and sexual and reproductive rights. However, as the concept takes aim more broadly at “the Left,” it is also invoked to oppose struggles that challenge neoliberal policies, capitalism, nationalism, militarism, xenophobia or racism, to name a few.

It is striking that a fear-based campaign around “gender ideology” played a

significant role in the outcome of a 2016 referendum on a proposed peace accord between the Colombian government and the Armed Revolutionary Forces of Colombia (FARC). Colombian voters narrowly rejected the peace agreement after a campaign by ultra-conservative organizations, the Catholic church, and Evangelical groups which claimed the agreement had been “contaminated” by “gender ideology,” on the basis that the text recognized the differentiated impact the conflict had had on women and LGBTQI people.¹⁷²

The concept of “gender ideology” is underpinned by a wealth of strategies aimed to produce uncertainty and fear in audiences, often combined with misinformation, data manipulation, and sensationalism to portray “the family” or “children” as “victims.” In combining “gender” with “ideology,” the discourse aims to place feminism and LGBTQI movements – and the very existence of LGBTQI people and their families – in the field of falsehood or propaganda, painting them as a nefarious agenda threatening the “natural order.” Meanwhile, those that wield this concept strategically claim “common sense,” employing pseudo-science and reducing the rich human experience to their own subjective perception of nature and the body.

The proponents of “gender ideology” have generally been identified with ultraconservative religious and secular groups, anti-rights, and fundamentalist actors. Critically, however,

the anti-rights agenda behind this discourse must also be understood within its broader context. It is intrinsically linked – ideologically, politically, and financially – to right and far-right actors and their economic interests. For this reason, it is not uncommon to see “gender ideology” discourse proponents vilifying social justice movements that challenge neoliberal capitalism and unjust economic policies.

GENDER IDEOLOGY IS ALSO INVOKED TO OPPOSE STRUGGLES THAT CHALLENGE NEOLIBERAL POLICIES, CAPITALISM, NATIONALISM, MILITARISM, XENOPHOBIA OR RACISM

Another alarming trend is that in recent years anti- “gender ideology” discourse and activism has also increased dramatically from within some parts of feminist and women’s rights movements. This segment of feminists adhere to the idea that women are defined by binary biological sex rather than gender, and promote an agenda of “rights of women based on sex.” Their main targets of attack are trans people, their families and communities.



Read more on the links between trans-exclusionary feminists and Christian fundamentalists in Chapter 4

Debunking the Discourse

Anti-rights actors claim to oppose “gender ideology,” but it is important to understand that they themselves invented this concept, in order to oppose it. The developments of the 20th century – such as the women’s liberation movements, LGBTQI rights, and de-colonization – have fundamentally challenged the patriarchal order of society. It is no longer the absolute “common sense” that a woman’s natural place is in the kitchen, or that a woman’s primary function in society is reproduction. The idea that a family can only be a patriarchal unit of a man and a woman or that the only moral existence is heterosexual and that sex is binary, or that the sole legitimate purpose of sex is reproduction are being challenged.

ANTI-RIGHTS ACTORS PRESERVE CENTURIES-OLD NORMS AS “COMMON SENSE” AND STRATEGICALLY PAINT OTHER IDEAS AS A DANGEROUS CONSPIRATIVE “IDEOLOGY”

Anti-rights actors seek to preserve these centuries-old norms as “common sense,” or the natural order of society. **As such, they strategically paint all other ideas, cultural norms, and forms of social life as a dangerous conspirative “ideology.”** Ideas, laws and practices asserting that women can have autonomy over their bodies, that people deserve sexual and reproductive

rights, or that they can live safely in a diversity of gender identities, expressions and sexual orientations, even that young people should receive sexual education, are construed as an existential threat to society. In truth, **rights related to gender and sexuality are not a threat to society; they are a threat to the patriarchal order, and the violence and discrimination inherent to it.**

The concept of gender exposes social norms of masculinity and femininity as what they are – social norms embedded in a political and economic power structure – rather than the God-given natural order of things. In reality, **gender – as articulated by feminist, trans and queer scholars and movements – threatens anti-rights actors not because it constitutes an ideology, but because it exposes *patriarchy* as an ideology of oppressive gender roles.**

The proponents of the “gender ideology” discourse may cast themselves as victims and cloak their arguments in human rights terms, but their project of preserving a patriarchal, homophobic, and transphobic order of society remains fundamentally opposed to the universality of human rights.

Cultural Imperialism and Ideological Colonization

– Naureen Shameem
AWID

Anti-rights narratives on ideological colonization and cultural imperialism assert that human rights frameworks, reproductive health services, and advancements on gender and sexuality are being imposed on certain countries, particularly those who were previously colonized. These discourses label universal rights as “Western” or “secular.” They are particularly canny because they take real issues – stemming from the ongoing global neo-colonial dynamics of power – and spin them to serve an anti-rights agenda.

ANTI-RIGHTS ACTORS TAKE REAL ISSUES – STEMMING FROM GLOBAL NEO-COLONIAL DYNAMICS OF POWER – AND SPIN THEM TO SERVE AN ANTI-RIGHTS AGENDA

These linked discourses are grounded in a misleading presentation of culture as monolithic, static, and immutable – and as a characteristic of non-Western persons and communities rather than a universal phenomenon. In order to “preserve” culture, it must be represented as something fixed and rigid. This claim to speak in the name of a culture whose parameters one defines (for instance, as patriarchal and heteronormative)

is an intentional move by anti-rights actors to gain, retain, or consolidate power

Along with its links to deceptive anti-rights discourses on the right to culture,¹⁷³ the narratives of cultural imperialism and ideological colonization pull on ultraconservative narratives around national sovereignty and anti-imperialism.¹⁷⁴



Read more about **anti-rights use of national sovereignty and anti-imperialism discourses** in the first edition of this report

How the Discourses are Being Used

As with other anti-rights discourses, the language of ideological colonization and cultural imperialism is at play in several spaces, highlighting the ways in which these arguments are transferred, diffused, and adopted across regions and spaces.

The Vatican is a primary advocate of this narrative. For instance, Pope Francis has repeatedly spoken about “cultural and ideological colonization,” which he argues “sins against God the Creator because it wants to change Creation as it was made by Him.”¹⁷⁵ In the same commentary he claimed, “with this attitude of making everyone equal and cancelling out differences...they make a particularly ugly blasphemy against God,”¹⁷⁶ and in another statement has described equal rights agendas related to gender and sexuality as a “world war...not with weapons but with ideas.”¹⁷⁷

CitizenGo Africa spokespersons use this discourse in their advocacy, including campaigns against access to abortion. Campaigns Director Ann Kioko has argued that all African countries (aside from South Africa) have “pro-family and pro-life laws,” but that they are facing “cultural imperialism and colonialism – people who are coming to Africa and trying to change what we believe in.”¹⁷⁸

US-based anti-rights group Family Watch International (FWI) employs the language of “cultural imperialism” in service of its anti-sexual rights advocacy.¹⁷⁹ In 2020, for example, FWI released a video entitled “Cultural Imperialism: The Sexual Rights Agenda.” FWI claims that the video exposes “how wealthy countries and the UN, under the guise of preventing AIDS, are actually spreading AIDS.” It also claims some countries “are blackmailing poor countries by withholding aid unless these developing nations implement laws and policies to advance lesbian, gay, bisexual and transgender rights.”¹⁸⁰ Undoubtedly, global power imbalances have repeatedly played out in some approaches to the advancement of LGBTQI rights. But in FWI’s narrative, this is misappropriated – by a Global North-based actor – in service of an agenda against LGBTQI people across the board and mixed in with disinformation regarding HIV/AIDS.

Several states at the UN employ a discourse of cultural imperialism more implicitly when making reservations to human rights agreements and instruments,¹⁸¹ and to amend or develop resolutions to reflect anti-

rights agendas. Several of the leading nations influential in the work of the Organization of Islamic Cooperation (OIC), for instance, appropriate anti-imperialist language while claiming to represent the values of “the Muslim world” in an attempt to erode their human rights obligations.¹⁸²

THE GOAL IS TO FRAME RIGHTS RELATED TO GENDER, SEXUALITY, AND REPRODUCTION AS “NEW”, FOREIGN, COERCIVE, AND DANGEROUS

What does this discourse tap into? It may appeal partly because it is emotive and designed to play on fears – as we can see from the references to war, blasphemy, blackmail, and sovereignty – and taps into feelings of powerlessness and defensiveness. Given the pervasiveness of colonial dynamics in geopolitics – including in multilateral spaces – and in continuing economic disparities worldwide, the discourse also works by tapping into and appropriating the urgent concerns that fuel anti-imperialist movements across the Global South.

The goal of this discourse is to frame rights related to gender, sexuality, and reproduction as “new,” foreign, coercive, and dangerous. By doing so, anti-rights actors can then argue that allowing children to learn about gender identity, expression, and relations will harm them and harm society. It also argues that women and girls worldwide are harmed by having access to abortion, that there are

no persons who are non-conforming in their gender identity, expression and/or sexual orientation, and that human rights do not apply to everyone equally.

Debunking the Discourse

Historically and across regions and religious contexts, fundamentalisms have fixated on and sought to use the bodies of women, girls and persons with non-conforming gender identities or sexual orientations – those who this discourse says do not deserve equal rights or do not exist – as a battlefield in their struggles to attain or retain dominance.

THESE ORGANIZATIONS ARE THEMSELVES IMPERIALIST ACTORS, ACTIVELY EXPORTING THEIR ANTI-RIGHTS IDEOLOGIES WORLDWIDE

Through this discourse, anti-rights actors are trying to present themselves as the ultimate authority on what culture is and is not, presenting whole societies, communities, and populations as monolithic, static, and homogenous. Whereas culture is always hybrid, contested, and dynamic, a core strategy for cultural and religious fundamentalists is to describe their favoured representation of a culture as ahistorical and uniquely “authentic” to their context – and to attempt to proscribe or suppress any internal diversity.

So, this discourse serves as a smokescreen – it operates in bad faith and it represents a

cynical attempt by anti-rights actors to co-opt the work of progressive movements globally. While it aims to appropriate the language and important work of anti-imperialist and decolonial movements, it often originates from Western-based organizations and actors who are speaking about “other” countries. **These organizations are themselves imperialist actors, actively exporting their anti-rights ideologies worldwide.**¹⁸³

This discourse also seeks to act as a cover for religious fundamentalist ideologies emphasizing fixed gender roles and “traditional values.” This is apparent when we examine who is actually propagating these discourses. This shift on the part of the Holy See and other anti-rights actors to language that is not openly religious is part of a common tactic that has been described as “strategic secularism.”¹⁸⁴ **By framing fundamentalist opposition to the equal human rights of women, girls and persons with non-conforming gender and sexuality without actually evoking religion, this discourse can gain much greater traction in global and regional multilateral spaces.**

As the scholar Chandra Mohanty highlights, colonization both implies a relation of structural domination, as well as a “suppression...of the heterogeneity of the subject(s) in question.”¹⁸⁵ In their rhetoric and their activities exporting their ideologies internationally, these Global North anti-rights actors aim to present themselves as saviors, and their arguments are based on flattening

the subjects in question into an essentialist and static idea of culture and its values.

Further, when it comes to rights related to sexuality, what anti-rights actors describe as “authentic” culture under threat from ideological colonization in many cases is in fact linked to laws dating to the colonial era. A significant number of laws criminalizing same-sex sexual relations worldwide were imposed through British colonialism.¹⁸⁶ Meanwhile, diversity in sexuality, gender identity, expression, and relations has been a feature of cultures the world over throughout history – a fact these actors seek to erase.

**DIVERSITY IN SEXUALITY, GENDER
IDENTITY, EXPRESSION, AND
RELATIONS HAS BEEN A FEATURE
OF CULTURES THE WORLD OVER
THROUGHOUT HISTORY**

At the global level, this discourse attempts to shift the focus of human rights from protecting the rights of marginalized communities and individuals to maintaining the dominance of the powerful and regressive institutions or states who cultivate this narrative. The goal of these discourses, ultimately, is to serve as a justification for dehumanization, discrimination, and impunity.

Abortion

– Naureen Shameem
AWID

Anti-rights actors worldwide continue to mobilize against abortion. A number of national and state leaders took advantage of the COVID-19 pandemic to try to carve away at abortion rights. In Poland, a radical ban on abortion was debated by the government in April 2020¹⁸⁷ – as Polish feminists took to the streets to protest. In the US in 2019, pressure built to close abortion services in a number of states, with draft bills being introduced to ban abortion.¹⁸⁸

In global and regional spaces, and across a number of national contexts, anti-abortion agendas continue to be pushed through several key discourses. In the first OURS trends report, we discussed the misleading appropriation of the idea of the right to life to promote an anti-abortion agenda by the Vatican and allied anti-rights actors,¹⁸⁹ along with key ultra-conservative narratives around reproductive rights and health, such as “population control.”¹⁹⁰ Here we will examine two additional discourses that anti-rights movements increasingly call on to challenge rights to abortion: conscientious objection and “prenatal genocide.”

Conscientious Objection

The discourse of conscientious objection has been gaining traction in recent years. Currently, more than 70 jurisdictions around the world

have provisions that allow health care providers to refuse reproductive services like abortion.¹⁹¹

In Italy, for instance, the percentage of gynecologists who made objections to the provision of abortion on the grounds of conscience was 70 percent in 2018, up from 59 percent in 2005.¹⁹² In Croatia, now an estimated 60 percent of gynecologists refuse to perform abortions on the grounds of conscientious objection.¹⁹³ In 2019, LifePetitions, an anti-abortion online campaigning site, even posted a petition that targeted Uber, demanding that the company “respect their drivers’ conscientious objection to abortion and other activities which end human life.” This was in response to a case where a driver stopped a ride mid-way when he learned the passenger was on her way to obtain an abortion.¹⁹⁴

How the Discourse is Being Used

Both in global and regional spaces – and in a number of countries¹⁹⁵ – Alliance Defending Freedom (ADF),¹⁹⁶ a US-based strategic litigation organization, and other anti-rights allies are a strong proponent of this discourse. ADF argues that there exists a human right for health care professionals to conscientiously object to participation in abortion and forms of contraception, as well as in “embryo-destructive research,” and “prescribing cross-sex hormones” due to their convictions grounded in “human dignity.”¹⁹⁷

ADF and other anti-rights actors generally try to justify this discourse by referencing the human

right to conscience. The UN International Covenant on Civil and Political Rights states that “everyone shall have the right to freedom of thought, conscience, and religion.”¹⁹⁸ Freedom of conscience covers all ethics and values a human being cherishes – their moral compass – whether of religious nature or not.¹⁹⁹

What is this discourse trying to achieve, and how? **The narrative on conscientious objection aims to chip away at abortion protections in circumstances where direct opposition to abortion access is less likely to be successful.** The discourse is framed to seem innocuous – especially due to the way it is often presented as being a personal matter of individual conscience – but has cumulative impact on women’s access to reproductive services, with a disproportionate impact on women and adolescents who are poor, or from rural areas and small towns.²⁰⁰ Conscientious objection is then argued to apply to a widening circle of health care providers – nurses and midwives, in addition to doctors and surgeons – and then to institutions.²⁰¹

Debunking the Discourse

Ultimately, the goal of this discourse is to progressively limit access to abortion. This is particularly apparent given that the narrative of “conscientious objection for doctors” has broadened over time to cover institutions like hospitals. Anti-rights actors manipulate human rights language to suggest that institutions can be rights-holders, when this is not the case.

There exists no right to conscientious objection for health professionals in international human rights law. In fact, binding human rights law only recognizes a right to conscientious objection for individuals who object to performing military service. **While individuals may act according to their own moral beliefs, they do not have the right to prevent the fulfilment of others’ right to health, which includes the provision of these health care services.**

**WHILE INDIVIDUALS MAY ACT
ACCORDING TO THEIR OWN MORAL
BELIEFS, THEY DO NOT HAVE THE
RIGHT TO PREVENT THE FULFILMENT
OF OTHERS’ RIGHT TO HEALTH**

The UN Special Rapporteur on Freedom of Religion has clearly held that the right to conscience cannot be invoked by health care providers and personnel to refuse to perform abortions, or to make referrals for the health service.²⁰² Human rights treaty monitoring bodies have called out states’ insufficient regulation of the use of “conscientious objection” and have directed states to guarantee patients’ access to services.²⁰³

In an example of anti-rights actors’ contortions to peddle this misinformation, C-Fam and FWI recently attempted to argue that the International Covenant on Civil and Political Rights guarantees a right to conscientious objection for health care providers and professionals. However, the treaty does not

include any such reference, and the Human Rights Committee governing its interpretation has clearly stated that a right to conscientious objection can only be conferred for military service.²⁰⁴ They do admit that many UN treaty bodies, and UN Special Procedures, have repeatedly stated that no right to conscientious objection for health care workers exists – yet they continue to tout this discourse.²⁰⁵

This is another example of anti-rights actors' purposeful misinterpretation of the right to conscience and freedom of belief,²⁰⁶ and is also a means by which regressive actors seek to institutionalize their revisionist narrative around the right to life applying before birth.

Prenatal Genocide

Another discourse that has been increasingly circulated by anti-rights actors in recent years is the idea of “prenatal genocide.” It co-opts a number of progressive themes in service of an anti-abortion agenda, including: feminist concerns around sex-selective abortion; disability justice advocates' activism around ableism and discussions of pre-natal testing; and racial justice advocates' critiques of medical racism.

How the Discourse is Being Used

Anti-rights actors like CitizenGo evoke prenatal sex selection in their campaigns. In May 2018, the group put up a series of billboards in advance of a “March for Life” planned in Rome, declaring, “abortion is the prime cause of femicide in the world.”²⁰⁷ The

group said that this campaign was intended to make reference to “the hundreds of thousands of women no longer alive because they were aborted because they were women – for example, in China.”²⁰⁸ ADF also propagates this discourse, for instance in ADF India's “Vanishing Girls” campaign.²⁰⁹

THE IDEA OF “PRENATAL GENOCIDE” CO-OPTS A NUMBER OF PROGRESSIVE THEMES IN SERVICE OF AN ANTI-ABORTION AGENDA

At the UN, C-Fam and the Vatican are also prominent in spreading this discourse, with particular reference to prenatal testing for Down's Syndrome.²¹⁰ In 2018, the Vatican held a side event with C-Fam during the Commission on the Status of Women (CSW) on prenatal testing and Down's syndrome, describing it as the “prenatal genocide” of children with disabilities.²¹¹ At the CSW in 2019 on World Down's Syndrome Day, the Vatican again hosted a side event on “social protections for women, girls, and all those with Down's Syndrome.” During the event, Tomasz Grysa of the Holy See described women choosing to end their pregnancies following prenatal testing for Down's Syndrome as “a genocide” and called out “member states who are abetting that genocide.”

A number of anti-rights groups with a focus on abortion – including CitizenGo Canada, the Campaign Life coalition and its youth affiliate – coordinated to tweet out

related messages during the CSW using hashtags like #WorldDownSyndromeDay, #ProLife, #ChangetheNarrative, and #LeaveNoOneBehind.²¹² The groups also included Lila Rose of Live Action, the anti-abortion group behind the undercover “exposé” videos targeting Planned Parenthood. During the event CitizenGo Canada tweeted, “There is a eugenic genocide perpetuated against those with Down syndrome – they are not being allowed to be born.” In another example, in 2018 a writer associated with the anti-abortion Witherspoon Initiative also stated, “Hitler wanted Europe to be judenrein, scrubbed clean of Jews. It seems that today Europe aspires to be ‘DownSyndromerein’.”²¹³

THE LANGUAGE, IMAGERY, AND FOCI CHOSEN BY ANTI-ABORTION ACTIVISTS AIM TO ELICIT A RESPONSE OF HORROR, FEAR, AND A SENSE OF INJUSTICE

In their “prenatal genocide” discourse – particularly in North America – anti-rights activists also argue that abortion poses a unique threat to Black lives and that the “abortion industry” disproportionately targets Black women, causing “black genocide.”²¹⁴ One anti-abortion billboard campaign hosted by the Radiance Foundation²¹⁵ in the US stated: “Black children are an endangered species.”²¹⁶ Another said: “The most dangerous place for an African-American woman is in the womb,”²¹⁷ and the president

of the evangelical anti-abortion ministry Life Education and Resource Network (LEARN) refers to abortion as “womb lynchings.”²¹⁸

What is the discourse of “prenatal genocide” trying to achieve, and how does it seek to appeal? The language, imagery, narratives, and foci chosen by anti-abortion activists aim to elicit a response of horror, fear, and a sense of injustice. The discourse also seeks to present two forces in opposition to each other – the members of communities who experience deep discrimination, and the so-called “abortion industry.” This is intended to suggest that opposition to the latter is necessary for solidarity with the former.

Debunking the Discourse

“To say that women can and should decide on their own bodies and that the social barriers imposed on disabled bodies must be overcome are not incompatible agendas. The right to abortion and for broad social protection for children with disabilities are not mutually exclusive. On the contrary, both are necessary to ensure that women have the possibility of a truly autonomous and informed decision about whether or not to be a mother. It is in the struggle for the protection of concrete conditions for an autonomous life that the demands of the feminist movement and demands of the disability rights movement find their common ground.” – Anahi Guedes de Mello, feminist disability scholar

Discourses on “prenatal genocide” are used to cloak the real objective: restricting or eliminating access to abortion. **These discourses operate in bad faith, instrumentalizing the important work of racial justice, disability justice, and feminist movements.** They call on critical concerns about historical and current ableism, medical racism, and patriarchy – but **rather than seeking to address the structural and systemic issues that prop up these forms of oppression, anti-rights actors seek only to limit everyone’s access to reproductive health and rights.**

It is telling that the actors propagating the concept of “prenatal genocide” only speak out on the issues affecting Black people, people with disabilities, and on gender discrimination when it serves this anti-rights agenda – otherwise the concerns of these communities are absent from their work.

These actors’ claims of concern for Black communities is shown to be merely a veneer when we see the colonial dynamics they perpetuate, as outlined in the section on cultural imperialism and ideological colonization. It becomes even more clear when their links with far-right racist movements and actors is known, as outlined above in the chapter on ultra-nationalism. Regarding sex-selective abortion, it is also not hard to see through the claims of the staunchest defenders of patriarchy to suddenly care about gender discrimination. When it comes to disability justice, the lack

of policy proposals or campaigns from these groups to improve the lives of disabled people or affirm their autonomy is a good indication of whether their concern for these groups is real.

Fundamentally, these groups only claim concern for the lives of Black and disabled people, and the lives of women *before* birth – their value for such lives disappears once these people are actually born.

**THESE GROUPS ONLY CLAIM
CONCERN FOR THE LIVES OF BLACK
AND DISABLED PEOPLE, AND THE
LIVES OF WOMEN BEFORE BIRTH
– THIS DISAPPEARS ONCE THESE
PEOPLE ARE ACTUALLY BORN**

While anti-rights actors pitch reproductive rights as being in opposition to the interests of these marginalized groups – attempting to open or expand rifts between progressive movements – these causes are not in opposition. **A comprehensive framework of reproductive justice affirms the right to bodily autonomy and encompasses racial and disability justice. It gives us the right to have or not have children, and to parent the children we do have in safe and sustainable communities – and necessarily encompasses racial justice and disability justice.**

Question

Let's Take Back the Narrative



Are these discourses present in your country?
What other anti-rights discourses are gaining ground?
What successful strategies have movements found to debunk or disrupt these discourses? What else could you try?

Role Play Game

This role playing game is designed to strengthen our ability to debunk and disrupt anti-rights discourses. Developing our ability to disempower the arguments of anti-rights groups is essential for undermining their influence. It works to reveal their true agendas and interests, and can create stronger alliances for social justice. **We invite you to come together with your collective or colleagues and play! Please share with us the insights the game revealed...**

Materials

Write down on cards a set of anti-rights discourses you will focus on. You may want to use some of the discourses in this report, for example “conscientious objection” to abortion or “cultural imperialism and ideological colonization.” Or you may want to focus on what is most pressing in your area of work, for example arguments used by trans-exclusionary feminists to curtail trans rights.

Game Instructions

1. Divide the group into two teams. In the first round, group 1 will play the role of anti-rights groups and group 2 will play the role of the feminist activists.
2. Group 1 picks a card and will read the anti-rights discourse for everybody to hear.
3. Both groups gather for 15 minutes.

- a. **Group 1** will play the role of the anti-rights activists. They will build on the discourse, adapting it to the references of their local contexts, and will prepare a way to present it to the activists (Group 2).
- b. **Group 2** will play the role of the feminist activists. They will build arguments to debunk the discourse.

Both groups are encouraged to present their perspectives in a creative way: using dramatization, making a poster or campaign, or any other creative expression!

For those impersonating the anti-rights activists, the challenge is to go beyond the obvious narratives. Be bold. The more refined your arguments are, the more effort the feminist activists will have to make to respond effectively.

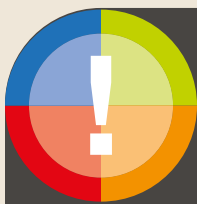
4. Group 1 makes their initial presentation. Then, Group 2 responds based on both what they prepared and in response to Group 1's presentation. Whatever format has been chosen, it is important to allow space for the two groups to express their positions. Group 1 then has an opportunity to respond to Group 2's arguments, and Group 2 concludes the round with their last intervention.
5. The whole group gathers to reflect:
 - a. How is everyone feeling?
 - b. Complementing the responses constructed in the groups, what other elements can you identify to counter the anti-rights discourses?
 - c. What impact have these discourses had on your contexts?
 - d. Who is likely to be convinced by these anti-rights discourses and why? How are our responses tailored to reach those people?
 - e. Anti-rights actors have been co-opting progressive issues and discourses, and exploiting rifts between social movements. Identify movements whose issues are being co-opted in this discourse, and identify where stronger solidarity needs to be built to present a united front against anti-rights agendas.

You can play this game many times, using different discourses and changing roles between groups. It is important to take into account that this could be a very intense exercise, so you may want to meet another day for a second round.

Tip: Remember that humour is a great learning and strategy building tool. This is an invitation to have fun! But it is also important to take seriously the invitation to play the assigned roles in ways that are not a caricature. Part of the purpose of this exercise is for you to experience the anti-rights logic from inside and build your arguments within that logic.

To take into account: anti-rights discourses and actors have likely caused real harm to many people in the room. It is important to be mindful of individuals' experiences and take care of each other while playing this game. You might even want to create a space afterwards to debrief on how the experience felt.

Going virtual: If needed, you can adjust this game into a virtual environment. You can make it happen using platforms that allow you to do breakout sessions (like Zoom), and even using complementary participatory platforms to co-create your responses, campaigns, etc (like Google Drive Slides, Mentimeter, Padlet, or Jamboard.)



We want to hear what you found out!

Please share your reflections with us at rightsatrisk@awid.org
or via OURs members' social media platforms using
#RightsAtRisk

Movement Resistance Stories

The Nairobi Principles: Cross-Movement Commitments on Disability and SRHR

– Fenya Fischler
AWID

In 2018, the feminist human rights organization CREA convened representatives from feminist organizations, women with disabilities, and organizations working on sexual and reproductive health and rights (SRHR) in Nairobi, Kenya. The outcome of this meeting was the creation of the *Nairobi Principles on Abortion, Prenatal Testing, and Disability*, launched in March 2019.²¹⁹

The meeting was convened to address tensions between disability rights and abortion rights, which are often exploited by fundamentalists to push anti-abortion agendas. More specifically, the meeting addressed the apparent conflict between the right to safe abortion, a fundamental aspect of SRHR, and the issue of disability-selective abortion, which both reflects and contributes to a world in which disabled lives are positioned as less valuable than those of able-bodied people.

In the resulting principles, feminists and women with disabilities reaffirmed their commitment to strengthening SRHR, alongside the principles of autonomy and self-determination. As the principles state: “there is no incompatibility between guaranteeing access to safe abortion and protecting disability rights, given that gender and disability-sensitive debates on autonomy, equality, and access to health care benefit all people.”

The principles, among other things, recognize the harmful legacy of eugenics enacted on disabled people, affirm that providers should offer evidence-based information to pregnant people without bias during the prenatal screening and diagnostic process, and call for SRHR policies that do not perpetuate ableist stigma and discrimination. They affirm that all people who can become pregnant have the right to decide whether to continue a pregnancy and that: “Individual choices about one’s own pregnancy are not eugenics, and nobody exercises discrimination when making choices about their own pregnancies.”

They emphasize that prospective parents can only make informed decisions about their pregnancies through affirmative measures such as combating ableism in testing and counselling processes, creating an environment where parents have the social and economic supports to raise any child – including a child with disabilities – and promoting the rights of persons with disabilities in all spheres of public and private life.

Importantly, this document provides a strong cross-movement framework for rights and justice in the context of anti-rights co-optation. Over 55 women’s rights, SRHR, and disability rights organizations have now endorsed the principles.²²⁰ Alongside the principles, CREA produced reports focusing on specific countries and relevant advocacy contexts regarding abortion, prenatal testing, and disability. The principles, together with this additional information, have informed key international advocacy spaces, including meetings held by the Special Rapporteur on the Rights of Persons with Disabilities and the UN Population Fund.



4

Chapter 4: Anti-Rights Actors

CitizenGo

– Naureen Shameem
AWID

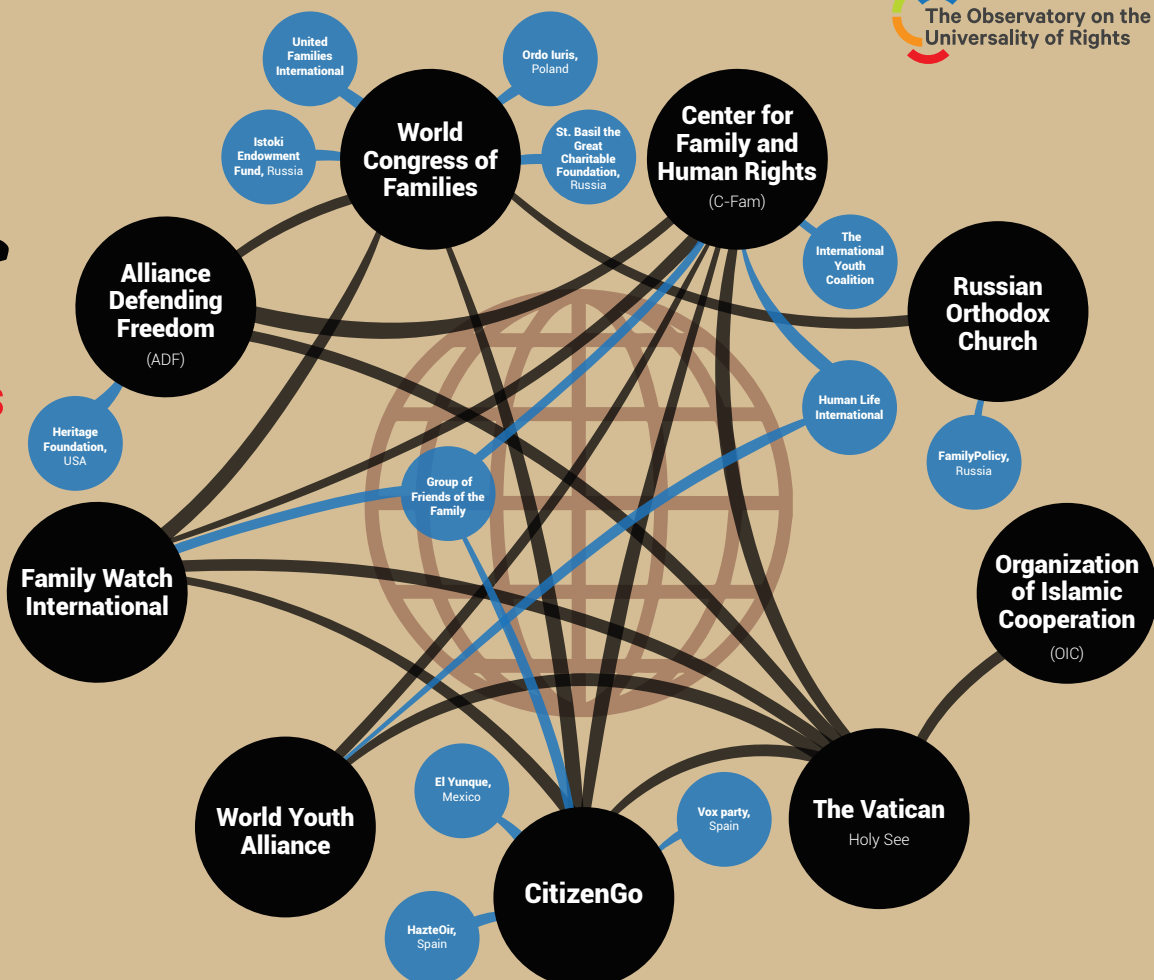
Mission and History

Founded in August 2013 and headquartered in Spain,²²¹ CitizenGo is an anti-rights platform active in multiple regions worldwide. It describes itself as a “community of active citizens who work together, using online petitions and action alerts as a resource, to defend and promote life, family and liberty.”²²² It also claims that it works to ensure respect for “human dignity and individuals’ rights.”²²³

Anti-Rights Actors Across the Globe and their vast web of connections

Anti-rights actors engage in tactical alliance building across lines of nationality, religion, and issue, creating a transnational network of state and non-state actors undermining rights related to gender and sexuality. This visual represents only a small portion of the global anti-rights lobby.

oursplatform.org



According to CitizenGo, its core aim is to foster citizen participation and it describes the internet and information technology as vital tools to achieve this goal.²²⁴

The organization – avowedly “working from a Christian perspective”²²⁵ – calls for respect for the right to life “from the moment of conception to its natural end”; the right to religious freedom; the right to marriage “understood as the union between one man and one woman”; the right to educate one’s own children; and the right to work and to “economic initiative and the ownership of private property.”²²⁶

CitizenGo is intimately linked to HazteOir, a Spanish organization founded in 2001 by Ignacio Arsuaga, the President of CitizenGo. They share a common founder, address, multiple board members, and tactics – with HazteOir more frequently working on the national level, and CitizenGo transnationally. Arsuaga, a lawyer, was drawn into internet advocacy in the 1990s, including during his time at Fordham Law School in New York City. There he “became familiar with the American [US] grassroots movements and studied specifically their lobbying activities and the tools they used for citizen involvement in politics and the public arena.”²²⁷ He was inspired by MoveOn.org to create HazteOir and CitizenGo.²²⁸

HazteOir became particularly visible in 2010 with the group’s well-publicized “Right to Life”²²⁹ campaign and mobilization – bringing hundreds of thousands of protestors to the

streets of Madrid – against a Spanish bill to liberalize abortion laws.²³⁰ The group’s full name on its web site reads, “Make yourself heard, victims of the gender ideology.” This underlines the common stance of both organizations.

CITIZENGO IS INTIMATELY LINKED TO HAZTEOIR, A SPANISH ORGANIZATION

Notably, the Spanish Ministry of the Interior withdrew HazteOir’s declaration of public interest – its charity status first instituted in May 2013 – in February 2019²³¹ after the Spanish government ruled that the organization had taken actions that had had the “effect of denigrating or undervaluing other conceptions about the family, gender identity, childhood education” and that could be considered “attacks against certain people, groups and entities.”²³² Among other examples, the verdict referred to one of HazteOir’s many anti-rights campaigns – a bus touring Spain featuring a portrait of Adolf Hitler wearing a cap with a “feminist symbol” and the hashtag #StopFeminazis, alongside the slogan “repeal the gender laws.”²³³

Budget, Board Members, and Size

CitizenGo’s budget in 2018 and 2019 was around \$2.6 – 2.7 million USD. In both years, the largest portion of the organization’s budget was spent on campaigns.

Year	Revenue (USD)	Expenses (USD)
2018	\$2,658,071.20 ²³⁴	\$2,947,072.29 ²³⁵
2019	\$2,709,525 ²³⁶	\$2,649,216.68 ²³⁷

CitizenGo functions as a membership platform and claims to have over 9 million members.²³⁸ It is largely funded by online donations from its members, estimated at tens of thousands of Euros per month.²³⁹

Among CitizenGo and HazteOir's donors are executives of companies such as IBM, Eulen, and Nestle,²⁴⁰ alongside billionaire Esther Koplowitz and the founder of El Corte Inglés, the biggest department store group in Europe, Isidoro Álvarez.²⁴¹ While CitizenGo frames its donation model as “small donations” from individual members, sources indicate the amount donated by Eulen was 20,000 Euros, while those of Koplowitz and Alvarez each amounted to 10,000 Euros.²⁴² During an investigation by openDemocracy, founder Ignacio Arsuaga reportedly told an undercover reporter that Patrick Slim, son of the Mexican oligarch Carlos Slim, donated 40,000 Euros to CitizenGo.²⁴³ The same investigation reported that **a senior Vox official compared CitizenGo to a “Super PAC”** for the party,²⁴⁴ Arsuaga also talked to the undercover reporter about how to get around campaign finance laws.²⁴⁵

HazteOir has approximately 40 employees and 50 volunteers,²⁴⁶ while CitizenGo has multiple country and regional liaisons and employees, such as Ann Kioko, Campaigns Director for CitizenGo Africa.²⁴⁷ CitizenGo's board members include Ignacio Arsuaga (founder

and president), Blanca Escobar, Luca Volonte, Brian Brown, Gualberto Garcia, Alexey Komov, Alejandro Bermudez and Carlos Polo,²⁴⁸ while the CEO of the organization is Alvaro Zulueta.²⁴⁹ The majority are well-networked within anti-rights circles and organizations worldwide, as described below.

AMONG CITIZENGO AND HAZTEOIR'S DONORS ARE EXECUTIVES OF COMPANIES SUCH AS IBM, EULEN, AND NESTLE

Thematic Focus

CitizenGo hosts campaigns on popular themes in the anti-rights universe, with a particular interest in abortion (employing a misleading “right to life” discourse²⁵⁰); surrogacy; freedom of religion;²⁵¹ “the family”;²⁵² education (particularly comprehensive sex education,²⁵³ homeschooling and “parents’ rights”²⁵⁴); and anti-LGBTQI activities.

Abortion

CitizenGo and HazteOir have a significant emphasis on undermining reproductive justice, with abortion as a central preoccupation. The platform has hosted online petitions and offline actions and campaigns to attack rights and access to abortion in a number of countries – including Spain, Italy, Malawi, Kenya, Nigeria, Mexico – and in global multilateral spaces, such as the UN's Commission on the Status of Women (CSW);²⁵⁵ the UN's Commission on

Population and Development;²⁵⁶ and the Human Rights Committee.²⁵⁷

CITIZENGO AND HAZTEOIR HAVE A SIGNIFICANT EMPHASIS ON UNDERMINING REPRODUCTIVE JUSTICE, WITH ABORTION AS A CENTRAL PREOCCUPATION

Surrogacy

CitizenGo also works to erode reproductive rights and to push its monolithic and heteronormative conception of “the traditional family” by focusing on the practice of surrogacy, which it describes as “offensive to human dignity,” and “rob[bing] children of a natural family.”²⁵⁸ The platform’s petitions similarly advocate against access to in vitro fertilization (IVF) – or “test tube babies”²⁵⁹ – and access to contraceptives.²⁶⁰ CitizenGo has hosted petitions and actions on this theme in several countries, including Kenya, Canada, and Cambodia.²⁶¹

Religious Freedom

Employing another common anti-rights discourse, CitizenGo appeals to freedom of religion and describes it as under threat. As discussed in the previous OURs human rights trends report,²⁶² a number of anti-rights actors in human rights spaces have taken up this discourse of religious freedom in order to justify violations of rights related to gender and sexuality, and violations of the universality of rights.

Notably, CitizenGo and other ultra-conservative actors attempt to appropriate and redefine religious freedom in a way that directly and radically contradicts the purpose of the right – they suggest that the right to freedom of religion is intended to protect a *religion* rather than those *persons* who are free to hold or not hold different religious beliefs. They then go on to suggest that religious liberty is threatened and undermined by outside forces and other human rights (particularly those related to gender, sexuality and reproduction).

CITIZENGO ATTEMPT TO APPROPRIATE AND REDEFINE RELIGIOUS FREEDOM IN A WAY THAT RADICALLY CONTRADICTS THE PURPOSE OF THE RIGHT

In this way the anti-rights narrative around freedom of religion aims to co-opt human rights language, to shift the subject of rights, endowing already powerful institutions, states, and ideologies with even more power. By flipping this discourse, anti-rights actors aim to shift the right to religious freedom from a “shield against religious imposition” into a “sword of right-wing Christian hegemony.”²⁶³



Read more on the **co-optation of freedom of religion** in the first edition of this report

As anti-rights actors are increasingly doing at the national level, CitizenGo often seeks to use this redefined discourse of religious freedom to attack the rights of people whose sexuality and gender identity and/or expression are non-conforming. For instance, a campaign in support of a UK-based conversion therapy organization, framed around “respect for freedom of religion.”²⁶⁴ They also advocate for new mechanisms and officials at the multilateral level to espouse and institutionalize their interpretation of religious freedom, such as a new Special Rapporteur for Religious Freedom at the European Parliament.²⁶⁵

DISCOURSE ON THE FAMILY PERPETUATES MULTIPLE PATRIARCHAL AND HETERONORMATIVE ANTI-RIGHTS POSITIONS

Employing a victimization framing is popular amongst anti-rights and far-right movements. CitizenGo espoused this when it asked “how the EU will protect Christians” as “Christians are the main victims of religious persecution” in Europe.²⁶⁶ This strategy is underlined by the organization’s online action against the UN Special Rapporteur on Freedom of Religion in 2020. Following his report to the Human Rights Council on gender equality and religious freedom in which he emphasized that freedom of religion and non-discrimination are mutually reinforcing rights, CitizenGo described the UN mandate on religious freedom as an attack on religious freedom.²⁶⁷

The Family

Alongside “life and freedom,” CitizenGo includes “the family” as one of its central foci. Indeed, at the World Congress of Families, founder Ignacio Arsuaga was awarded the title: “Man of the year in defense of the natural family.”²⁶⁸

In recent years, anti-rights actors have pivoted to language on the family, or the “natural” or “traditional family.”²⁶⁹ The discourse on the family functions as a seemingly innocuous and secular umbrella term that actually houses and perpetuates multiple patriarchal and heteronormative anti-rights positions. The US Christian Right’s focus on the “traditional family” has enabled it to forge global alliances with other fundamentalist movements. An alliance of 25 states launched the Group of Friends of the Family in 2015 and is devoted to mainstreaming this restrictive conception of family in the UN.²⁷⁰

Education

CitizenGo’s campaigns and actions also frequently revolve around themes of education – in opposition to comprehensive sexuality education (CSE) and in favour of religious homeschooling, with reference to what they describe as “parental rights.” However, the notion of “parental rights” has no support in existing human rights standards; it is a new category that anti-rights actors like CitizenGo are attempting to construct.²⁷¹

The Holy See and Christian Right are opposed to children’s rights, as protected in binding

legal standards like the Convention on the Rights of the Child, as they perceive them as threatening to their hierarchical and traditional concept of the family. Under this view, children's rights and autonomy undermine the "natural" role of parents, and thus **CitizenGo and others push out a faux narrative of "parental rights" to justify the violation of children's rights under international law.**

CITIZENGO AND OTHERS PUSH OUT A FAUX NARRATIVE OF "PARENTAL RIGHTS" TO JUSTIFY THE VIOLATION OF CHILDREN'S RIGHTS

For CitizenGo, a main focus here is blocking CSE, placed in opposition to parents' rights to be the first educators of children. The platform has hosted online petitions and campaigns opposing access to CSE both at the global level – directed at UN bodies – and in multiple countries, including South Africa²⁷² and Kenya,²⁷³ where the campaigns manager described CSE as "more destructive than Boko Haram or Al-Shabaab."²⁷⁴ Another petition, directed at Kenyan Ambassador Amina Mohamed,²⁷⁵ seeks to stop implementation of a CSE curriculum on the grounds that it "encourages acceptance and exploration of diverse sexual orientations and gender identities," "promotes abortion" and "disrespect for parents and religious and cultural values," trains children to advocate for their sexual rights, and promotes sexual counselling, information or services to minors without parental consent.²⁷⁶

Rights of LGBTQI People

CitizenGo has employed several shock tactics to further their anti-LGBTQI agenda. In March 2017, the organization parked a "freedom bus" in front of UN headquarters during the CSW,²⁷⁷ an action that was described by them as "a reaction to the LGBT world."²⁷⁸ The bus was covered with the slogan: "It's biology: boys are boys, and always will be. Girls are girls, and always will be. You can't change sex." After launching at the CSW, it then toured – accompanied in many cases by protests – in several countries over the next year, including Chile, Germany, France, and Italy. As part of its campaign opposing a proposed law in Spain against discrimination based on sexual orientation in August 2017, CitizenGo also flew a bright orange plane declaring its opposition.²⁷⁹ Even the children's show Sesame Street was the target of a boycott action by the group for "trying to indoctrinate its fans...with toxic views of sexuality" and for "pander[ing] to the forceful voices of the LGBT lobby."²⁸⁰

Regions and Religious Affiliation

As highlighted above, both CitizenGo and HazteOir were founded in Spain – HazteOir in 2001 and CitizenGo in 2013. CitizenGo aims to work internationally. The platform hosts campaigns in 12 languages,²⁸¹ claims to influence institutions, governments, and organizations in 50 countries, and has team members located in 15 cities on three continents.²⁸²

Most frequently, the platform hosts its activities in Europe, Africa, and Latin America, and in global and regional multilateral spaces like the United Nations, the Organization of American States (OAS), the African Commission on Human and Peoples' Rights, and the European Union. In Latin America, CitizenGo has been involved in online petitions against abortion decriminalization, CSE and LGBTQI rights. The bus tour mentioned above stopped in Colombia,²⁸³ Chile²⁸⁴ and Mexico.²⁸⁵ It has also organized an anti-LGBT march in Mexico, bringing together ultra-conservative Catholic groups,²⁸⁶ and participates regularly at the OAS General Assembly.

In Africa, CitizenGo's activities have increased since 2018. It has co-sponsored an anti-abortion March for Life in Kenya and an event on "the family" at Christian University in Uganda. They have also put up billboards defending parental authority in Nairobi²⁸⁷ and coordinated attacks against LGBTQI and SRHR civil society organizations in Eswatini (formerly Swaziland)²⁸⁸ and Kenya.²⁸⁹ They led an anti-abortion campaign against Marie Stopes International in Kenya²⁹⁰ and Malawi²⁹¹ and launched a petition against "promotion of the LGBT agenda" at the African Commission on Human and Peoples' Rights.²⁹²



Read more on anti-rights actors in regional human rights systems in Chapter 6

HazteOir and CitizenGo have links to the far-right Mexican group El Yunque.²⁹³ CEO Alvaro Zulueta is reportedly an El Yunque member²⁹⁴, and until mid-2019, board member Luca Volonte was chairman of the ultra-Catholic think tank Dignitatis Humanae Institute.²⁹⁵

Tactics

Online Petitions and Harassment

Online petitions are a core tactic of CitizenGo and HazteOir – as highlighted above, founder Ignacio Arsuaga was inspired by the progressive petition platform MoveOn.org. Most petitions are directed at one or more public officials, and in those cases the platform is set up to send all signatures – frequently numbering in the thousands or tens of thousands – directly to the targeted parties via email.²⁹⁶ This mode of action is similar to that of other anti-rights actors, such as Family Watch International, whose less frequent online petitions are also automatically sent directly to officials. Petitions that are deemed potential "global priorities" by the platform are translated into seven languages for maximum reach.²⁹⁷

In 2019, CitizenGo – working with the Kenya Christian Professionals Forum and the Kenya Christian Doctors Association – created an online petition targeting the Kenya National Board of Statistics²⁹⁸ to mobilize against a new census recognition of intersex individuals. Calling on insidious anti-rights discourses, the petition claims that this move would "deconstruct the Kenyan social fabric ... in order to introduce the deviant ideologies

of transgenderism and homosexuality” and goes on to claim that intersex persons are individuals living with a disability who must be recognized as either male or female.²⁹⁹

In 2018, CitizenGo coordinated with other anti-rights groups – including the *Coaliția pentru Familie*, an association of about 30 Romanian non-governmental organizations – who organized to push for a referendum in Romania to ban same-sex marriage. The platform hosted a petition calling on the “people of Romania” to support the referendum to “protect man-woman marriage, the natural family, children and the common good of society.”³⁰⁰ The petition received 36,768 signatures, and 93 percent of those participating in the referendum voted yes³⁰¹ – however, due in part to the efforts of activists to organize a boycott of the referendum, the anti-rights effort failed, as the referendum was held invalid upon not reaching the 30 percent turnout needed.

In June 2020, CitizenGo hosted a petition directed at the Ambassador of Spain to the United States, criticizing Black Lives Matter (BLM) activists’ removal of public statues, such as that of Christopher Columbus.³⁰² The petition described BLM as advancing “cultural Marxism” and seeking “to erase the Hispanic footprint in the United States.”³⁰³

Another example of CitizenGo’s use of the petition tactic took place in late 2019 when CitizenGo Africa started a petition to ban the distribution of a textbook included in the

CSE curriculum in Kenyan schools. It argued that the book encouraged an “indoctrination agenda” and rape culture, and that it has “also been associated with gay activists whose agenda is very clear.”³⁰⁴ After the online petition gathered approximately 5,000 signatures, the group then hand-delivered the petition to the Ministry of Education in Nairobi. In response to the petition, the publishers recalled the book and apologized.

CITIZENGO HAS BEEN ACCUSED OF HARASSMENT LINKED TO ITS PETITIONS

In a significant escalation of its tactics, CitizenGo has also been accused of harassment linked to its petitions.³⁰⁵ At the 2019 CSW, the group came under the spotlight for targeting Deputy Ambassador Koki Muli Grignon, the CSW session facilitator. In an attempt to block inclusion of rights related to gender and sexuality in the CSW Agreed Conclusions, CitizenGo hosted a petition which reached 161,425 signatures.³⁰⁶ As a result of a feature which enabled the petition’s signatories to send an automated message to Grignon’s personal cell phone, the facilitator then received thousands of anti-abortion messages in 12 languages during the CSW, and was forced to suspend negotiations and leave the UN building in New York City to obtain a new phone number.³⁰⁷ This harassment was condemned by various civil society groups and several member states. Muli Grignon told news sources that this harassment made

it “totally impossible to work,” and that “the UN should be a safe space – nobody should be intimidated.”³⁰⁸ She later reported the harassment to the UN’s security office and the US mission to the UN.³⁰⁹ Remarkably, CitizenGo followed up on their harassment by putting up another petition two months later to attack Muli Grignon for speaking out, calling for her to be removed from her position as Deputy Ambassador.³¹⁰

Campaigns and Mobilization

CitizenGo and HazteOir emphasize online-to-offline actions to boost impact. It is common practice for them to hand-deliver online petitions and lists of signatures to targeted officials, often accompanied by a press conference, as with the CSE petition in Kenya. As their Global Campaign manager highlights, CitizenGo ultimately aims to use petition signatures as a lobbying tool to meet with targets to convince them of the petition’s message and impress upon them the alleged people power they demonstrate.³¹¹ They also communicate with members about offline actions to further the goals of their petitions and to foster a sense of community.³¹²

CITIZENGO REPORTEDLY STATED THAT IT WAS WORKING TO DRIVE VOTERS TOWARDS FAR-RIGHT PARTIES LIKE VOX

In 2016, CitizenGo and HazteOir – together with the Instituto de Política Familiar, a civil organization whose stated mission is to “promote and defend the family” – co-

organized an anti-gay march in Mexico City together with the Instituto de Política Familiar in 2016.³¹³ Earlier that year, CitizenGo bussed supporters across the border from Spain to France when its ally organization, La Manif Pour Tous, organized large protests against a marriage equality bill.³¹⁴

IN KENYA, CITIZENGO KICKED OFF A CAMPAIGN AGAINST MARIE STOPES INTERNATIONAL

Ahead of European Parliament elections and Spain’s national elections in 2019, CitizenGo reportedly told openDemocracy that it was working to drive voters towards far-right parties like Vox.³¹⁵ Describing posters and advertisements developed by CitizenGo later that year, founder Arsuaga stated, “this is something we haven’t made public, but in Spain we’re going to launch a campaign before the general elections” where CitizenGo would “show bad things that have been said...in favour of abortion or in favour of LGBT laws” by the leaders of parties that Vox was running against.³¹⁶

The group has organized a number of anti-abortion campaigns. In Kenya in 2017, for instance, CitizenGo kicked off a campaign against Marie Stopes International, calling on the Ministry of Health to curtail the organization’s advertising and ban their activities in the country.³¹⁷ After 5,000 signatures were collected, and other lobbying undertaken, Marie Stopes was

banned from providing any services related to abortion in November 2018.³¹⁸ The ban was lifted the next month after feminist groups campaigned against the ban, arguing that it was unconstitutional.³¹⁹ CitizenGo also claimed credit for similar raids on Marie Stopes clinics in Malawi, Niger, Tanzania, and Nigeria in 2019.³²⁰ In Nigeria, feminist organizations responded with a social media campaign under the hashtag #EndWarOnNigerianWomen. Also in 2019, CitizenGo launched an anti-abortion campaign in Poland – its largest action in the country thus far.³²¹

Spectacle and Shock Tactics

“What we do is confront – confront the radical left, confront politicians, confront anyone who is against our values.”³²²

Echoing global trends in the far right, shock and spectacle are core tactics for CitizenGo and HazteOir. The aim is media coverage, attention, and wider dissemination of their messaging and disinformation. As they state, “the more they talk in the media about what we do, the more power they give to us.”³²³ Discussing its longstanding “freedom bus” campaign, CitizenGo claimed:

“We wanted to start a reaction... provoking some sort of reaction, this is the way to highlight the reality.”³²⁴

Their goals in employing spectacle are double: the initial rash of publicity and attention is often followed by protest, counter-actions,

and critique by feminist and other progressive movements. CitizenGo seeks to then repackage the critique³²⁵ – with mixed results – into a victimization narrative in an attempt to win sympathy and members. Primarily, the group looks to boost attention for its campaigns with large and preferably mobile photo ops – buses, planes, and billboards featuring bright colours and provocative imagery and language.

CITIZENGO CLAIMED CREDIT FOR RAIDS ON MARIE STOPES CLINICS IN MALAWI, NIGER, TANZANIA, AND NIGERIA

CitizenGo’s bright orange bus featuring slogans like “boys have penises, girls have vulvas, don’t be fooled”³²⁶ first toured Spain. The slogan was designed to appeal to the public to deny the existence of transgender and intersex people. Such tactics reinforce ignorance and position transphobia as “common sense,” making the public space hostile for trans and intersex people. The bus was ultimately banned in Barcelona, Madrid, and Pamplona by city authorities.³²⁷ The bus also toured countries in Latin America. In Guadalajara,³²⁸ activists draped the bus in rainbows and tried to halt the progress of the vehicle in Santiago.³²⁹ CitizenGo then toured the bus in multiple cities in the United States – including in New York City in front of United Nations headquarters – where it was met with protests led by feminist, queer and trans rights activists.³³⁰ CitizenGo then launched

a black bus featuring an image of Hitler in lipstick to travel the streets of Madrid as part of a campaign “against gender ideology.” This iteration was covered with the slogan: “It is not gender violence, it’s domestic violence. Gender laws discriminate against men.”³³¹ At the CSW in 2019, CitizenGo parked another bus in front of the UNICEF building. This bus featured a large orange fetus and the words: “Let me live!”³³²

CitizenGo employs similar shock tactics via their use of billboards. In one instance, the group put up a series of billboards in Rome with a black and white image of a pregnant woman’s stomach, declaring: “abortion is the prime cause of femicide in the world.”³³³ The billboards were posted in advance of a “March for Life” planned in Rome around the 40th anniversary of abortion being made legal in Italy.

Media Engagement

Media engagement is central to CitizenGo’s tactics, as one can see from their focus on courting media attention with the spectacle and shock value of their public actions. In the words of a staff member: “[if] you control the media, you have the power – you control the culture of the next generation.”³³⁴

In addition, CitizenGo frequently plans press conferences around the in-person delivery of their petitions. In 2015, the founder of CitizenGo and HazteOir also became editor of *Actuall*, a media site whose mission is “to promote the participation of citizens in the

defense of human rights, from conception to natural death.”³³⁵ In this way, CitizenGo can directly disseminate media content for anti-rights organizations and activists.

Trainings

CitizenGo co-organizes and participates in the training of anti-rights activists together with partners such as the US right-wing cadre school Leadership Institute, which teaches “conservatives of all ages how to succeed in politics, government, and the media.”³³⁶ In July 2017, CitizenGo worked with the Leadership Institute to organize anti-rights training camps in Europe, bringing together 140 individuals from Mexico, Nigeria, the UK, the US, Kenya, and several European countries.³³⁷

CITIZENGO SEEKS TO REPACKAGE CRITIQUE INTO A VICTIMIZATION NARRATIVE, IN AN ATTEMPT TO WIN SYMPATHY AND MEMBERS

CitizenGo also organized a four-day training in Rome in July 2018 to help local anti-rights groups support “the natural family, life, and liberty.”³³⁸ Key topics included “gender ideology, attacks against marriage and the family, the persecution of Christians in the East” and “the violation of freedom of opinion in the West.” In 2019, CitizenGo organized a training for delegates in advance of the CSW and coordinated a joint leadership summit, again including the Leadership Institute, to workshop strategies and campaigns on “how to influence the public process.”

Engagement at the UN and other Multilateral Spaces

“In politics there are no empty spaces – if you’re not there, somebody else will be.”³³⁹

CitizenGo has become increasingly visible and engaged at the UN Human Rights Council (HRC) in Geneva over the past three years, and now has a regular spokesperson³⁴⁰ and presence there. HazteOir has held ECOSOC civil society consultative status at the UN since 2013, which means that it can attend UN sessions, hold side events, make statements,³⁴¹ attend member state negotiations, and interact regularly with state delegates.

In 2019, for instance, CitizenGo/HazteOir made a number of oral statements espousing anti-rights positions in both the March session of the interactive dialogue for the UN Special Rapporteur for Freedom of Religion and the June/July session of the interactive dialogue for the UN Independent Expert on Sexual Orientation and Gender Identity (SOGI). They focused on their reinterpretation of the right to freedom of religion and belief, on the purported threat of “gender ideology,” and claimed that individuals opposing the rights of LGBTQI people are being “harassed.”

They make statements through the Universal Periodic Review process³⁴² where different states are reviewed on human rights grounds on a rotating basis to challenge abortion, “gender ideology” and the rights of LGBTQI+

communities. CitizenGo has made statements during the reviews of Spain, El Salvador, and Chile – among others.

The organization also looks to make statements, where possible, during negotiations. When civil society was invited to provide input during negotiations on the 2019 HRC resolution on child, early and forced marriage, their spokesperson took the opportunity to push CitizenGo’s anti-abortion agenda, calling for the resolution sponsors to “take into account the right to life of everyone, born or unborn.”

HAZTEOIR HAS HELD ECOSOC CIVIL SOCIETY CONSULTATIVE STATUS AT THE UN SINCE 2013

Their regular presence in Geneva enables them to engage in lobbying efforts with UN treaty monitoring bodies, such as the Human Rights Committee.³⁴³ For instance, CitizenGo/HazteOir worked with a number of other anti-rights actors to advocate for the inclusion of an anti-abortion reframing of the right to life in the Committee’s General Comment 36 on the Right to Life.³⁴⁴ Their efforts were ultimately unsuccessful.

CitizenGo, along with anti-rights allies like Family Watch International,³⁴⁵ participates in lobbying activities at the CSW. They coordinate with delegations to urge states to block language on CSE, sexual and reproductive rights and health, abortion,

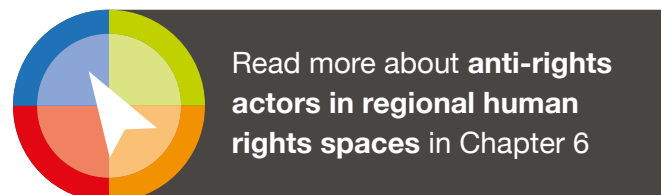
and sexual orientation and identity.³⁴⁶ At the CSW, CitizenGo shifts its approach, using new tactics to shock, intimidate, harass, and pressure delegates and officials, as well as feminist and progressive civil society. Foremost amongst those are the large anti-trans and anti-abortion tour buses³⁴⁷ parked outside of the UN. CitizenGo links these actions with petitions targeting CSW negotiations. In 2019, the bus included a link to a CitizenGo petition – which gathered 161,427 signatures.³⁴⁸ After the Agreed Conclusions were finalized, the group claimed “victory” at the UN, as the final document made no reference to the right to abortion. Alongside other anti-rights actors like FWI and C-Fam,³⁴⁹ CitizenGo also organizes side events and film screenings at the CSW to more widely broadcast their discourses.

CitizenGo looks to influence decision-making in several other UN spaces as well. In April 2019, after US President Donald Trump’s announcement that the country would stop funding the World Health Organization amidst the COVID-19 pandemic, the platform hosted a “defund the WHO” petition, calling on other leaders of G20 states to do the same.³⁵⁰ CitizenGo is now also targeting the UN Special Rapporteur on Freedom of Religion,³⁵¹ and in May 2020, the platform focused in on the UN Commission on Population and Development (CPD) with a petition to “defeat the pro-abortion lobby’s agenda” at the session.³⁵²

CitizenGo first attempted to participate at the UN International Conference on Population and Development (ICPD) summit in 2019 in

Nairobi.³⁵³ This was the 25th anniversary of the first ICPD in Cairo and its Programme of Action.³⁵⁴ CitizenGo then worked with anti-rights allies like the World Youth Alliance³⁵⁵ and Family Watch International to plan a counter “pro-family summit.” While conference attendance was poor, they did garner some media attention around their actions.³⁵⁶

CitizenGo is also engaged at the European Parliament, where they worked to appoint a Special Rapporteur for Religious Freedom that they support. In addition, they campaigned to oppose the introduction of the “Estrela report,”³⁵⁷ which requires member states to provide CSE in schools and to ensure access to safe abortions. CitizenGo is also highly active in the Inter-American regional system.



Coordination and Links with other Anti-rights Actors

CitizenGo is extensively networked with a number of anti-rights actors around the world. They work alongside the US-based **Family Watch International** and **C-Fam** at the UN, with the **Leadership Institute** in its trainings, and with local organizations through their campaign work. A closer look at the organization’s board members maps out a number of additional anti-rights connections:

Ignacio Arsuaga

- Founder of CitizenGo and HazteOir
- Board member of the **Political Network for Values**, a global alliance that promotes cooperation on anti-rights values and agendas among legislators and other political actors from countries around the world³⁵⁸
- Serves an advisory role on mass mobilization and crowdfunding for **Agenda Europe**, a professional advocacy network that seeks to roll back human rights in Europe³⁵⁹
- Linked with far-right Spanish party **Vox**
 - Publicly endorsed Vox³⁶⁰ and described them as “my friends”³⁶¹
- Long-time ally of the **World Congress of Families**³⁶²
 - Received an award at the 7th international WCF conference
 - Speaker at multiple WCF conferences
 - CitizenGo has co-organized several WCF conferences, e.g., the 2019 international conference in Verona, Italy³⁶³

CITIZENGO IS EXTENSIVELY NETWORKED WITH ANTI-RIGHTS ACTORS AROUND THE WORLD

Brian Brown

- Board member of CitizenGo
- President of the **International Organization for the Family**,³⁶⁴ now the parent organization for the **World Congress of Families**³⁶⁵
- Founder and president of the US-based **National Organization for Marriage**³⁶⁶
- Founder of **ActRight**,³⁶⁷ an ultra-conservative US-based online platform for crowdfunding and online action

Luca Volonte

- Board member of CitizenGo
- Former chairman of **Dignitatis Humanae Institute**, a Catholic fundamentalist think tank associated with Steve Bannon, US President Donald Trump’s former top adviser³⁶⁸
- Director General of the **Novae Terrae Foundation**, an Italian anti-rights group³⁶⁹
- Board member of the **International Association for the Family**³⁷⁰

Gualberto Garcia

- Board member of CitizenGo
- Director of the US-based **International Human Rights Group**,³⁷¹ an anti-rights group active in the OAS General Assembly

Alexey Komov

- CitizenGo board member
- Russian representative of the **World Congress of Families**,³⁷² organized the Moscow summit
- Close associate of **Konstantin Malofeev**, a billionaire who runs the Russian right-wing *Tsargrad TV* channel associated with the Russian Orthodox Church³⁷³
- Linked with Matteo Salvini and the far-right **Lega** party in Italy³⁷⁴

Alejandro Bermudez

- CitizenGo board member
- Director of ACI Prensa,³⁷⁵ a Catholic media company based in Peru

Carlos Polo

- CitizenGo board member
- Latin America Director of the anti-rights **Population Research Institute**³⁷⁶

Alvaro Zulueta

- CEO of CitizenGo
- Reportedly a member of **El Yunque**,³⁷⁷ a secretive far-right Catholic sect based in Mexico
- Also linked to Crusaders of Christ the King, a fundamentalist fraternity associated with El Yunque³⁷⁸

CitizenGo and HazteOir are members of **Agenda Europe** and the pan-European anti-abortion initiative **One of Us**.³⁷⁹ The group also receives advice on fundraising and technology from a member of ActRight with links to the Trump campaign and the US Tea Party movement.³⁸⁰

CitizenGo appears to have multiple links with far-right parties in Europe. In addition to Arsuaga publicly endorsing Spain's **Vox**, he has said that CitizenGo met with the party's senior officials to share campaign plans.³⁸¹ The platform subsequently put out posters and advertisements against candidates from other parties.³⁸² A Vox official also told an undercover reporter that supporting CitizenGo financially could help Vox "indirectly," stating that "we are actually currently totally aligned."³⁸³ Arsuaga has also said that CitizenGo is in contact with far-right parties Fidesz in Hungary and Lega in Italy, along with "some contact" with the far-right AfD in Germany, and that CitizenGo informs these parties of its campaign strategies.³⁸⁴

Alliance Defending Freedom

– Naureen Shameem
AWID

Mission and History

“Alliance Defending Freedom seeks to recover the robust Christendemic theology of the 3rd, 4th, and 5th centuries. This is ... desperately crucial for cultural renewal.”³⁸⁵

Alliance Defending Freedom (ADF) is a powerful anti-rights actor. Founded in the United States, but now active in multiple regions, it has been described as the “800-pound gorilla of the Christian right.”³⁸⁶ Since 2016, ADF has been designated a hate group by the Southern Poverty Law Center (SPLC).³⁸⁷

TODAY ADF IS THE LARGEST ANTI-RIGHTS LEGAL FORCE IN THE US. THEIR GLOBAL INITIATIVE HAS THE AIM OF “OBTAINING THE SAME KIND OF LEGAL SUCCESSES INTERNATIONALLY”

According to its mission statement, ADF “exists to keep the doors open for the Gospel by advocating for religious liberty, the sanctity of human life, freedom of speech, and marriage and family.”³⁸⁸ The group describes itself as a faith-based legal advocacy organization.³⁸⁹ In its statement of faith,³⁹⁰ ADF holds that:

“we believe God creates each person with an immutable biological sex – male or female,” that “God designed marriage as a unique conjugal relationship joining one man and one woman in a single, exclusive life-long union, and God intends sexual intimacy only to occur within that relationship,” and that all human life must be respected and protected “from conception to natural death.”

ADF was founded in 1994 by a group of ultra-conservative Evangelical Christian leaders linked to a number of domestic anti-rights groups including: James Dobson of Focus on the Family; Bill Bright of the Campus Crusade for Christ; Don Wildmon, founder of the American Family Association; Larry Burkett of Crown Financial Ministries; Merlin Maddoux of the *Point of View* radio program; and James Kennedy of Coral Ridge Ministries.³⁹¹

In large part, its founders created ADF to oppose the American Civil Liberties Union (ACLU),³⁹² a progressive impact litigation group working across the United States. In his book, *The ACLU vs America*, ADF’s co-founder and past president Alan Sears³⁹³ claimed that the ACLU “has used its huge war chest over the years” to “bully public officials into removing any vestige of America’s traditional Judeo-Christian heritage.”³⁹⁴ **Today ADF is the largest anti-rights legal force in the US, and in 2010 they launched their Global Initiative with the aim of “obtaining the same kind of legal successes internationally.”**³⁹⁵

Its impact in the US has been significant. Some argue that the group is chiefly responsible for the country's rightward jurisprudential shift around religion in the public sphere.³⁹⁶ ADF supported the criminalization of same-sex sexual conduct in the landmark *Lawrence v Texas* case,³⁹⁷ the judgment of which ultimately ruled such laws unconstitutional. ADF has pressed school districts to adopt its model policies prohibiting trans students from using facilities in accordance with their gender identities,³⁹⁸ and is well known for litigating to oppose abortion and LGBTQI rights, and support homeschooling, "parental rights" and "the family."

ADF has also been involved with several recent landmark Supreme Court cases undermining rights and entrenching anti-rights conceptions of religious freedom. For example, *Burwell v Hobby Lobby*,³⁹⁹ which allowed corporations to opt out of contraceptive coverage for women on the basis of religious belief; *Masterpiece Cakeshop v Colorado Civil Rights Commission*,⁴⁰⁰ which found in favour of a baker who refused to sell a cake to a same sex-couple; and *NIFLA v Becerra*,⁴⁰¹ which found that deceptive "crisis-pregnancy centres" are not required to supply women with information on abortion. ADF claims that it has played a part in 60 "victories" at the US Supreme Court.⁴⁰²

ADF International⁴⁰³ has been engaged in several countries and regional and global fora since 2010. That year, for instance, ADF International assisted with the *A, B and C*

*v Ireland*⁴⁰⁴ case at the European Court for Human Rights (ECHR) focusing on the right to abortion.⁴⁰⁵ In 2011, ADF International again intervened at the ECHR in the high-profile secularism *Lautsi v Italy*⁴⁰⁶ case, where the court ruled for Italy, finding that states can place religious symbols (like the cross) in public school classrooms, and that this does not constitute indoctrination in a particular faith. And in 2018, ADF International lobbied the Senate in Argentina, providing "expert testimony"⁴⁰⁷ against the proposed bill to legalize abortion.

ADF INTERNATIONAL HAS EXPANDED SIGNIFICANTLY OVER THE PAST DECADE

ADF International has expanded significantly over the past decade. In 2012, the organization opened its headquarters in Vienna, Austria.⁴⁰⁸ This was followed in 2015 by offices in Geneva, Switzerland, to further the organization's work at the UN Human Rights Council and Brussels, Belgium, to support the group's work at the European Union. In 2016, ADF International opened an office in Strasbourg, France, to deepen its work at the ECHR and at the Council of Europe. It went on to open another office in London, United Kingdom, in 2017.⁴⁰⁹

Budget, Board Members, and Size

Skyrocketing from its budget of \$14 million USD in 2002,⁴¹⁰ ADF now has substantial resources at their disposal:

Year	Revenue (USD)	Expenses (USD)
2018 ⁴¹¹	\$55,187,996	\$54,685,295
2019 ⁴¹²	\$60,949,232	\$57,262,574

As of 2017, ADF International also had an advocacy and operations budget of €3,754,822 (around \$4.4 million USD).⁴¹³ Data from publicly available annual financial filings in the US show **ADF's spending in Europe has greatly increased over the past decade** as well – going from \$321,302 USD in 2010 to \$2,629,632 USD in 2016, for instance.⁴¹⁴ **It also spends hundreds of thousands of euros on lobbying EU officials** – with its annual EU lobbying budget sitting around €200,000-€299,000 in the period 2017-2020.⁴¹⁵

ADF ESTIMATES THAT ITS ALLIED ATTORNEYS HAVE CONTRIBUTED THE EQUIVALENT OF \$224 MILLION USD IN PRO BONO (FREE) SERVICES

While ADF also makes grants to further legal advocacy and campaigns in multiple jurisdictions, it benefits significantly at the same time from its network of over 3,300 allied attorneys.⁴¹⁶ **ADF estimates that its allied attorneys have contributed the equivalent of \$224 million USD in pro bono (free) services.**⁴¹⁷

In its 2017 Annual Report, ADF International stated that it has 580 “ongoing legal matters” in 51 countries and 50 team members in eight countries.⁴¹⁸ The organization also expands its influence and reach through the over 2,400 law students that it has trained since 2000 at its Blackstone Legal Fellowship.⁴¹⁹

Michael P. Farris is the current President and CEO of ADF and ADF International,⁴²⁰ and Paul Coleman is the Executive Director of ADF International.⁴²¹ Farris was previously head of Jerry Falwell’s Moral Majority in Washington State and founded the Home School Legal Defense Association (HSLDA). The HSLDA’s mission states that it relies on “parental rights” and religious freedom⁴²² and works to counter regulations around homeschooling. It has also promoted constitutional amendments to ban marriage equality.⁴²³ Farris also founded the evangelical Patrick Henry College.

ADF’s board members include:

Terry Schlossberg⁴²⁴

- Previously Executive Director of **Presbyterians Pro-Life**, a nonprofit corporation made up of members and pastors of the Presbyterian Church
- States that she has “been an ardent pro-life advocate for decades”

Seth Morgan⁴²⁵

- Board member of the Ohio family policy council for **Focus on the Family**

Mark Maddoux⁴²⁶

- One of the original founders of ADF
- Vice-President and CFO for **International Christian Media**

John Rogers⁴²⁷

- Director of Operations for US **Campus Crusade for Christ**

Ruth Ross⁴²⁸

- Serves on several Canadian boards, including the **Billy Graham Evangelistic Association**
- Former Executive Director of **Christian Legal Fellowship of Canada**

Scott Scharpen⁴²⁹

- President and founder of the **Scharpen Foundation**, whose primary work is operating a “pro-life mobile pregnancy clinic”
- The clinic was a party to the recent US Supreme Court case⁴³⁰ on crisis pregnancy clinics contesting the requirement to advise women on free and low-cost abortion services⁴³¹ litigated by ADF
- Previously served as board chairman of **parentalrights.org**⁴³²

Michael Whitehead⁴³³

- Has volunteered as an allied attorney for ADF on several occasions, for instance filing an amicus brief to the US

Supreme Court in *Masterpiece CakeShop* (mentioned above)

Thematic Focus

Religious Freedom

A central theme for ADF is the right to religious freedom. While ADF International highlights violence against Christian minorities⁴³⁴ and the issue of blasphemy laws and their implementation,⁴³⁵ their discourse is misleading, misappropriating the right to freedom of religion to justify violations of rights related to gender and sexuality and the universality of rights and belief, and overlooking the rights of non-Christian religious minorities. This is a common discourse amongst anti-rights actors.⁴³⁶ One element of this narrative is to misleadingly suggest that the right is intended to protect a religion rather than **protect people, who are free to hold or not hold different religious beliefs**. As the UN Special Rapporteur on Freedom of Religion and belief has expressed on multiple occasions, the right protects *believers*, not *beliefs*.⁴³⁷

ADF DISCOURSE IS MISLEADING, MISAPPROPRIATING THE RIGHT TO FREEDOM OF RELIGION TO JUSTIFY VIOLATIONS OF RIGHTS

This anti-rights reinterpretation of the right to freedom of religion and belief sets aside the provision that the freedom to manifest one’s religion is subject to limitations, including those

that are necessary to protect the “fundamental rights and freedoms of others.”⁴³⁸ It also puts aside that the right may not be relied upon to justify discrimination against women, as stated in the Human Rights Committee’s General Comment 28.⁴³⁹

Earlier in briefs opposing marriage equality, as in the aforementioned *Lawrence v Texas* case, ADF counsel used arguments supporting continued criminalization of same-sex sexual conduct stating that “it clearly is” reasonable “to believe that same-sex sodomy is a distinct health problem”⁴⁴⁰ as well as a number of arguments depicting LGBTQI people as promiscuous and unfit to parent.⁴⁴¹ Today, when it comes to themes of sexual rights and marriage equality, ADF has now strategically pivoted to anti-rights arguments around the rights to freedom of religion (or speech), as in *Masterpiece Cakeshop*.

A number of ADF briefs now construct a legal narrative that asserts that Christians are under threat of persecution from the advance of rights related to gender, sexuality and reproduction,⁴⁴² and that attempt to justify “religious exceptions” which allow impunity for discrimination. Here again, the anti-rights discourse on freedom of religion adopts a familiar tactic – co-opting rights language to shift the subject of rights and endow already powerful ideologies with more power.

ADF International continues this trend of misusing the right to religious freedom. For instance, in its white paper entitled: “The

UN’s Failure to Promote and Protect Religious Freedom,” ADF critiques UN bodies such as the Office of the High Commissioner for Human Rights (OHCHR) for its work combatting discrimination based on sexual orientation and gender identity.⁴⁴³ It claims that the OHCHR “has chosen to focus massive resources” on “‘rights’ that are not recognized” rather than the right to freedom of religion, and calling on states to cease funding OHCHR initiatives “until it returns to its core obligations.”⁴⁴⁴

Abortion

ADF has a substantial focus on abortion and restricting access to reproductive justice. To illustrate, ADF International has at least 60 submissions and lobbying documents devoted to the subject, including over 50 submissions to the UN Human Rights Council’s Universal Periodic Review (UPR) for numerous countries.⁴⁴⁵ It frequently frames its anti-abortion efforts around a few core discourses, such as the “right to life from conception to natural death,”⁴⁴⁶ as well as by promoting the “conscientious objection” of health professionals to abortion services, and co-opting progressive critiques of sex-selective abortion.

As discussed in the first OURs human rights trends report,⁴⁴⁷ a number of anti-rights actors seek to appropriate the human right to life in service of an anti-abortion mission. This framing is misleading and a strategic site from which to ground an anti-abortion norm. Evoking threats to life elicits a strong emotive reaction and in international human

rights law the right to life is a binding legal standard and cannot be violated under any circumstances.⁴⁴⁸

As part of an overall tactical shift over several years, arguments opposing rights related to reproduction, gender, and sexuality have moved from explicitly religious to ostensibly “secular.”⁴⁴⁹ The Vatican and allies like ADF seek to couple the right to life set out in human rights law with its own doctrinal caveat that life begins at the moment of conception – which ADF mirrors in its own statement of faith above. But the notion that the human right to life begins at conception has no support outside of some doctrinal texts and Christian Right talking points. No universal human rights instrument has provided that a right to life applies before birth.⁴⁵⁰

For example, ADF International joined with a number of anti-rights organizations to try to influence the UN Human Rights Committee, the body which oversees the International Covenant on Civil and Political Rights (ICCPR), to change the interpretation of the right to life included in the treaty through its General Comment 36.⁴⁵¹ Their efforts were unsuccessful, as the Committee’s final text of General Comment 36 affirmed that the right to life is applicable from birth, not earlier.

ADF also tries to cloak its anti-abortion agenda by co-opting feminist and progressive concerns around sex-selective abortion. Rather than addressing the structural and systemic issues which contribute to the

preference for boys and the stigma around girls, the organization seeks to limit access to abortion. Towards this end, ADF launched the “Vanishing Girls” campaign in India⁴⁵² in 2018.

ARGUMENTS OPPOSING RIGHTS RELATED TO REPRODUCTION, GENDER, AND SEXUALITY HAVE MOVED FROM EXPLICITLY RELIGIOUS TO OSTENSIBLY “SECULAR”

ADF also seeks to restrict access to reproductive rights and health through the misleading argument – and series of cases – of “conscientious objection” of health care providers in a number of countries, including Norway.⁴⁵³

The group has also used the trope of describing abortion as “genocide,”⁴⁵⁴ supporting the defense of a German activist who compared abortion to the Holocaust and accused specific doctors of murder,⁴⁵⁵ and opposing a rape survivor’s appeal on the post-20-week abortion ban in India.⁴⁵⁶

“Parental Rights”

ADF also seeks to propagate the misleading discourse of “parental rights” to justify its advocacy against comprehensive sex education (CSE) and in favour of religious homeschooling. As discussed in the first OURs human rights trends report,⁴⁵⁷ a number of anti-rights actors are attempting to construct a new category of “parental rights” to justify the control of children and violation of their

rights under international law, but which has no support in existing human rights standards.

ADF SEEKS TO PROPAGATE THE MISLEADING DISCOURSE OF “PARENTAL RIGHTS” TO JUSTIFY ADVOCACY AGAINST COMPREHENSIVE SEXUALITY EDUCATION AND IN FAVOUR OF RELIGIOUS HOMESCHOOLING

For example, ADF International took a German case supporting homeschooling – restricted in Germany – to exercise the litigants’ “parental right to raise their children in line” with “their religious convictions” to the European Court of Human Rights in 2017.⁴⁵⁸ The group also engaged in substantial communications around the case, including factsheets and a video.⁴⁵⁹ ADF’s ostensible advocacy on behalf of parents stands in contrast to their efforts to harm parents and families that differ from a patriarchal heteronormative model. The group has argued on multiple occasions that same-sex parents are unfit. Citing flawed research that claims children with same-sex parents have emotional problems,⁴⁶⁰ they have described such children as “all hav[ing] one thing in common – they craved the love and presence of their missing mother or father.” They have also claimed that children with a lesbian or gay parent are more likely to be raped than are those with heterosexual parents.⁴⁶¹

Surrogacy

Recently, another focus for ADF is in opposing surrogacy, an area increasingly of interest for several anti-rights actors. Here, anti-rights groups seek to instrumentalize feminist critiques – around issues like economic marginalization, reproductive labour in a globalized market, and bodily autonomy and integrity – towards their anti-reproductive rights agenda. As can also be seen with their opposition to such practices as in vitro fertilization and same-sex parenting, the real objective behind this focus is to restrict families to their vision of the heterosexual, “traditional,” “biological” family.

IN OPPOSING SURROGACY, ANTI-RIGHTS GROUPS INSTRUMENTALIZE FEMINIST CRITIQUES - AROUND ECONOMIC MARGINALIZATION, BODILY AUTONOMY AND INTEGRITY - TOWARDS THEIR ANTI-REPRODUCTIVE RIGHTS AGENDA

In this vein, ADF International has sponsored side events on the theme of surrogacy at the UN. At a side event at the Human Rights council in 2019,⁴⁶² ADF International partnered with La Manif Pour Tous, a French organization that opposes same-sex marriage and “gender theory,” and claims to defend the “traditional family.” In the same year, ADF International also produced a lobbying brief entitled “Surrogacy: the commoditization of children and women.”⁴⁶³

Opposition to LGBTQI rights

In line with the anti-rights focus on religious control over human sexuality and reproduction, ADF has a significant interest in restricting sexual rights around the world – although it increasingly seeks to cloak this strategically in language of freedom of religion or freedom of speech.

ADF Founder Alan Sears co-authored *The Homosexual Agenda: Exposing the Principal Threat to Religious Freedom Today*⁴⁶⁴ which argued that eliminating anti-sodomy laws would lead to the overturning of “laws against pedophilia, sex between close relatives, polygamy, bestiality and all other distortions and violations of God’s plan.” The ADF authors also claimed that the “radical homosexual activist community has adopted many of the techniques used in Nazi Germany,” including waging “a war of propaganda, just as Hitler did so masterfully.”⁴⁶⁵ Speaking at the 2012 World Congress of Families conference, Sears also stated, “in the course of the now hundreds of cases the ADF has now fought involving this homosexual agenda, one thing is certain: there is no room for compromise with those who would call evil ‘good’.”⁴⁶⁶

After ADF’s advocacy was unsuccessful in the *Lawrence v Texas* case,⁴⁶⁷ mentioned above, which sought the criminalization of same-sex sexual conduct, the group’s “Foreign Threats” website page urged supporters to contribute to ADF’s international efforts to “help stop devastating rulings” like *Lawrence* worldwide.⁴⁶⁸

ADF DELINEATES A SUBSET OF HUMAN RIGHTS AS TRULY FUNDAMENTAL, WHILST OTHERS ARE FRAMED AS “NEW” OR SUBJECT TO STATE DISCRETION

In 2013, ADF published a memo in support of Russia’s “gay propaganda” law, which legalized discrimination based on sexual orientation, claiming that it would protect “the psychological or physical well-being of minors.”⁴⁶⁹ In 2016, the organization filed legal arguments before the Inter-American Court of Human Rights in *Alberto Duque v Colombia*, opposing a partners’ claim to the pension of his deceased (same-sex) partner.⁴⁷⁰ The court, however, ruled in favour of Duque.

In 2017, ADF also intervened in a case at the European Court of Human Rights⁴⁷¹ that challenged European laws requiring the sterilization of transgender citizens seeking recognition of their preferred gender, *A.P., Garçon and Nicot v. France*. ADF argued against the three transgender petitioners, stating “equal dignity does not mean that every sexual orientation warrants equal respect,” and citing “human rights imperialism” in this French case.⁴⁷² Here the court also ruled in favour of the petitioners. ADF was also previously involved in the Belize Supreme Court case on the decriminalization of same-sex sexual conduct. Belize Action, a local anti-rights organization stated that lawyers supplied by ADF (as well as C-Fam) were

assisting them in their opposition to striking down the colonial-era law,⁴⁷³ which carried a sentence of 10 years.

At the UN, ADF frequently advocates against rights related to gender and sexuality, where they commonly resort to a misleading anti-rights discourse on “fundamental freedoms.” Increasingly, anti-rights actors attempt to use the language of the universality of rights to subvert its principles.⁴⁷⁴ They use references to “universal” or “fundamental” rights not to describe the entirety of indivisible and interrelated human rights to be treated equally and with the same emphasis,⁴⁷⁵ but (in a reversal) to delineate and describe a *subset* of human rights as truly fundamental, whilst other rights – generally rights related to gender and sexuality – are framed as “new,” optional or subject to state discretion. ADF’s lobbying documents argue, for example that the UN’s “focus on SOGI distracts from promoting universally agreed, fundamental rights and violates state sovereignty,”⁴⁷⁶ and argues that UN bodies have “drifted...to the promotion of unrecognized ‘rights’.”⁴⁷⁷

Regions and Religious Affiliation

ADF was founded in the United States by Alan Sears; it has four offices in the country, with its headquarters located in Scottsdale, Arizona.⁴⁷⁸ ADF International has offices in Switzerland, Mexico, Austria, Belgium, France, and the UK,⁴⁷⁹ and “ADF India” works with allied lawyers in New Delhi.⁴⁸⁰ They also claim to work “alongside a large network of

allied lawyers throughout Asia, Africa and Oceania.”⁴⁸¹

According to ADF International, as of 2017 it had 580 “ongoing legal matters” in 51 countries.⁴⁸² They work at the UN, where they have held ECOSOC accreditation since 2010; and at the OAS; the Inter-American Commission of Human Rights (IACHR); the EU; the European Court for Human Rights (ECHR); and at the Organization for Security and Cooperation in Europe (OSCE), and previously the Council of Europe.⁴⁸³

ADF has been involved in Slovakia, where it worked in support of an anti-same sex marriage referendum.⁴⁸⁴ ADF also supported a referendum opposing same-sex marriage in Romania.⁴⁸⁵ It has intervened in a Costa Rican IACHR case on marriage and gender identity,⁴⁸⁶ and engaged in activities in Ireland, Italy, Argentina, India, Belize, Germany, Norway, France, Russia, and Colombia, among others.

ADF defines itself as a Christian organization, clearly highlighted in its statement of faith,⁴⁸⁷ and states that it was founded by 30 Christian leaders.⁴⁸⁸ The organization has overwhelmingly represented Christian clients,⁴⁸⁹ and is historically associated with the Evangelical movement, but also includes Catholic representation.⁴⁹⁰

Tactics

Strategic Litigation

As ADF states, the foundational objective of its strategy is to “impact and reshape our culture” by promoting “key changes in the worldwide legal culture.”⁴⁹¹ Using strategic litigation – also called impact litigation – the organization’s goal goes beyond winning the case at hand and obtaining remedies for the client. Instead, the key objective is to create broader changes in society by focusing on one case exemplifying a wider trend. Individual cases are selected towards that goal – to change legislation, policies, and practice; raise public awareness of an issue and give it a bigger platform; and set legal precedents which will shape law going forward.⁴⁹² In keeping with these goals, strategic litigation is usually accompanied by media engagement, communications, and public outreach materials to signal-boost. In the series of cases previously described – and beyond – **ADF’s ultimate goal is to promote lasting anti-rights shifts in paradigms, cultural narratives, laws and policies in countries and multilateral bodies all over the world.**

ADF’S ULTIMATE GOAL IS TO PROMOTE LASTING ANTI-RIGHTS SHIFTS IN PARADIGMS, LAWS, AND POLICIES IN COUNTRIES AND MULTILATERAL BODIES ALL OVER THE WORLD

Lobbying and Model Legislation

Lobbying and direct involvement with the development of legislation are another core tactic for ADF, both at the national level and in global and regional multilateral spaces. As noted above, ADF’s lobbying budget is substantial.⁴⁹³

It produces lobbying briefs and white papers on its areas of focus, including one critiquing the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),⁴⁹⁴ as well as briefs on surrogacy,⁴⁹⁵ freedom of religion,⁴⁹⁶ critiquing hate speech laws,⁴⁹⁷ and on “protecting religious freedom in times of COVID-19.”⁴⁹⁸ Its materials also include sustained critiques of the United Nations Population Fund (UNFPA)⁴⁹⁹ and IPPF,⁵⁰⁰ and “The Rise of Faux Rights.”⁵⁰¹

ADF has regular staff working to lobby at the UN Human Rights Council, the EU, the OAS, and other multilateral bodies. It is particularly involved in the UN Human Rights Council’s Universal Periodic Review (UPR) process, where it makes submissions for a substantial number of countries, including Rwanda, Nepal, Myanmar, Lebanon, Georgia, the Maldives, Malawi, Libya, Belarus, Turkey, Lesotho, Kyrgyzstan, the Gambia, El Salvador, Malaysia, Egypt, Tuvalu and many others.⁵⁰² This can be particularly harmful where there is limited capacity amongst national civil society to produce UPR reports, as ADF’s submission can carry undue weight in the absence of other reports. Their submissions focus largely

on their thematic areas, highlighted above, particularly opposing abortion⁵⁰³ and CSE⁵⁰⁴ and promoting the status of churches.⁵⁰⁵

ADF also drafts and promotes anti-rights model legislation on issues like the rights of trans people. In 2017, ADF sent its model “physical privacy policy,” which advocated against the right of transgender students to use bathroom facilities that align with their gender identity, to school districts across the US.⁵⁰⁶ As so-called “bathroom bills” surged in numbers through the year, **one report found that at least 10 of 28 anti-trans state “bathroom bills” introduced or active in 2017 had language resembling ADF’s model policy – and that at least two school district policies also had language mirroring ADF’s.**⁵⁰⁷

Campaigning and Communications

ADF also engages in campaigning and communications. In 2018, for instance, the organization launched its “I’m Human, Right?” campaign around the 70th anniversary of the Universal Declaration of Human Rights.⁵⁰⁸ The campaign included events in NYC, Brussels, Geneva, and New Delhi, a campaign video,⁵⁰⁹ social media engagement, a photo campaign, and an open letter to the UN’s Secretary-General promoting the “Geneva Statement” – a text which aims to co-opt the concept of universality to narrow down the scope of human rights.

The photo campaign featured a number of young people – who appear to be members of ADF’s training programs – each holding up

“I’m Human, Right?” signs with their name and statements such as, “I believe marriage is the lifelong union of one man and one woman” and “I believe it’s wrong to force someone to do something they think is morally wrong.”⁵¹⁰

As highlighted above, ADF has also been involved with campaigns to support referenda against same-sex marriage in countries like Romania and Slovakia. The group frequently produces press releases, videos, and explainer briefs to support its strategic litigation and campaigns, and engage the media. Their “media reference guide”⁵¹¹ includes a list of “use” and “don’t use” terms – such as “abortion, infanticide and killing of the innocent” instead of “termination of pregnancy”; “cross-dressing, sexually confused” instead of “transgender”; “pro-life, pro-family, pro-children” instead of “anti-abortion, anti-reproductive rights”; “advocating/promoting promiscuity/immorality” rather than “safe education, safe sex, responsible sex”; and “sexually mutilated male/female, self-proclaimed male/female, biological male/female” instead of “intersex person.” ADF also has a content partnership with the Brussels-based *Euroactiv* media site.⁵¹²

Training

Training is a central tactic for ADF, as it allows them to significantly increase their reach and impact by growing and strengthening a large cadre of affiliated lawyers and advocates. Through their programs, ADF claims that it is “transforming the legal system by equipping Christian attorneys and law students to defend religious freedom.”⁵¹³

At the international level, ADF runs the Areté Academy, a one-week training program that includes “biblical worldview training.”⁵¹⁴ The organization states that its European Leadership Academy includes training in “strategic cultural engagement and spiritual formation” alongside professional development and “substantive legal and political instruction.”⁵¹⁵ ADF holds sessions of the academy in multiple regions – in 2021, Areté Academy Asia will be held in Bangkok, Thailand; Areté Academy Europe in Vienna, Austria; and Areté Academy Latin America in Santiago, Chile.

Additionally, ADF International offers the Veritas Scholarship, a year-long fellowship program which promises “full immersion” into the ADF International team in Europe.⁵¹⁶ Alliance Defending Freedom also hosts the ADF Summit on Religious Liberty for “Christian attorneys around the globe...to equip attendees to effectively advocate for religious liberty, the sanctity of life, and marriage and family.”⁵¹⁷ The organization claims that more than 2,000 lawyers from nearly 50 countries have participated in the summit.

ADF also holds the Young Lawyers Academy for recent law school graduates and new lawyers,⁵¹⁸ and targets college students with its Law School Prep Academy for students preparing to start law school.⁵¹⁹ Finally, its Blackstone Legal Fellowship,⁵²⁰ which ADF claims has trained more than 2,400 students from law schools in 21 countries, trains law students and then places them in internships

with law firms, government bodies, and think tanks. The program includes seminars and talks from senior staffers from anti-rights organizations like Focus on the Family and the Family Research Council,⁵²¹ and one testimonial from a former Blackstone Fellow stated that the program “unveiled the scale of the attack against truth and... also gave the battle plan and weapons necessary to fight back.”⁵²²

ADF-TRAINED AND AFFILIATED LAWYERS ALSO FREQUENTLY GO ON TO GOVERNMENT, JUDICIAL, AND OTHER POSITIONS OF POWER

ADF itself benefits substantially from this network of training cohorts and its allied attorneys mentioned above, estimating over a million pro bono hours. ADF-trained and affiliated lawyers also frequently go on to government, judicial, and other positions of power.

Grants

ADF started with the goal to fund work congruent with its anti-rights foci, and it continues to do so. The organization claims that it has provided lawyers with more than \$52 million USD⁵²³ in grant awards, funding them to take up cases, amicus work and “advocacy-related projects” around “religious freedom, the sanctity of life, or marriage and family.”⁵²⁴

Engagement at the UN and other Multilateral Spaces

ADF is active at the UN, carrying out a number of lobbying activities. The group has held ECOSOC civil society consultative status there since 2010. In recent years, it has become especially visible at the Human Rights Council in Geneva.

ADF IS ENGAGED IN A DOUBLE STRATEGY AT THE UN – IT WORKS INCREASINGLY IN THESE SPACES AND AT THE SAME TIME SEEKS TO UNDERMINE OR DEFUND MANY UN MECHANISMS

At the 34th session of the HRC in 2017, for instance, ADF's then representative made a statement at the Interactive Dialogue for the Special Rapporteur on Freedom of Religion to promote their misleading discourse on freedom of religion – in support of “religious exemptions” for bakers, florists, photographers and venue providers who refuse services for same-sex couples.⁵²⁵ ADF International also holds side events with partners at the Council. For example, at the 41st session in 2019, it co-organized a side event on religious violence with the Permanent Missions of Brazil, Poland, Iraq, Nigeria, the Holy See, and others.⁵²⁶ And as highlighted above, it submits a large number of country submissions for states around the world in the UPR process.

ADF International has a regular presence at the HRC, with two Geneva-based UN officers⁵²⁷ and London and New York-based staff also attending Council sessions.⁵²⁸ Their ongoing presence in Geneva also allows them to engage in lobbying activities targeting UN treaty monitoring bodies like the Human Rights Committee.

ADF has also become more deeply embedded in UN mechanisms of late. It is involved in the NGO Committees on Freedom of Religion and Belief (FoRB) in Geneva and New York, and it now holds the position of chair of the New York NGO Committee on FoRB. It has long been involved in lobbying at the Commission on the Status of Women (CSW), where ADF states they are committed to preserving “protections for pro-life states” and to “encouraging countries to rollback abortion references in UN documents.”⁵²⁹ ADF also hosts side events with anti-rights allies at the CSW, such as an event in 2020 entitled: “The Many Harms Coming from Abortion after Cairo and Beijing,” with the Holy See, C-Fam, and the Heritage Foundation.⁵³⁰ Together with national-level partners, ADF also typically submits statements⁵³¹ at the CSW.

ADF is engaged in a double strategy at the UN – it works actively and increasingly in these spaces and encourages other anti-rights groups not to “abandon the institutions of power.”⁵³² At the same time it seeks to undermine, limit and/or defund many UN mechanisms, such as the OHCHR,⁵³³ treaty monitoring bodies, UN Special Procedures,⁵³⁴

and UNFPA.⁵³⁵ It also attempts to reshape the human rights system and norms to promote an anti-rights agenda that furthers impunity, undermines equality, and makes human rights the province of the few rather than all.

ADF International is also active in cases before regional bodies like the ECHR and the IACHR and has become highly involved in the OAS General Assembly. It has several staff members registered at the EU,⁵³⁶ and was also engaged at the Council of Europe. Recently, however, given ADF's widespread advocacy opposing the Istanbul Convention Against Gender-based Violence,⁵³⁷ the Council of Europe removed ADF from its NGO group.⁵³⁸

Funding of Anti-rights Actors

– Naureen Shameem
AWID

Anti-rights Funding Trends

The significant growth in the budgets of groups like CitizenGo and ADF point to the vast resources made available for anti-rights actors. Yet, the sheer size of their budgets is not enough to guarantee the success of their agendas. Rather, it paints a complex context in which advancements in feminism and human rights are often won against extremely well-funded and powerful opposition.

ADVANCEMENTS IN FEMINISM AND HUMAN RIGHTS ARE OFTEN WON AGAINST EXTREMELY WELL-FUNDED AND POWERFUL OPPOSITION

Key funding sources for anti-rights agendas include: 1) ultra-conservative grant-makers and private donors; 2) religious institutions; 3) businesses and corporations; and 4) funding from other organizations.

Ultra-conservative Grant-makers and Private Donors

In many jurisdictions, private donors to anti-rights organizations are allowed a high degree of anonymity. **The amounts of money fueling anti-rights agendas without any transparency is a major issue in its own right.** For instance, US-based organizations

who define themselves as non-profits are not required to disclose the names of private donors in their public filings – and in a major loophole, those **groups who register themselves as “churches” do not need to file even the limited funding disclosures required of other organizations.**

THE AMOUNTS OF MONEY FUELING ANTI-RIGHTS AGENDAS WITHOUT ANY TRANSPARENCY IS A MAJOR ISSUE IN ITS OWN RIGHT

Donations from private donors and ultra-conservative grant-makers are a substantial part of the resources of anti-rights groups. The **Qatar Foundation**, which belongs to the royal family of Qatar, finances the Doha International Institute for Family and Development, as an example.⁵³⁹ Two major ultra-conservative foundations in Russia are the **Istoki Endowment fund**, which is led by the Russian businessman Vladimir I. Yakunin,⁵⁴⁰ and the **St. Basil the Great Charitable Foundation**, created by businessman Konstantin Malofeev.⁵⁴¹ Both foundations finance projects that aim to promote “traditional values,” a common discourse of the Russian Orthodox Church,⁵⁴² and have links to the World Congress of Families.⁵⁴³ In the US, anti-LGBTQI work has been funded by the **Witherspoon Institute** and the **Bradley Foundation**.⁵⁴⁴

A key space in which ultra-conservative donors make decisions about their support

to anti-rights organizations and projects is **The Gathering**.⁵⁴⁵ The Gathering is an annual donors conference⁵⁴⁶ that meets every September and dates back to the 1980s. The largest donor player in The Gathering is the **National Christian Foundation (NCF)**.

The evangelical NCF, the eighth-largest charity in the US, claims that it has given out more than \$13 billion USD in grant money since 1982⁵⁴⁷ – in 2015, for example, it gave out \$960 million in grants.⁵⁴⁸ Between 2015 and 2017, the NCF donated at least \$56.1 million to 23 groups identified by the SPLC as hate groups, including Alliance Defending Freedom (ADF) and the Family Research Council.⁵⁴⁹ Inside Philanthropy lists the Heritage Foundation, Campus Crusade for Christ, and Focus on the Family as other recipients of NCF funds and describes NCF as “probably the single biggest source of (US) money fueling the pro-life and anti-LGBT movements over the past 15 years.”⁵⁵⁰

NCF is a donor-advised fund – donors can recommend that the fund disperse money to the groups of their choice, and are able to donate to the NCF anonymously. A few of NCF’s donors include **David Green**,⁵⁵¹ the billionaire founder of the **Hobby Lobby** chain of crafts stores – the corporation who took their refusal to cover contraceptive coverage for their employees to the Supreme Court. Other major NCF donors include the **Maclellan Foundation**, which has donated over \$100 million to NCF; the **Bolthouse Foundation** (who donated \$9.6 million in

2017); the family foundation of Republican donor **Foster Friess** (donated \$2.5 million in 2017); the **Free Family Foundation** (donated \$1.5 million in 2017) and the **JSC Foundation**, run by heirs of the Coors beer company.⁵⁵²

Businesses and Corporations

We can see fiscal links between corporations and anti-rights organizations above, namely Hobby Lobby and the JSC Foundation, linked to the **Coors** beer company. Recently, one of Italy’s leading prosecco companies has also been linked to anti-rights agendas; in 2019, **Villa Sandi** was a sponsor of the World Congress of Families event in Verona, Italy.⁵⁵³ WCF, an anti-rights group,⁵⁵⁴ hosted far-right politicians in Verona from Italy’s Lega party along with representatives from France’s National Rally, Hungary’s Fidesz, and Germany’s AfD.⁵⁵⁵

Brazzale, an Italian dairy company, also sponsored the 2019 WCF conference – its chief executive has spoken at previous anti-abortion events such as the 2018 Festival of Life in Verona, and the 2017 March for Life in Rome.⁵⁵⁶ **Shamrock Foods**, a US based dairy company, has also previously acted as a corporate sponsor for WCF,⁵⁵⁷ as has the Polish oil company **Orlen**.⁵⁵⁸

A report by Popular Information, together with Progressive Shopper, also examined donations from corporations to politicians espousing anti-sexual rights positions and policies. Between 2017 and 2018, they estimate that **AT&T** donated \$2,755,000 USD

to this end; **UPS** donated \$2,366,122 USD; **Comcast** donated \$2,116,500 USD; **Home Depot** donated \$1,825,500 USD; **General Electric** donated \$1,380,500 USD; **FedEx** donated \$1,261,500 USD; **USB Corporation** donated \$1,094,750 USD; **Verizon** donated \$1,022,803 USD; and **Pfizer** donated \$959,263 USD.⁵⁵⁹

Several religious institutions who have been linked to anti-rights agendas also own their own businesses, which may fund anti-rights work. The Catholic Church, for instance, owns the **Institute for the Works of Religion** (i.e. the “Vatican bank”), which manages funds for approximately €7,000 million.⁵⁶⁰ Locally, the Church administers a series of businesses such as private Catholic schools or properties which it rents for commercial purposes. In Chile, the **episcopate of the Catholic Church** declared an annual income of almost \$16 million USD in 2016, with 22 percent of this coming from real estate rents.⁵⁶¹ The **Russian Orthodox Church** has state permission to generate and manage its own businesses.⁵⁶² It owns the Sofrino plant, one of the largest production sites in the country where they make everything from candles to icons, books and church utensils. Churches also run businesses linked to telecommunications in some countries. For example, in Brazil, Christian churches have bought and administered television and broadcasting channels for several years, and in Russia, the Orthodox Church has owned the Spas television channel since 2007.⁵⁶³

Public and State Financing

Anti-rights actors access public funds and state support in different ways. **In some cases, they are employed by state-funded institutions (as in the case of religious institutions). In other cases, anti-rights groups may present themselves as neutral organizations who provide aid or relief to marginalized communities.** For instance, the ultra-conservative group Portal de Belen – one of the main organizations who mobilized against the legalization of same-sex marriage in Argentina in 2010 – has been granted funds by the government of the province of Córdoba for their “pregnancy-support” shelters. These service low-income pregnant women with the objective of preventing them from obtaining abortions.⁵⁶⁴

ANTI-RIGHTS GROUPS MAY PRESENT THEMSELVES AS NEUTRAL ORGANIZATIONS WHO PROVIDE AID OR RELIEF TO MARGINALIZED COMMUNITIES

The European Christian Political Movement (ECPM) receives funding from the European Parliament, and anti-rights groups in Poland receive state funding. In 2017, the National Foundation for Civil Society Development in Croatia granted a three-year institutional development grant of approximately €55,000 to In the Name of the Family, the anti-rights group who led the referendum against marriage equality.⁵⁶⁵ In another example, the US federal government funded Obria, a chain

of anti-abortion “crisis pregnancy centres,” sending them \$5.1 million USD in 2019.⁵⁶⁶

Inter-organizational Funding

International transfers between ultra-conservative organizations around the world is another major trend in the anti-rights funding landscape. Financial support from Russia⁵⁶⁷ has been identified in Eastern and Central European countries with large Orthodox churches, such as Romania, Bulgaria and Serbia; or countries with strong political links, such as Hungary, Slovakia, Latvia, Lithuania and the Czech Republic.⁵⁶⁸ Anti-rights organizations in the US also offer funding to churches to oppose sexual rights in Uganda,⁵⁶⁹ Kenya, and Nigeria,⁵⁷⁰ often disguised as humanitarian or development-related aid,⁵⁷¹ or through direct donations to key religious leaders.⁵⁷²

Case Study: Anti-rights Funding in Europe

As openDemocracy has documented,⁵⁷³ in the past decade anti-rights groups based in the United States have significantly increased their spending in Europe, pouring at least \$50 million USD towards regressive agendas in the continent.⁵⁷⁴

The top three groups, based on public filings between 2008 and 2018, are the **Billy Graham Evangelistic Association (BGEA)**,⁵⁷⁵ the **American Center for Law and Justice (ACLJ)**⁵⁷⁶ – whose affiliate, the European Center for Law and Justice, is highly active in anti-rights strategic litigation

across Europe;⁵⁷⁷ and **ADF**.⁵⁷⁸ In this period, BGEA channeled at least \$23.3 million USD to support work in Europe, while the spending of ACLJ – founded by televangelist Pat Roberson in 1990 – was \$13.5 million USD, and ADF’s disclosed spending in Europe was \$15.3 million USD.⁵⁷⁹

The anti-abortion **Human Life International**, which describes itself as the “largest international pro-life organization in the world,” was also a major spender in Europe, sending at least \$2.8 million USD in this period,⁵⁸⁰ including in Austria, Croatia, Hungary, Latvia, Poland, Romania, Slovakia and Ukraine. The **Acton Institute for the Study of Religion and Liberty**, which brings together anti-rights and neoliberal activists, has received hundreds of thousands of dollars from **Koch family foundations**⁵⁸¹ and spent at least \$2.1 million USD in the region over this period.⁵⁸² The Acton Institute has an office in Rome and has collaborated in Italy with the Dignitatis Humanae Institute – linked to CitizenGo, and of which Steve Bannon is a trustee.

Other US-based groups transferring funds into Europe include **Heartbeat International**, which supports anti-abortion “crisis pregnancy centres,” and who spent at least \$191,000 USD in this period.⁵⁸³ Heartbeat International’s latest filings say it funds activities in Croatia, Spain, and Italy, where it works with the Movimento per la Vita. The **Leadership Institute**, linked to CitizenGo,⁵⁸⁴ has also spent more in Europe than in any other region – more than \$804,000 USD.⁵⁸⁵

Also amongst the key spenders is the US branch of **Tradition, Family and Property (TFP)**, an ultra-conservative transnational Catholic movement that describes itself as “on the front lines of the Culture War...defending the values of tradition, family, and private ownership.”⁵⁸⁶ The movement has spent over \$100,000 USD in Europe since 2010 and has been linked to a group in Poland that has helped the far-right Law and Justice party develop policies.⁵⁸⁷

Amongst a number of other anti-rights activities, the funding from this set of actors has funded a network of “grassroots” anti-abortion campaigns in Italy and Spain and supported campaigns against sexual rights in the Czech Republic⁵⁸⁸ and Romania.⁵⁸⁹ **Focus on the Family**, the **Home School Legal Defense Association**, the **Population Research Institute**, the **International House of Prayer**, and **Family Watch International** are amongst the other anti-rights groups engaged in transcontinental funding flows.⁵⁹⁰

A cross-party group of over 40 Members of the European Parliament also called on the European Commissioner on regulation and transparency to look into the influence of “US Christian fundamentalists...with the greatest urgency” in 2019.⁵⁹¹ However, these groups are not required to disclose the names of their overseas recipients under US law, nor the identities of their own funders, or the details of the activities they fund. Thus, the \$50 million USD figure is likely an underestimate of the resources that anti-rights actors

have transferred into the region in recent years. Groups like **Liberty Counsel**, which supported a campaign for an anti-same-sex marriage referendum in Romania,⁵⁹² has registered as a “church auxiliary” and thus no longer discloses information on major international contributions. Similarly, Focus on the Family has declared itself a church, avoiding disclosure requirements⁵⁹³ like the largest funder above, BGEA – which re-registered as an “association of churches” in 2015.

A review of the lobbying of a number of groups at the European Parliament and European Commission highlights the considerable budgets that European anti-rights groups are devoting to influence these multilateral spaces. According to the EU transparency register, 21 anti-rights think tanks, NGOs and other entities – most of which are from Poland, Austria, Belgium, France, Spain, or Switzerland – currently spend €2.1 to 3.1 million per year lobbying the EU.⁵⁹⁴

The Vatican is the largest individual spender in this group – one of its units, the **Commission of the Episcopates of the EU (Comece)** spends €1.25 million per year to influence EU institutions.⁵⁹⁵ The Swiss-based **International Organization for the Right to Education and Freedom of Education (OIDEF)**, with close links with European and US anti-abortion groups, also spends €200,000 to 300,000 per year, and the anti-abortion umbrella group **One of Us** spends €100,000 to 200,000 per year in lobbying the EU.⁵⁹⁶ Also, **Ordo Iuris**,

whose mission is the “protection of human life from conception until natural death,” and the “protection of the identity of marriage and family,” spends €25,000 to 50,000 per year.⁵⁹⁷

As highlighted in the section on CitizenGo, sources also indicate that some European anti-rights groups are also “trying to import a controversial US-style ‘Super PAC’ model of political campaigning,” which can allow for unregulated flows of funding to influence elections and support extremist parties.⁵⁹⁸ For instance, an official from the far-right Vox party told an undercover reporter that supporting CitizenGo financially could help Vox “indirectly.”⁵⁹⁹

Alliance Defending Freedom: Funding Flows

Funding of ADF

ADF is able to keep its own funding sources under wraps using the same legal disclosure loopholes mentioned above. As a 501(c)(3) non-profit⁶⁰⁰ registered in the US, it is not required to disclose the names of its funders, its overseas recipients, or details of the activities they fund in their tax filings. Indeed, on its website, ADF explicitly promises its donors secrecy, stating that the group will never “make available your name or information related to your gifts.”⁶⁰¹

Its tax filings list several multi-million-dollar contributions – approximately \$60 million USD between 2012 and 2017 – that seem to come from individuals, but with names withheld.⁶⁰² In

addition to individual donations, ADF receives funding from charitable foundations, which must be disclosed on donors’ tax returns.

Prominent ADF donors include the **family of Betsy DeVos**, the former US Secretary of Education,⁶⁰³ including her brother **Erik Prince**, founder of the mercenary military firm, Blackwater.⁶⁰⁴ The **Edgar and Elsa Prince Foundation**, which lists DeVos as vice-president, has donated more than \$1 million USD to ADF since 2002.⁶⁰⁵ The group also receives significant funds from the **Richard and Helen DeVos Foundation**.⁶⁰⁶ Another donor is **Greg Gianforte**, a US Congressman from Montana, infamous for being elected despite his pre-election assault on a reporter.⁶⁰⁷

A significant amount of ADF’s funding comes from the National Christian Foundation (NCF) – mentioned above. NCF’s status as a donor-advised fund allows for less transparency, as contributors to the Foundation can shield their identities from public view. Between 2008 and 2015, ADF received \$77.6 million USD from NCF,⁶⁰⁸ and from 2015 to 2017, it took in an additional \$49.2 million USD from the Foundation.⁶⁰⁹ NCF’s own donors include David Green of Hobby Lobby, the Maclellan Foundation, the Bolthouse Foundation, Foster Friess, the JSC Foundation, and the Free Family Foundation.

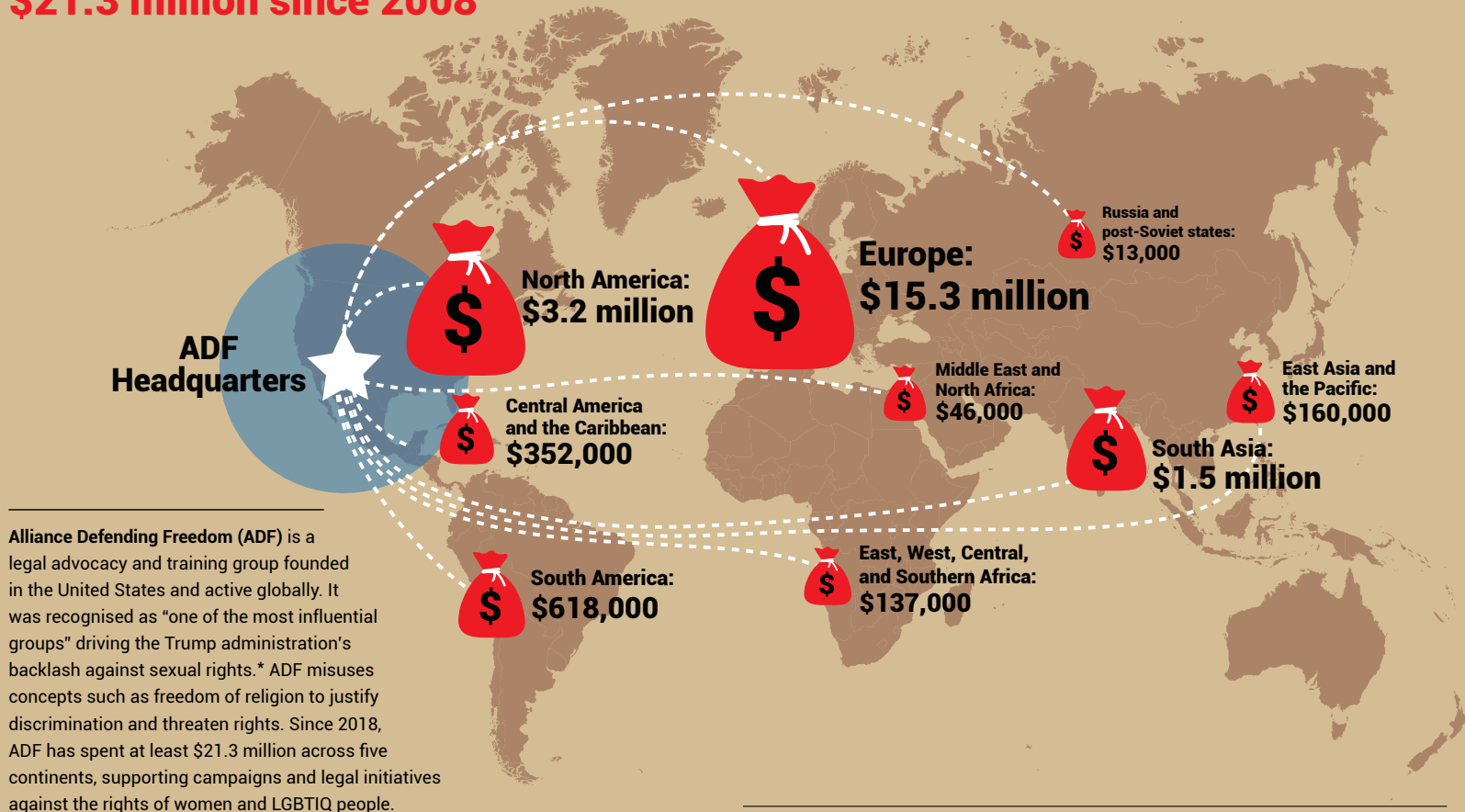
Several other donor-advised funds are big ADF funders. For instance, the largest charity in the US, the **Fidelity Charitable Gift Fund**,⁶¹⁰

together with the **Schwab Charitable Fund**⁶¹¹ and the **Vanguard Charitable Endowment Fund**,⁶¹² gave nearly \$2.7 million USD to ADF over 2016 through 2018.⁶¹³ It was also funded in this period by the **Silicon Valley Community Foundation**.⁶¹⁴

ANTI-RIGHTS ACTORS MAY ENJOY LACK OF TRANSPARENCY AND LEGAL LOOPHOLES, BUT THEIR FUNDING CAN AND HAS BEEN CHALLENGED

Anti-rights actors may enjoy lack of transparency and legal loopholes, but their funding can and has been challenged. ADF previously received funding – in the region of \$1 million USD – through the sales of specialty license plates,⁶¹⁵ and through Amazon’s AmazonSmile online charitable giving program,⁶¹⁶ before the state of Arizona and Amazon removed the group from its programs after activist exposure and pressure.

ADF: Global Expansion of the U.S. Christian Right ‘Legal Army’ \$21.3 million since 2008



Source: Figures are taken from publicly available US financial records of ADF from the years 2008-2018, as compiled by openDemocracy 50.50, and reported on at: <https://www.opendemocracy.net/en/5050/trump-us-christian-spending-global-revealed/>
* <https://www.splcenter.org/fighting-hate/extremist-files/group/alliance-defending-freedom>

ADF's Funding of other Anti-rights Actors

As one of the key funders of anti-rights activities in Europe, in the years 2008 to 2018, according to openDemocracy, ADF transferred at least \$15,294,738 USD towards activities in Europe.⁶¹⁷ The group also reportedly provides a significant amount of funding towards anti-rights activities in other regions: it channeled at least \$3,220,427 USD into Canada and Mexico in this period;⁶¹⁸ \$352,144 USD into Central America and the Caribbean;⁶¹⁹ \$617,800 USD into South America;⁶²⁰ \$12,600 USD into Russia and post-Soviet states;⁶²¹ \$46,300 USD into the Middle East and North Africa;⁶²² \$137,284 USD into East, West, Central, and Southern Africa;⁶²³ \$1,497,303 USD into South Asia;⁶²⁴ and \$159,955 USD into East Asia and the Pacific.⁶²⁵

A large proportion of its international spending is listed as “legal advocacy and training” services and “grants to foreign recipients,” as well as a number of grants labeled “cash scholarships for law school” for unnamed recipients. ADF has also provided donations to groups such as the Home School Foundation; Morality in Media; the Becket Fund for Religious Liberty, which also focuses on anti-rights strategic litigation; and the Claremont Institute, an ultra-conservative think tank.⁶²⁶

The Links Between Anti-trans Feminists and Christian Fundamentalists

– Inna Michaeli & Fenya Fischler
AWID

In recent decades, feminist and transfeminist scholarship and activism have transformed and radically expanded society's understanding of gender and of the freedom to live in one's body and identity without violence and discrimination.⁶²⁷

Today, the human rights of transgender and gender non-conforming people are under threat – not only from fascists and fundamentalists opposed to gender equality and sexual rights overall, but also certain individuals and groups associated with feminism and women's rights. While the attacks on trans people and their rights in the name of feminism date to the late 1970s,⁶²⁸ in recent years this discourse has gained traction, particularly in the UK, North America, and Australia, as well as in some countries in Latin America and Europe, and in international spaces.⁶²⁹

These actors question the very identity of trans people, present the rights of trans people as contradictory to the rights of cisgender women, and lobby against legislation that would secure their human rights. They are often part of campaigns that rely on sensationalism and fearmongering, and the harassment of trans people, particularly those who are in the public eye.

One core argument of this discourse is that women are oppressed on the basis of sex, not gender, hence some such feminists identifying themselves as “gender critical.” This argument disregards the complexity of what makes up gender identity and mimics the patriarchal reduction of women to biological reproductive functions. It ignores feminist scholarship on sex as *assigned* and as more complex and diverse in biological reality than a male/female binary. It also erases the diverse gendered and sexual identities found in many indigenous cultures and pre-colonial societies, obscuring the fact that masculinity/femininity are themselves colonial constructs.⁶³⁰

The situation in the United Kingdom is of particular note in terms of the destructive impact this trend can have. Though they tend to be relatively small in size, anti-trans feminist groups and public figures in the UK enjoy a disproportionate amount of media coverage and influence over public discourse and policy.⁶³¹

Two clear recent examples of this are the reform process surrounding the Gender Recognition Act 2004 (GRA) and the December 2020 High Court decision concerning access to puberty blockers for trans youth. The proposed GRA reforms looked at simplifying the process through which trans people obtain Gender Recognition Certificates (GRC).⁶³² Conservative Christian actors and trans-exclusionary feminist groups represented the bulk of pushback to the GRA reforms.⁶³³ The government ultimately decided not to go ahead with the proposed

reforms and implemented only small administrative changes. This was despite the results of the public consultation showing a strong majority in support of the reforms, the depathologization of the process, and self-identification for trans people.⁶³⁴

The December 2020 *Bell v Tavistock* case ruling has restricted the access of trans adolescents to puberty blockers, severely impacting the right to bodily autonomy for young trans people, as well as undermining the principle of consent and right to bodily autonomy for young people more broadly.⁶³⁵ It is important to note that anti-trans lobby group Transgender Trend was invited to intervene in the case, while no trans-led organization was allowed to do so.⁶³⁶ Transgender Trend is an organization claiming to have no religious or political affiliation, yet is organizing against the “harms of gender ideology for children and young people,”⁶³⁷ a stance almost identical to religious fundamentalists.⁶³⁸ The group is most well-known for distributing resource packs on trans issues to schools, which have been criticized as factually inaccurate and deeply damaging by the Director of Education and Youth of prominent LGBTQI charity Stonewall.⁶³⁹ Furthermore, Dr. Paul Hruz was cited multiple times in the final judgement.⁶⁴⁰ Dr Hruz is a paediatric diabetes specialist who has no expertise in transgender health.⁶⁴¹

Anti-trans feminist discourses and actors have a two-fold connection to fundamentalist and far right forces, particularly the Christian Right, even though some of the actors

identify as liberal or Left. Firstly, they produce scholarship that lays the intellectual and cultural foundation on which fundamentalists and the far right build in order to advance anti-rights agendas.⁶⁴² Secondly, they form political alliances and coalitions to undermine and block progress on trans rights.

Such alliances are most visible in the United States. The conservative Heritage Foundation, which advocates against LGBTQI rights, hosted Julia Beck, a self-defined lesbian radical feminist⁶⁴³ in January 2018, as well as members of Women’s Liberation Front, or WoLF.⁶⁴⁴ WoLF also has connections with Focus on the Family, a fundamentalist Christian organization.⁶⁴⁵ In 2017 Focus on the Family and WoLF sent a joint Amicus Brief⁶⁴⁶ to the Supreme Court intervening in a case about a transgender student wanting to access bathrooms matching his gender identity. WoLF’s board member Kara Dansky also received \$15,000 USD in funding from ADF.⁶⁴⁷

Another example is Hands Across the Aisle which brings together women who identify as radical feminists with conservative Christians who openly advocate against LGBTQI rights around their common goal to fight against what they term “gender ideology.”⁶⁴⁸ Similarly to WoLF, Hands Across the Aisle submitted an Amicus Brief in a different case concerning access to bathrooms.⁶⁴⁹ These examples are not an exception, and the alliances between women who identify as feminists and fundamentalist anti-rights actors are a concerning trend to monitor and watch out for.

Let's Map the Landscape

Question

In this chapter, and in the first OURs Trends Report, *Rights at Risk*, we shared detailed information about key anti-rights actors operating in global spaces.



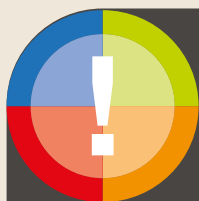
- What does the mapping of anti-rights actors reveal? How could you use this information to strengthen your responses to anti-rights agendas in your context?
- Who are the main anti-rights actors in your context? Are some of them the same as the actors in these two reports, or are they working with them? What are their strategies?

Resources

Check out the amazing tools at [LittleSis.org](https://littlesis.org) if you are interested in doing more comprehensive mapping of the anti-rights actors in your context.



We want to hear what you found out!



Please share your reflections with us at rightsatrisk@awid.org or via OURs members' social media platforms using **#RightsAtRisk**

Movement Resistance Stories

Catolicadas, a Powerful Communication Tool to Promote Gender Equality and Sexual and Reproductive Rights

– Lola Guerra and Paula Sánchez-Mejorada
CDD-Mexico

In 2012, Catholics for the Right to Decide – Mexico (CDD – Mexico) created a new communication methodology based on storytelling called *Catolicadas*. *Catolicadas* is an animated series which aims to promote reflection and social debate around ethical dilemmas faced by Catholic parishioners – especially young people – from a feminist, human rights, and secular ethics perspective. **Through cartoons, *Catolicadas* presents short stories using simple language and a touch of humour.** The series centres around two main characters: Sister Juana, a progressive nun, and Father Beto, a conservative priest.

Catolicadas has been broadcast on social networks since 2012 and, as of the end of 2019, its 113 episodes had **more than five million complete views on CDD's YouTube channel** and its Facebook page had more than 350,000 followers. On both platforms, young people between the ages of 13 and 24 make up half of the audience.

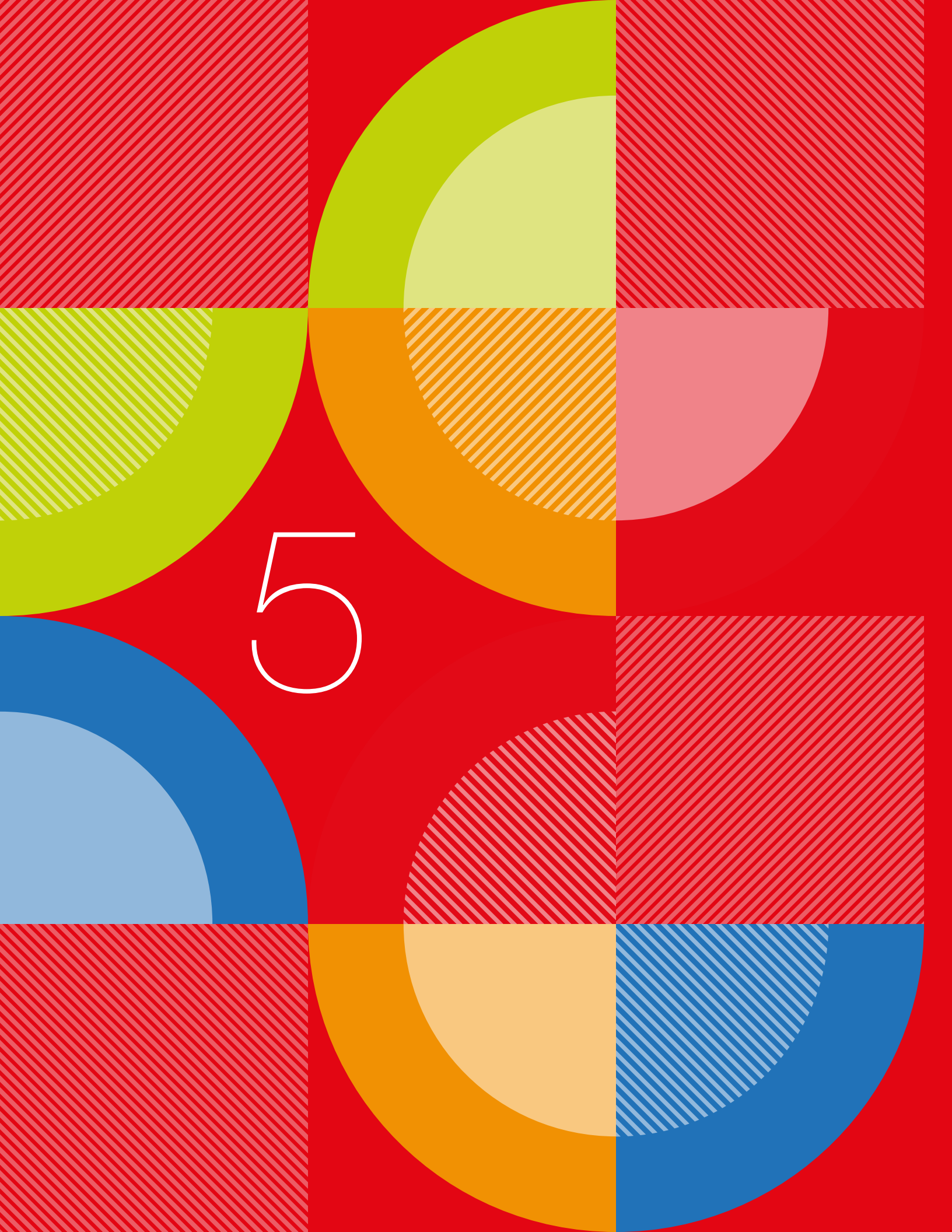
CDD's experience shows the transformative value in building narratives based on faith. Taking up feminist theology and liberating

interpretations helps redefine the value and role of women, LGBTQI people, as well as the body, sexuality, and choices about whether or not to become a parent. From this perspective, *Catolicadas* has been a powerful tool to dispute and deconstruct the messages conservative groups attribute to concepts such as family, life, sex education, and sexual orientation. **It also promotes a liberating, pluralistic, and inclusive vision of the Catholic religion and spirituality.**

Strategic research and systematic evaluation of *Catolicadas*, throughout its 10 seasons, have allowed CDD-Mexico to recognize the diversity of audiences and identify their needs in order to develop appropriate content for each. It also demonstrates the effect their messages have had on the beliefs, values, attitudes and practices of the series' followers.

The data obtained from the last evaluation of *Catolicadas* (2019) shows that because of the series, 78 percent of respondents, identify with the message "God loves us equally regardless of sexual orientation"; 70 percent state that they have defended a person from the LGBTQI community who was being discriminated against; 57 percent stopped participating in Church-organized activities against abortion or same-sex marriage; 53 percent decided to use contraception to have safer sex; and 53 percent now recognize that the Church cannot discriminate against anyone because of what they think, express, and decide.

5



Chapter 5: Anti-Rights Tactics, Strategies, and Impacts

– Naureen Shameem
AWID

Institutionalization of Anti-rights Actors in UN Mechanisms

As we have seen, anti-rights movements are increasingly coordinated and well-funded at the global and regional levels. Given their attacks on human rights standards and norms, as well as their efforts to carve out impunity for states on the basis of “national sovereignty,” why are these actors highly active and mobilized in the human rights and multilateral spaces they deeply critique? In a Trojan horse strategy, the aim is to transform global and regional spaces from the inside out to reflect their regressive agendas.

**IN A TROJAN HORSE STRATEGY,
THE AIM IS TO TRANSFORM GLOBAL
AND REGIONAL SPACES FROM THE
INSIDE OUT TO REFLECT THEIR
REGRESSIVE AGENDAS**

Not all anti-rights actors approach the international and regional human rights systems identically. While some seek to infiltrate and shape the system to their aims, others seek to undermine the system, with the aim of rendering it unable to operate.

Ultra-conservative actors are employing the tactic of reactive politicization⁶⁵⁰ – **reacting to the gains from feminist and progressive movements over the past few decades, and seeking to mirror their successful strategies** at the multilateral level to counter their progressions.⁶⁵¹ Anti-rights movements

aim to enter these spaces as legitimate public actors to boost their power there,⁶⁵² to “spoil” international norms and law,⁶⁵³ and ultimately undermine the universality of rights.

Anti-rights actors have been quite open about how and why they intend to carry out this tactic in the past. The founder of the World Congress of Families, for example, stated that imperatives for the future included “energetic action within the NGO process,” to help advance “friends of the family” within the UN and to place them in positions of current or potential influence there, as well as to build a

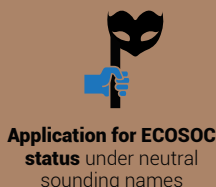
movement that can “influence and eventually shape” policy at the UN.⁶⁵⁴

Anti-rights Non-state Actors in UN Spaces – ECOSOC Status

A key point of entry for regressive non-state actors in UN spaces is through NGO special consultative status with ECOSOC.⁶⁵⁵

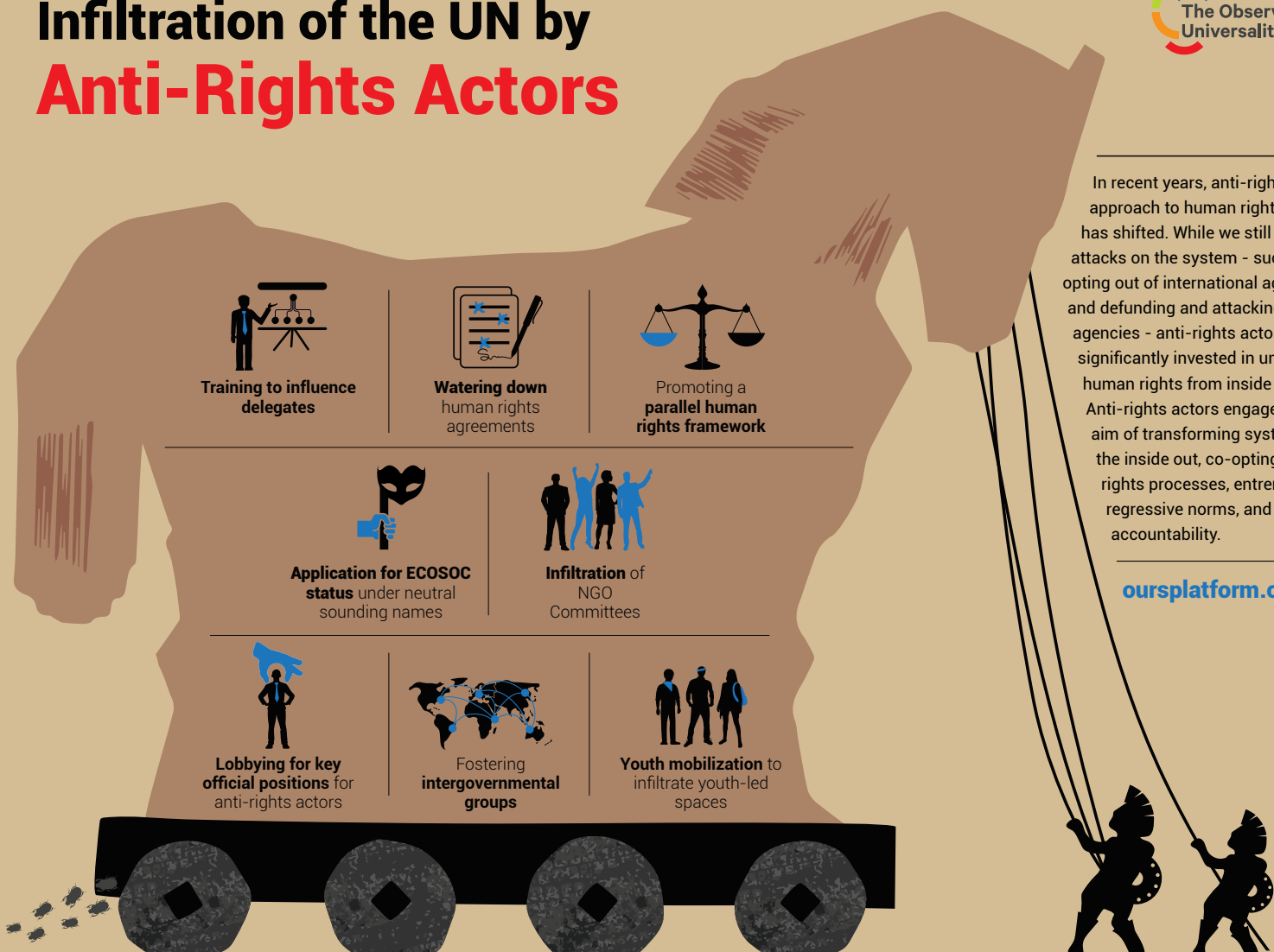
Disguising their anti-rights goals – and in some cases, applying for ECOSOC status under a modified and neutral-sounding name, or the name of an affiliated organization⁶⁵⁶ – these actors seek to exploit the UN’s mechanisms intended to

Infiltration of the UN by Anti-Rights Actors



In recent years, anti-rights actors' approach to human rights spaces has shifted. While we still see outright attacks on the system - such as opting out of international agreements, and defunding and attacking UN agencies - anti-rights actors are now significantly invested in undermining human rights from inside the system. Anti-rights actors engage with the aim of transforming systems from the inside out, co-opting human rights processes, entrenching regressive norms, and undermining accountability.

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foster civil society engagement in human rights processes.⁶⁵⁷

Once granted, ECOSOC status allows non-state groups access to attend UN meetings, host side events, attend and seek to influence resolutions and other agreements, and to meet, network with, and lobby state delegates and officials at the UN. Amongst anti-rights actors, CitizenGo has ECOSOC consultative status,⁶⁵⁸ as does ADF International,⁶⁵⁹ Family Watch International,⁶⁶⁰ C-Fam,⁶⁶¹ and the World Youth Alliance.⁶⁶²

In recent years, a number of non-state anti-rights actors have also entered regional spaces like the OAS and the Council of Europe through similar NGO status mechanisms. Unveiling of these actors' anti-rights activities and agendas has had an impact in some cases, however. In 2019, CitizenGo lost its formal NGO registration (through HazteOir) in Spain,⁶⁶³ and ADF was removed from NGO participatory status at the Council of Europe in 2020 following its extensive campaigning against the Istanbul Convention on gender-based violence.⁶⁶⁴

Anti-rights Non-state Actors in State Delegations

Joining state delegations at key UN meetings is another way in which regressive non-state actors embed themselves in UN systems. This tactic is particularly common at the Commission on the Status of Women (CSW).

At the CSW in 2017, for instance, the US asked anti-rights actors like C-Fam and the Heritage Foundation – who work actively and openly to undermine rights related to gender, reproduction and sexuality – to join the country's official delegation to the event.⁶⁶⁵ The Heritage Foundation delegate is the author of *In Bed with Radical Feminists: The U.N.'s Misguided Women's Agenda*.⁶⁶⁶

**FEMINIST AND PROGRESSIVE
ACTIVISTS ARE SITTING OUTSIDE
THE NEGOTIATING ROOM WHILE
GROUPS LIKE C-FAM ARE INSIDE
TAKING PART**

What this means is that in many cases feminist and progressive activists are sitting outside of the negotiating room, while groups like C-Fam are inside taking part in negotiations with delegate badges. Feminist activists active at the CSW have flagged this trend, describing non-state anti-rights actors' level of access and influence in these spaces. Importantly, this is a tactic that feminists have used for years. With progressive governments, it has been possible to ensure the presence of feminists in the official delegation – the same tactic now mimicked by anti-rights actors.

Infiltration of UN NGO Committees

Another way in which ultra-conservative non-states actors are increasingly being institutionalized at the UN is by their involvement in official NGO Committees. There are now several NGO Committees on different thematic areas based at the UN in Geneva and New York – including the NGO Committees on Freedom of Religion and Belief and the NGO Committee on the Family.

These civil society-led bodies at the UN exist to promote and defend international agreements protecting their relevant thematic area and have the capacity to coordinate and host NGO activities there. They also work with the relevant UN Special Procedures, if applicable, and communicate with the OHCHR and other relevant UN offices. The committee can thus create a hub of coordinated activity around its subject matter, and can hold a special relationship to key UN officials.

In recent years, a number of anti-rights actors have become active in New York and – to a lesser extent – in the Geneva NGO Committees on Freedom of Religion. Indeed, the New York NGO Committee has been chaired by ADF since 2018.⁶⁶⁷

The NGO Committee on the Family based in New York is also a focus point for anti-rights actors. This committee seeks to advocate for the inclusion of “the family” in resolutions and policies at the UN, as well as to educate the public on international issues

and policies affecting “the family.” It also works to ensure member states “commit to the betterment of families...with respect for the sovereignty of nations,” and maintains relationships with the UN Department of Economic and Social Affairs, the UN focal point on the family, and other UN bodies.⁶⁶⁸ At present, the NGO Committee on the Family includes representatives from the anti-rights World Youth Alliance,⁶⁶⁹ LDS Charities, a department of The Church of Jesus Christ of Latter-day Saints,⁶⁷⁰ and a member of the Universal Peace Federation who authored a chapter in “Family Capital and the SDGs” by the World Congress of Families and United Families International.⁶⁷¹

THROUGH THEIR INVOLVEMENT AND LEADERSHIP IN NGO COMMITTEES, ANTI-RIGHTS ACTORS ARE MORE DEEPLY EMBEDDED IN THE UN SYSTEM

Through their involvement and leadership in NGO Committees, another tactic feminists have employed, anti-rights actors are more deeply embedded in the UN system. They have a greater platform to spread their discourses and agendas internally and can play a deeper role in shaping the way in which the UN addresses its theme.

Lobbying to Place Anti-rights Actors in Key Official Positions

Anti-rights actors seek to deepen their influence in regional and global systems by lobbying for allies to be appointed or elected to key positions in these bodies, or for new mechanisms to espouse and institutionalize their misleading discourses. At the European Parliament, for instance, CitizenGo and its allies successfully campaigned for a new special rapporteur for religious freedom, describing this position as “how the EU will protect Christians.”⁶⁷²

Intergovernmental Groups Built Around an Anti-rights Agenda

Developing and fostering intergovernmental coalitions that work closely with regressive civil society is another means by which anti-rights actors seek to institutionalize their agendas. One example is the Group on Friends of the Family (GoFF), a bloc launched by Belarus in 2015. The bloc also includes Egypt, the Holy See, Russia, Pakistan, Qatar, and Saudi Arabia, amongst other member states.⁶⁷³

GoFF has sought to negotiate in anti-rights language employing the “protection of the family” discourse⁶⁷⁴ in the SDGs and subsequent UN development and human rights processes. It argues that the “traditional family as the foundation of human civilization” should be a key focus for governments in multilateral systems.⁶⁷⁵ It also organizes high-level events at the UN together with non-state anti-rights actors.

**FOSTERING INTERGOVERNMENTAL
COALITIONS THAT WORK CLOSELY
WITH REGRESSIVE CIVIL SOCIETY
IS ANOTHER MEANS BY WHICH
ANTI-RIGHTS ACTORS
INSTITUTIONALIZE THEIR AGENDAS**

In May 2019, GoFF organized a UN event entitled “It Takes a Family,” co-sponsored by anti-rights non-state actors C-Fam, Family Watch International,⁶⁷⁶ the International Organization for the Family,⁶⁷⁷ the Family Research Council and United Families International,⁶⁷⁸ and with speakers from Belarus, Egypt, Russia, Qatar, Bangladesh, and Saudi Arabia. Promoting anti-rights narratives around “the family,” the representative from Russia at the event stated that: “both the natural family and fundamental rights of parents are restricted in many countries around the world.” The representative from the Holy See described different forms of families as “various forms of the family that by their very nature...are in no way capable of expressing the meaning of and ensuring the good of the family.”⁶⁷⁹

Opting-out and Delegitimization

In many ways, **anti-rights movements now implement a double strategy in relation to multilateral spaces. To further their agendas in global and regional systems, ultra-conservative actors take an inside-outside approach.**

TO FURTHER THEIR AGENDAS IN GLOBAL AND REGIONAL SYSTEMS, ULTRA-CONSERVATIVE ACTORS TAKE AN INSIDE-OUTSIDE APPROACH

In what has been described as a “nationalist international,” a number of regressive state and non-state actors seek to work within multilateral spaces like the UN, OAS and EU to co-opt their processes and standards. The goal is to thereby limit state accountability and increase state impunity, and to develop and embed new ultra-conservative norms and policies within these systems. This is another example of the aforementioned trend, where anti-rights actors have adapted their tactics from those of feminist and progressive movements advocating in intergovernmental spaces.

The second part of this dual move is from the outside: to undermine, weaken and hollow out multilateral systems – particularly those where feminist progress has been made – through attacks and pressure. This often manifests itself as anti-rights actors opting out or threatening to opt out of these processes, various approaches

with delegitimization as their aim, and by withholding or withdrawing funds.

Withdrawal from Human Rights Bodies and Conventions

Ultra-conservative strategies of opting out and delegitimization have had growing prominence and impact in recent years in global and regional spaces. A key example at the regional level is the wave of states looking to opt out of the Istanbul Convention, the 2014 Council of Europe treaty on violence against women and domestic violence.⁶⁸⁰

In July 2020, Poland announced its intention to withdraw from the convention, which it ratified in 2015. Justice Minister Zbigniew Ziobro dubbed the convention “gender gibberish”⁶⁸¹ and claimed that it was “harmful” because it required schools to teach children about gender.⁶⁸² The Istanbul Convention states that the state must promote equality between women and men and prevent violence against women by encouraging mutual respect or non-violent conflict resolution and questioning gender stereotypes – including through teaching materials in schools.⁶⁸³ Ziobro also claimed the convention violated the “rights of parents” and contained “elements of an ideological nature.”⁶⁸⁴ In August 2020, Poland wrote to the government in Slovenia, inviting the country to withdraw from the treaty.⁶⁸⁵

Previously, in May 2020, Hungary rejected ratification of the Istanbul Convention, issuing a government declaration that the convention

promotes “destructive gender ideologies” and “illegal migration.”⁶⁸⁶ Ratification of the treaty has also stalled in several other European countries, including Latvia, the Czech Republic, and Slovakia.⁶⁸⁷ Moldova, which signed the convention in 2017, has thus far delayed ratifying it,⁶⁸⁸ and in 2018 Bulgaria withdrew a governmental bill to ratify the treaty and requested that its Constitutional Court review the constitutionality of its ratification.⁶⁸⁹ Echoing elements of the “gender ideology” discourse promoted by anti-rights movements, the Court declared the treaty unconstitutional later that year. A backlash against the Istanbul Convention also emerged in Turkey in August 2020,⁶⁹⁰ and the government went on to withdraw from the treaty in March 2021.⁶⁹¹

The Istanbul Convention has been the target of a number of ultra-conservative national and transnational campaigns over the past three years, focusing in large part on anti-sexual rights and “gender ideology” discourses. Along with allies, ADF International has strongly advocated against the convention,⁶⁹² and as such its 2018 application for NGO participatory status at the Council of Europe was rejected.⁶⁹³

Also at the regional level, in 2019 **the United States cut funding to the Organization of American States (OAS)** as part of its global anti-abortion policies.⁶⁹⁴ Specifically, the funding was cut from the human rights bodies, not the political bodies that tend to be aligned with the US. The US accused the

Inter-American Commission of Women and the Inter-American Court of Human Rights of “aggressively lobbying in favour of abortion.”

In 2018, **the United States withdrew from the UN Human Rights Council,**⁶⁹⁵ accusing the body of “chronic bias against Israel” – although US representatives remain active at the UN General Assembly, the Security Council, and the Commission on the Status of Women, among other spaces. After the HRC voted on a resolution to investigate extrajudicial killings in the country’s “war on drugs,” **the Philippines also threatened to withdraw from the Council** – describing Iceland, the drafters of the resolution, as “a nation of women beaters and eugenicists” – but ultimately chose to remain.⁶⁹⁶

RESERVATIONS AIM TO UNDERMINE CONSENSUS ON HUMAN RIGHTS STANDARDS

Reservations and Dissociation from Agreements

Several states and religious bodies like the Holy See also increasingly attempt to issue reservations or statements of disassociation to UN documents and agreements that are not formal treaties.⁶⁹⁷ **While these reservations have minimal legal effect, the goals are political and symbolic. Ultimately the aim is to undermine consensus on human rights standards, create a freezing effect on the progressive interpretation of human**

rights language, and to mark out a space as a persistent objector to an emerging human rights norm so as not to be held accountable under it.



Read more about **the tactic of state reservations** in the first edition of this report

For instance, at the 2019 CSW, when after contentious negotiations a final compromise draft of the Agreed Conclusions had been shared with states, Saudi Arabia and Bahrain registered a refusal to join the consensus. They cited their objection to language on sexual and reproductive health and rights, sexuality education, and multiple and intersecting forms of discrimination. They also objected to what was missing from the text, namely: “the role of the family in protecting women and girls”, “parental rights” language, and language on national sovereignty. These statements were delivered too late in the process – past the point at which the chair called for objections – so the Agreed Conclusions were formally adopted. Saudi Arabia and Bahrain walked out of the final meeting⁶⁹⁸ and said in a statement signed by 18 member states that they failed to recognize the outcome.⁶⁹⁹ Subsequently the Holy See, Family Watch International and C-Fam attempted to discredit the entire process, claiming that the negotiation process was forced.⁷⁰⁰

In another recent example, at the 73rd World Health Assembly in 2020, the United States

attempted to disassociate from several paragraphs of the resolution on COVID-19 response, including those referencing sexual and reproductive health, stating that the US “believes in legal protections for the unborn, and rejects any interpretation of international human rights...to require any State Party to provide access to abortion.”⁷⁰¹

Attacks on Special Procedures and Treaty Monitoring Bodies

As discussed in the first OURs human rights trends report, **a widespread tactic amongst anti-rights actors is to attempt to delegitimize and block the work of the UN expert mechanisms like the UN Special Procedures and treaty monitoring bodies** – as they are less successful in lobbying these mechanisms – as well as the UN’s operative bodies (UN agencies).⁷⁰²

WITH RESPECT TO UN AGENCIES, THE ANTI-RIGHTS APPROACH IS GENERALLY TO ARGUE THAT THEY ARE OVERSTEPPING THEIR MANDATES, AS WELL AS TO TARGET THEIR FUNDING

With respect to UN agencies, the anti-rights approach is generally to argue that they are overstepping their mandates, as well as to target their funding. With treaty monitoring bodies (TMBs), anti-rights actors inaccurately suggest that such bodies have no authority to interpret their respective treaties. Anti-rights actors attempt to undermine Special Procedures by

describing them as partisan and advocating for sharp limitations of their independence and purview. They do this by describing the work of Special Procedures as *ultra vires* (going beyond their authority) or duplicative of the work of other UN bodies, and by pushing against the renewal of their mandates.

In recent years, both non-state and state actors have systematically attempted to delegitimize the work of Special Procedures as a whole, as well as specifically targeting Special Procedures like the Working Group on Discrimination Against Women and Girls, the Special Rapporteur on Health, and the Special Rapporteur on Freedom of Religion.

Signaling an escalation in attacks, several states drafted a Human Rights Council resolution targeting Special Procedures in two HRC sessions in 2019. The first draft resolution was introduced before the June-July 2019 session by Pakistan and the UAE and was ultimately dropped as it did not receive enough support from expected allies – some of whom, like Russia and Egypt, felt the text did not go far enough in curtailing UN mechanisms as a whole. The draft resolution then re-emerged at the September session – on the same day that Special Procedures issued a press release on human rights violations in Hong Kong – and China said it would lead this resolution initiative. This draft was also ultimately dropped.

The aims of these draft resolutions appeared to be to attack the UN Special Procedures

as a whole and to set up processes to curtail their work and independence going forward. In particular, the aim was to undermine their capacity to issue statements, press releases, end of visit statements, or other media or social media statements. Another target appeared to be the terms of reference for Special Procedures country visits, as mandate holders hold member states accountable for human rights violations in their country reports. The second draft further suggested the goal of creating an ongoing Intergovernmental Working Group focused on “reform” of the Special Procedures. While an HRC resolution targeting this UN mechanism has not been finalized thus far, this is indicative of deepening anti-rights attacks on Special Procedures. States are also attempting to pressure mandate holders via discussions on their Code of Conduct in the Coordination Committee.

Organizations like C-Fam, Family Watch International, CitizenGo, and ADF also attempt to delegitimize particular UN mandate holders, particularly those who work to support rights related to gender, reproduction and sexuality. In a submission to the Working Group on Discrimination Against Women in 2020, for instance, ADF International expressed “serious doubts as to the Working Group’s impartial and objective discharge of its mandate” simply on the basis of the subject matter of the upcoming report.⁷⁰³ In the same year, C-Fam wrote critically about the new Special Rapporteur on Health, claiming she was “likely to exceed her mandate” because of her background

advocating for sexual and reproductive health and rights,⁷⁰⁴ and CitizenGo launched a petition with allies like United Families International to target the Special Rapporteur on Freedom of Religion for his report on freedom of religion and belief and gender equality.⁷⁰⁵ In September 2020, Family Watch International launched an online campaign against the Special Rapporteur's report entitled: *A call to protect religious freedoms worldwide*.⁷⁰⁶ The campaign includes a citizen petition to call on member states to instruct their ambassadors to reject the report and a sign-on for religious leaders. In the same month, FWI also hosted a webinar that attacked the UN Committee on the Rights of the Child for alleged *ultra vires* acts.⁷⁰⁷

As noted above, defunding is also a common strategy for anti-rights actors. The US has withheld funds from UNFPA on multiple occasions due to their work on sexual and reproductive rights and health, and with reduced funding to the UN as a whole, the Secretary-General issued warnings both in 2018 and in 2019 that the entity ran the risk of bankruptcy.⁷⁰⁸ In 2019, due to budget cuts at the Office of the Commissioner for Human Rights, treaty monitoring bodies narrowly avoided having sessions postponed. Actors like ADF International explicitly call for states to withhold funds from the OHCHR and Special Procedures⁷⁰⁹ in order to pressure them into compliance with their views.

Lowering Human Rights Standards

“Conservatives cannot afford to abandon the institutions of power...the best solution is to stay in the fight.”⁷¹⁰

Anti-rights movements work to undermine and lower the human rights norms and standards of multilateral systems from the inside. This taps into one of the core tactics of reactive politicization and strategic secularism highlighted earlier. **Regressive actors make a strategic shift to coordinate and work within policy institutions, and to reframe their discourses into apparently “secular” language in an effort to push back against both feminist and progressive gains and their own accountability for human rights violations.**

REGRESSIVE ACTORS MAKE A STRATEGIC SHIFT TO WORK WITHIN POLICY INSTITUTIONS, AND TO REFRAME THEIR DISCOURSES INTO APPARENTLY “SECULAR” LANGUAGE

These internal efforts to lower standards and accountability are a key way in which anti-rights actors have had an impact at the global and regional level. **It can be described as a multi-step process of “norm spoiling” – by which anti-rights actors directly challenge existing human rights norms with the aim of weakening their influence.**⁷¹¹ Ultra-conservative actors deploy several interlinked tactics that aim to

block and reverse human rights norms and standards in regional and global spaces, including: misleading rhetoric around “agreed language” and “new rights,” pushing for deletions and changes in intergovernmental resolutions, and pressuring human rights mechanisms to narrow their focus.

“Agreed Language”

At the UN, anti-rights actors seek to undermine human rights by first forum-shopping to find language that is regressive or weaker than existing human rights standards, and then advocating for this weaker language in other fora. **The goal is to water down intergovernmental agreements by replacing stronger human rights language with selectively chosen weaker language in an attempted race to the bottom.**

THE GOAL IS TO WATER DOWN INTERGOVERNMENTAL AGREEMENTS BY REPLACING STRONGER HUMAN RIGHTS LANGUAGE WITH WEAKER LANGUAGE

Anti-rights actors selectively describe such weaker language as “agreed language,” trying to suggest that such language carries greater weight than the stronger human rights standards of other agreements, fora or UN mechanisms that they seek to replace or delete. Relatedly, anti-rights actors will frequently argue against previous UN language that upholds rights related to gender and sexuality,

claiming it is “not agreed language,” because it came from a resolution that was voted on, rather than being reached by consensus. In fact, generally international agreements can be finalized by either vote or consensus.⁷¹²

For instance, at a recent CSW, in a trade-off, the final Agreed Conclusions included a reference to “the family” rather than “various forms of families.”⁷¹³ This reference was then cited by the resolution sponsors as persuasive “agreed language” in the regressive Protection of the Family resolution later that year at the Human Rights Council.

Similarly, during resolution negotiations at the HRC, a common tactic used by some states – such as Egypt or the Russian Federation – to undermine standards on gender, reproduction or sexuality is to seek to replace the language in the original text with weaker language pulled from the more contested Agreed Conclusions of the CSW, or from development mechanisms (such as the SDG process) which are weaker than existing human rights standards. In addition, anti-rights actors have also targeted spaces like the UN General Assembly and Security Council,⁷¹⁴ where there is less feminist activist engagement, in an attempt to seed regressive language that can then be pushed elsewhere.

In many UN spaces, such as the Human Rights Council, this tactic manifests as strong pressure on resolution sponsors to have a consensus – rather than a voted – resolution. The aim is to water down language

on gender, sexuality and reproduction. Anti-rights actors at the HRC also argue against the inclusion of strong standards from UN Special Procedures and Treaty Monitoring Bodies in intergovernmental agreements on the grounds of “agreed language.”

“New rights”

In another attempt to weaken human rights standards from the inside, anti-rights actors also misleadingly describe various standards on rights related to gender and sexuality as “new rights.”⁷¹⁵ In this way they attempt to invalidate the application of long-standing human rights norms and law on the subject.

ANTI-RIGHTS ACTORS MISLEADINGLY DESCRIBE RIGHTS RELATED TO GENDER AND SEXUALITY AS “NEW RIGHTS” TO INVALIDATE LONG-STANDING HUMAN RIGHTS NORMS AND LAW

For instance, ADF argues that rights relating to comprehensive sexuality education, sexual orientation, gender identity, and abortion – and the entire category of sexual and reproductive rights⁷¹⁶ – are “new conceptions of rights.”⁷¹⁷ To erode these standards, they have called on member states to carry out several strategies at the UN in recent years. For example, to assert that international law does not guarantee these controversial “rights” and to assert that “states have national sovereignty in these areas.”⁷¹⁸

Narrowing the Role of UN Mechanisms and Mandates

Linked to their attempts at delegitimization, anti-rights actors also seek to pressure UN agencies, TMBs and Special Procedures to narrow and change their focus. For instance, anti-rights actors will first deceptively frame rights related to gender, sexuality and reproduction as *ultra vires* or outside the mandate of UN bodies, and then go on to lobby states to “ensure that UN entities do not exceed their limited mandates.”⁷¹⁹

They also use the discourse of “new rights” here – to argue that these mechanisms are advancing “new” or “false” rights to pressure them to stop upholding rights for women, girls, and persons who are gender or sexually non-conforming in their reports and communications. In August 2020, for example, anti-rights actors attempted to pressure the UN Working Group on Discrimination Against Women and Girls on their upcoming report on women’s and girls’ sexual and reproductive health and rights in situations of crisis.⁷²⁰ The Working Group received several submissions towards this report from regressive actors seeking to narrow or change its focus. One such submission from ADF International again made the deceptive argument that sexual and reproductive health and rights “have no basis in international law,” and then attacked the WGDAW’s objectivity and impartiality⁷²¹ on the basis of their own misleading representation of international law.

Regressive actors take a similar approach in regional spaces – in its manifesto entitled *Restoring the Natural Order*,⁷²² the Agenda Europe network also urges a strategically critical approach to multilateral institutions like the European Court of Human Rights and the EU’s Fundamental Rights Agency, calling for the network to “call into question the legitimacy of statements and decisions that are not in line with Natural Law.”⁷²³

Blocking and Weakening Language in Negotiations

Another key way in which anti-rights actors seek to undermine human rights standards related to gender and sexuality is to push for deletions and amendments to intergovernmental resolutions at the UN. At the 2019 CSW, for instance, Bahrain, the United States, Malaysia, and the Russian Federation demanded removal of the word “gender” in multiple parts of the Agreed Conclusions text. They also worked to negotiate out references to comprehensive adolescent sexuality education, the reaffirmation of the Beijing Platform for Action, and references to sexual health and reproductive rights.

In another example, at the 72nd session of the General Assembly’s Third Committee, the Africa Group led by Egypt worked in negotiations to weaken existing commitments to provide comprehensive sexuality education to children with language that favoured parental approval for information.⁷²⁴

Anti-rights actors like Family Watch International have put together and regularly update a comprehensive UN Resource Guide that aims to closely guide state delegates in negotiations. The Resource Guide to UN Consensus Language on Family Issues⁷²⁵ is over 90 pages long and includes over 85 indexes on negotiating tips and language recommendations organized thematically,⁷²⁶ and a section on “standard negotiating techniques.” The guide and its associated private database is disseminated and used in online and in-person trainings for state delegates and fellow non-state anti-rights actors. FWI suggests that the techniques in the guide be “used creatively by delegates in UN negotiations to affirm and strengthen the traditional family.”

ANTI-RIGHTS ACTORS PUSH FOR DELETIONS AND AMENDMENTS TO INTERGOVERNMENTAL RESOLUTIONS AT THE UN

The guide’s recommended negotiating techniques include to “propose family-supportive language to modify the meaning of a potentially harmful provision under negotiation.” For example, suggesting that if a resolution provision about CSE is put forward, the state negotiator respond by proposing language from the guide’s section on “education and parents.”⁷²⁷

It also recommends the common tactic of citing “national sovereignty”⁷²⁸ or misleading

references to culture⁷²⁹ or religion⁷³⁰ in negotiations to bolster state impunity for human rights violations. It calls for states to “propose positive language that gives member states more flexibility in implementing problematic provisions” by “inserting language from the guide’s sections on ‘sovereignty’ and ‘religious and ethical values’.” Amongst its recommended negotiating techniques, the guide also calls on states to add in language to “minimize the negative outcomes of UN agencies or treaty bodies that may overstep their mandates,”⁷³¹ and to request the replacement of phrases like “ensure,” “must,” and “guarantee” with non-mandatory terms.

In another example, after the 2015 Human Rights Council Resolution on the Rights of the Child called on states to ensure children’s access to comprehensive CSE and to sexual and reproductive health care services, several states expressed reservations against this language during HRC resolutions in 2017 and 2018.⁷³²

A related move at the HRC is to first introduce new resolutions on similar themes to agreements with strong language on rights related to gender and sexuality, then to exclude any references to gender and sexuality in these new resolutions; and finally to argue against progressive language in other agreements, citing the new “sanitized” resolution.⁷³³ For example, two new resolutions on the theme of youth and girls’ education were recently introduced at the Council, one on “youth and

human rights”⁷³⁴ by a core group headed by El Salvador, and another on girls’ education⁷³⁵ led by the United Arab Emirates – neither of which made reference to CSE. The following year in negotiations on the Child, Early and Forced Marriage (CEFM) resolution at the HRC, the Russian Federation argued that the right to CSE should not be included or referenced in the resolution, as if this language was to exist anywhere, it should be in the resolution on girls’ education.

AN ADDITIONAL MOVE AT THE HRC IN RECENT YEARS IS FOR STATES TO SUBMIT HOSTILE AMENDMENTS TO THE PROPOSED RESOLUTION AFTER IT HAS BEEN NEGOTIATED, BUT BEFORE IT HAS BEEN VOTED ON

An additional move at the HRC in recent years is for states to submit hostile amendments to the proposed resolution after it has been negotiated, but before it has been voted on. For instance, at the 44th session of the Council in July 2020, the Russian Federation, Egypt, and Saudi Arabia put forth five proposed amendments to the resolution on discrimination against women and girls. Russia called for “girls” to be deleted from the paragraphs calling for the full participation of women’s and girls’ rights organizations, feminist groups and women and girls human rights defenders,⁷³⁶ and to delete language on “universal access to evidence-based comprehensive sexuality education.”⁷³⁷ Egypt called for deletion of the

term “reproductive rights” from the language on women’s and girls’ right to sexual and reproductive health,⁷³⁸ and to the “right to” bodily autonomy and sexual and reproductive health. It also called to delete “evidence-based” sexual and reproductive health information and education, and to restrict the scope of SRHR to previous outcome documents.⁷³⁹ Saudi Arabia additionally called for the deletion of the phrase “sexual and reproductive health information and services” from essential health services in the context of the COVID-19 pandemic.⁷⁴⁰ All of these hostile amendments were defeated in the final vote.

Co-optation – Building a Parallel Human Rights Framework

“We are carrying out a counter-revolution in UN social policy.”⁷⁴¹

As highlighted in the first OURs human rights trends report,⁷⁴² an overarching anti-rights strategy is to build a regressive parallel human rights framework. **The aim is to work within human rights spaces not only to undermine progressions and accountability for violations, but to infiltrate and reframe human rights standards themselves so that they promote anti-rights agendas.**

THE AIM IS TO WORK WITHIN HUMAN RIGHTS SPACES NOT ONLY TO UNDERMINE PROGRESSIONS AND ACCOUNTABILITY FOR VIOLATIONS, BUT TO INFILTRATE AND REFRAME HUMAN RIGHTS STANDARDS THEMSELVES SO THAT THEY PROMOTE ANTI-RIGHTS AGENDAS

This is the corollary to anti-rights attempts to weaken and block rights related to gender and sexuality. **A goal of “hollowing out” the system is to lay the groundwork for the promotion of alternative norms and standards that validate patriarchal, hierarchical, discriminatory, and culturally relativist norms.** Anti-rights actors seek to do this both by co-opting and subverting existing human rights standards, and

through campaigns to develop and obtain consensus on ultra-conservative language. This is linked to ultra-conservative efforts to redefine rights related to gender and sexuality as “faux” or “new” rights – which is now being extended into the project of suggesting a new set of “unalienable rights,” as promoted by a dedicated commission in the United States.⁷⁴³

A key objective of this move is to undermine the universality of rights⁷⁴⁴ and push for a redefined framework that ultimately argues that not everyone is worthy of human rights, and that discrimination and violence against some is acceptable.

Regressive movements have been explicit about their parallel framework scheme in a number of documents and trainings – and indeed it is a key reason why the Holy See and others have increasingly shifted to appropriating rights language.⁷⁴⁵ For instance, in its manifesto, Agenda Europe recommends that members of its network “use the weapons of our opponents and turn them against them,”⁷⁴⁶ and “turn our opponents’ discourse against themselves.”⁷⁴⁷

They go on to state:

“It therefore seems to be a much better strategy to use all those words, including neologisms such as ‘reproductive rights’...[i]f this is done consistently, we might even succeed in ‘contaminating’... the vocabulary that our opponents have crafted, so that they cannot use them anymore. If, for example, a sufficient

number of governments clearly state that ‘reproductive rights’ means that anybody has the right to reproduce, but that they do not imply any right to have access to abortion or...contraception, then all existing references to this term could be used in our favour.”⁷⁴⁸

Proposed Regressive “Rights”

Anti-rights actors have recently promoted the reframing of the right to life as anti-abortion, “the family’s” right to protection, and “parental rights.” In each of these attempts, regressive movements seek to embed their discourses into human rights standards.

As discussed in the first OURs human rights trends report, a number of anti-rights actors have sought to appropriate the right to life in service of their anti-abortion mission.⁷⁴⁹ The Vatican and allied Christian Right organizations have been attempting to insert their doctrinal caveat that human life begins at the moment of conception into the right. They argue that the right to life therefore prohibits abortion and/or some forms of contraception – whereas the UN Human Rights Committee has repeatedly reaffirmed that the right to life begins at birth.⁷⁵⁰

Yet anti-rights actors continue to try to co-opt this right towards their agenda. For instance, in its 2020 submission to the UN Working Group on discrimination against women and girls, C-Fam⁷⁵¹ and Family Watch International⁷⁵² again misleadingly referred

to “the right to life of children in the womb.” Similarly, ultraconservative movements have sought to embed into international law other anti-rights discourses including “protection of the family”⁷⁵³ and “parental rights.”⁷⁵⁴

Declarative Texts

Drafting declarative texts is a key part of the strategy of building a parallel human rights framework. These texts pose as soft human rights or a persuasive encapsulation of existing standards. To boost their “institutional” appearance and weight as advocacy and lobbying tools, anti-rights actors look to broadly disseminate these declarative texts and gather sign-ons from multiple civil society and state actors.

DECLARATIVE TEXTS POSE AS SOFT HUMAN RIGHTS OR A PERSUASIVE ENCAPSULATION OF EXISTING STANDARDS

The first edition of this report highlighted several such declarative texts,⁷⁵⁵ including the **Declaration on Rights of Children and their Families**, the **Family Articles**, the **World Family Declaration**, the **Declaration on the Rights of the Family**, the **Decalogue of Commitments for Human Dignity and the Common Good**, and the **San Jose Articles**.

More recently, a number of ultra-conservative actors have developed and began to rally around another text: the

Geneva Statement.⁷⁵⁶ First launched in 2018 around the 70th anniversary of the Universal Declaration of Human Rights, the statement retreads a number of anti-rights moves highlighted above. Echoing the misleading “new rights” tactic, the statement argues that, “the UDHR must not be used to advance *newly claimed rights* that do not enjoy international agreement.”⁷⁵⁷

It then goes on to state:

“We call for a renewed attention from the UN and its Member States to the core human rights that currently are threatened internationally, beginning with the *right to life*. People in all stages of life and in all regions of the world are increasingly vulnerable to assaults on this foundational right. Respect for human life, from conception to a natural death, is the indisputable corollary of respect for human dignity.”⁷⁵⁸

The Geneva Statement also claims that the “principle of self-determination guarantees the right of every nation to inform its approach to human rights according to its own national tradition.” It goes on to argue for “protection of the family,” to privilege heteronormative forms of family, and for “parental rights.”⁷⁵⁹

ADF launched this statement, along with allies, during their “I’m Human, Right?” campaign with a drive for signatures. In one call for endorsement, they stated, “through a new and exciting global campaign, we’re hoping

more countries will...uphold conscience protections for medical professionals,” and that individuals could “help defend the right to life by signing”⁷⁶⁰ the statement. C-Fam has been lobbying state representatives – including in Brazil, Indonesia, Uganda, Hungary, the Democratic Republic of Congo, and Paraguay – to sign the statement. ADF International claims that people from more than 165 countries have signed it.

THE GENEVA CONSENSUS REPRESENTS THE CONTINUED USE OF DECLARATIVE TEXTS TO UNDERMINE THE UNIVERSALITY OF RIGHTS, AS WELL AS THE CURRENT SHAPE OF ALLIED ANTI-RIGHTS GOVERNMENTS GLOBALLY

More recently, in 2020, the **Geneva Consensus** was launched by co-sponsors Brazil, Hungary, the US, Egypt, Indonesia, and Uganda.⁷⁶¹ This declarative text gained more prominence in October 2020 when 32 countries signed on, following lobbying and publicity efforts of the US government.⁷⁶² The document denies the right to abortion and states that there is no international obligation for states to “finance or facilitate abortion.”⁷⁶³ It also states that children need special safeguards and care “before as well as after birth” and that “the family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”⁷⁶⁴ The co-sponsors’ efforts were considered by many to have

been less than successful in terms of the number of signatories garnered, and the text was met with opposition from civil society in the different countries.⁷⁶⁵ Nevertheless, the document represents the continued use of declarative texts to undermine the universality of rights, as well as the current shape of allied anti-rights governments globally.

Exercise

Holding Governments Accountable

Questions

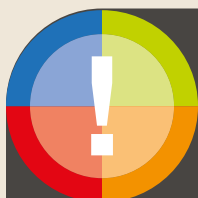


What is the overall position of your state representative in the Human Rights Council, the General Assembly or other human rights mechanisms? Do they have different positions on different issues (eg. support LGBTQI rights but condemn abortion). Which issues do they prioritize and which do they sideline?

Have feminist movements in your country engaged in these processes?

How do feminist and social justice movements hold governments accountable for their positions at international and regional human rights systems around bodily autonomy and rights related to gender and sexuality? What have you done right, and what are the areas to strengthen?

We want to hear what you found out!



Please share your reflections with us at rightsatrisk@awid.org or via OURs members' social media platforms using **#RightsAtRisk**

Resources



There are a number of databases to help you find out your government's position in the international human rights system, listed below. Consult your local feminist and human rights organizations for additional sources and information.

Universal Rights Group's voting portal tracks countries' votes on resolutions when they are Council members.

<https://www.universal-rights.org/country-voting-history-portal/>

Universal Rights Group's YourHRC portal has a summary overview for each country, including which resolutions they led on, how much they participate in discussions, their joint statements, etc.

<https://yourhrc.org/interactive-map/>

Sexual Rights Initiative (SRI)'s Universal Periodic Review (UPR) sexual rights database allows you to search all sexual rights related recommendations and references made during the Universal Periodic Review of states.

<https://www.uprdatabase.org/recommendations>

Plan International Girls' rights database includes the most recent documents from more than 15 human rights bodies.

<https://database.girlsrightsplatform.org/>

Yes, they are strong, but so are we!

Exercise

Mapping our Tactics and Strategies

The focus of this report is to map how anti-rights actors work and the amount of power and resources they have. However, feminist movements around the world have also been building strategies and tactics to advance our agendas. In fact, many anti-rights strategies and tactics have been inspired by us! This exercise is for you to identify, name and celebrate some of our own strategies.

This report and the first OURs Trends Report *Rights at Risk* outline different tactics used by anti-rights actors. Let's map those used by feminist movements.

Instructions:

1. Divide participants into small groups.
2. Give each group flip charts, each with the name of one of the tactics used by anti-rights actors.

TACTICS:

Campaigns and mobilization, Spectacle & shock tactics, Media engagement, Trainings, Grants, Engagement at the UN and other multilateral spaces, Coordination and links with other actors, Strategic litigation, Lobbying and model legislation, Civil society training of UN delegates.

Using different colours, groups will complete the flip charts, reflecting:

TACTICS:

- How feminist movements have used these tactics successfully?
- What should we do better?

MOVEMENTS:

- Who has been using (leading and/or engaging with) this tactic in your context?
- Who is still missing?

3. In plenary, each group shares their work with the others, offering some time for complementing and collective reflections.

If you are in a virtual meeting: you can do the same exercise using breakout rooms and platforms that allow co-creating these kinds of maps, like padlet, mentimeter or jamboard.

Alternative – Music Ball Game:

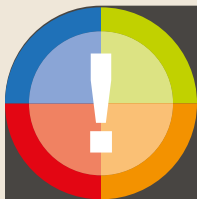
If you are in an in-person meeting and you want to bring more playfulness to this exercise, try this game.

Prep work: Write the names of the different Tactics (described in the previous exercise) on small pieces of paper, and put them in a bag.

Tip: As an alternative to sound, you could use light, such as a spotlight that you turn on and off.

Instructions

1. All the participants gather in a circle
2. Turn the music on, and ask participants to start passing the ball to the person at their left
3. When the music stops, the participant with the ball picks a paper from the bag and responds: ***“How has the feminist movement in your context used X tactic to advocate for bodily autonomy/sexual rights/the universality of rights? What could be done better?”***
4. Offer time for the group to complement the response
5. Turn on the music, and start again!



We want to hear what you found out!

Please share your reflections with us at rightsatrisk@awid.org
or via OURs members' social media platforms using
#RightsAtRisk

6



Chapter 6: Anti-Rights Trends in Regional Human Rights Systems

Silencing Feminists in the African Human Rights System

– Anthea Taderera and Varyanne Sika
Coalition of African Lesbians

Introduction

Over the past decade, the Coalition of African Lesbians (CAL) has been working at the African Commission on Human and Peoples' Rights (ACHPR) with a view to being granted observer status at the Commission.⁷⁶⁶ The significance of this status was in its legitimization of CAL's work at ACHPR sessions. It constituted a giant leap forward for human rights advocacy in Africa.

CAL's observer status indicated that there was a recognition within the Commission that sexuality and gender should not be excluded from human rights advocacy on the continent. It meant that CAL could engage the Commission as a recognized NGO and speak in its own name. For CAL, the status signified a hitherto absent recognition by the Commission of the humanity of African lesbians.

Being granted observer status was a result of years of advocacy by CAL and partners: African Men for Sexual Health and Rights (AMShR),⁷⁶⁷ Initiative for Strategic Litigation in Africa (ISLA)⁷⁶⁸ and Heartland Alliance (the key actors now work as Synergia).⁷⁶⁹ The campaign began in 2010 when CAL's application (made in 2008) for observer status was rejected on the grounds that: "the activities of the said

organization do not promote and protect any of the rights enshrined in the African Charter [on Human and Peoples' Rights]."

It was only in 2015 that CAL was granted observer status, after having re-applied in 2014. In the five years in between the rejection and re-application, CAL and her partners launched a report titled: *Violence Based on Perceived or Real Sexual Orientation and Gender Identity in Africa*⁷⁷⁰ (2013) at the ACHPR in which a series of recommendations were made to the Commission and AU member states. Some of the notable recommendations made included urging the African Commission and AU member states to:

- Adopt a resolution condemning the ongoing violence against persons based on their sexual orientation and gender identity. Additionally, the Commission should work with various human rights bodies such as the UN special rapporteurs and reporting mechanisms, international and national human rights organizations working in the area of protecting LGBT rights to hold governments to account through its state reporting and other mechanisms.
- Criminalize, in particular, hate speech and practices that promote discrimination and violence based on Sexual Orientation and Gender Identity (SOGI), as well as use hate speech laws to investigate and

prosecute those who incite violence based on SOGI through their speech.

- Fight impunity for violence based on SOGI perpetrated by state and non-state actors.

In 2014, the African Commission on Human and Peoples' Rights (ACHPR), at its 55th Ordinary Session, adopted a resolution on the Protection against Violence and other Human Rights Violations against Persons on the Basis of their Real or Imputed Sexual Orientation or Gender Identity (also referred to as Resolution 275).⁷⁷¹ Even with the Resolution's narrowness,⁷⁷² this was a historic, ground-breaking moment which indicated a significant shift in the Commission's position on LGBT rights. It moved from silence and complicity in the anti-homosexuality laws being passed and the violence against sexually non-conforming people, to a recognition that exclusion and violence against LGBT people is contrary to the principles of the African Charter.⁷⁷³

However, the limits of this progressive stance were tested a year later when, within a three-month period, the Coalition of African Lesbians was granted observer status and the African Union's Executive Council then insisted that it be rescinded. Like other human rights-related institutions before it, the African Commission found itself grappling with the power of African Union member states.

Background

The Coalition of African Lesbians (CAL) was established as a feminist space for lesbian women in Africa to organize and to raise our voices and visibility in the lesbian, gay, bisexual and intersex communities as well as within women's and sexual and reproductive rights movements. The deliberate blindness of African civil institutions and societies to the notion of lesbians as a part of African cultures led to CAL choosing to openly name itself as lesbian from the outset.

CAL's core political commitment is to positioning African lesbian feminist thought in local, regional, and transnational spaces in which the narratives of identity, tradition, protection, and morality are contentious. However, CAL is also aware of and concerned by the ways in which identity, tradition, and morality narratives overlap with neoliberal visions that delink gender and sexuality politics from broader social justice perspectives. It is for this reason that CAL structures its work in recognition of the existence of several ways through which oppression is expressed, and that these ways manifest in various forms of patriarchy and capitalism. While CAL's work is largely on sexuality and feminist activism, specifically focused on the bodily autonomy and freedom of African women, it does its work from the understanding and continuous exploration of the interaction and multiplicity of systems of oppression.⁷⁷⁴

CAL's work is shaped by a dynamic understanding of feminism which condemns, makes visible, and challenges the oppression of people on the basis of race, sex, disability, age, gender, and sexual orientation and expression. It also challenges oppressive power that excludes people on social, political, and economic grounds. CAL is committed to raising the consciousness and strengthening the activism and leadership of feminist lesbian women on issues of sexuality and gender.⁷⁷⁵

An important component of CAL's advocacy work is regional. This includes working with the African Commission on Human and Peoples' Rights (ACHPR). CAL also works with member and partner organizations based in Western, Southern and Eastern Africa. These groups inform parts of the work CAL does. Some of the thematic areas within women's bodily autonomy which CAL has engaged in at regional and international human rights advocacy platforms include sex work, sexual and reproductive health and rights – specifically abortion – and the protection of women human rights defenders, among others.

The African Commission on Human and Peoples' Rights (ACHPR)

The African Commission on Human and Peoples' Rights is one part of the African regional human rights system, with the other parts being the African Committee of Experts on the Rights and Welfare of the Child, and the African Court on Human and Peoples' Rights. The commission is a quasi-judicial treaty monitoring body provided for in Article 30 of the African Charter on Human and Peoples' Rights, often referred to as the Banjul Charter.⁷⁷⁶

In theory, the African Commission is responsible for the protection⁷⁷⁷ and promotion⁷⁷⁸ of human and peoples' rights in Africa. This entails monitoring state implementation⁷⁷⁹ of the rights and duties in the Banjul Charter, as well as the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, often referred to as the Maputo Protocol.⁷⁸⁰ The Commission is meant to have an interpretive mandate to grow African human rights jurisprudence⁷⁸¹ through General Comments, of which it has produced four thus far, and resolutions (over 400).⁷⁸²

The commission also receives communications from aggrieved parties against their states, and from state parties to the charter, if they have good reason for believing another state has violated the charter, and as long as all domestic remedies have been exhausted.⁷⁸³ The requirement

that all domestic remedies be exhausted⁷⁸⁴ is fairly standard for judicial and quasi-judicial bodies under international law.⁷⁸⁵ However, it is burdensome in the case of individual or NGO communications and can only be waived if it is "obvious" to the commission that this procedure is "unduly prolonged."⁷⁸⁶ In ideal contexts this requirement is a mechanism for appeasing state parties to treaties by recognizing their sovereignty as the primary adjudicator of *all* municipal disputes. It is also aimed at ensuring that courts and quasi-judicial bodies are not inundated with cases and communications that competent domestic courts could have addressed. In less than ideal contexts where the judiciary lacks independence or where domestic jurisprudence already has an established position (settled law) on particular legal questions and the higher benches are uninterested in hearing the legal or substantive arguments being led by a particular petitioner, a case can be suppressed in the lower courts.

In cases of communications in relation to a series of "serious or massive"⁷⁸⁷ violations of human and peoples' rights, the Commission has an obligation to draw the attention of the Assembly of the African Union to the violation. It may also be mandated by the Assembly of Heads of States and Government to undertake an in-depth investigation into the violations,⁷⁸⁸ culminating in a report of findings and recommendations. It is unclear how the communications procedure is meant to function when a complaint about conduct that may be contrary to the spirit

and provisions not only of the Banjul Charter and the Maputo Protocol, but possibly of other African Union Treaties with human rights ramifications needs to be made against the Commission itself. Where can the Commission be considered to be domiciled, and what would the applicable national laws be? This question has become increasingly relevant for the Coalition of African Lesbians as she explores her legal options in terms of fighting back against the infringement on the Commission's independence, and the institution's seeming reluctance to defend all human rights in the face of African Union scrutiny.

As per the Banjul Charter, the Commission is permitted to have due regard for other international law instruments – including from the United Nations system – in its work. However, the Commission is often selective in its willingness to engage international law concepts emerging from systems that are not considered to be politically viable in Africa. This includes progressive clusters of sexual rights, progressive interpretations of existing rights or bodies of rights, or the extension of rights to marginalized groups that broader society does not perceive to be vulnerable.

Member states have been known to respond to the progressive elaboration of international human rights norms with accusations that those providing such elaboration are attempting to impose “new rights”⁷⁸⁹ beyond the scope of what is agreed in binding international human rights treaties. This

tactic of continually and overtly rejecting the progressive interpretation of certain rights is also linked to sovereign states attempting to position themselves as persistent objectors in case certain human rights norms acquire the status of customary international law. The international law position on customary human rights norms is often murky, leading to contestations and accusations of neocolonialism and the imposition of foreign norms. If certain states are known to be persistent objectors, then the customary norm would be deemed not to apply to them.

The commissioners are legal experts nominated by their respective states, in line with each country's foreign policy. Their work involves interacting with the diplomatic corps of Africa. At the intersections of international law and international relations, Commissioners must be aware of the delicate balance they must strike in discharging their obligation to promote and protect human rights on the continent. Their intimate knowledge of the potentially hostile climate in which they work is evident in how inconsistently the commissioners handle different issues such as militarism and abortion. In order to get work done, it would appear that they prefer the path of fractured friction, where member states are not able to form a bloc or hold a shared opinion. This approach allows the Commission to speak about specific violations in a handful of contexts where member states are generally amenable to commissioners' positions or could be lobbied.

That is not to imply that the Commission has shied away from thorny issues or issues of women's and sexual rights altogether. The Commission has consistently highlighted, through resolutions and concluding remarks, issues of sexual violence in contexts of conflict or instability, such as in Egypt during the Arab Spring. It has also confronted issues of extractivism and environmental degradation when it instructed the Nigerian government to compensate the Ogoni people for the destruction of their native wetlands. Further, it has consistently recognized the right to development and protected the land rights of Indigenous peoples, such as in Kenya.⁷⁹⁰ The Commission passed the narrowly-worded Resolution 275: *Resolution on protection against violence and other human rights violations against persons on the basis of their real or imputed sexual orientation and gender identity* which was meant to act as an entry point to further women's and sexual rights advocacy.

Indeed, Resolution 275 created an opening that allowed for the Coalition of African Lesbians to resubmit her application for observer status. However, as the political climate has shifted and commissioners have changed, CAL has noted that the Commission now views advocating for women's and sexual rights – and for the right of women's and sexual rights advocates to political participation – as jeopardizing their ability to deal with supposed “real rights” and the “bread and butter issues” of Africa.

This is in spite of the powerful anti-rights precedent such an approach sets.

The Commission consists of 11 commissioners⁷⁹¹ who are elected by secret ballot⁷⁹² by the Assembly of Heads of States and Governments, an organ of the African Union, from a list of persons nominated by state parties.⁷⁹³ The ability of states to help determine the makeup of the Commission is important in order to address the demand that supranational human rights institutions recognize and respect the sovereignty of member states and to avoid the Commission being used for others' foreign policy objectives. The limitations on over-representation of nationalities in the provisions, and care for regional composition in practice, is meant to ensure impartiality and provide a means of managing state interference.

The Commission is required to continuously report on its activities to the Assembly of Heads of States and Governments at their ordinary sessions. The report on its activities can only be published by the chairman after it has been “considered”⁷⁹⁴ by the Assembly of Heads of State and Government. It is unclear what was intended by this provision, but in practice it has meant that the Assembly has been able to stall on the adoption of a given report and subject the Commission and its commissioners to a significant amount of diplomatic pressure from states.

At best, this has meant that reports have been issued with state addendums indicating that they disavow aspects of the report. This requirement to consider reports prior to their being published has been used by Member States who wish to intervene in the Commission's discharge of its work.

The provision was the subject of an advisory opinion requested at the African Court by the Coalition of African Lesbians and the Centre for Human Rights, University of Pretoria. The case was not substantively heard due to a decision that the applying parties lacked legal standing, right, and capacity to start legal processes as a valid legal actor. However, this remains a key issue in terms of ensuring the independence of the Commission and transparency in its interactions with all the political bodies of the African Union.

CAL's Observer Status, Decision 1015, and the Problem of Independence

CAL has worked at the African Commission for over a decade, and first applied for observer status in 2008. What should have been a mere procedural process was dragged out over two years before the African Commission rejected the application in 2010. After this initial rejection, CAL launched a continent-wide campaign to have the institution reconsider its position. This period also saw extensive collaboration at different times with a loose collective of organizations all working on women's or sexual rights at the African Commission under the banner of

Collective of African Sexuality Rights Related Advocates (CASRA).⁷⁹⁵

IN JUNE 2015, THE EXECUTIVE COUNCIL ISSUED A DECISION ASKING THE AFRICAN COMMISSION TO WITHDRAW THE OBSERVER STATUS GRANTED TO CAL, IN LINE WITH "FUNDAMENTAL AFRICAN VALUES"

In April 2014, the Coalition of African Lesbians (CAL) and African Men for Sexual Health and Rights (AMShER) published their report: *Violence Based on Perceived or Real Sexual Orientation and Gender Identity in Africa*, at the ACHPR. The report included a number of recommendations for the African Commission and AU member states. That same session, Resolution 275,⁷⁹⁶ referred to above, was adopted by the Commission. There appeared to be a progressive shift in the constitution of the Commission leading CAL to reapply for observer status in August of that year. This time the application was successful, with CAL being awarded observer status in a public vote of commissioners at the April 2015 session. However, a number of virulently sexist and homophobic sentiments were shared by some of the commissioners, with others claiming that non-cisgender and non-heterosexual people are a "Western virus."⁷⁹⁷ Nonetheless, the vote itself was close (5-4 in favour, with one abstention).

The celebration was to be short lived. At the 25th AU Summit in June 2015, following the

Consideration of the Commission's report, the Executive Council issued decision 887⁷⁹⁸ asking that the African Commission: "take into account the fundamental African values, identity and good traditions, and to withdraw the observer status granted to NGOs who may attempt to impose values contrary to the African values; in this regard, **requests** the ACHPR to review its criteria for granting observer status to NGOs and to withdraw the observer status granted to the Organization called CAL, in line with those African Values."⁷⁹⁹

Concerned not only by the possible loss of observer status but also by the overt interference by African Union organs and member states into the operations of the African Commission, CAL and the Centre for Human Rights, University of Pretoria, approached the African Court for an advisory opinion.

As the African Court had only been approached, and given the case was still to be heard, there was no action on the enforcement of Executive Decision 887. CAL continued to work at the Commission and organize with other women human rights defenders and sexual rights advocates. When, in March 2016, South Africa hosted a regional seminar on *Practical Solutions on Ending Violence and Discrimination against Persons Based on Sexual Orientation and Gender Identity and Expression*, CAL – along with other CASRA members AMSHeR, ISLA and Heartland Alliance (now Synergia) – in partnership

with Pan African International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) hosted a civil society pre-conference. ACHPR commissioners attended the regional seminar and in April 2016 launched their report: *Ending Violence and Other Human Rights Violations based on Sexual Orientation and Gender Identity – A Joint Dialogue of the African Commission on Human and Peoples' Rights and the United Nations*.⁸⁰⁰

As expected, after their decision in a similar case, the case brought by CAL and the Centre for Human Rights was deemed inadmissible due to similar issues of *locus standi*.⁸⁰¹ Both organizations were deemed not to be "an African Organization recognized by the African Union." At the time, there was an acute awareness within the CAL secretariat of the ramifications of this decision.⁸⁰² It meant severe restrictions on NGOs' access to advisory opinions and the African Court. In addition, the decision was tacit approval – essentially rubber-stamping – for state interference in the African human rights system. There was also concern about what it meant for the African Court to go out of its way to not engage substantively with cases – failing to even provide *obiter dictum* or "comments made in passing" – about how the law could work or be applied in similar cases.

With the African Court declining to take up the matter, the stage was set for another African Union Executive Council intervention – and this came in the form of Decision 1015.⁸⁰³ Under this decision, the African Union

requested that CAL's observer status be withdrawn, in line with previous Executive Council Decisions. The African Commission was quick to comply, and during its 24th extraordinary session (30 July – 8 August 2018), moved to strip CAL of its observer status.

AFRICAN UNION MEMBER STATES USE PROCEDURAL AND ADMINISTRATIVE PROCESSES TO ENSURE PREFERRED RIGHTS DISCOURSES WILL THRIVE WHILE EXCLUDING CIVIL SOCIETY ORGANIZATIONS

When further reasons were requested for the basis of the withdrawal, the Commission merely cited the relevant “Executive Council Decisions.” This made it apparent that there was no clear procedural basis in terms of the African Commission's own processes for the withdrawal. **This was an issue of state interference in the operations of a human rights treaty monitoring body.**

This is not the first time that African Union member states have acted to limit civil society's access to institutions within the continent's regional or sub-regional human rights system. In this instance, the tactic was to use procedural and administrative processes key to the effective running of the African Commission as a treaty monitoring body to ensure that preferred rights discourses would thrive, while excluding civil society organizations that run counter to those member state's political aims.

A related but contentious tactic used in the African Court relates to the procedure that allows individuals, civil society organizations, and NGOs to have direct access to the Court. In 2016, the government of Rwanda withdrew the declaration they had made under article 34(6) of the Protocol to the African Charter on Human and Peoples' Rights⁸⁰⁴ that recognized and accepted the competence of the African Court to receive cases from Individuals and NGOs.⁸⁰⁵ The country asserted that the court was being used as a platform and audience for *genocidaires* – and not for the protection of human rights as the state understood them. It was contrary to *their* values.

The government of Rwanda assured the Court of their high esteem for human rights in Africa, a sentiment echoed by the government of Tanzania, when they similarly withdrew their declaration in November 2019. In the official notice of withdrawal, the country attributed the withdrawal to the declaration having been used contrary to the reservations that they had lodged when making it. At the core of these withdrawals is that the two governments found their values at odds with those of the African Court.

Decision 1015 was significant for a number of reasons, including the entrenching of a narrative of “Africanness” and “African values” that is meant to influence approaches to human rights. The African Commission was told by the Executive Council under paragraph 6(i) that:

“...the work of the ACHPR should be aligned with the Constitutive Act, Agenda 2063, African Common Positions, institutional reform of the Union, and decisions of the policy organs taking into consideration the virtues of historical tradition and the values of African civilization which should inspire and characterize their reflection on the concept of human and peoples’ rights.” (Emphasis added)⁸⁰⁶

AFRICAN NATION STATES CONTINUOUSLY PRESENT THEMSELVES AS THE SOLE CUSTODIANS OF THE ALLEGED “ESSENCE” OF THEIR MANY PEOPLES, WHO THEY REDUCE TO A TROPE OF “AFRICANNESS”

This clearly indicated a need for human rights organizations to engage with ideas of African values, decolonization, the universality of human rights, and to have a conversation about women’s cultural rights.

African nation states continuously present themselves as the sole custodians of the alleged “essence” of their many peoples, who they reduce to a trope of “Africaness.” This is problematic. Amongst many other issues, African peoples are reduced to a regressive, homogenous blob refracted from the gaze of white supremacy as codified in the civil and customary laws inherited from the days of colonial rule. African states also continuously present themselves as the champions of a

Pan-Africanist and decolonial agenda whilst simultaneously affirming that there is something inherent to Blackness or Africanness that detests collective models of liberation.

The idea of putative “African values” has been wielded continuously with regards to CAL and its observer status, and to issues of sexual and political rights of lesbians in particular. However, the deployment of this language as a means of framing all of the Commission’s work is an immediate red flag.

All women and marginalized groups are put at risk by an African Commission that frames its work in terms of “African values,” as defined by patriarchal member states. This is an ideological battle waged against African women in multiple fora. We feminists may witness a roll back or a stall in the progress of women’s rights protections – particularly around sexual and reproductive rights.

It became important for CAL to think more intensely about broadening and mobilizing African feminist engagement with the developments at the African Commission and building feminist solidarities across movements. The emphasis would be on both the ideas and praxis of Pan-Africanism, Black Liberation, and African Feminism.

In Decision 1015, the Commission is asked to submit revised criteria “...for granting and withdrawing observer status for Non-Governmental Organizations (NGOs), which should be in line with the already existing

criteria on the accreditation of NGOs to the AU, taking into account African values and traditions.”⁸⁰⁷ This is presumably to ensure that the Commission does not then have to engage in a lengthy process to rid itself of those deemed undesirable by member states, as they would not have been admitted in the first place.

DECISION 1015 DISCLOSED THE POLITICAL AND POLICY ORGANS OF THE AFRICAN UNION'S DESIRE TO CONCRETIZE THE AFRICAN COMMISSION'S ANTI-PROGRESSIVE REFORMS

There has been a clear push for the entrenchment of respectability politics at the African Commission under the aegis of advocating for “real” rights and not those perceived as marginal. Indeed, Decision 1015 requests that the Commission “pay attention to all rights *as enshrined in the African Charter*”⁸⁰⁸ with the implication being that they should stop reading in “new rights.” In addition to entrenching and implementing patriarchal norms and political processes, as well as processes of exclusion, Decision 1015 also disclosed the political and policy organs of the African Union’s desire to concretize the African Commission’s anti-progressive reforms.

Through its decision, the African Union purports to limit the independence of the Commission contrary to settled international

law practice on the nature of treaty monitoring bodies. The decision also accuses the African Commission of acting as an appellate body and asserts that it merely has *functional* independence, but that it is not free of the “same organs that created the body.”⁸⁰⁹ The implication is that the Commission needs to learn to toe the party line appropriately.

With this in mind, paragraph 7(i) requesting that states ensure that the Commission be provided with adequate financial and human resources reads a bit like a reminder to the institution of where its bread is buttered. There is also a clear desire to turn the African Commission into a monitoring and evaluation body or “audit mechanism,”⁸¹⁰ an institution designed to do non-binding review processes much like the UN’s Universal Periodic Review, but without the ability to develop general comments, receive communications, or in any way contribute to the development of jurisprudence and the protection of human rights in Africa. This is in line with the ongoing technocracy, which is devoid of progressive political ideology, that is driving the institutional reforms of the African Union. This devalues the political participation and engagement of African peoples as a mechanism for political growth of African nation states into the socially just societies we believe they can be.

Decision 1015 directly challenges the relationship of complementarity that is meant to exist between the African Commission and the African Court, per the Banjul Charter and the African Court Protocol. Indeed, this

relationship of complementarity was retained in the design of the African Court of Justice and Human Rights, which is/was meant to replace the African Court. A request is made in the decision for an “...analytical review of the interpretative mandate of the ACHPR in the light of a similar mandate exercised by the African Court and the potential for conflicting jurisprudence,”⁸¹¹ which builds off the idea that the Commission is acting as an appellate body, indicating a willful misconstruing of the roles of the Commission and the Court.

“African Values”

At the 56th Ordinary Session of the ACHPR, when CAL was granted observer status, Commissioner Mohamed Bechir Khalfallah from Tunisia stated that homosexuality was a “virus” and that it was brought to Africa to divide Africans.⁸¹² In that same year the Executive Council requested the ACHPR take into account fundamental African values, identity, and good traditions and, in doing so, withdraw the observer status of NGOs who may attempt to impose values contrary to “African values.”

NO ONE PERSON OR GROUP OF PEOPLE ARE MANDATED TO DEFINE “TRADITION” OR “CULTURE”

The “African values” argument falls within the broader argument of “un-Africanness,” a feeble normative assertion that is often used in the anti-rights rhetoric to which

many African states subscribe. No one person or group of people are mandated to define “tradition” or “culture.” The creation and imposition of a homogenous collective consensus regarding identity, culture, and tradition in the African Charter by states implies that it is the state that is charged with the moral obligation to enforce the standards of what is traditional, what is cultural, and what “African values” are. Article 17(3) of the African Charter states:

“The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State.”⁸¹³

This provision does not provide room for a historical analysis of sexual minorities or alternative ethical interpretations of African history and values. Instead, it purports to take a snapshot of what were considered current majoritarian attitudes, and then extrapolate a future from there – a future which assumes a continuing trajectory of the same attitudes holding majority status. This provision, and the Executive Council’s invocation of it, fail to recognize or anticipate the evolution of norms in Africa and a shift in community attitudes, as well as the diversity of attitudes that have always existed. This coincides with the belief that because much of Africa had a patriarchal past, and has a patriarchal present, she must necessarily have a patriarchal future in order to preserve an imagined “Africanness.”

In their invocation of “African values,” the states who have assigned themselves the post of custodians of traditions and values seem to be operating under the assumption – or perhaps hope – that maintaining a rigid sense of understanding of said values by the exclusion of people on the basis of difference and perceived deviance from the norm, maintains or ensures a “moral” society.

CONSERVATIVE INTERPRETATIONS OF THE AFRICAN CHARTER USING A REDUCTIVE RHETORIC OF AFRICAN VALUES AND TRADITIONS MAKE IT INCREASINGLY DIFFICULT TO CHALLENGE TRADITIONS AND VALUES THAT HAVE HISTORICALLY OPPRESSED WOMEN

In protecting and promoting human and peoples’ rights, the African Charter endeavours to take into consideration the virtues of the historic traditions and values of African Civilization. The African Charter also pledges to eradicate all forms of colonialism from Africa. If we do indeed want to decolonize Africa and undo the importance of Western culture and ways of knowing over our own, it is important to prioritize African traditions, values and knowledge systems. However, the employment of “African traditions and values” in the instance of the Executive Council’s decision is for the purpose of curtailing not promoting human rights for African people – erasing the histories, lives, aspirations, desires, and

experiences of African women. It is another attempt to hearken back to a mythological golden age of African Civilization marked by the acceptability of patriarchal hegemony and other related forms of domination.

Parts of the African Charter itself do use the conservative language of mandatory heterosexuality, such as stating that the family shall be the natural unit and basis of society and the custodian or repository of morals and traditional values recognized by the community. While the notion of the African family may have evolved over time, the discourse and actions taken by both the Executive Council and the ACHPR tell us that these changes have not been reflected within human rights mechanisms on the continent.

In its directives for the revocation of CAL’s observer status, the Executive Council highlights a continued view of African women in conservative roles. The Council implies that it is against the idea of women organizing around issues pertinent to us, including but not limited to issues around our agency and autonomy. They are continuing to push the narrative that the subordination of women is necessary and that their bodies and their diverse and overt sexualities are simultaneously disgusting and require external control and commodification.

Conservative human rights mechanisms and interpretations of the African Charter using a reductive rhetoric of African values and traditions make it increasingly difficult

to challenge traditions and values that have historically oppressed women, including the “traditional” notion of womanhood as submissive nurturers and home-makers. This interpretation of African values and traditions discourse effectively means that only a certain kind of woman is deserving of human rights and the protection of human rights mechanisms such as the ACHPR.

Many nation-state human rights’ positions are based on inherited colonial laws.⁸¹⁴ It is detrimental to the struggle for liberation of all black people to create a pseudo-homogeneous identity designed to make the continent easier to govern and control. Sokari Ekine⁸¹⁵ likens this to the colonial project of dividing and subjugating, where the state defines citizens and non-citizens based on inherited colonial laws. When one is not considered a citizen, or in this case, as espousing “African values,” they are then not in a position to demand any rights.⁸¹⁶

But there is no singular African identity with shared “values and culture,” and the desire to create one is anachronistic, ahistorical, and inhumane. It is an imposition of values that are contrary to those held by individual African citizens and their communities. It also conveniently fails to take into account the continent’s differing histories, geopolitical positions and affiliations, and ideologies. We must not construct a culture and tradition that conveniently serves to entrench hierarchies of inequality and domination, enabling patriarchal nation-states to punch downwards

whilst failing to address pressing issues of supremacist, neo-colonial, and neoliberal exploitation. There is no evidence that cleaving to the current generally-accepted “African values” will lead to a better society now or in the future.

A Feminist Analysis of the Withdrawal of CAL’s Observer Status

A growing number of forces are banding together to work against organizations working on women’s rights, sexual rights, and feminist organizing, using anti-rights propagandist approaches and outright authoritarianism. States are aiming towards even more impunity by delegitimizing the work done by feminists through all means at their disposal, including violating and limiting the rights and freedoms of women human rights defenders. By promoting a view of supranational moral laws founded in a homogenized view of Africa, states are attempting to hand themselves a blank cheque that they can impose at will. The African Charter, the African Commission, and the African Court cannot and should not be reduced to a morality police force determining which women are permitted to occupy space and engage in the public political space.

The Executive Council’s decision to withdraw CAL’s observer status is an affront to women’s rights on several counts, but it particularly infringed on our right to organize, our right to assembly, and our right to choose to

engage in political matters affecting African women. The decision shows a complete disregard for women's contribution to the progress of African people within the African human rights system. The decision further illustrates a backlash within the structure of the Commission itself against advancing women's rights and political participation.

The Commission set up the mandate of the Special Rapporteur on the Rights of Women in Africa in 1998 to further the promotion and protection of women's rights on the continent. In their visits to member states over the years, these special rapporteurs have raised concerns on issues such as violence against women, the lack of awareness of discriminatory practices against women, and the slow ratification of the Maputo Protocol (the Protocol on the Rights of Women).⁸¹⁷ In addition, they have conducted several studies aimed at advancing women's rights,⁸¹⁸ developing several guidelines such as those on states reporting under the Maputo Protocol.⁸¹⁹ They have also developed landmark general comments such as General Comment No. 2 on the African Charter's Article 14 (1a, b, c), which emphasizes that states must ensure that women in need of abortion are assured affordable and accessible services, in line with the Maputo Protocol. General Comment No. 2 provided a springboard for the special rapporteur's continent-wide campaign for the decriminalization of abortion in Africa.⁸²⁰ Without looking outwards to audit women's contributions to the ACHPR, it is clear that

within the ACHPR's walls significant work has been done to promote, protect, and advance women's rights, but the Executive Council's decision, in one swoop, undermined all the progress done and took African women back decades.

BY PROMOTING A VIEW OF SUPRANATIONAL MORAL LAWS FOUNDED IN A HOMOGENIZED VIEW OF AFRICA, STATES ARE ATTEMPTING TO HAND THEMSELVES A BLANK CHEQUE THAT THEY CAN IMPOSE AT WILL

Decision 1015 and the mainstreaming of conservative interpretations of African values present a risk to all women's sexual and political rights: they come for the lesbians in the morning, and for those wanting access to comprehensive sexuality education, contraception, and abortion rights at night. They stop lesbians from occupying political space and participating in the process at this session – next session, women human rights defenders in general are barred and told it is “un-African” for women to want to influence processes. This decision and the specious moral and political reasonings underpinning it signal a slippery slope towards a glorified, patriarchal, homogenous past where women's place was to be subordinated by men.

Conclusion

The African Union is deliberately shrinking the space for feminist, Pan-Africanist engagement and now it appears that we have now entered the period of reprisals. Not content with stripping CAL of its observer status in Decision 1015, the Executive Council of the African Union in February of 2020 adopted Decision 1045.⁸²¹ In addition to noting that the Commission finally rescinded CAL's status, it requests that the Commission, "...stop any cooperation with this organization."

It is unclear to us what this means. Does this mean that, unlike other organizations who can attend sessions without observer status we will be barred? Does this mean we will not have the benefits of the visa waiver usually applicable for sessions in the Gambia? Does this mean we can no longer contribute to reports and recommendations? Does this mean we cannot submit communications? It is terrifying – albeit ironic – to think that by being declared *persona non grata* by the African Union's Executive Council, CAL could potentially lose all access to the benefit of a human rights system for advocating for what is considered non-respectable and insufficiently African human rights.

Feminists and women human rights defenders must organize more intensively both domestically and in multilateral spaces on the continent and abroad. We must engage extensively with our countries' foreign policy positions on women's rights. The Africa Group

– particularly those countries with progressive domestic policies – must be lobbied continuously. They must be made aware of the constant oversight by civil society actors and activists, such that it becomes increasingly difficult for states to acquiesce to positions in multilateral spaces that would be contrary to their domestic legislation and constitutions.

CAL, together with partner organizations, came together in 2018 to run a campaign fighting for the independence of the ACHPR. The campaign⁸²² is currently in its formative stages, although several activities by partner organizations are underway. The campaign is founded on the understanding that while the Executive Council's decision directly impacted CAL, it is a clear indication of the continued restrictions on civil society organizations' participation in the Commission. The campaign invites support from other activists and organizations, asking them to:

- Publicly condemn the attempts by the Executive Council to stifle the fundamental ideals of our very existence such as equality, non-discrimination, participation, and representation.
- Ask state representatives to bring a human rights discourse and strong and independent institutions back to the table to help build the Africa we all want.
- Sign on to the statement⁸²³ to present a united front of CSOs and NGOs organizing to protect and preserve an independent ACHPR.

“We call upon the ACHPR to resist interference and attacks from the AU policy organs, and uphold its independence. We call upon States to speak out and counter the anti-human rights propaganda and the dismantling of the African human rights system. We call upon States to resist efforts from tyrannical and dictatorial regimes to export oppression to the only remaining body that is accessible and has provided hope to Africans over the years. We need you to help us mobilize all Africans to save the ACHPR.”⁸²⁴

Anti-rights Groups in Latin America: Organization of American States (OAS) General Assembly⁸²⁵ and the Inter-American Human Rights System⁸²⁶

– Mirta Moragas Mereles and Gillian Kane
Ipas

Translated from Spanish by Allison Petrozziello

Anti-rights at the OAS General Assembly

The Organization of American States (OAS) is the world's oldest regional body. Today, it includes all 35 independent states in the Americas. The OAS's mandate is to ensure among all members "peace and justice, to promote their solidarity, to strengthen their collaboration."⁸²⁷ Within the OAS, the General Assembly (GA) is its supreme organ, convening all member states and representatives from civil society annually. The GA is a space for states and civil society to dialogue on issues of security, democracy, and human rights. From that dialogue, resolutions are developed and used for regional accountability.

For many years, member states participating in the General Assembly would routinely approve resolutions upholding sexual and reproductive rights without major objections. Indeed, by 2008, the Assembly was a progressive space for forwarding resolutions condemning discrimination on the basis of sexual orientation and gender identity. This was enabled by the vibrant participation of

civil society representatives from the LGBTI, feminist, and women's movements.

However, in 2013 there was a marked shift during the OAS General Assembly in Antigua, Guatemala, when anti-rights groups began arriving en masse. That year, the General Assembly approved the Inter-American Convention Against All Forms of Discrimination and Intolerance⁸²⁸ and the Inter-American Convention Against Racism, Racial Discrimination and Related Forms of Intolerance.⁸²⁹ Organized and coordinated anti-rights groups worked to block passage of both conventions because they included legal protection for people based on their sexual orientation, gender identity, and expression.

ANTI-RIGHTS GROUPS ARE ALSO USING A SECULAR DISCOURSE TO CREATE DIVERSE CHURCH COALITIONS, IN PARTICULAR BETWEEN CATHOLIC AND EVANGELICAL CHURCHES

While they failed in blocking the two resolutions, they did establish a foothold for their active engagement in future assemblies. Since then, anti-rights groups have increased their coordination while deepening their contacts with member states. With each subsequent General Assembly, anti-rights organizations grew their participation and activism. They also demonstrated a nimbleness in modifying their strategies based on need. Initially they presented themselves as concerned secular

organizations, even though many were backed by the Catholic Church. By 2014, blocks of evangelical groups emerged as the most prominent anti-rights leaders at the GA. This chapter will focus on their work at the OAS from 2018-2019.

Background: Key Opposition Strategies in the Inter-American System

Strategic Secularization and “NGOization”

In recent years, religious anti-rights groups have formed civil society organizations to obfuscate their ties to churches and the religious grounding of their discourse. Juan Marco Vaggione, professor of sociology at University of Córdoba, has developed the idea of “strategic secularism,” that is, the ways in which diverse groups tamp down their religious dogma and usurp secular language to confront feminist, women’s, and LGBTI agendas. This approach considers how the secular and the religious allow two ways of reflecting the same truth and how both seek to impact sexual politics in contemporary democracies.⁸³⁰

In a similar vein, Vaggione uses the term “NGOization” to refer to the process where religious groups form non-governmental organizations in order to represent interests and discourses that go beyond those of a religious nature.⁸³¹ When anti-rights organizations incorporate as NGOs, this has the effect of making an oppressive religious-political agenda seem more palatable, respectable, apolitical, and/or

less threatening. This has enabled them to participate in and influence democratic and human rights spaces.

Anti-rights groups are also using a secular discourse to create diverse church coalitions, in particular between Catholic and evangelical churches. This is particularly clear at the OAS General Assemblies. Hundreds of secular-seeming NGOs, camouflaging their conservative religious agenda,⁸³² have registered to participate – and they are influencing decision-making.

ANTI-RIGHTS GROUPS TO USE THE NGOIZATION STRATEGY TO ENTER ON AN EQUAL FOOTING WITH SOCIAL MOVEMENTS IN INTERNATIONAL AND REGIONAL SPACES

The NGOization strategy presents challenges to progressive civil society organizations; in most Latin American countries, churches hold the same legal status as civil society groups. This allows anti-rights groups to use the NGOization strategy to enter on an equal footing with social movements in international and regional spaces. But they are not equal. In fact, secular social movements are at a disadvantage as they often do not have equal access to resources or political power.

Key Discourses

Evangelical Churches and Secular Discourse

In 2017, evangelical churches, threatened by an overwhelming Catholic presence at the general assemblies, made a strategic decision to increase their participation at the OAS. The results were immediate; by the 2018 General Assembly in Washington D.C., and the 2019 GA in Medellín, Colombia, they were a visible presence.

While evangelical pastors did not hide their religious affiliation, they claimed dual representation by also identifying as part of civil society. As outlined above, presenting as civil society organizations gave the impression these groups were non-religious, “apolitical” participants. Though claiming to speak on behalf of citizens, they represented very narrow (and arguably extreme) political positions that are not representative of the population at large.

Although they ostensibly defend the separation of church and state, their interpretation diverges from the common understanding that religion should not interfere in questions of the state. Instead, their view holds a passive role for government. That is, the state must take a “neutral” position on religion and not implement guardrails for how religion should operate. They further assert that as part of government neutrality, governments cannot incorporate “ideology” into their programming. Evangelical churches

and other ultra-conservative actors have a broad definition of what constitutes ideology. They have deliberately miscategorized gender equality as an “ideology,” so their position is that any government efforts to advance gender equality is “ideological,” and therefore not permissible.

ANTI-RIGHTS ACTORS HAVE DELIBERATELY MISCATEGORIZED GENDER EQUALITY AS AN “IDEOLOGY,” SO THEIR POSITION IS THAT ANY GOVERNMENT EFFORT TO ADVANCE GENDER EQUALITY IS THEREFORE NOT PERMISSIBLE

Secular Discourse Using Pseudo-scientific Arguments

In recent years, anti-rights groups participating in the Inter-American Human Rights System, whether at the OAS General Assembly or the Inter-American Commission of Human Rights, have been advancing a secular discourse based on pseudo-scientific arguments.⁸³³ Anti-rights actors disseminate these ideas in the public space in order to entrench biases and stigma against particular expressions of sexuality and gender. According to José Manuel Morán Faúndes and Vaggione, these discourses create narratives that uphold retrograde ideas about bodies and sexuality. In some cases, the discourse can appear legitimate when it brings in elements from prevailing science on sexuality and gender.

The anti-rights actors' tactical use of pseudo-scientific discourse is most clearly on display during the dialogue between civil society organizations and heads of delegations of OAS member states.⁸³⁴ In 2018, the Coalition for Human Development, coordinated by Human Life International (HLI), a US anti-abortion group that provides training internationally for priests and Catholic laypeople, presented during the dialogue with member states.⁸³⁵ Their statement denied the wealth of scientific research that complicates, disputes, or disproves binary notions of sex and gender and biological essentialism.⁸³⁶ They posited that:

“Respect for the integrity of the human person includes their real biological sex as man or woman, from the first moment of their existence. Science determines this truth. Attempting to ignore this truth is an act of betrayal against the person and society. Justice can only be brought forth within the parameters of reason. It will never be possible to help human beings overcome real discrimination if we act on the basis of propaganda and gender ideology.”⁸³⁷

Co-optation of “Discrimination”

In much the way that anti-rights groups manipulate the understanding of gender,⁸³⁸ they also manipulate the understanding of discrimination. Protection from discrimination is intended to protect minorities, including religious minorities. Evangelical and Catholic churches increasingly claim to suffer “oppression” on the basis that equality and non-discrimination policies violate their religious rights by forcing them to limit their hate speech. They argue that in fact, they are the victims of discrimination.

EVANGELICAL AND CATHOLIC CHURCHES INCREASINGLY CLAIM TO SUFFER “OPPRESSION” ON THE BASIS THAT EQUALITY AND NON-DISCRIMINATION POLICIES VIOLATE THEIR RELIGIOUS RIGHTS BY FORCING THEM TO LIMIT THEIR HATE SPEECH

In the lead-up to the 2018 General Assembly, during the civil society sessions, evangelical Pastor Hugo Méndez⁸³⁹ defended the right of churches to participate by arguing they had been “silenced” and “discriminated against” for being men and women of faith. He insisted that evangelicals do not discriminate and that they recognize individuals' rights and freedom to choose their own behavior. What they reject, he said, is the interference of government and international organizations with the “inalienable right of parents to educate their children” by promoting “gender ideology.”

At the 2019 GA, the Ibero-American Evangelical Congress Coalition sounded a similar note, claiming⁸⁴⁰ that with respect to minorities, “democracy begins by recognizing the differences, and its degree of maturity is shown by how it respects and integrates minorities. Evangelicals know what it means to experience discrimination and want their experience to serve to generate changes in mentalities establishing criteria for tolerance and respect for dissent.”⁸⁴¹

Undermining the Legitimacy of the OAS and Organs of the Inter-American Human Rights System

Anti-rights groups active at the OAS General Assembly are not there to advance the OAS’s human rights agenda. Instead, they use this civil society space to denounce what they term the “excesses” of the two principal entities of the Inter-American System: the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACtHR),⁸⁴² and the Inter-American Commission of Women (CIM, in Spanish).⁸⁴³

In 2016-2017 anti-rights groups active in the Inter-American System concentrated their efforts on influencing the Court’s Advisory Opinion OC-24/17 on Gender Identity, Equality, and Non-Discrimination of Same-Sex Couples (analyzed in greater detail below). They argued these bodies are “overstepping the bounds” of their mandate, creating unacceptable standards that go beyond the objective and purpose of the binding treaties of the Inter-American Human Rights System.⁸⁴⁴

During the 2019 General Assembly, anti-rights groups raised the issue of OAS corruption. While it is certainly legitimate to call for accountability, the “Self-Determination of Peoples vs. Institutional Corruption” coalition, led by spokesperson Santiago Guevara, said, without evidence, the OAS was corrupt because its officers “use their position to abuse power, privileging their personal goals and interests to steer the course of the agency outside the mandates that were conferred on it.”⁸⁴⁵

ANTI-RIGHTS ACTORS DISTORT THE ISSUE OF CORRUPTION BY USING IDEOLOGICALLY-DRIVEN CLAIMS TO TARGET PROGRESSIVE OFFICIALS AND HOLD BACK HUMAN RIGHTS

Guevara further claimed that the Inter-American Human Rights System is not independent and impartial but rather beholden to countries outside of the Americas. He cited an analysis contributed by Spain to the Inter-American Court of Human Rights on the Advisory Opinion 24/17 on Sexual Orientation and Gender Identity. Guevara charged that this was done “with the objective of imposing ideologies that are foreign to the will of the peoples of the Americas, their culture, and their democracies.” Guevara also attacked the personal interests of the IACHR commissioners and court judges for having “replaced that agreed upon by the states,” making “arbitrary, whimsical, and ideological interpretations.”⁸⁴⁶

There are valid conversations to be had about corruption within the OAS, which undermines the system's ability to uphold rights. But instead of improving the functioning and integrity of the system, these examples show how anti-rights actors distort this issue by using ideologically-driven claims to target progressive officials and hold back human rights. Their idea of corruption is not agreeing with their reactionary ideology.

Attacks and Intimidation of Trans Activists in Bathrooms⁸⁴⁷

One of the most heated topics at the OAS General Assembly has been the creation of gender-neutral bathrooms. This has generated violent reaction from anti-rights groups, some of whom have followed and harassed trans activists for using gender-neutral bathrooms as well as bathrooms that correspond to their gender identity.

Incidents of bathroom violence began in 2016 at the General Assembly in the Dominican Republic and led to the need to station security guards by bathrooms to protect trans activists. By the 2017 General Assembly, the harassment had escalated to the point where the OAS was forced to revise the methodology for civil society participation and develop guidelines directly addressing the issue [emphasis added]:

“Examples of harassment or disrespect include: Offensive comments, verbal threats, intimidation, stalking, harassment through photographs or recording,

disruptive behavior at sessions, events, or inside and outside of the bathrooms and unwanted physical contact.”⁸⁴⁸

Development and Promotion of a Parallel Human Rights Framework

The previous “Rights at Risk” report highlighted how anti-rights groups are promoting language at the UN that validates discriminatory and patriarchal norms and views.⁸⁴⁹ This attempt to reframe human rights standards is also playing out at the OAS.

Anti-rights activists are advancing restrictive interpretations of international standards developed by the Inter-American Human Rights System (IAHRS), while willfully disregarding how these standards have evolved. For example, anti-rights groups argue that Article 4 of the American Convention on Human Rights (ACHR) establishes total protection of life from conception and therefore precludes the decriminalization of abortion.⁸⁵⁰ This interpretation completely ignores that the Inter-American Court later established in its jurisprudence that the protection of the right to life as defined in the convention is not absolute, but that it is “gradual and incremental.”⁸⁵¹

Anti-rights groups are also undermining the legitimacy of the IAHRS. During the 2018 General Assembly, the Coalition on Rule of Law and the Self-Determination of the People criticized the actions of the OAS and Inter-American Human Rights System bodies. While their remarks did not directly mention the Court's Advisory Opinion (AO)

on Sexual Orientation and Gender Identity,⁸⁵² they parroted the same argument put forth since January 2018, when the AO was first made public:

“Under the pretext of defending these fundamental rights, some of the organs of the OAS, such as the Inter-American Commission, the CIM, and the Inter-American Court of Human Rights, have weakened democracy and undermined the principle of nonintervention by issuing decisions and opinions that are not based in law, violating political stability, and above all breaking down the rule of law which should govern both the system and the region.”⁸⁵³

A third pathway to undermine the system is by repeatedly framing the jurisprudence and standards of the Inter-American Human Rights System as “attacks” on national sovereignty that are tantamount to ideological impositions. At the 2018 General Assembly, the Human Rights and Fundamental Liberties in America Coalition expressed concerns about the actions of the Inter-American Commission of Women, the Inter-American Commission on Human Rights, and the Inter-American Court of Human Rights, as well as CIM and the Inter-American Human Rights System:

“Along these lines, Article 3 establishes as one of its principles, respect for the juridical personality, sovereignty, and independence of states, as well as

compliance with the obligations deriving from treaties and other sources of international law. Therefore, we would like to take this opportunity to express our grave concern regarding what is happening with this organization... Our primary concern is the lack of agreed-upon standards or action within the organs, which continue to distance themselves from the original intent of the treaties agreed upon by member states of this institution, distorting what countries have agreed upon and imposing standards which overstep their own legal framework.

Although we have made progress in terms of Human Rights in the region, it is evident that we suffer serious threats. Paradoxically some of them come from the so-called ‘second generation human rights’, too often ‘ideological inventions’ outside the Universal Charter of Human Rights and the American Convention on Human Rights.”⁸⁵⁴

Essentialism

Anti-rights groups at the OAS are increasingly promoting the position that their work is designed to protect and defend women, which is done by elevating their “true essence.” This rhetoric is rooted in the idea that women and men have “natural” and “complementary” roles in society that should be preserved by state actions. The “complementarity” idea was identified in the previous “Rights at Risk” report as a key anti-rights discourse,⁸⁵⁵ and

noted this construction undermines the right to equality and non-discrimination.

At the 2018 General Assembly, the Coalition for the Safety of Women, represented by the Mexican organization *Corazón Puro* [Pure Heart] and María del Pilar Vazquez Calva, said that “women are taking on greater roles in the economy, without abandoning their nature as mothers.” Regarding women’s essence:

“We recognize the value and dignity of women for humanity and for each country of this continent. Being women, with all of the interpersonal relations that involves, means that women in different ways build coexistence and collaboration between all people, men and women. In this broad and diverse context, the woman has a particular value as a human being while, at the same time, she also has value as a concrete person based on her femininity. This is true for each and every woman, regardless of the cultural context in which she lives.”⁸⁵⁶

In this discourse, a woman’s value is made conditional on her adherence to stereotypically “feminine” roles and behaviour, specifically the role of mother, rather than affirming the universal human rights she is entitled to by merit of simply being human.

Impact of Anti-rights Groups in the 2018 OAS General Assembly

Blocking Language on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics in the Resolution on Human Rights

The Inclusion of language on sexual and reproductive rights in resolutions is complex. To date, the success of including LGBTI rights in OAS resolutions rests largely on the work of the LGBTI Coalition, which has been driving the approval of resolutions on the issue since 2008. While the resolutions have met with resistance from a few countries, including Paraguay, Guatemala, and some Caribbean countries, they are being approved.

During the 2018 OAS General Assembly, anti-rights organizations reserved most of their energy for blocking the inclusion of language protecting LGBTI rights in the “Promotion and Protection of Human Rights” resolution. The resolution was proposed by Argentina, Brazil, Canada, Colombia, Chile, the United States, Mexico, and Uruguay, and co-sponsored by Costa Rica and Belize. Working with the Paraguayan delegation, anti-rights groups opposed two items: the inclusion of language referring to “sex characteristics” that addressed intersex individuals; and any reference to the Advisory Opinion 24/17 of the IACtHR on Sexual Orientation and Gender Identity. This move was purely *pour la galerie* given that the Advisory Opinion is a judicial document issued by the Inter-American Court and as such, does not require the approval of member states.

Anti-rights groups took a multipronged approach to the fight against the language. They privately lobbied conservative states like Paraguay and some English-speaking Caribbean countries, while the Spanish organization CitizenGo launched an online signature collection campaign for a petition against LGBTI rights.⁸⁵⁷

Anti-rights groups and their allied states succeeded in eliminating language on sex characteristics, as well as mention of the IACTHR Advisory Opinion from the human rights resolution. Guatemala, Jamaica, Barbados, Paraguay, St. Lucia, Suriname, St. Vincent, and the Grenadines included footnotes withdrawing their support from the resolution section addressing LGBTI rights. Paraguay's activism was particularly concerning as throughout negotiations they insisted that "including a footnote would not be enough," and opposed any mention of the Advisory Opinion. This uncompromising position was a major obstacle to the inclusion of more progressive language.

In the Inter-American System, "footnotes" are interpreted as cracks in member state consensus, which is a key mechanism in the approval of instruments. Politically speaking, the more footnotes, the weaker the resolution. Threatening to add a footnote is a strategy that states use (and one that anti-rights activists may suggest to them) to get changes introduced in the text of a resolution. This strategy proved successful in 2018. While the human rights resolution was approved by

the General Assembly without weakening the terms of previously agreed-upon language, it did exclude the additional progressive language on sex characteristics and any mention of the Advisory Opinion.

Eliminating any Mention of Sexual and Reproductive Health in the Resolution on Human Rights

One OAS entity which has been forced to bend to pressure from anti-rights groups is the Inter-American Commission of Women (CIM),⁸⁵⁸ which holds compliance on the follow-up mechanism to the Belém do Pará Convention (MESECVI).⁸⁵⁹ MESECVI is a committee of independent experts who monitor implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women. Known as the Convention of Belém do Pará, it was the first regional convention on the eradication of violence against women in the Americas.⁸⁶⁰

THE PHRASE "SEXUAL AND REPRODUCTIVE HEALTH" WAS ELIMINATED. ANTI-RIGHTS GROUPS CLAIMED THIS AS A MAJOR VICTORY

In 2018, a proposal was presented to include a section on sexual and reproductive health within the general resolution on human rights, and to give MESECVI a mandate to follow up. The section was proposed by Argentina, Colombia, Costa Rica, Ecuador, Mexico, Panama, and Peru, and co-sponsored by

El Salvador. The goal was to reaffirm states' commitment to MESECVI's mandate and include explicit references to sexual violence and adolescent pregnancy. The draft resolution requested that the "MESECVI expert committee prepare a practical action guide compiling legislation, good practices, and challenges related to sexual and reproductive health policies that are being implemented in the region on this topic."⁸⁶¹

This paragraph turned out to be quite controversial. Despite some countries' unwavering defense and attempts at consensus-building, through Paraguay's forceful opposition to the language – and the striking silence by more progressive countries – the phrase "sexual and reproductive health" was eliminated. Anti-rights groups claimed this as a major victory.

Anti-rights Groups at the 2019 OAS
General Assembly

Election of IACHR Commissioners

In 2019, the terms of four of the seven members of the Inter-American Commission on Human Rights (IACHR) were renewed. Five candidates vied for the seats. Up for re-election were Commissioners Margarette May Macaulay from Jamaica and Esmeralda Arosemena de Troitiño from Panama. The other candidates were Julissa Mantilla from Peru, renowned expert on women's human rights; Stuardo Ralón from Guatemala; and Everth Bustamante, the candidate from the host country, Colombia.

ANTI-RIGHTS ACTORS WENT AFTER THREE WOMEN CANDIDATES AND ALSO LAUNCHED A CAMPAIGN QUESTIONING A CANDIDATE'S CRITICISM OF ANTI-RIGHTS GROUPS

An independent panel of experts evaluated all five candidates and concluded that only Ralón and Bustamante did not meet the requirement of recognized competence in the field of human rights and were therefore not suited for the position.⁸⁶²

Disregarding the expert evaluation, anti-rights groups went after the three women candidates. They requested that Jamaica withdraw Macaulay's candidacy because of her support for women's and LGBTI rights. They also launched a social media campaign against Esmeralda Arosemena de Troitiño, with the hashtag #EsmeraldaDiscrimina (#EsmeraldaDiscriminates), questioning her criticism of anti-rights groups.

Despite these attacks, both women and Julissa Mantilla were elected. Still, in a worrisome setback, Stuardo Ralón, who is vehemently opposed to reproductive rights,⁸⁶³ was also elected. What made the election particularly remarkable was that the host country's candidate was not elected, which was a significant break from tradition and a rebuke to Colombia.

LGTBI Rights in Resolutions on Human Rights and Hemispheric Security

As with 2018, anti-rights organizations focused on hindering progress on LGBTI rights language in the Resolution on the Promotion and Protection of Human Rights. Led by the Paraguayan delegation, with support from St. Lucia, they opposed two issues: inclusion of language on “sex characteristics,” which aimed to address intersex individuals, and provisions against discrimination based on “real or perceived” sexual orientation and gender identity. Paraguay proposed including a paragraph that would establish states’ sovereignty to not apply those standards in their public policies. Since there were strong positions in favour of including the paragraph, including from member countries of the LGBTI Core Group,⁸⁶⁴ Paraguay proposed putting it to vote. This is almost unprecedented in the OAS where consensus is the predominant decision-making mechanism.

After several informal meetings, the language on sexual characteristics and the paragraph protecting sovereignty were finally incorporated. Guatemala, Paraguay, Saint Lucia, Trinidad and Tobago, Suriname, Saint Vincent and the Grenadines, and Barbados presented footnotes to express their disagreement with the approved proposal. In turn, Jamaica presented a footnote to *the entire* resolution on human rights, noting that sexual orientation, gender identity, and gender are not defined in their national standards.

A second document that became a focus for anti-rights groups was the Draft Resolution Advancing Hemispheric Security: A Multidimensional Approach. A paragraph referencing specific groups affected by violence, including LGBTI people, drew their ire. Again, Paraguay and St. Lucia, with Guatemala’s support, expressed their opposition to this language. In the end, the resolution included mention of LGBTI people, with the caveat that all groups share the same situation of vulnerability to violence. Paraguay, St. Lucia, and Guatemala added footnotes to this paragraph, again to signal their disagreement with the inclusion of any language on LGBTI people at all.

Resolution Chapter on the Right to Freedom of Religion or Belief

The United States under President Trump expanded the promotion of the freedom of religion, not with a lens toward expanding more rights and protections, but rather toward privileging the rights of Christians and protecting them from accountability on the issue of health care provision, LGBTI rights, and sexual and reproductive rights.

A CHAPTER ON THE RIGHT TO FREEDOM OF RELIGION OR BELIEF WAS ADDED WITH NO OPPOSITION

In 2019, the US proposed a chapter on the right to freedom of religion or belief for inclusion in the OAS resolution. It was added with no opposition. While sufficiently broad

enough not to elicit objections, it also did not include specific protection for vulnerable populations, girls, women, and LGBTI people. The resolution also requested that the Secretary-General organize, with existing resources, a regional dialogue on the right to freedom of thought and conscience and freedom of religion or worship. The aim is to encourage input from member states, the Inter-American Commission on Human Rights (IACHR), civil society, and other social actors. It also requests that the Committee on Legal and Political Affairs organize, also with existing resources, a special session for member states to share lessons learned and best practices in order to promote the goals of this resolution. The results are to be presented to the permanent council before the 50th regular session of the General Assembly in 2020.

FREEDOM OF RELIGION AND BELIEF IS BEING STRATEGICALLY CO-OPTED AS A COVER FOR ENTRENCHING DISCRIMINATORY NORMS

As has been outlined previously, freedom of religion and belief is being strategically co-opted and misused by state and non-state anti-rights actors as a cover for entrenching discriminatory norms. The inclusion of this chapter for the first time, and the related activities, reflects this broader trend.

Main Anti-rights Groups at the OAS

The OAS has clear guidelines for civil society participation at the General Assembly, including a minimum requirement of 10 legally registered civil society organizations to form a coalition. Coalitions are organized under various themes, for example, human rights or the family. Organizations cannot make individual presentations, which is why there is great importance on the theme and composition of coalitions who must speak on behalf of all their members. Here we outline key organizations leading coalitions organized around anti-rights issues.

Ibero-American Evangelical Congress⁸⁶⁵

The Congreso Iberoamericano por la vida y la familia⁸⁶⁶ (Ibero-American Congress for Life and Family), grew out of the Iniciativa Ciudadana por la Vida y la Familia⁸⁶⁷ (Citizens' Initiative for Life and Family), an evangelical movement that promotes public policies to defend the "rights of families" in Latin America. The Congress first met in Mexico City from 21 to 23 February 2017, and formally became an organization the following February in 2018. At present, it includes representatives from 17 countries in the region.

At the 2018 Second Ibero-American Congress for Life and Family,⁸⁶⁸ evangelical members expressed concern about the number of Catholic groups at the OAS General Assembly, the minimal participation of evangelicals, and the amount of progressive policies adopted by the OAS. It was at this

point they decided to engage more actively in future general assemblies.⁸⁶⁹

In preparation for the 2018 GA in Washington D.C., the Ibero-American Congress organized three coalitions drawn from 38 civil society organizations from six countries. Each coalition was coordinated by a pastor: Argentine pastor Hugo Méndez coordinated the Ibero-American Evangelical Congress coalition; the Brazilian Coalition was led by pastor Glaucio Coraiola; and the Educational and Cultural Coalition for Democracy was coordinated by Gilberto Rocha from Mexico.

By the time of the 2019 GA in Medellín, Colombia,⁸⁷⁰ most anti-rights organizations were affiliated with evangelical churches, making them the largest anti-rights bloc. They initially tried to get into 10 coalitions,⁸⁷¹ but OAS rules for forming coalitions⁸⁷² capped the limit on the number of speakers. In the end they were represented in five coalitions.⁸⁷³

Evangelical coalitions and their spokespersons included: Milagros Aguayo⁸⁷⁴ representing the “Coalition for Progress of Society”; Patricia Cortés⁸⁷⁵ on behalf of the “Education and Culture for Democracy” coalition; Clara Vega de Rocha⁸⁷⁶ for the “Opportunities for Social Order” coalition; the “Building New Horizons” coalition by Silvana Vidal;⁸⁷⁷ and the “Ibero-American Evangelical Congress” coalition, led by spokesperson Marco Aurelio Camargo.

One evangelical coalition that was not a member of the Ibero-American Congress

for Life and Family,⁸⁷⁸ was the “Life and Family” coalition, led by the Paraguayan spokesperson Miguel Ortigoza of the Association of Evangelical Churches of Paraguay. This suggests that not all evangelicals align with the mandate of the Congress.

Alliance Defending Freedom (ADF)

As outlined in earlier chapters, ADF is a US-based legal organization working internationally to develop legal anti-rights arguments for use in litigation, advocacy, and legal training for young lawyers. Their Latin America office is strategically located in Washington D.C., where the Organization of American States is also based.⁸⁷⁹

ADF is active in the Inter-American System, which includes the Inter-American Court and the Inter-American Commission on Human rights. There, they coordinate with like-minded anti-rights groups at the national level. Past activities at the Inter-American Court, where they presented *amici curiae*, include: *Karen Atala and Daughters v. Chile*,⁸⁸⁰ a case on sexual orientation and gender identity; the *Artavia Murillo v. Costa Rica* case on in vitro fertilization and the scope of the American Convention on Human Rights on the right to life,⁸⁸¹ and *Duque v. Colombia* on recognition of the civil union of same-sex couples.⁸⁸²

They recently presented observations on the Inter-American Court of Human Rights’ Advisory Opinion on Sexual Orientation

and Gender Identity, as requested by Costa Rica in terms of the compatibility of some articles of the country's laws regarding sexual orientation and gender identity with the American Convention on Human Rights.⁸⁸³ ADF also submitted an *amicus curiae* in the ongoing case of *Sandra Pavez v. Chile* about discrimination based on sexual orientation.⁸⁸⁴

At the national level, the organization has submitted shadow reports as part of the UN Human Rights Council's Universal Periodic Review (UPR) process as a way of supporting national anti-rights groups in countries including Uruguay,⁸⁸⁵ the Dominican Republic,⁸⁸⁶ and Chile⁸⁸⁷ on issues related to abortion, comprehensive sexual education, and discrimination against LGBTI people – among others. As noted in earlier chapters, this strategy is particularly harmful in countries that have few civil society groups with the funding and time to produce such reports. More about ADF's legal arguments will be developed later in the case study about the Inter-American Court of Human Rights' Advisory Opinion OC-24/17 on Gender Identity, Equality, and Non-Discrimination of Same-Sex Couples.

Hazte Oír/CitizenGo

As outlined in Chapter 4, HazteOír (MakeYourselfHeard) is a Spanish organization⁸⁸⁸ founded in 2001 and led by Ignacio Arsuaga to promote "life and human dignity."⁸⁸⁹ Founded over a decade later, in 2012, CitizenGo is the global platform for Hazte Oír's internet activism.

CitizenGo introduced itself to Latin America in June 2017 when it paraded an orange-coloured bus loaded with anti-trans messaging at the OAS General Assembly in Cancun, Mexico.⁸⁹⁰ It included the statement: "Boys have penises, girls have vaginas. Don't let them fool you."⁸⁹¹ The bus originated in Spain, touring various cities, but was eventually taken off the roads after the Madrid City Council, activists, and trade unionists united against it.⁸⁹² Elsewhere in Latin America, the bus toured Chile⁸⁹³ and Colombia.⁸⁹⁴

Frente Joven (FJ)

Frente Joven (Youth Front) describes itself as a "movement of youth seeking to build a better society by promoting and upholding human rights."⁸⁹⁵ This includes youth leadership training⁸⁹⁶ for participation in national and international advocacy efforts. At the international level, FJ spearheaded the creation and maintenance of the Pan-American Youth Forum for youth leaders.⁸⁹⁷ They work in countries like Argentina, where they publicly opposed the legalization of abortion⁸⁹⁸ and protested the sale of the abortion drug, misoprostol, in pharmacies.⁸⁹⁹ Other national projects include "Mama Defenders," which offers support for "pregnant women and children in vulnerable situations."⁹⁰⁰ It is not unusual for anti-rights groups advocating against sexual and reproductive rights to operate national projects supporting "pregnant women and children in vulnerable situations." The support to individual women adds legitimacy

to their political work undermining sexual and reproductive rights of women at large. The FJ is active in Argentina, Ecuador, Peru, and Paraguay.

While their discourse is not always overtly anti-rights – except in national settings – FJ's actions support an anti-rights agenda. At the Inter-American System in particular, they have argued for prioritizing topics other than those related to sexual and reproductive rights.

FJ has access to the highest levels within the OAS. In 2017, they met with OAS Secretary-General Luis Almagro to express “their concern regarding the lack of current public policies for youth and raised issues facing the children of the continent.”⁹⁰¹ That same year FJ participated in the development of the Inter-American Commission on Human Rights' strategic plan. During the discussion they argued that “all human needs should be met, from conception to natural death, such as potable water, nutrition.”⁹⁰² While the statement did not overtly reference abortion, it was a cloaked attempt to cement the anti-abortion stance that life begins at conception. This is a false equivalency between the human rights one is entitled to upon birth and the rights of a fetus from conception. They have also stated that “the family is the point of departure for the cultural revaluing of maternity.”⁹⁰³ This framing does two things, it imposes a positive value on mothers, women, and fertility, while also de-valuing all forms of maternity and parenthood that exist outside of “traditional” family structures.

Case Study: Inter-American Court of Human Rights' Advisory Opinion OC-24/17 on Gender Identity, Equality, and Non-Discrimination of Same-Sex Couples:⁹⁰⁴ Repercussions in Costa Rica and the Region

An Advisory Opinion is the mechanism by which the Inter-American Court of Human Rights (IACtHR) reviews the compatibility of states' norms with the American Convention on Human Rights (ACHR). These opinions are particularly important because they come from the official interpretation body of the American Convention on Human Rights.

In May 2016, Costa Rica presented a request for an Advisory Opinion (OC, in Spanish) on the interpretation and scope of Articles 11(2), 18 and 24 of the ACHR, in relation to Article 1 of the same instrument. They requested that the Court provide clarification on:

- The protection and recognition of a change in a person's name in accordance with his or her gender identity
- The compatibility of the existing procedure in the Civil Code of Costa Rica (which states those interested in changing their given name may only do so by resorting to judicial proceedings) with the ACHR
- The recognition of patrimonial rights derived from a relationship between persons of the same sex.⁹⁰⁵

In response, the Inter-American Court opened a consultation process and received observations from various actors on topics related to the Advisory Opinion.⁹⁰⁶ At least eight of the *amici curiae*⁹⁰⁷ submitted were prepared by anti-rights groups, including the US-based organizations the Center for Family and Human Rights (C-FAM) and Alliance Defending Freedom (ADF).⁹⁰⁸ The Court also convened a public hearing on 16 May 2017,⁹⁰⁹ where Jeff Shafer, Neydy Casillas, Natalia Callejas, and Michelle Riestras presented oral arguments on behalf of ADF. C-Fam did not make an oral presentation.

C-Fam's written submission⁹¹⁰ advanced legal and pseudo-scientific arguments. Their central point argued that the Advisory Opinion request was based on the "false" assumption that sexual orientation and gender identity (SOGI) are categories protected against discrimination in the ACHR,⁹¹¹ and that the ACHR does not contain any "special" recognition or protection of patrimonial rights stemming from same-sex relationships. Likewise, they claimed that the ACHR establishes protections for "the family," but not protection for relationships among persons of the same sex which, following their argument, cannot be equated with a family.

C-Fam further claimed that jurisprudence⁹¹² finding sexual orientation and gender identity as categories protected against discrimination was incorrect because it was based on non-binding instruments of the United Nations (UN) system and OAS resolutions. They denied the

validity of the Yogyakarta Principles⁹¹³ as an instrument establishing a solid foundation in international law. They also criticized the use of precedents from other regional mechanisms, such as the European Court of Human Rights, because they were "established with different people, traditions, culture, and values."⁹¹⁴

This is a particularly dishonest criticism. C-Fam and other anti-rights organizations have included in past written submissions appeals to the doctrine of a "margin of appreciation" of the European system to argue that topics such as sexual orientation and gender identity should be legislated at a national level and not subjected to debate in the regional human rights systems. It should be noted that the doctrine of the margin of appreciation does not have the same application or consensus in the Inter-American System as it does in the European System of Human Rights.⁹¹⁵

C-Fam argues there is no consensus among UN member states on the use of the term "sexual orientation and gender identity (SOGI)," and that people "who identify as LGBT have no special additional human rights."⁹¹⁶ Under their interpretation, states "have no obligation to enact laws that give individuals any special benefits or protections on the basis of their sexual preferences and behavior or to sanction an individual's feelings about their gender identity."⁹¹⁷ C-Fam's faulty reasoning completely obscures the fact that anti-discrimination measures and laws are based on promoting the equality of groups that have been historically discriminated

against precisely because of their identity. It also disregards that non-discrimination is categorized in international law as “*jus cogens*,” i.e., rights that are imperative, that cannot be altered in content.

The second part of C-Fam’s brief promoted pseudo-scientific arguments and used cherry-picked information to reinforce stereotypes and discrimination. For example, they said that: “men who have sex with men are 18 times more likely to contract HIV/AIDS from sexual activity than the overall population;”⁹¹⁸ “homosexual lifestyles are correlated with a host of other sexually transmitted infections (STI) and health risks, including substance abuse and depression;”⁹¹⁹ and “individuals who identify as LGBT are at higher risk of suffering from adverse mental health outcomes.”⁹²⁰ Obscuring the structural drivers of differentiated mental and physical health outcomes of LGBTI people and implying that SOGI itself (rather than marginalization based on SOGI) is the problem, C-Fam argued that “states have the sovereign prerogative to legislate on health and morals to protect their populations from health and moral risks.”⁹²¹

On behalf of ADF, lawyers Neydy Casillas, Michelle Riestra, and Natalia Callejas Aquino argued that the international instruments used by the Inter-American Court to establish sexual orientation and gender identity as protected categories against discrimination were weak.⁹²² They said the number of footnotes (which they incorrectly refer to as “reservations”) in the OAS General

Assembly resolutions on human rights, sexual orientation, and gender identity reflect the lack of consensus in the countries of the region regarding protection against discrimination based on SOGI.⁹²³ For instruments such as the resolutions of the OAS General Assembly, although states and anti-rights organizations tend to use the term “reservation,” in legal terms it does not have the same legal scope as a reservation made by a state to a binding instrument. In any case, the footnotes do reflect the fault lines of political consensus.

ADF repeatedly emphasized the importance of national sovereignty in their submission.⁹²⁴ They maintained that “given the disagreement on an international level, and out of respect for countries’ self-determination, each case should be considered on an individual basis, taking into consideration arguments presented in the case and the cultural identity of states; imposing obligatory norms without exception would violate national sovereignty. Following the criteria of the European Court, states should be given a margin of appreciation to resolve their own cases.”⁹²⁵

In a huge victory for gender rights, Advisory Opinion OC-24/17 was approved in November 2017 and disseminated in January 2018. It establishes standards that favour the legal recognition of gender identity for trans persons, that procedures for changing a name should be as unbureaucratic as possible, and that same-sex marriage should be recognized. According to the Court, offering same-sex couples only a different legal category for

partnership than what is offered to those of different sexes constitutes discrimination.

IN A HUGE VICTORY FOR GENDER RIGHTS, ADVISORY OPINION OC-24/17 WAS APPROVED IN NOVEMBER 2017 AND DISSEMINATED IN JANUARY 2018

The Catholic Church wasted no time reacting, issuing a press release calling the Court's interpretation "abusive."⁹²⁶ A joint statement with the *Alianza Evangélica Costarricense* (Costa Rican Evangelical Alliance), while not directly referencing the Advisory Opinion, reaffirmed that the family "above all international impositions" is made up of a man and a woman.⁹²⁷ A CitizenGo petition said that the Inter-American Court had imposed "gaymonio" on the entire region.⁹²⁸ The campaign collected 65,906 signatures. There were also local objections to the interpretation. A same-sex couple attempting to marry in Costa Rica following the dissemination of the OC, were prevented from doing so by a Notary Council ban on recording gay marriages until local laws are changed.⁹²⁹ The Notary Council is the governmental entity regulating lawyers' activities in the country.⁹³⁰

The Advisory Opinion was issued a month before the Costa Rican presidential elections. This gave anti-rights groups an opportunity to turn marriage equality and recognition of gender identity into key election issues. Presidential candidate and evangelical

preacher Fabricio Alvarado Munoz campaigned on a platform against recognition of gender identity.⁹³¹ He went so far as to propose that Costa Rica leave the Inter-American Human Rights System and that the elections include a "referendum on marriage being only between a man and a woman."⁹³² Munoz won the first round of elections with almost 25 percent of the votes,⁹³³ followed by the centre-left candidate Carlos Alvarado Quesada who received 22 percent of the votes. Without a majority, there was a runoff election. In the second round, Munoz received 39 percent of the votes, with Quesada ultimately winning 60 percent of the votes. This case highlights the ability of anti-rights groups to take advantage of opportunities – in this case, the issuing of the Advisory Opinion – to gain political capital and improve their legal opportunities. At the same time, it demonstrated the ability of progressive society to react to and avert a threat.

Movement Resistance Stories

The LAC LGBTTTI⁹³⁴ Coalition at the OAS

– Alejandra Sardá-Chandiramani
AWID

The LAC LGBTTTI Coalition-OAS was created in 2006 and currently brings together about 60 member organizations. Its founding members were involved in a Working Group that successfully managed to include sexual orientation, gender identity, and gender expression as protected categories in the OAS Convention Against All Forms of Discrimination adopted in 2013, the first regional human rights instrument to do so. The coalition's notable qualities include:

- **Representation:** It includes experienced national and regional organizations from most countries in Latin America and the Caribbean (LAC), with a large non-Spanish speaking Caribbean presence as well as lesbians, bisexuals, gay men, trans and non-binary persons of different ages, HIV-AIDS status and ethnicities.
- **Size and Presence:** The coalition attends all general assemblies and head of states' summits with a delegation of between 20 and 50 activists who are very vocal and determined, and hard to miss!

- **Knowledge and Persistence:** Every year, the coalition meets in advance of the general assembly for training and strategizing among members. Its diversity allows it to speak up not only on "anti-discrimination based on SOGI" but also on youth, family, police brutality, Black, Indigenous, health, education, and many other issues as openly LGBTTTI activists with an intersectional rights-based perspective. Those meetings are open to activists from allied organizations who benefit from the coalition expertise. Throughout the year, the coalition also organizes hearings before the IACHR that force states to discuss with activists issues like economic and social rights for trans populations, LGBTTTI prison inmates, and the criminalization of same-sex relations in Grenada, while joining other NGOs in hearing about the extermination of Black youth in Brazil or what a secular state means for human rights in the region.

These elements combined have made the coalition effective in holding the line on, and even advancing, the rights of LGBTTTI people at the OAS in the face of mounting anti-rights opposition by civil society and states.

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Endnotes – Chapter 3: Anti-Rights Discourses

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Endnotes – Chapter 5: Anti-Rights Tactics, Strategies, and Impacts

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- 713 At the 60th session of CSW
- 714 For instance, on family and CSE at UNGA, and on "gender" at the Security Council.
- 715 See e.g. p.64, "Sexual Rights," and p.84, "Universal or fundamental human rights," in Naureen Shameem, *Rights At Risk: Observatory on the Universality of Rights Trends Report 2017*, AWID, <https://www.oursplatform.org/wp-content/uploads/Rights-At-Risk-OURs-Trends-Report-2017.pdf>
- 716 Alliance Defending Freedom (ADF) International, *Response to the Questionnaire of the UN Working Group on discrimination against women and girls*, <https://adfinternational.org/resource/response-to-the-un-working-group-on-discrimination-against-women-and-girls/>
- 717 Alliance Defending Freedom (ADF) International, *White Paper: The Rise of Faux Rights*, <https://adfinternational.org/resource/the-rise-of-faux-rights/>
- 718 *ibid*
- 719 Alliance Defending Freedom (ADF) International, *White Paper: The Rise of Faux Rights*, <https://adfinternational.org/resource/the-rise-of-faux-rights/>
- 720 OHCHR, *Call for submissions: Women's and girls' sexual and reproductive health and rights in situations of crisis*, 31 August 2020. <https://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/SexualReproductiveHealthRights.aspx>
- 721 Alliance Defending Freedom (ADF) International, *Response to the Questionnaire of the UN Working Group on discrimination against women and girls*, available at: <https://adfinternational.org/resource/response-to-the-un-working-group-on-discrimination-against-women-and-girls/>
The submission states, for e.g., "[c]onsidering that so-called "sexual and reproductive health rights" have no basis in existing international law, and that their acceptance is widely and consistently contested among UN Member States, the theme envisaged by the Working Group on discrimination against women and girls for its next annual report to the Human Rights Council casts serious doubts as to the Working Group's impartial and objective discharge of its mandate."

- 722 Agenda Europe, *Restoring the Natural Order*, <https://agendaeurope.wordpress.com/restoring-the-natural-order/>
- 723 *ibid*
- 724 *Concluding Intense Session, Third Committee Approves 5 Draft Resolutions on Children's Rights, Assistance to Refugees, Persons with Disabilities*, United Nations, Meetings Coverage, 21 November 2017, <https://www.un.org/press/en/2017/gashc4224.doc.htm>
- 725 Family Watch International, *Resource Guide to U.N. Consensus Language on Family Issues*, https://familywatch.org/wp-content/uploads/sites/5/2017/05/Resource_Guide_2013.pdf. An earlier version of the guide is also further discussed in Naureen Shameem, *Rights at Risk: Observatory on the Universality of Rights Trends Report 2017*, AWID, pp.40-46. Available at: <https://www.oursplatform.org/wp-content/uploads/Rights-At-Risk-OURs-Trends-Report-2017.pdf>
- 726 These focal areas include abortion, education and parents, family disintegration, gender – male and female, parental rights, right to life, sex education, sexual orientation, and various forms of the family. See further *ibid*.
- 727 *ibid*
- 728 See further in the “Discourses” section in Naureen Shameem, *Rights at Risk: Observatory on the Universality of Rights Trends Report 2017*, AWID, 2017, p. 77. Available at: <https://www.oursplatform.org/wp-content/uploads/Rights-At-Risk-OURs-Trends-Report-2017.pdf>
- 729 See further in the Discourses section, pg 80, *ibid*
- 730 See further in the Discourses section, pg 78, *ibid*
- 731 Such as adding “*within their mandate*” to the following text: “Support the Commission on the Status of Women, within its mandate, in assessing and advancing the implementation of the Beijing Platform for Action...”
- 732 For more information, see: Erin Aylward and Stuart Halford, *How gains for SRHR in the UN have remained possible in a changing political climate*, Taylor & Francis Online, 07 Apr 2020, <https://www.tandfonline.com/doi/full/10.1080/26410397.2020.1741496>
- 733 *ibid*
- 734 UN General Assembly, 32/... *Youth and human rights*, 27 June 2016, A/HRC/32/L.1. https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/L.1
- 735 UN General Assembly, 32/... *Realizing the equal enjoyment of the right to education by every girl*, 30 June 2016, A/HRC/32/L.30/Rev.1. https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/L.30/Rev.1
- 736 See the voting chart on the amendment here: <https://www.sexualrightsinitiative.com/sites/default/files/resources/files/2020-07/L.30%20Result%20of%20the%20vote.pdf>
- 737 See the voting chart on the amendment here: <https://www.sexualrightsinitiative.com/sites/default/files/resources/files/2020-07/L.31%20Result%20of%20the%20vote.pdf>
- 738 See the voting chart on the amendment here: <https://www.sexualrightsinitiative.com/sites/default/files/resources/files/2020-07/L.32%20Result%20of%20the%20vote.pdf>
- 739 Specifically, to restrict the scope of SRHR to the Programme of Action of the International Conference on Population and Development (from 1994), and the Beijing Platform for Action (from 1995) and the outcome documents of their review conferences. See the voting chart on the amendment here: <https://www.sexualrightsinitiative.com/sites/default/files/resources/files/2020-07/L.33%20Result%20of%20the%20vote.pdf>
- 740 See the voting chart on the amendment here: <https://www.sexualrightsinitiative.com/sites/default/files/resources/files/2020-07/L.34%20Result%20of%20the%20vote.pdf>
- 741 Austin Ruse of C-Fam, 61st session of the Commission on the Status of Women.
- 742 Naureen Shameem, *Rights At Risk: Observatory on the Universality of Rights Trends Report 2017*, AWID, p.95. Available at: <https://www.oursplatform.org/wp-content/uploads/Rights-At-Risk-OURs-Trends-Report-2017.pdf>
- 743 US Department of State, *Report of the Commission on Unalienable Rights*, <https://www.state.gov/report-of-the-commission-on-unalienable-rights/>. For commentary on the Commission, see e.g. Masha Gessen, *Mike Pompeo's Faith-Based Attempt to Narrowly Redefine Human Rights*, The New Yorker, 10 July 2019, <https://www.newyorker.com/news/our-columnists/mike-pompeos-faith-based-attempt-to-narrowly-define-human-rights>
- 744 This is an example of the misleading discourse on “universal or fundamental” human rights which seeks to use the language of universality itself to undermine the fundamental principle. For further, see p. 84, <https://www.oursplatform.org/wp-content/uploads/Rights-At-Risk-OURs-Trends-Report-2017.pdf>
- 745 In another example of the tactic of strategic secularism, at the UN, see e.g. Amy L. Coates, Peter S. Hill, Simon Rushton and Julie Balen, *The Holy See on sexual and reproductive health rights: conservative in position, dynamic in response*, Taylor & Francis Online, 30 Dec 2014, <https://www.tandfonline.com/doi/full/10.1016/S0968-8080%2814%2944815-8>
- 746 Agenda Europe, *Restoring the Natural Order*, <https://agendaeurope.files.wordpress.com/2019/05/rtno-2014.pdf>
- 747 *ibid*
- 748 *ibid*
- 749 Naureen Shameem, *Rights at Risk: Observatory on the Universality of Rights Trends Report 2017*, AWID, p.63, <https://www.oursplatform.org/wp-content/uploads/Rights-At-Risk-OURs-Trends-Report-2017.pdf>

- 750 UN Treaty Body Database: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f36&Lang=en
- 751 For more information on C-Fam, see Naureen Shamem, *Rights at Risk: Observatory on the Universality of Rights Trends Report 2017*, AWID, 2017, p. 36. Available at: <https://www.oursplatform.org/wp-content/uploads/Rights-At-Risk-OURs-Trends-Report-2017.pdf>
- 752 For more information on FWI, see Naureen Shamem, *Rights at Risk: Observatory on the Universality of Rights Trends Report 2017*, AWID, 2017, p. 40. Available at: <https://www.oursplatform.org/wp-content/uploads/Rights-At-Risk-OURs-Trends-Report-2017.pdf>
- 753 Naureen Shamem, *Rights at Risk: Observatory on the Universality of Rights Trends Report 2017*, AWID, p.59. Available at: <https://www.oursplatform.org/wp-content/uploads/Rights-At-Risk-OURs-Trends-Report-2017.pdf>
- 754 Naureen Shamem, *Rights at Risk: Observatory on the Universality of Rights Trends Report 2017*, AWID, p.69. Available at: <https://www.oursplatform.org/wp-content/uploads/Rights-At-Risk-OURs-Trends-Report-2017.pdf>
- 755 See Naureen Shameem, *Rights at Risk: Observatory on the Universality of Rights Trends Report 2017*, AWID, p.95. Available at: <https://www.oursplatform.org/wp-content/uploads/Rights-At-Risk-OURs-Trends-Report-2017.pdf>
- 756 <http://adfinternational.org/wp-content/uploads/2018/12/IMHR-Poster-Geneva-Statement.pdf>
- 757 *ibid*, italics added.
- 758 *ibid*, italics added.
- 759 *ibid*, italics added.
- 760 ADF International newsletter, September 2018.
- 761 The text, along with its co-sponsors and signatories can be found here: <https://www.hhs.gov/about/agencies/oga/global-health-diplomacy/protecting-life-global-health-policy/geneva-declaration.html>
- 762 The text was also promoted by anti-rights non-state actors such as Alliance Defending Freedom. See: <https://www.adflegal.org/press-release/geneva-consensus-declaration-reaffirms-inherent-dignity-and-worth-human-person>
- 763 *ibid*
- 764 *ibid*
- 765 See Kerry Cullinan, *Will Trump's anti-abortion Geneva Consensus fall apart?*, openDemocracy, January 2021, <https://www.opendemocracy.net/en/5050/will-trumps-anti-abortion-geneva-consensus-fall-apart/>

Endnotes – Chapter 6: Anti-rights Trends in Regional Human Rights Systems

- 766 “The Commission” refers to the African Commission on Human and Peoples’ Rights.
- 767 African Men for Sexual Health and Rights (AMShEr), *Who We Are*, <https://amsher.org/who-we-are/>
- 768 Initiative for Strategic Litigation in Africa (ISLA), *About Us*, <https://www.the-isla.org/about-us-2/>
- 769 Synergia Initiatives for Human Rights, *Homepage*, <https://synergiahr.org>
- 770 Coalition of African Lesbians (CAL) and African Men for Sexual Health and Rights (AMShEr), *Violence based on perceived or real sexual orientation and gender identity in Africa*, Pretoria University Law Press (PULP) 2013. Available at: <http://www.pulp.up.ac.za/component/edocman/violence-based-on-perceived-or-real-sexual-orientation-and-gender-identity-in-africa>
- 771 The ACHPR Resolution 275 on *Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity*. Available at: <https://web.archive.org/web/20160304031102/http://www.achpr.org/sessions/55th/resolutions/275/>
- 772 The resolution appears concerned primarily with physical forms of interpersonal violence, and does not cover the full breadth of various forms of violence or more broadly, sexual rights and the rights of people of non-conforming sexualities.
- 773 The Documentary titled “The Commission – From Silence to Resistance” documents the work of activists and organizations pushing for the inclusion of sexual orientation and gender identity and expression at the African Commission on Human and Peoples’ Rights. This documentary can be watched here: <https://www.youtube.com/watch?v=q97-g6PbqJY&feature=youtu.be>
- 774 CAL has adopted a framework of understanding the context in which the organization works called the 5+1 factors, i.e. patriarchy, heteronormativity, militarization, extremism including economic and religious extremism, globalization and the last is environmental degradation. These factors were initially developed by the Women Human Rights Defenders International Coalition. The “+1” is environmental degradation which CAL added to guide its understanding of the context and subsequently the work it both does and aspires to do.
- 775 “...we believe in the importance of women stepping into our power and building our power within and our power with others as part of collective feminist effort and action. This collective power helps sustain our activism and expands the reach and impact of our organizing.” See: CAL, *Why We Exist*, <https://www.cal.org.za/about-us/why-we-exist/>
- 776 African Charter on Human and Peoples’ Rights (Banjul Charter). Available at: https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf
- 777 Article 45(2) of the African Charter on Human and Peoples’ Rights
- 778 Article 45(1) of the African Charter on Human and Peoples’ Rights.
- 779 Article 62 of the African Charter on Human and Peoples’ Rights and Article 26 of the Maputo Protocol.
- 780 Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women (Maputo Protocol). Available at: https://au.int/sites/default/files/treaties/37077-treaty-0027_-_protocol_to_the_african_charter_on_human_and_peoples_rights_on_the_rights_of_women_in_africa_e.pdf
- 781 Article 45(1)(a) and (3) of the African Charter on Human and Peoples’ Rights
- 782 All theses documents can be found on the ACHPR website’s documentation section, available at: <https://www.achpr.org/documentationcenter>
- 783 Article 50 and 56(5) of the African Charter on Human and Peoples’ Rights
- 784 See for example, article 35(1) of the European Convention on Human Rights; article 46(1)(a) of the American Convention on Human Rights read with article 31(1) of the Inter-American Court of Human Rights’ Rules of Procedure; within the United Nations Human Rights Treaty Monitoring Bodies, see for example the Human Rights Committee’s article 5 (2) (b) of the First Optional Protocol to the International Covenant on Civil and Political Rights
- 785 Some, such as those bodies within the United Nations system, require that petitioners have exhausted available and effective remedies. See Human Rights Committee, *Vicente et al. v. Colombia*, Communication 612/1995, Views of 29 July 1997, U.N. Doc. CCPR/C/60/D/612/1995, para. 5.2
- 786 Article 56(5) of the African Charter on Human and Peoples’ Rights
- 787 Article 58(1) of the African Charter on Human and Peoples’ Rights
- 788 Article 58(2) of the African Charter on Human and Peoples’ Rights. Also, in its investigations the Commission is permitted to decide its own method of investigation as per Article 46.
- 789 A recent example is the speech by Robert Mugabe, former Head of State and Government at the UN General Assembly in 2015. This speech is often mentioned in relation to the “we are not gays” outburst, obscuring the international law and international relations argument that he made. See his original speech here: https://gadebate.un.org/sites/default/files/gastatements/70/70_ZW_en.pdf and a discussion on the outburst here: Max Fisher, *Why Robert Mugabe just shouted “We are not gays” in his UN speech*, Vox, 28 September 2015, <https://www.vox.com/2015/9/28/9411391/why-robert-mugabe-just-shouted-we-are-not-gays-in-his-un-speech>

- 790 *African Commission on Human and Peoples' Rights v The Republic of Kenya*, Application no. 006/2012, African Commission on Human and Peoples' Rights, 27 May 2019. Available at: <http://en.african-court.org/images/Cases/Judgment/Application%20006-2012%20-%20African%20Commission%20on%20Human%20and%20Peoples'%20Rights%20v.%20the%20Republic%20of%20Kenya..pdf>
- 791 Article 31 of the African Charter on Human and Peoples' Rights
- 792 Article 33 of the African Charter on Human and Peoples' Rights
- 793 Article 33 of the African Charter on Human and Peoples' Rights
- 794 Article 33 of the African Charter on Human and Peoples' Rights
- 795 CASRA worked together on producing a documentary on the work it did at the ACHPR to get CAL its observer status. The documentary provides further information on the collective and its work.
- 796 The ACHPR Resolution 275 on *Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity* <https://web.archive.org/web/20160304031102/http://www.achpr.org/sessions/55th/resolutions/275/>
- 797 See: AWID, *After Years of Activism CAL Attains Observer Status at ACHPR*, Thomas Reuters Foundation News, 29 May 2015, <http://news.trust.org/item/20150529100939-p468k/>
- 798 See: African Union Executive Council Twenty-Seventh Ordinary Session, *Decisions*, 7-12 June 2015, EX.CL/Dec.873-897(XXVII), https://au.int/sites/default/files/decisions/31762-ex_cl_dec_873_-_898_xxvii_e.pdf
- 799 The Socio-Economic Rights and Accountability Project Advisory Opinion (SERAP) case. See paragraph 7, Decision 887, https://au.int/sites/default/files/decisions/31762-ex_cl_dec_873_-_898_xxvii_e.pdf
- 800 Available at: https://www.ohchr.org/Documents/Issues/Discrimination/Endingviolence_ACHPR_IACHR_UN_SOGI_dialogue_EN.pdf
- 801 Meaning legal standing or right and capacity to start legal processes as a valid legal actor.
- 802 CAL, *The African Court denies civil society access to justice and fails to pronounce on the independence of the African Commission on Human and Peoples' Rights*. 28 September 2017. Available at: <http://www.cal.org.za/2017/09/28/the-african-court-denies-civil-society-access-to-justice-and-fails-to-pronounce-on-the-independence-of-the-african-commission-on-human-and-peoples-rights/>
- 803 African Union, *Decision 1015*, 28-29 June 2018. Available at: https://au.int/sites/default/files/decisions/34655-ex_cl_dec_1008_-1030_xxxiii_e.pdf
- 804 African Union, *Protocol to the African Charter on Human and Peoples' Rights on the establishment of An African Court on Human and Peoples' Rights*, 1998, https://au.int/sites/default/files/treaties/36393-treaty-0019_-_protocol_to_the_african_charter_on_human_and_peoplesrights_on_the_establishment_of_an_african_court_on_human_and_peoples_rights_e.pdf
- 805 International Justice Resource Center (IJRC). *Rwanda withdraws access to African court for individuals and NGOs*, 14 March 2016, <https://ijrcenter.org/2016/03/14/rwanda-withdraws-access-to-african-court-for-individuals-and-ngos/>
- 806 The full text of Decision 1015 is available at: https://au.int/sites/default/files/decisions/34655-ex_cl_dec_1008_-1030_xxxiii_e.pdf
- 807 See paragraph 8(iv), Decision 1015. Available at: https://au.int/sites/default/files/decisions/34655-ex_cl_dec_1008_-1030_xxxiii_e.pdf
- 808 See paragraph 8(iii), Decision 1015. Available at: https://au.int/sites/default/files/decisions/34655-ex_cl_dec_1008_-1030_xxxiii_e.pdf
- 809 See paragraph 5, Decision 1015. Available at: https://au.int/sites/default/files/decisions/34655-ex_cl_dec_1008_-1030_xxxiii_e.pdf
- 810 See paragraph 9, Decision 1015. Available at: https://au.int/sites/default/files/decisions/34655-ex_cl_dec_1008_-1030_xxxiii_e.pdf
- 811 See paragraph 7(iii), Decision 1015. Available at: https://au.int/sites/default/files/decisions/34655-ex_cl_dec_1008_-1030_xxxiii_e.pdf
- 812 *The Commission: From Silence to Resistance* (2017). Available at: <https://www.youtube.com/watch?v=q97-g6PbqJY&feature=youtu.be>
- 813 *African Charter on Human and Peoples' Rights*, 1986
- 814 C. Lind, "Importing law, politics, and sexuality", in M. Van Zyl & M. Steyn (Eds), *Performing Queer Shaping Sexualities* (pp.1994 -2004), Vol. One, Cape Town: Kwela Books, 2005.
- 815 S. Ekin and H. Abbas (Eds), *Queer African Reader*. Oxford: Pambazuka Press, 2013.
- 816 Varyanne Sika and Awino Okech, *African Sexual Politics: A Pan-African Lesbian Perspective*, Sexuality Policy Watch, 2019. Available at: <https://sxpolitics.org/trendsandtensions/uploads/capitulos/1-african.pdf>
- 817 Ebenezer Durojaye, *The Special Rapporteur on the Rights of Women in Africa (SSRWA) 2007-2015*. (2015). Available at: http://repository.uwc.ac.za/xmlui/bitstream/handle/10566/4035/Durojaye_The-special_2018_.pdf?sequence=3&isAllowed=y
- 818 Reports such as the report of the *Study on the Situation of Women Human Rights Defenders*. Available here: <https://www.peacewomen.org/sites/default/files/Human%20Rights%20Defenders%20in%20Africa.pdf>, the report on the sex specific discriminatory provisions and gaps in terms of gender equality in the national legislation of member states of the Economic Community of West African States (ECOWAS) (available in the Special Rapporteur Activity Report, 2009), among other reports.
- 819 *Guidelines for State Reporting Under the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa*. Available at: http://www.maputoprotocol.up.ac.za/images/files/documents/state_reporting_guidelines/Guidelines-for-state-reporting-under-the-Protocol-en.pdf

- 820 International Justice Resource Center (IJRC) *African Human Rights Commission Launches Campaign to Decriminalize Abortion*, 2016. Available at: <https://ijrccenter.org/2016/02/02/african-human-rights-commission-launches-campaign-to-decriminalize-abortion/>
- 821 See paragraph 2, Decision EX.CL/Dec.1045(XXXIV)
- 822 The statement can be found on the website of the ACHPR Independence Campaign: <http://independenceachpr.org/sample-page/>
- 823 *ibid*
- 824 In addition to this joint independence campaign, CAL is also developing a feminist ACHPR independence campaign which is focused on women's participation in the ACHPR. CAL plans to work with other feminists and feminist organizations on this campaign when its conceptualization is complete.
- 825 The General Assembly is the supreme organ of the Organization of American States and comprises the delegations of all the member states, which have the right to be represented and to cast one vote. The mechanisms, policies, actions, and mandates of the Organization are determined by the General Assembly. OAS, *OAS General Assembly*, http://www.oas.org/en/about/general_assembly.asp
- 826 The Inter-American Human Rights System is composed of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. It is one of the most progressive regional human rights systems in the world.
- 827 OAS, *Who We Are*, http://www.oas.org/en/about/who_we_are.asp
- 828 The text of the Convention is available online here: http://www.oas.org/en/sla/dil/inter_american_treaties_a-69_discrimination_intolerance.asp
- 829 The text of the Convention is available online here: http://www.oas.org/en/sla/dil/inter_american_treaties_A-68_racism.asp
- 830 Juan Marco Vaggione, cited by Peñas Defago, María Angélica and Faúndes, José Manuel Morán *New religious/secular configurations: the self-proclaimed "pro-life" NGOs and the disputes on sexual politics in Argentina*. *Religião & Sociedade*, 35(2), 340-362. 2015. <https://dx.doi.org/10.1590/0100-85872015v35n2cap14>, available online: http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0100-85872015000200340.
- 831 Juan Marco Vaggione, *Reactive politicization and Religious Dissidence: The Political Mutation of the Religious*. *Social Theory and Practice*, Vol. 31, No. 2: 165-188. 2005. It is worth noting that the meaning here of the term "NGOization" differs from that which emerged from feminist scholarship in the 1990s to describe the boom in NGOs in which much progressive and feminist social movement activism was subsumed into established NGOs and, according to this theory, became depoliticized.
- 832 For example, in the 2017 OAS General Assembly in Cancun, Mexico, out of 300 organizations registered to participate in the civil society days, approximately 100 organizations were from the opposition.
- 833 José Manuel Morán Faúndes and Juan Marco Vaggione, *Ciencia y religión (hétero)sexualizadas: el discurso científico del activismo católico conservador sobre la sexualidad en Argentina y Chile*, *Contemporânea – Revista de Sociologia da UFSCar*, São Carlos, v.2,n.1, 2012, p.169.
- 834 In the OAS General Assembly there is a civil society space prior to the start of the member state meetings, which includes a dialogue with heads of delegation and the Secretary-General. To participate, at least 10 legally registered civil society organizations must form self-managed coalitions.
- 835 For a profile of HLI see: Naureen Shameem, *Rights at Risk: Observatory on the Universality of Rights Trends Report 2017*, AWID, p. 38. Available at: <https://oursplatform.org/wp-content/uploads/Rights-At-Risk-OURs-Trends-Report-2017.pdf>
- 836 See, for example, Hyde, Janet & Bigler, Rebecca & Joel, Daphna & Tate, Charlotte & Anders, Sari. (2018). *The Future of Sex and Gender in Psychology: Five Challenges to the Gender Binary*. *American Psychologist*. 74. 10.1037/amp0000307. The view that humans comprise only two types of beings, women and men, a framework that is sometimes referred to as the "gender binary," played a profound role in shaping the history of psychological science. In recent years, serious challenges to the gender binary have arisen from both academic research and social activism. This review describes five sets of empirical findings, spanning multiple disciplines, that fundamentally undermine the gender binary. These sources of evidence include neuroscience findings that refute sexual dimorphism of the human brain; behavioral neuroendocrinology findings that challenge the notion of genetically fixed, nonoverlapping, sexually dimorphic hormonal systems; psychological findings that highlight the similarities between men and women; psychological research on transgender and nonbinary individuals' identities and experiences; and developmental research suggesting that the tendency to view gender/sex as a meaningful, binary category is culturally determined and malleable. Costs associated with reliance on the gender binary and recommendations for future research, as well as clinical practice, are outlined.
- 837 The presentations are available here: <http://www.oas.org/en/48ga/>
- 838 Anti-rights groups have distorted the concept of gender equality by insisting that gender is an "ideology" and placing it in the same category as religious dogma. This false equivalency has dangerous consequences for the education system. At the 2019 GA, Pastor Gilberto Rocha said that education should be based on scientific evidence and kept free of "subjective ideologies." Ergo, he argued, an education system cannot be designed to strengthen an ideological position such as "gender ideology," as this would go against the separation of church and state. As the section in Chapter 3 elaborates, this is a strategic narrative anti-rights actors use to try to present the defense of rights relating to gender and sexuality as somehow threatening or extreme, in order to defend the "naturalness" of a patriarchal order of power. Rocha added that a secular state must "guarantee the neutrality of the state in matters of conscience, avoid favoring any ideological or religious position, while not infringing upon any one in particular, which would violate individual freedom."
- 839 Video of his remarks are available online here: <http://congresoiberoamericanoportalvidaylafamilia.org/48-asamblea-oea/>

- 840 Remarks available online here:
<http://www.oas.org/es/49ag/docs/presentaciones-coaliciones/Insumos-de-Coalicion-49-Asamblea-General-OEA.pdf>
- 841 Idem.
- 842 The Inter-American Human Rights System, composed of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, is one of the most progressive regional human rights systems in the world.
- 843 The key discourses are described in greater detail below.
- 844 The American Convention on Human Rights and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women “Convention of Belem do Para,” among others.
- 845 The video of his remarks is available online here: <https://www.facebook.com/watch/?v=319321089020189>
- 846 Guevara claimed: “another example of corruption is the bias and lack of seriousness of some commissioners and judges in the Inter-American human rights system.” He mentioned Esmeralda Arosemena de Troitiño, the Panamanian Commissioner to the Inter-American Commission on Human Rights (IACHR)—and candidate for reelection—noting that she once said the greatest threat to human rights is the presence of conservative and anti-rights groups.
- 847 Gillian Kane, *How can we tolerate anti-LGBTQ rhetoric at a major human rights forum?*, The Guardian, June 2016, <https://www.theguardian.com/global-development/2016/jun/15/anti-lgbtq-rhetoric-organisation-american-states-human-rights-orlando-shooting>
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- 922 Specifically, that the instruments cited in cases like *Atala Riffo and Daughters vs. Chile*, reflect a lack of regional consensus on the protection against discrimination on the basis of SOGI.
- 923 In a strict sense, the term “reservation,” according to the Vienna Convention on the Law of Treaties, is an “unilateral statement, however phrased or named, made by a state, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that state.” Reservations are acceptable as long as they are not incompatible with the object and purpose of the treaty.
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