

"Sexual and reproductive rights are human rights"

Workshop held on 2 August 2008 in Kinshasa, DR Congo

## REPORT

### I. INTRODUCTION

On 2 August 2008, Si Youth Knew, an association of young feminists Congolese gathered in Kinshasa, representatives of major women's organizations, defense of human rights, health programs, media professionals and youth exchange, discuss and see how to engage the promotion, protection and defense of sexual and reproductive rights of LGBTI people of the Democratic Republic of Congo.

The seminar-workshop scheduled to start on 17 May 2008 to commemorate the world day against homophobia, has been postponed twice due to lack of funding.

It is therefore with pleasure If Youth Knew welcomed the positive response of the "collaborative effort of ACTON URGENT FUND-Africa has fully funded the project.

The seminar-workshop was also financial participation of the African Bureau of International lesbians and gay human rights commission (ILGHRC) which took over the hosting of a participant from the province of Maniema to 1800 km from Kinshasa.

The office of the United Nations for Human Rights (BNUDH) had also agreed to issue three promissory notes free of aircraft that 3 sexual rights activists, representing the association Swallow Group (RI) working in partnership with Youth If Knew powerful rally Bukavu in South Kivu in Kinshasa

Unfortunately circumstances beyond the goodwill of the Office of the United Nations for Human Rights (BNUDH) have enabled its participants to move to the capital.

### III. PROFILE OF STATISTICS AND PARTICIPANTS

With 51 participants of the 70 expected and 8 organizations of the 19 guests, the seminar was a great success.

Among them, we had representatives from each sector that we wanted to engage in this debate, namely the organization of women's organizations defending human rights, healthcare organizations, organizations of media professionals;

Only the National Program against AIDS and the multi-national fight against AIDS (NAP and NMPFA) Only health programs has invited responded to our invitation, which was not feasible to have a point State perspective on the inclusion of LGBTI issues in their daily work.

All organizations invited and present at the seminar-workshop are all located on the entire

national territory and have experience of more than 5 years, which suggest that new knowledge they have learned will be passed to their base in provinces .

Table 1: Sector of activities of Participants

Business sector organizations	Number of	Number of Participants
Human Rights	3	11
Health	1	7
Women and Gender	1	4
International organizations	1	2
Media	2	6
Sjs	1	21
Total	10	51

Table 2:

All participants invited organizations of human rights and media were better represented. They did not hesitate to give three presentations and were strongly represented from start to finish this work.

Apart from an organization that has sent us a letter informing us that it could not be represented at the seminar whose content is included below, others have not motivated their absence.

"I thank you for your invitation and your interest in our organization. However, it will not be possible to participate in this event. We wish you great success, however, we are understaffed and overworked, and issues in the workshop are not directly in our activities so I am not able to mobilize someone to represent ASF. Extract two e-mails exchanged. In addition, the group of women's organizations, with which we have had various contacts shone by their absence. And as announced earlier, the national program against AIDS (NACP) has not responded to our invitation.

#### IV. OBJECTIVES

The workshop had 3 main objectives have been achieved:

- inform the various actors on the human rights situation of LGBTI the DR Congo, their needs and the violations against them,
- Initiate a dialogue for the inclusion of sexual and reproductive rights of LGBTI in DR Congo
- Create a multi-stakeholder partnership with women's organizations, media, defense of human rights and health programs.

## V. PROGRAM

Activities 1. Introduction to the objectives of the workshop and definition of terms

Description:

After word of welcome to the moderator, the first activity was to browse a glossary of terms developed by Youth Knew If and to give a quick explanation, emphasizing the appropriate term and concepts derived from each word to not to use offensive or incomprehensible.

Purpose:

The first presentation was to introduce concepts related to certain words that are used throughout the workshop. It was a milestone since it was the first time for participants to discuss the matter. The opportunity also to remove some confusion as the various terms and concepts could create in the minds of participants.

Method:

reading and explanation of glossary terms

- Sexual Orientation
- Gender Identity
- LGBTI
- Transgender, transsexual, transvestite,
- Intersex
- MSM
- SW
- MTF
- FTM

Session 2: Thursday questions and answers

Presenter:

Francoise Mukuku

Lexicon

1. Gay: A person with emotional and sexual attraction to the person of the same sex that
2. LGBTI: lesbian, gay, bisexual, transgender and intersex
3. Lesbian: woman with a penchant for emotional and sexual women
4. Gay: a man with a penchant for emotional and sexual men
5. Bisexual: individual man or woman in the attraction and emotional and sexual penchant for people male or female
6. Transgendered is a generic term which identifies a set of expression or gender identity among which we can cited: the transvestites, transsexuals, cross-dresser, the drag queen, the androgynous aware ...
7. Transsexual is a medical term which gender and sex is not the same. Sometimes while transsexuals seek medical solutions to bring sex to express their gender. This operation is called reassignment.
8. MTF: male to female, from men to women: it is people who are born male but their gender identity is female;
9. Transwoman MTF =

10. FTM: female to male: al'homme of women: these are people who are born to women while their gender identity is male
11. Travesti: Transgendered person who disguises for the physical appearance of gender identity;
12. Cross-dresser / dresses occasionally to find its identity, usually close these do not and can be Heterosexual
13. Drag queen: a person who uses a disguise excessive and extravagant to express its kind and is usually for show
14. Androgynous: a person who plays on his physical resemblance to express their gender identity
15. MSM: men who have sex with men. This is a new term to include especially in health issues; men who do not consider themselves gay but have sex with people of their gender, such as married men, ...
16. SW: Women who have sex with women, such as married women or professional sex

#### Questions and interests

Most participants were dwell on issues of transgender and intersex, is the expression least known and most incomprehensible.

The question of whether the presenter had already meeting of intersex, if for those who had not made the duality of both sexes does not serve the welfare of mental and physical person in question was whether the Transgender not a matter of evil being who cares could be like any other behavioral disorder.

The placement of religion and culture in determining sexual identity and the influence of the West led the presenter spoke of a few known cases of homosexuality in Africa, based on research published in Tommys boys book published by the coalition of African lesbians.

#### Activities 2: Human Rights and Privacy

##### Description:

Exhibits 15 minutes on the obligation of the State and for all to respect the privacy of citizens ..

##### Purpose:

Given that sexuality and sexual relations between consenting adults is a matter of privacy that the State, through the constitution and various laws, pledged to respect, it was of explain this concept, which must be guaranteed to all citizens without distinction.

But most human rights violations faced by LGBTI are an intrusion into their privacy.

##### Methodology:

Exhibits with references to laws of different countries that protect all citizens irrespective of the invasion of privacy.

##### Presenter:

Marie-Andre Muil, black Toges

#### Activities 3: sexual and reproductive rights in health

Description:

Exhibits 15-minute work If youth knew in the promotion of law to women's health LGBTI the Congo. This was also a refund of the Regional Training Workshop on the rights of people living with HIV / AIDS for members of the Africa AIDS Network held from 22 to 25 April 2008 in Brazzaville, Republic of Congo. It was also an opportunity to explain some homosexual practices which do not in general awareness for heterosexual but who have the means to prevent known and used throughout the world.

Purpose:

Make these organizations aware that HIV / AIDS and STIs remain the major health problem in the community and the various awareness programs on HIV / AIDS does not LGBTI.

Methodology:

Exhibits followed by questions and answers.

Presenter:

Ms. Monique Ntumba Tshiala

Advocating the inclusion of women in alternative sexualities in national policies against HIV / AIDS.

By Monique Ntumba Tshala, Deputy National Coordinator of Youth If Knew (SJS)

Introduction

If youth knew is an association of young feminists founded in 2001.

Our organization promotes sexual and reproductive rights of young women. From a feminist vision, we strive to build analysis and a common understanding of violence against women, discrimination which is the subject of economic dependence and its relationship with HIV / AIDS. Especially for women to alternative sexuality.

Apart from promoting sexual and reproductive rights, we are interested in entrepreneurship and information technology and communication.

The question LGBTI

Some years ago today that studies looked at people with alternative sexualities that we commonly call LGBTI (lesbians bisexual and transgender intersex).

In ignorance of what was their specificity, some cultures were treated as the intermediary of the gods, others by them against abuse, sometimes treating them as sexual deviants, sometimes as mentally ill when they were not as wizards and other phenomena which we have secrecy in Africa.

But now that research is advanced studies of the most prominent researchers have shown that sexual behavior that is quite natural.

The LGBTI are people at the sex, who have the emotional attraction for the same sex (lesbians),

sometimes for both sexes (bisexual) when it comes to sexual orientation and feel trapped in a body that do not represent their sex when it comes to sexual identity as it can be expressed by transsexualism.

As a natural phenomenon, studies have proven that existed in Africa before colonization unlike his critics who say it is a phenomenon come to Europe. (See boys tommy book published by the coalition of African lesbian)

Today more and more women are becoming LGBTI as such and require that their concern is reflected in the programs against AIDS into national policies and strategies taken by the players in the fight against the pandemic.

If Youth Knew as a feminist association subscribes to the African Charter feminists, and association making a plea for the rights.

### Problems

Women LGBTI of DR Congo and Africa know to this day the same problems. They do not have access to all mechanisms put in place to raise awareness against HIV / AIDS voluntary testing and everything else.

Doctors and personal associations are not trained or informed about the issue LGBTI. We came to meet an official of a major NGOs active in the field of the fight against HIV / AIDS and who said they had no lesbian in DR Congo.

In short, someone who denies the existence of LGBTI people in his country would never speak in its outreach program, it will not take any provisions for these women who come to consult LGBTI not be victims of discrimination share of heterosexuals, they have counseling specific to their sexual orientation.

To this is added the lack of means of prevention taking into account their sexual orientation. No NGO has so far only distributes dental dams for lesbians, learns the use of condoms to that uses penetrating objects, ...

That is why we are here to share those things with you and ask for the consideration of this slice of the population more vulnerable than in national policies to fight against AIDS in all countries present.

### Proposed solutions

Just as it raises awareness about ABCD method (abstinence, fidelity sound, condoms and voluntary testing ...) citing the people of both sexes having relations at risk, it will now add that even those with relations with the same sex are involved and they also can protect themselves. By existing means.

IF YOUTH KNEW has already started with about 20 of these members LGBTI and will gladly share its experience with your associations.

Our goal is to make a plea for gender LGBTI (lesbians, bisexual, transsexual, ...) in the national policy against AIDS, awareness on the prevention and the rights of people living with HIV,

management of a social services center for LGBTI with the possibility to obtain free information on HIV / AIDS and STDs.

#### Activities 4: The principles of Yogyakarta

##### Description:

Playing the 10-minute presentation prepared by Kaniki Group Hironnelle Bukavu who could not move until Kinshasa for the workshop.

##### Purpose:

Start the discussion and engage organizations Human Rights to integrate human rights violations based on sexual orientation and gender identity in their work of monitoring.

##### Methodology:

Exhibits 10 minutes followed by questions and answers

Presenter: Me Mindomba Romain, African Association for the Defense of Human Right. (ASADHO)

#### Activities 5: monitoring human rights violations: how to integrate specific rights

##### Description:

10-minute presentation given by an activist of human rights

##### Purpose:

Start the discussion and engage organizations Human Rights to integrate human rights violations based on sexual orientation and gender identity in their work of monitoring.

##### Methodology:

Exhibits followed by 10 minutes of questions and answers

Presenter: Me Mindomba Romain, African Association for the Defense of Human Right. (ASADHO)

### MONITORING OF THE VIOLATIONS OF HUMAN RIGHTS: HOW TO INTEGRATE THE SPECIFIC RIGHTS?

#### Outline

- I. Introduction
  - II. Notions monitoring
  - III. Monitoring human rights
  - IV. The integration of specific duties in monitoring
- Conclusion

#### I. Introduction

The work of a human rights defender is to contribute to the promotion and protection of human rights. Thus, it is committed to advancing human rights through non-violent means

(open letter, petition, report ...).

Its actions are legitimized by the Declaration of the UN General Assembly which states that everyone has the right individually or in combination with others to promote the protection and realization of fundamental rights and freedoms at the national level and internationally.

So, the defender of human rights must act, alone or collectively to protect the victims of abuses and violations often committed by the officers and agents of the State or those who are vested with state power. His work should aim at obtaining reparations for victims and influence change the attitude of the authorities.

But with the multiplicity of human rights violations such as arbitrary arrests and illegal detentions, torture and cruel, inhuman and degrading treatment, rape, sexual assault, murder, ... how is that the human rights defender can happen to collect all information related to and act in the direction of the stop, investigate and prosecute the perpetrators to justice? Also, is it conceivable that the actions of human rights could extend to specific rights including those related to sex?

Our sets will attempt to answer these questions.

## II. Notions monitoring

The term monitoring is of English which means simply collect, monitor, investigate, document, search.

## III. Monitoring human rights

The work of monitoring human rights violations experienced major steps below:

- Establishing contacts: it consists of the identification and establishment of a network of contacts can help to communicate or report incidents and provide information related to human rights violations.
- The monitoring and observation: it consists of observation and long-term analysis of the human rights situation given.
- Establishing the facts: the investigation and verification of information about specific incidents or allegations of human rights violations recorded.
- The documentation of the facts: the systematic recording, analysis and storage of evidence.
- Action: the identification of best strategies and enforcement actions to remedy the situation.

It should be noted here that in all his actions, the defender of human rights is bound to respect the rules of objectivity, neutrality, impartiality, fairness, dialogue and competence. It must also respect the common good and truth.

It is recommended that the human rights defender to take into account in its monitoring, the rights of women and achieve a specific job for her protection.

\* Main issues in monitoring

Who, What, When, Where, What?

After conducting a search, an investigation into a case of violation of human rights, human

rights defender may take the following actions: press release headlines, report periodic report circumstantial, urgent appeal petition, contacts with authorities , Seminars, television programs ...

The monitoring usually focuses on human rights which are defined in three generations below:

- The rights of the 1st generation civil and political rights where we find:

- \* The right to free movement;
- \* The right to life;
- \* Freedom of thought and opinion;
- \* The right to participate in a government
- \* The right to form a political party;
- \* The right to vote
- \* The right to be elected ...

- The rights of the 2nd generation commonly called socio-economic and cultural we find:

- \* The right to work;
- \* The right to decent wages, social security;
- \* The right to establish unions
- \* The right to education
- \* The right to practice his religion
- \* The right to participate in the cultural life of the community

- The rights of the 3rd generation include:

- \* The right to solidarity
- \* The right to peace
- \* The right to development
- \* The right to a healthy environment.

This classification is not important because its related entr'eux rights and the performance of each depends on others.

#### IV. The integration of specific duties in monitoring

Article 1 of the Universal Declaration of Human Rights states that "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood "

Article 2 of the same statement adds that "everyone is entitled to all rights and freedoms set forth in this Declaration without distinction of any kind such as race, color, sex, religion, opinion political or other opinion, national or social origin, property, birth or other status .... "

In view of the above provisions, it follows that can not be discriminated against in the application and protection of human rights. Every has the right to see its general and specific rights protected and respected without limits, except those established by the laws fair.

Human rights defenders should ensure that all rights pertaining to sex are protected and respected by the government and that those who prevail are not harassed as long as it does not

affect the Public order or morality.

## Conclusion

Monitoring violations of human rights should cover both the general and specific rights related to sex. Governments have a responsibility to ensure their enjoyment and respect by all legal means.

Therefore, all NGOs defense of human rights must incorporate in their specific rights monitoring in order to ascertain the extent of their application for the Congolese State.

After the presentations, Lili Malonda and Françoise Mukuku have read and summarized the presentation by Me Kaniki on the principles of Yogyakarta

## Workshop Group

Split into three groups, participants reflected on their involvement

Group 1: Inputs from different NGOs for the promotion, protection and defense of sexual rights in accordance with the principles of Yogyakarta:

- 1 - Chairman; Sylvain Kayumba (Journalist in Danger, JED)
- 2 - Reporter; Gabrielle Muke (African Association for Human Rights, ASADHO)

1 - black robes:

- Legal assistance and training on the human rights of LGBTI
2. UCOFEM: awareness by the media on the rights of LGBTI
  3. JED initiating training journalists to LGBTI issues for better information for journalists
  4. OSD: - medical care for LGBTI in cases of rape or torture
- Legal Aid
  - Screening volontaire and holistic treatment of LGBTI perosnnes living with HIV
5. ASADHO:-judiciare assistance of LGBTI

## Group Members

1. Beatrice Tshilumba SJS
2. Me Willy bakwikila, black robes
3. Geneviève kumba UCOFEM
4. irene koyemba (JED)
5. Philomene Lungoma OSD
6. Micheline musulu CAFES
7. Brenda Luangudi SJS
8. Jean-Jacques Mpoyi OSD

Group 2: Inputs from different NGOs for the promotion, protection and defense of sexual rights in accordance with the principles of Yogyakarta:

Rapporteur: Francine Umbalo

- 1 - OSD; care for victims of torture, political violence and sex on medical and psychosocial
- 2 - medical care for PLWHA
- 3 - voluntary
- 4 - training of health workers vis-a vis the sexual and reproductive rights

UCOFEM:

- Advancement of Women LGBTI media professional in his work
- Educate the press for the elimination of discrimination related to sexual orientation

3. ASADHO:

- To monitor all cases of violence related to human rights al'orientation sexual or gender al'identité
- Legal aid all victims of LGBTI

At a managerial level women, children and vulnerable people:

- To inform, educate and popularize the principles of Yogyakarta to be known to all
- Management capacity building: training

4. SJS:

- Awareness responsible sexuality
- Psychotherapy
- Multisectoral advocacy for al addressing the rights of LGBTI

Group 3: Inputs from different NGOs for the promotion, protection and defense of sexual rights in accordance with the principles of Yogyakarta:

Rapporteur: Me Kasami

1. OSD:

- Support for PVP and STIs
- Sensitization of communities and LGBTI human rights
- Integration into the community by providing a solution psychosocial

Awareness of LGBTI to voluntary testing

2. UCOFAM:

- Fight against all forms of marginalization and discrimination of LGBTI through the media
- Avoid emissions affecting their status in our productions broadcast  
And newspapers

3. ASADHO:

- Fight against torture vis-vis LGBTI
- Identification of the victims of torture for them to the authorities or structures

Document and report cases of violations of human rights of LGBTI

Strengthen workshops and conferences on the rights of LGBTI

Members:

- Michel shakodi / OSD
- Tommy kasai
- Me Josephine Mfulu / ASADHO
- Antoinette VUNDER / UCOFEm

- Evelyne Hague / UCOFEm
- Teresa Beny / gown snoires
- Petrous Lady SJS
- Patricia Mwanza sjs
- Riguet sjs
- Stephanie Mwamba sjs
- Nathy kabis sjs
- Monique Ntumba tshiala

## CONCLUSION

At the end of the work in groups, each rapporteur described the commitments groups. Two major resolutions were issued at the end of work:

- Organizations have pledged to now take into account the concerns of LGBTI in their daily work
- To create projects for the protection and promotion and appropriate care LGBTI the Democratic Republic of Congo
- And create a joint project with Global Youth Knew SI for the extension of the rights of LGBTI.

\* An excerpt of the documentary and feature photos will be made available on the site [www.sjs.org](http://www.sjs.org) which is currently under construction.