

# ‘LGBTI Rights and NGOs in International Relations: How NGOs use the International System to Affect Domestic Policy-Making in Majority Catholic Countries’

Helen Karen West, 12005518  
London Metropolitan University  
School of Social Sciences

Supervisor: Professor Jeffrey Haynes

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## Abstract

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This research is intended to expand the knowledge on Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) rights at the international level, how LGBTI non-governmental organisations (NGOs) use international channels to advance the cause domestically, with a focus on countries that have a strong presence and influence of the Catholic Church. Academia has investigated the formulation of so-called new rights (Bob, 2009), their rise to international recognition, and the role played by international NGOs in allowing these rights into the international agenda. There has also been research into the transnational networks of the opposing side (Bob, 2013) and how the human rights framework is adopted (Bob, 2019). In this thesis, I would like to identify how specialised LGBTI INGOs facilitate access to international channels to local NGOs. I will argue that by accessing transnational networks and utilising international NGOs to access United Nations' (UN) channels, local NGOs have a better chance of influencing domestic policy change in majority Catholic countries. I will utilise the spiral model of human rights change developed by Risse et al. (1999; 2013) to identify stages of recognition and implementation of LGBTI rights domestically. I will argue that it is necessary to consider an additional actor to predict outcomes more efficiently: The opposition, in this case, the Catholic Church and affiliated organisations, and its transnational network. I will also argue that how LGBTI NGOs and the opposition use their transnational networks to their advantage is also a crucial variable that influences outcomes. Oppositions' and LGBTI transnational networks invest in supporting domestic efforts as every country matters in the global balance.

With this study, I seek to provide helpful insight into influencing domestic policies in countries with a strong opposition to allow LGBTI organisations a better chance to succeed in their work and further the academic dialogue.

## Abbreviations

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ACI Prensa – Agencia Católica de Informaciones  
AHEAD – Against Homophobia. European local Administration Devices  
AIDS – Acquired Immunodeficiency Syndrome  
ALMA – Australian Lesbian Medical Association  
APRA – Alianza Popular Revolucionaria Americana  
APTN – Asian Pacific Transgender Network  
ASEAN – Association of Southeast Asian Nations  
CEDAW – Committee on the Elimination of Discrimination Against Women  
CEI – Conferenza Episcopale Italiana  
CESCR – Committee on Economic, Social and Cultural Rights  
C-FAM – Centre for Family and Human Rights  
CGC – Cork Gay Collective  
CL – Comunione e Liberazione  
COAL – Coalition of Activist Lesbians  
COC Nederland – Cultuur en Ontspanningscentrum Nederland  
COE – Council of Europe  
CSO – Civil Society Organisation  
DDL – Disegno di Legge  
DEMUS – Estudio para la Defensa de los Derechos de la Mujer  
ECHR – European Court of Human Rights  
ECOSOC – Economic and Social Council  
EEC – European Economic Community  
EU – European Union  
FELGT – Federación Estatal de Lesbianas, Gays, Transexuales y Bisexuales  
FI – Franciscans International  
FUORI – Fronte Unitario Omosessuale Rivoluzionario Italiano  
General Assembly – GA  
GLEN – Gay and Lesbian Equality Network  
HIV – Human Immunodeficiency Virus  
HOSI-WIEN – Homosexuelle Initiative Wien  
HRC – Human Rights Committee

ICAAD – International Center for Advocates Against Discrimination  
ICC – International Criminal Court  
ICCL – Irish Council for Civil Liberties  
ICCPR – International Covenant on Civil and Political Rights  
ICESCR- International Covenant on Economic Social and Cultural Rights  
ICJ – International Court of Justice  
IDAHOT – International Day Against Homophobia, Transphobia and Biphobia  
IFAD – International Fund for Agricultural Development  
IGLHRC – International Gay and Lesbian Human Rights Commission  
IGO – Intergovernmental Organisation  
IGRM – Irish Gay Rights Movement  
ILGA – International Lesbian, Gay, Bisexual, Trans and Intersex Association  
ILGA-ANZAPI – International Lesbian, Gay, Bisexual, Trans and Intersex Association  
Australia, New Zealand, Aotearoa and Pacific Islands  
ILGA-LAC – International Lesbian, Gay, Bisexual, Trans and Intersex Association Latin  
America and the Caribbean  
IMF – International Monetary Fund  
INGO – International Non-Governmental Organisation  
IO – International Organisation  
IOF – International Organization for the Family  
IR – International Relations  
LAPOP – Latin American Public Opinion Project  
LGBTI- Lesbian, Gay, Bisexual, Transgender and Intersex  
LGBTIQ – Lesbian Gay Bisexual Trans Intersex and Queer  
LIFS – Lesbiana Indipendentes Feministas Socialistas  
LIL – Liberation for Irish Lesbians  
LSVD – Lesbian and Gay Federation in Germany  
MHOL – Movimiento Homosexual de Lima  
MIT – Movimento d’Identita’ Transessuale  
MNC – Multinational Corporation  
NGF – National Gay Federation  
NGO- Non-Governmental Organisation  
NHRI – National Human Rights Institution

NORAD – Norwegian Agency for Development Cooperation  
NOVIB – Nederlandse Organisatie Voor Internationale Ontwikkelingssamenwerking  
OAS – Organisation of American States  
OHCHR – Office of the High Commissioner for Human Rights  
OIC – Organisation of Islamic Cooperation  
OII Europe – Organisation Intersex International Europe  
OSF – Open Society Foundation  
PACS – Pacte Civil de Solidarité  
PPK - Fuente Amplio, Peruanos Por el Kambio  
PROMSEX – Centro de Promocion y Defensa de Derechos Sexuales y Reproductivos  
SAARC – South Asian Association for Regional Cooperation  
SC – Security Council  
Secretary-General – SG  
SOGI – Sexual Orientation and Gender Identity  
SOGIESC – Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics  
TAN – Transnational Advocacy Networks  
TENI – Trans Equality Network of Ireland  
TGEU – Transgender Europe  
TLGB – Transgender Lesbian Gay and Bisexual  
UNAIDS – United Nations AIDS  
UNAR – Ufficio Nazionale Anti-discriminazioni Razziali Italiano  
UNDP – United Nations Development Programme  
UNEP – United Nations Environment Program  
UNESCAP – United Nations Economic and Social Commission for Asia and the Pacific  
UNESCO – United Nations Education Science and Culture Organisation  
UNFPA – United Nations Population Fund  
UNHCR – United Nations High Commissioner for Refugees  
UNICEF - United Nations International Children's Emergency Fund  
United Nations – UN  
Universal Declaration of Human Rights – UDHR  
UPR – Universal Period Review  
US – United States [of America]  
USA – United States of America

WDL – International Wages Due Lesbians

WHO – World Health Organisation

WTO – World Trade Organisation

WWII – World War II



# 1. Introduction: LGBTI Rights and NGOs in the International System

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## 1. Introduction

In this thesis, I want to verify if the interaction with transnational networks and international organisations, such as the United Nations (UN), by domestic non-governmental organisations (NGOs) that advocate for the rights of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) people has a positive effect domestically in countries with strong opposition, specifically countries that have a strong influence of the Catholic Church. To do so, I will be utilising a constructivist approach to interpreting International Relations (IR).

The importance of human rights and international organisations in IR increased with the development of a constructivist approach to the interpretation of IR. Human rights are defined as rights that every person is entitled to for the simple fact of being human and that public authorities should not contravene (Forsythe, 2012: 3). Constructivists utilise social sciences to study international actors' identity and interest formation. They establish that ideas count in this process (Jepperson et al., 1996) and find a way of allowing changes in the international environment caused by the interaction of the actors, which modify their identities and interests as a result of this interaction (Wendt, 1992; 1994; 1999). Socialisation occurs when states are introduced to norms and principles by interacting with international actors, followed then by internalisation (Finnemore, 1993). This process is elaborated in the transnational legal process model, which has four distinctive features: 1) it is a non-traditional approach to international law because it breaks the traditional dichotomy between domestic and international, and private and public; 2) it is non-statist since the actors are not mainly the states but international and national non-state actors; 3) it is dynamic, the interaction of the actors modifies norms, identities, and interests; 4) and, finally, it is normative, because the interaction produces and modifies norms which are elaborated, interpreted, internalised and institutionalised (Koh, 1996: 186).

The process of institutionalisation is supported by the spiral model of human rights change elaborated by Risse et al. (1999). The transnational legal process model divides the socialisation process into three types: interaction, interpretation, institutionalisation and habitualisation of international norms (Risse et al., 1999: 11; Neumayer, 2005). From a social constructivist standing point, Risse et al. (1999; 2013) have proposed a study of socialisation of human rights in the state that follows a spiral model with five phases which describe the evolution of the

interaction of main actors: international non-governmental organisations and transnational networks, international organisation and Western states, the violating state and domestic society (Risse et al., 1999: 17-18). The five phases consist of: 1) Repression and activation of the network; 2) Denial; 3) Tactical concessions; 4) Prescriptive status; 5) Rule consistent behaviour. Progress within the spiral model is brought forward through socialisation processes that move from instrumental rationality, argumentative rationality, and, finally, discursive practices, including persuasion, naming and shaming, and dialogue (Risse et al., 1999).

The theory of transnational human rights advocacy networks supports the assumption that INGO's, together with domestic organisations, have the power to improve human rights if the network is strong (Sikkink, 1998; Neumayer, 2005). The international focus on human rights has emancipated the fights activists had previously only fought nationally. The more the international community supports a right and highlights its violation, the more states will internalise it as a norm (Neumayer, 2005). Transnationalism identifies international organisations, such as the UN and INGOs, as international actors. It theorises that NGOs acquire influence in global policy formation through participation and inclusion in the UN and official channels. Risse et al. (1999) identify different variables that lead to the success of NGOs in influencing international and consequently domestic policy formation: The state political structure can create an opportunity structure in which NGOs have a chance to be successful in advocating for the issue they seek to promote, although when advocating for issues that are defined as strictly prerogative of the state this is more difficult, and finally the reaction of the international community (Risse et al., 1999). This approach also justifies the development of international human rights, establishing NGOs as catalysers of the process.

The expansion of the list of human rights that have been gradually introduced to the international system and the evolution of the different actors and transnational networks that interact internationally is further analysed in the work of Cliff Bob. The author highlights the presence in the global system of so-called conservative groups that oppose the advocacy of progressive NGOs, which tend to refer to the international system to draw attention to domestic issues and demand change. On many different issues, such as women rights and environmental issues, NGOs and other transnational organisations line up on different sides and confront each other with opposite claims. LGBTI rights are representative of this dichotomy as we currently see both progressive and conservative groups utilising UN channels to further their claim. Coalitions form that we would not expect to see, such as the “‘Baptist-burqa’ coalition [which] spans Catholic, Protestant, Orthodox and Muslim NGOs and states” (Bob, 2013: 75).

Conservative groups utilise the same tools that progressives use, such as competing for funding from states, trusts and foundations, major donors (Bob, 2013: 78), and social media and other media channels to spread their narrative. They use the same strategies, attacking their foes and lobbying for their agenda (Bob, 2013: 78). These groups are primarily faith-based and argue that LGBTI rights challenge traditional values. They have been increasingly adopting a human rights framework to frame their claims (Bob, 2019).

The definition of groups as conservative or progressive tends to be problematic because actors defined as conservative might also support progressive issues, and actors that identify on some issues as progressive might not be with regards to other issues (Bob, 2013: 72-75). Many transnational networks and INGOs now advocate against 'new' or 'progressive' rights at the international level. Many consider this to be a success of the international democratic process. Conservative transnational networks often form and mobilise in response to progressive transnational networks' advocacy (Bob, 2013: 79).

With regards to LGBTI rights, the definition seems to be fitting. Conservative advocates are identified, generally speaking, with religious groups and organisations that support so-called traditional values or traditional family values. Within states, these rights are promoted by churches and organisations that refer to themselves as pro-family and pro-life. In states such as Russia and Poland, the state itself can be the strongest advocate (Kuhar; Paternotte, 2017: 297), in this example supported by the Orthodox and Catholic Churches. In the case of majority Catholic countries, the opposition is the Catholic Church and affiliated organisations, supported by politicians and parties that identify with the right. Internationally, the opposition to LGBTI rights comprises states and organisations that promote traditional family values, which have created strong transnational networks. Recently, the study of these transnational networks and their influence has become more dominant. Researchers have identified how the opposition mobilises internationally, creating transnational networks that connect to domestic groups, and how it has efficiently blocked or delayed progress for LGBTI rights in all regions of the world, most recently Africa and Asia. The opposition started occupying international spaces and mobilising transnational networks after the progress LGBTI rights achieved worldwide. Transnational networks on both sides invest in supporting domestic efforts as each country counts in the global balance. Once most countries recognise a norm, this is consolidated as such. Once how these networks operate and their impact are understood, how do the progressive ones react to them, and can they still efficiently affect domestic policies? How should LGBTI NGOs engage with the international system to efficiently impact domestic progress?

Utilising a constructivist approach to the study of human rights and transnational networks, I will review the evolution of LGBTI rights, NGOs and their networks, the progress achieved internationally and identify if and how this impacts domestic policies, with a specific focus on countries with a strong presence and influence of the Catholic Church. In these countries, the opposition to recognising LGBTI rights is powerful and carried out by an institution with profound institutional influence. Thus, the success of LGBTI NGOs also depends on the confrontation with the opposition. I will argue that this actor should be included in the spiral model of human rights change. Additionally, one of the factors that should be considered to predict outcomes is the use that domestic NGOs and the opposition make of their transnational networks. The aim of the activities that LGBTI NGOs pursue internationally is to change domestic policy so that the rights of LGBTI people are recognised and guaranteed everywhere. Both transnational networks invest in impacting policymaking in every individual country as the global balance will determine if a norm is consolidated as such.

In this study, I want to highlight the best way LGBTI NGOs should engage with the international system to affect domestic policies in countries with a strong presence of the Catholic Church.

## **2. Aims and Objectives**

This study will expand on the knowledge on transnational advocacy networks and the efficiency of advocating internationally to influence domestic policies, highlighting how international LGBTI NGOs impact the international system forwarding the international recognition of LGBTI NGOs and how domestic NGOs successfully utilise transnational networks and specialised LGBTI INGOs to access UN channels and impact domestic policymaking with a specific focus on countries with a strong presence of the Catholic Church. Given the strong opposition faced domestically and internationally, by accessing the international system, mainly with the support of INGOs, domestic NGOs amplify their impact on domestic policy formation. However, the opposition is strong, organised and accesses well-structured transnational networks, so success depends on the confrontation with the opposition.

The aims and objectives of this study are:

1. To identify how LGBTI INGOs utilise international channels and the tactics used;

2. To determine how domestic LGBTI NGOs engage with and use INGOs to access the international system;
3. To identify the role and impact of the opposition and its transnational network internationally and domestically;
4. To establish if accessing LGBTI INGOs and the international system affects domestic policy formation and the most efficient way for domestic LGBTI NGOs to engage with the international system to advance their cause domestically in countries with a strong opposition.

I will highlight the recognition and protection that LGBTI rights have as international norms by reviewing UN charters on human and civil rights and how these rights are recognised by the international community as norms and gradually internalised by states. Through the study of LGBTI organisations, their methodologies and strategies implemented in promoting LGBTI rights internationally, I seek to establish if local NGOs should utilise transnational networks to access international organisations efficiently and to maximise their impact domestically. National NGOs organise at the domestic, transnational, and international levels building a network of dialogue, exchange of information, and mutual campaigning that underlines the internationality of LGBTI rights. Local NGOs access global networks and collaborate with INGOs with access to international channels to influence domestic policies.

This is supported by the spiral model of human rights change elaborated by Risse et al. (1999; 2013). The international recognition, the pressure from INGOs, and the pressure from active civil society brings states to introduce LGBTI rights. We will find the ‘boomerang effect’, that phenomenon of pressure both from below and above occurring when domestic organisations link directly to international ones to double the pressure (Risse et al., 1999: 18). The socialisation process of international norms usually occurs among peer groups or social groups (Risse et al., 1999: 11). This was the case in the United States, where after the first opening to LGBTI rights by one state, others followed, and the same happened in Europe and South America, while it is just at the beginning in Africa and Asia. However, some countries have substantial delays. Cliff Bob (2013) highlighted the presence in the international system of conservative INGOs that oppose progressive INGOs, which use the international system to draw attention to domestic issues. According to Bob, the success of LGBTI NGOs will also depend on the result of this confrontation. This confrontation also occurs domestically, so LGBTI NGOs face international and domestic opposition. The opposition has adopted the same framework of human rights utilised by LGBTI NGOs (Bob, 2019).

As we will see in the case studies, in countries with a strong presence of the Catholic Church, this opposition is powerful both domestically and internationally. The Catholic Church has a history of influencing policy and laws that regulate sexuality, family and education. In majority Catholic countries, the Church has access to a wide range of audiences. It has access to channels of communication and has a lot of economic resources. In most countries, the Church will oppose progress on women and LGBTI rights, delaying legislation on divorce, abortion, and recognition of LGBTI rights. This actor's impact on policies will depend on several factors, including its credibility as an institution. Once public opinion shifts on specific issues, the Church will adjust its messaging to not alienate its base. In these countries, the government is not necessarily opposed to introducing LGBTI rights, but it is pressured by the Catholic Church to delay progress.

Domestic NGOs interact with transnational networks coordinated mainly through umbrella organisations such as the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA). The way INGOs facilitate access to the international system influences national NGOs' domestic impact. I will review the history and evolution of LGBTI rights and organisations from the domestic level to the international one, highlighting when they started to engage successfully with the international system, specifically with the United Nations and other transnational organisations. In the case studies, LGBTI NGOs are primarily composed of staff that volunteer their time. So international work does not come without high investment in terms of resources. It is essential to understand if this is still an efficient way to progress LGBTI rights domestically. Taking the opposition's work into account, does this still benefit the cause domestically?

On a personal note, I would like to highlight that this topic is close to my heart as I identify as an LGBTI person and advocate for LGBTI rights. Furthermore, I am also employed by an international human rights organisation. I am from Italy, which is one of the case studies in this thesis. Although I am not overall against the values of the Catholic Church and have been brought up in a Catholic family, I disagree with the position most of the Catholic Church and affiliated organisations hold on LGBTI rights. In this research, I have found that some organisations and churches favour LGBTI rights and welcome and support LGBTI people.

I would like this research to be useful to LGBTI activists and NGOs to identify the best way to efficiently use the international system to influence domestic policy.

### **3. Research Questions**

The key questions that I will address in this research are:

1. How do LGBTI INGOs utilise and influence the international system and the UN to further their cause?
2. Why and how do local LGBTI NGOs access transnational networks and international channels to affect domestic policy formation, specifically in countries with a strong influence of the Catholic Church?
3. How does the opposition react and oppose LGBTI INGOs, and what is the effect on international and domestic policy formation?
4. Given the international and domestic opposition, is it still beneficial for LGBTI NGOs to invest in accessing international organisations and transnational networks?

The case studies analysed in this thesis will be Ireland, Italy, and Peru. In these countries, the opposition has successfully blocked LGBTI rights progress, especially compared to neighbouring countries. I will seek to determine if the work carried out internationally positively affects the recognition and protection of the rights of LGBTI people domestically.

### **4. Methodology**

To answer these questions, I will analyse how LGBTI INGOs and domestic NGOs use the international system to affect domestic policy change, assessing how and why domestic NGOs utilise transnational networks and international channels. I analyse evidence from the documentation gathered by NGOs and organisations that advocate for LGBTI rights, parliamentary discussions, speeches and contributions to international conferences, and domestic and international academic contributions. I monitor the websites and social media of NGOs involved in the study to establish the campaign and advocacy strategies utilised. I also monitor the websites, social media and media outputs of the organisations that oppose LGBTI rights. Original sources of information come from qualitative research with semi-structured interviews. Participants in this research are primary stakeholders involved in forming international and domestic norms or experts in the field: mostly members of LGBTI NGOs, representatives of UN offices and other transnational organisations, activists, academics, and a

diplomat. Participants to the study have been asked about their experience working within an LGBTI NGO, what are the successful strategies utilised, why it is important to have a presence in international organisations and transnational networks, how this affects domestic policies and what are the strategies utilised by their opponents internationally and domestically.

The questions part of the semi-structured interview are the following:

1. Can you talk about yourself and what you do?
2. Why is it important for LGBTI NGOs to be active at the UN and other international fora?
  - 2.1 Does this presence influence normative output?
3. What are the disadvantages of not having a presence at the international level?
4. Who are the international opponents of LGBTI NGOs in norm and policy formation at the international level, and what are their tactics and strategies in opposing LGBTI norms and policies?
  - 4.1 Can you make any practical examples?
5. How does a presence at the international level of LGBTI NGOs and a consecutive international norm and policy output in favour of LGBTI rights affect your country?
  - 5.1 (If positive) Any specific policies or laws that have been introduced following international policies, statements by international bodies or norms?
  - 5.2 (If negative) Who opposes change in domestic policies regarding LGBTI rights?
6. Does the international competition and clash of LGBTI NGOs and their opponents reproduce itself at the domestic level, and if so, how do international networks and local NGOs influence one another?
  - 6.1 Can you make any practical examples?

These questions were mainly designed for participants who work or are activists within LGBTI NGOs and were also used to interview academics, UN and national offices representatives, and members of political parties. There were several follow up questions based



on the answers given, the role of the participant in their organisation, and the organisation itself. Triangulations between different sources of data (interviews with stakeholders, observation of behaviour and strategies utilised by various stakeholders and academic contribution) have been made to validate the research results.

The overview participants gave of the opposition is used to understand the challenges LGBTI NGOs face, some of the techniques used by the opposition and subsequent reactions by LGBTI NGOs. Some interview extracts included in this thesis have evident emotion in describing the opposition due to the passion for the cause participants advocate for and, sometimes, frustration at the challenges they face. This might be especially true in the case studies for Italy and Peru, countries in which, generally speaking, communication styles are overall more passionate. This should not be interpreted to depict the opposition as morally wrong. Most activists who participated in the study understand the opposition to be passionate about the cause they advocate for and respect the Catholic Church and activists from organisations promoting traditional values. Triangulation with the oppositions' websites, social media and articles has also been made to validate the participants' observations.

The research was based in London. I attended international conferences on LGBTI rights, such as the conference organised by ILGA Europe in Athens in October 2015 and the international conference organised by ILGA World in Bangkok in November 2016, the IDAHOT (International Day Against Homophobia, Transphobia and Biphobia) Forum in Copenhagen in May 2016 and the Pride in Europe conference in Amsterdam in August 2016, in which I had the opportunity to meet representatives of LGBTI organisations from around the world, and attend meetings about knowledge sharing and strategy formation. I attended the open discussion on LGBTI rights held on the 17<sup>th</sup> of February 2017 in the Peruvian Congress in Lima. I attended the 27<sup>th</sup> Universal Periodic Review (UPR) process in May 2017 in Geneva.

Case studies in this thesis are Ireland, Italy and Peru. These three countries have been chosen because they have a strong domestic opposition that has successfully delayed progress for LGBTI rights compared to neighbouring countries. The main opposition is the Catholic Church and affiliated organisations in all three countries. The Catholic Church strongly influences policy formation and public opinion, although this has decreased. The interviews for the case studies have taken place at different times: for the Irish case study between 2018 and 2019 mainly via Skype; for the Italian case study between 2016 and 2018 in Italy, at international conferences in different countries and via Skype; and for the Peruvian case study the interviews have mostly taken part between 2016 and 2017 in Peru, at the ILGA World international

conference in Bangkok and via Skype. Interviews have taken place in three different languages<sup>1</sup> and in the following countries: Denmark, Greece, Italy, Netherland, Peru, Switzerland, Thailand, and the UK. Several interviews have also been held via Skype and WhatsApp. These have all fed into building an overview of the current structure of the networks created by LGBTI INGOs and local NGOs and the effect these networks have on domestic policy formation. The interviews also gave an overview of LGBTI NGOs' opposition internationally and domestically, as experienced by LGBTI rights activists.

I chose a social constructivist approach to analyse the interaction among LGBTI NGOs and INGOs, LGBTI transnational networks, the international system, national policymakers, the opposition and its transnational network to explain the development in the identity of actors and subsequent creation of norms at the international level and finally, the domestic socialisation. The approach utilises sociology to analyse identity formation and the consequent behaviour of actors in IR. Constructivists argue that states and non-state actors build their identity and interest while interacting with other actors. Consequently, the actor's identity and interests change during the interaction. This is an empirical deduction. Through self-analysis and self-determination, states can rationally decide to change their identity, modify the structure of international relations and the identity of other states. In this context, non-state actors have a significant influence on the identity formation of states. International organisations offer a multilateral platform where states can interact and set standards and expectations of certain behaviours. NGOs have access to states via international organisations, and they use this to influence state behaviour and hold them accountable to international norms. Constructivists argue that states can be interested in creating and participating in collective identity and pursuing collective interests even if they act in a self-help system.

In the context of this thesis, I will use a social constructivist approach to analyse the effect that the international recognition of LGBTI rights and the use of the global system by international and local NGOs has on the identity formation of states with a strong presence of the Catholic Church. In these countries, the Catholic Church and affiliated organisations oppose LGBTI rights and connect to their transnational networks. The objective is to identify the most efficient way for LGBTI NGOs to use the international system and transnational networks to further their cause.

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<sup>1</sup> English, Italian and Spanish.

## 5. Thesis Structure

The thesis is divided into two parts: The first section with an international focus and the second with a domestic perspective. In the first section, I will investigate how LGBTI rights were introduced to the global agenda, the key actors that successfully advocate for LGBTI rights internationally, the rise of specific LGBTI NGOs and how they influence international organisations. This part will focus on how INGOs have accessed the international system and the tools, narratives, and strategies used to influence identity formation at the international level. Similarly to environmental rights and, in some respects, women's rights, LGBTI rights were not explicitly identified when drafting the international bills of rights and found opposition from various actors. Recognised international NGOs started embracing and advocating for LGBTI rights internationally only in the 1990s. At this time, the global system starts to influence domestic policy formation. Since the 1990s, a robust transnational network of international and domestic organisations has formed. International organisations specialise in international channels and support and facilitate domestic NGOs in accessing and efficiently utilising international tools and channels. As LGBTI NGOs become more recognised internationally, the opposition also starts to mobilise at this level, challenging these rights on the international stage and creating strong transnational networks. These networks then connect to domestic organisations to support their advocacy efforts, trying to push the global balance in their favour.

The second part will focus on domestic NGOs, the work carried out domestically, and how and why these organisations access transnational networks and international channels. There are three case studies: Ireland, Italy, and Peru. I have chosen these three case studies because of the similarities among them: they are majority Catholic countries, so they face a similar opposition to LGBTI rights; They have recognised, or are in the process of recognising, LGBTI rights relatively late in their region (Europe and Latin America); And they have similar domestic NGOs with a majority of voluntary staff, as opposed to NGOs that have professional paid staff. These three countries are in different phases in the spiral model and have different legal recognition and protection for LGBTI people. Both LGBTI NGOs and the opposition have made use of transnational networks. How domestic NGOs use their transnational networks to inform strategy and the clash between these two opposing forces is often the reason for different levels of progress of LGBTI rights.

The formation of transnational networks creates several opportunities for national NGOs to influence international and national policy formation. In the second part, I will analyse how

individual countries, the ones outlined as case studies, use transnational networks and the international system to further their cause domestically. The study will highlight the different approaches organisations have to the international system and transnational networks and how they can influence domestic policy formation. Ireland is the most successful case as NGOs successfully used political allies, the media, and, most importantly, transnational networks and international channels. NGOs used the same tools in Italy, but more sporadically and with less success. Peru is at an earlier stage in its process. Most NGOs have little and sporadic access to transnational networks and international organisations. The study will highlight the domestic opposition and its links to its transnational networks. Italy and Peru have a very powerful opposition that still holds its ground on blocking progress for the rights of LGBTI people, so using transnational networks to their advantage is especially important. LGBTI NGOs and the opposition invest considerable resources in impacting domestic policies as every country contributes to the global balance.

## **6. Actors and Definitions**

The main actors analysed within this thesis are the following: LGBTI NGOs and INGOs; Transnational advocacy networks; International organisations; States; The opposition to LGBTI rights and its transnational network. As mentioned above, the approach to IR utilised in this study is social constructivism. This approach considers states as core actors. Other actors, such as NGOs and international organisations, also impact norm formation globally and domestically. From the interaction among actors, identities develop and change over time. Identity and interest will change as actors participate at the international level, and later these changes consolidate in policies. International and national NGOs have advanced the recognition of LGBTI rights internationally and domestically. This influences states' identity and interest formation that shift from not recognising LGBTI rights and, in some cases criminalising homosexuality, to guaranteeing these rights. NGOs and their opponents connect with transnational networks to increase their efficiency and power of influence. Transnational networks participate in the international system and influence the identity formation of other actors while being affected and adapting their *modus operandi*, strategies, and narratives to become more efficient.

There are many different definitions of these actors by different theoretical approaches to IR. The definitions that I utilise in this study are the following:

- International non-governmental organisations (INGOs) are defined as “organisations that operate independently of governments, are composed of members from two or more countries, and are organised to advance their members’ international goals and provide services to citizens of other states through routine transactions with states, private actors, and international institutions” (Tarrow, 2001: 12). This is also very close to the definition offered by the UN, in which NGOs are defined as: NGOs are not for profit organisations, independent from governments, which can be organised on a local, regional, or international level. “Task-oriented and made up of people with a common interest, NGOs perform a variety of services and humanitarian functions, bring public concerns to governments, monitor policy and programme implementation, and encourage participation of civil society stakeholders at the community level”<sup>2</sup>. These are the definitions that best describe LGBTI organisations reviewed in this study. Some studies categorise and identify NGOs and other groups that participate in transnational networks and coalitions “expansively to include all relevant actors working to influence social change in an issue area” (Khagram et al., 2001: 9) so to not to exclude influential actors that are not specifically part of NGOs but are instead state organs or parts, research institutes, corporations, etc. However, a more exclusive definition tends to analyse uniquely domestic and international NGOs, which some scholars believe is a better way of focusing on the effectiveness of these actors (Khagram et al., 2001: 9). I utilise the first definition for the same reason. Quite often, the involvement of other actors results from the action and influence of NGOs on public opinion, which catalyses the involvement of state organs, corporations, and other parts of civil society. NGOs can be further defined as: “any organisation which was established not to generate profit as its primary goal (i.e. not a commercial venture); is not controlled by any state or group of states (thus self-governed and private); does not seek to gain control of the state through standard parliamentary procedure (i.e. not a political party); and operates in more than one state (whether directly through physical presence or indirectly by trying to influence state policies)” (Havrda and Kutílek, 2010: 158).

- Transnational advocacy networks are defined as a group of relevant actors that share the same values and work towards the same goal, exchanging services and information, including INGOs and transnational social movements (Keck and Sikkink 1998). Cliff Bob defines transnational activism “to include three common phenomena: 1) non-state actors based in one

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<sup>2</sup> Non-Governmental Organisations, United Nations Rule of Law, Available at: [http://www.unrol.org/article.aspx?article\\_id=23](http://www.unrol.org/article.aspx?article_id=23).

country forming transnational advocacy networks (TANs) with similar entities in other countries; 2) these networks then seeking to influence ideas and policy in other societies; and 3) the networks seeking to affect international organisations and their member states as they develop global policy” (Bob, 2013: 72). This definition was chosen to describe the transnational networks that LGBTI NGOs have formed and access to increase their influence and the scope, aim, and objectives that the network works to achieve. The same definition can be used to define the transnational networks of the opposition. The Catholic Church has a presence at the international level, which is unlike other organisations because of the Vatican. The Holy See was granted permanent observatory status, which gives privileged access at the UN.

- States: In this study, the state is not considered as an individual actor but as a network of ideas, power, and influence. “Seeing the state as an actor-network will re-establish the intuitive view that states are – in certain contexts – really actors, but without ignoring powerful insights from the Foucauldian viewpoint, which suggest that states are complex and always changing networks. In a fitting actor-network twist, it is only because states are networks that they can appear to be actors” (Passoth and Rowland, 2010: 826).

- The opposition: The focus of this study is mainly the Catholic Church and affiliated organisations. In the case of Peru, there is also the presence of the Evangelical Church. From an international perspective, the opposition has a strong influence that reinforced its connections and power in response to the rise of new rights (Bob, 2009). The Catholic Church is a “conservative body with a hierarchical organisation designed to preserve traditional theological teachings” (Hertzke, 2009: 48). It has grown its transnational networks and implemented new strategies to block LGBTI rights globally. The Vatican also enjoys observer status at the UN and can advocate for its positions. In addition, thousands of faith-based NGOs enjoy ECOSOC consultative status and have much influence at the international level. Domestically, the Catholic Church strongly influences policymaking, specifically on “abortion, human sexuality, AIDS prevention, population control, contraception and the family” (Hertzke, 2009: 53).

In the following chapter, I will review the literature on human rights, NGOs, transnational networks in general, and from the perspective of LGBTI rights.

# Part One: LGBTI Rights and INGOs from an International Perspective

## **2. Human Rights and NGOs in the International Relations Theory: A Literary Review**

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### **1. Introduction**

This chapter is intended to analyse the current literature on theories that elaborate on the power and impact of Non-Governmental Organisations (NGOs) and transnational advocacy networks in International Relations (IR) and the relationship between international norm creation and domestic policy formation. Domestic policies are influenced by transnational advocacy networks with access to the United Nations (UN). Specifically, networks formed by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) International Non-Governmental Organisations (INGOs) that have access to international organisations and allow access to domestic LGBTI NGOs to maximise the use of the international system to impact domestic policy formation. The pressure from the global system combined with domestic NGOs' pressure allows for better results. However, LGBTI NGOs also face a growing opposition at the international level that is reflected domestically. The opposition is acquiring and using the same tools that LGBTI organisations use, and the result of this competition will impact progress internationally and domestically. As discussed in the introduction, I will use a constructivist approach to explain the evolution of international norms, the importance of the role of NGOs at the international and domestic level, the internalisation of international norms by states, and translation in domestic policies. This chapter will review the rise of constructivism in IR, the existing theories on NGO networks, and their impact on international and domestic norm formation.

### **2. The Constructivist Turn in International Relations**

In this paragraph, I will review the rise and development of a social constructivist approach to IR, starting by mentioning the theories that preceded it. This thesis focuses on NGOs and advocacy networks' impact on norm formation, so this section will examine how different IR theories and approaches interpret international norms and NGOs as international actors.

Mainstream approaches to IR, realism, and neorealism consider states as the main actors in IR, making self-help decisions to gain power and security, as the most powerful state makes the difference (Morgenthau, 1967; Waltz, 1959). According to these theories, non-state actors have



no real power and states embrace human rights only if there is a materialistic or economic reason to do so, failing to explain why this occurs in the absence of materialistic or economic interests at stake (Finnemore, 1993: 593, Epstein, 2013: 166). Human rights and international law contrast with the concept of the state's sovereignty since they attempt to put limits on it. Therefore, the idea of adhering entirely to human rights is perceived as dangerous. In the moment of need, a state must act in its best interest to maintain power and guarantee security. This approach does not consider when states act without self-interest, specifically when they respect and implement internationally recognised human rights. Furthermore, it does not consider the power and influence that non-state actors have at the international level. Realism recognises the presence of other actors at the international level, however, it argues that they have no real power, so there is no need to take them into account (Ahmed and Potter, 2006: 10).

Liberalism, from classical liberalism to neoliberal institutionalism, introduces the importance of non-state actors and valorises the concept of global governance (Viotti and Kauppi, 2009: 118). Liberals argue that every individual has a set of rights that the state must respect and guarantee<sup>3</sup> and that this purpose justifies the entire existence of the state. States may succeed at the economic and military level, but if they do not recognise and guarantee civil and political rights, they cannot justify their existence to their population (Fukuyama, 1992). Neo-liberal institutionalism seeks to find a solution for cooperation, arguing that cooperation is not excluded by the security dilemma produced by the anarchical structure of IR. "In many cases and in many areas, states are able to work together to mitigate the effects of anarchy, produce mutual gains, and avoid shared harm" (Jervis, 1999: 45). From this perspective, states concentrate on absolute gain more than relative gains (Keohane, 2005: 122-123) and so are open to cooperation (Jervis, 1999: 46). Since states act rationally, they acknowledge this possibility that is facilitated by the presence of international organisations. International institutions and organisations, such as the European Union (EU), the UN or the World Trade Organisation (WTO), are international catalysers of national interests that potentially help states maximise absolute gains allowing dialogue and cooperation. "By reducing uncertainty and the cost of making and enforcing agreements, international institutions help states achieve collective gains" (Keohane, 2005: 122), and they eventually assume an independent status and

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<sup>3</sup> This theory goes back to Locke and Kant. Kant argued in its pamphlet 'Perpetual Peace', that every citizen should have an internationally recognised status and a 'cosmopolitan right' to be fairly treated in the own state and abroad (Kant, 1957).

a power of their own (Jervis, 1999: 53-54). Although created by and in the interest of states, international organisations evolve into semi-independent organs and have a way of influencing the most powerful countries (Keohane, 1998). In this context, states cannot be considered the only actors of IR since other actors also influence norm formation and facilitate international cooperation. Although this approach recognises the importance of international organisations and the importance of international cooperation, it still does not account for the impact that NGOs have on policy formation. NGOs are still a complicated actor to study for mainstream approaches. NGOs “do not possess the great resources of state-centered international politics: sovereignty, territory, and coercive capability. Nor do they enjoy economic power on a scale comparable to many MNCs [Multinational Corporation], the standard non-state actor of interdependence theory and international political economy” (Ahmed and Potter, 2006:11). NGOs and other non-state actors help states make decisions but cannot change their identity or interest in this approach.

Theories increasingly seek to explain changes in IR, criticizing mainstream approaches that explain how states behave and why in a given moment, failing to explain moments of change (Ruggie, 1986: 142). These theories do not question the structure of the world, whether it is right or wrong, or if it even causes the problems that it ought to resolve. Instead, they find a way for the structure to maintain itself, avoiding major problems. Critical Theories question the structure and explain the evolution of institutions (Cox, 1986: 209). Social constructivism addresses these issues by introducing social sciences to study the identity and interest formation of international actors, establishing that ideas count in this process (Jepperson et al., 1996), explaining changes in IR caused by actor’s interaction which modifies their identities and interests as a result of the interaction (Wendt, 1992; 1994; 1999). It moves away from a structured theory, proposing an approach to understanding IR, not a paradigm (Adler, 2002: 96). This ‘turn’ was also provoked by the failure of rationalist theories to predict or explain the end of the Cold War (Guzzini, 2000: 154, Reus-Smit, 2005: 195) and by the evolution in the new generation of thinkers of critical theory that “saw potential for innovation in conceptual elaboration and empirically informed theoretical development” (Reus-Smit, 2005: 195). Constructivism was developed in the 1980s by several academics such as Onuf, Wendt, Ruggie, Kratochwil, Keck, Risse, Haas, and Adler (Adler, 2002).

The constructivist approach to IR moves from postmodern critical theories, reacquiring some tools of positivism, bridging rationalist and critical theory. As rationalist approaches do, constructivism assumes a state-centric system (Wendt, 1994: 385). The difference is that

rationalists consider identity as exogenously given (Wendt, 1999: 26), whereas constructivists believe that identities are formed through interaction with other actors and are endogenous. Early constructivists hoped “to build a bridge between structural and interpretative approaches” (Adler and Haas, 1992: 370). Some criticise this attempt arguing that constructivism ‘compromises critical theory’, turning back to positivism and materialism (Reus-Smit, 1996). The approach positions itself in the *via media* as its ontology is idealistic. However, it uses a positivist method to inquire about reality because reality is material, even if the material is not the whole thing. The international environment is social and material (Wendt, 1999: 40). Rationalism and constructivism have historically been opposing theories. However, many argue that they can be part of the same approach (Jackson and Nexon, 2013: 553-556) as a change in identity and interest formation of actors can also be a rational decision. As we find examples of both rationalist and constructivist explanations of reality, some authors have identified theoretical solutions to allow for both approaches to coexist (Müller, 2004). Recognising that ideas and interests change with the interaction between actors allows for the existence of NGOs at the international level. NGOs advocate for change internationally, and the interaction between states, international organisations and NGOs often impacts policy formation. This makes social constructivism the best approach to understanding the work and impact carried out by NGOs.

The evolution of constructivism in the last twenty/thirty years has seen a few variants: modernist, modernist linguistic, critical (Alder, 2002: 95), thick and thin constructivism, holistic constructivism, feminist and postcolonial constructivism, etc. (Price, 2008). However, all agree that reality and actors within reality are not given but socially constructed (Alder, 2002). The fundamentals remain similar and flexible, allowing researchers to use several tools to analyse empirical evidence and draw conclusions (Finnemore; Sikkink, 2001). Although some have endeavoured to create a structural theory<sup>4</sup>, most scholars utilise constructivism as a flexible approach to the study of IR.

There are several criticisms of social constructivism. For instance, it is an extremely broad movement, and it uses parts of social theory that often contradict themselves, such as: “Weberian interpretative sociology, Symbolic Interactionism, variants of Marxism, Veblenian

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<sup>4</sup> Wendt defines constructivism as a structural theory of the international system that makes the following core claims: “(1) that the structures of the human association are determined primarily by shared ideas rather than material forces, and (2) that identities and interests of purposive actors are constructed by these shared ideas rather than given by nature” (Wendt, 1999:1).

institutionalism, post-structuralism(s) and hermeneutics” (Palan, 2000: 576). This broadness has allowed, however, the approach to be used in different ways by scholars that adopt it as a methodology of investigating the reality of IR, as opposed to a structured theory, and it has “opened new doors for marginalized approaches” (Jackson and Nexon, 2013: 552).

It has also been noted that the approach tends to analyse the creation, development, and spread of norms that most represent Western culture, supporting and influencing with theory and a wealth of knowledge the spread of such values (Engelkamp, Glaab, and Renner, 2016). The criticism on norms and norm spread is based on power: often, the norms that are spread and socialised originate in the Western world and are socialised into non-Western states, implicitly indicating that the state needed the norm that was possibly morally superior to the norms that were in the state beforehand (Engelkamp, Glaab, and Renner, 2016). “The Eurocentric predisposition of constructivist norm research surfaces, first, in the selection of empirical research objects. Constructivist norm research usually represents specific norms as global norms – and thereby acknowledges and strengthens them as such – that are embraced and accepted as good and desirable in the West, for example Western understandings of democracy, human rights or justice. The social and political costs of the diffusion of supposedly good norms are hardly ever identified and analysed” (Engelkamp, Glaab, and Renner, 2016: 57). Within this thesis, two sets of rights and values originating in Western culture are being promoted by opposing sides: LGBTI rights, promoted by LGBTI NGOs, and rights and values promoted by the Catholic Church.

In this thesis, I will use a constructivist approach to IR as it is best suited to investigate how NGOs impact states’ interest and identity formation. Specifically, I will focus on the change in the state’s attitude towards LGBTI rights. This change is the consequence of the interaction between local and international NGOs and the international system. The recognition of LGBTI rights as norms by the international system is crucial to the socialisation within states. In the next paragraph, I will review the focus of constructivism on norms and norm formation at the international level.

### **3. The Constructivist Focus on Norms**

The study of IR shifted from the study of states and their foreign policy to the study of a global society in which states participate, recognising other actors (Barnett and Sikkink, 2008; Epstein, 2013: 166). Scholars analyse the structures, actors, and processes of global governance,

which is “produced through networked relations among IOs, transnational corporations, nongovernmental organisations, and new kinds of networks” (Barnett and Sikkink, 2008: 64). Thus, the study of international norms and how actors respond to them becomes central. This explains why actors feel that they must behave in a certain way, what is considered acceptable behaviour (Epstein, 2013: 166). To quote an example: “Slaveholders and many non-slaveholders believed that slavery was appropriate behaviour; without that belief, the institution of slavery would not have been possible” (Finnemore, Sikkink 1998: 892). This demonstrated the importance and power of human rights as international norms (Price, 2008), highlighted by how principles and ideas now have an international interpretation, and the transnational way they are spread (Sikkink, 1998). Norms are defined “as standards of appropriate behaviour for actors with a given identity” (Sikkink, 1998: 518).

Sikkink and Finnemore (1998) identify three steps through which a norm becomes such. The first step is the emergence of the norm: a norm is created and is accepted in several states until it starts to use institutionalised platforms, such as the UN, to be familiarised internationally. The second step is called norm cascade: other states recognise and adopt norms because of international pressure, they adhere to international standards, and in this way, they legitimate their status domestically. The third step is the internalisation of the norm: the norm is codified, socially accepted, and internalised by the state. Socialisation is the process through which states are introduced by interaction with the international system to norms and principles, which are then internalised (Finnemore, 1993).

“Institutionalized norms and ideas thus condition what actors consider necessary and possible, in both practical and ethical terms” (Reus-Smit, 2005: 198). Constructivism focuses primarily on two aspects of norms: Why international actors, mainly states, follow norms, especially when it is not in their primary interest to do so; How norms spread, so how does a norm become a norm and why and how it is recognised as such and internalised by states (Engelkamp, Glaab, and Renner, 2016:55). The approach has “shown how international norms evolve, how ideas and values come to shape political action, how argument and discourse condition outcomes and how identity constitutes agents and agency, all in ways that contradict the expectations of materialist and rationalist theories” (Reus-Smit, 2005: 207). This revived the study of history in IR: “If ideas, norms, and practices matter, and if they differ from one social context to another, then history in turn matters” (Reus-Smit, 2005: 206-207). The approach “contributes to more philosophically oriented normative theorizing in two ways: it legitimizes such theorizing by demonstrating the possibility of ideas driven international

change; and it assists by clarifying the dynamics and mechanisms of such change” (Reus-Smit, 2005: 207). Norms are recognised as legitimate and often followed by most countries. When norms are disregarded, the issue of the legitimacy of the norm arises, but this also affects the position of the state in the global system as it also loses legitimacy: for instance, the use of military force by the USA can have an effect on the international norms that regulate the use of force against other countries, but it also has an effect on the identity of the state as a norm creator and supporter at the international level (Hurd, 2007). “Norms are both constraining and enabling for states, and states are both socialized to norms and strategic calculators that manipulate them” (Hurd, 2007: 209). This poses the issue of ethics in international norms.

In *Moral Limit and Possibility in World Politics*, Price et al. (2008) address the moral and ethical aspects of promoting human rights. International progress on human rights is challenged as there is no way to objectively evaluate norms as ‘good’ or ‘bad’, and often what is considered good to some can be considered bad to others (Price, 2008). “The challenge is whether constructivism has anything distinctive and valuable to offer in terms of normative theorising, in terms of the prescriptive dimension of political thought and practice, and thus to the practice of making decisions and judgements in world politics” (Price, 2008: 6).

Price responds to the challenge by identifying 6 ways in which constructivism has improved the dilemma of morals and ethics in international relations: “(1) attention to the relation between the ethical and empirical, including providing a way to help adjudicate the empirical bases of ethical positions; (2) recognition of the empirical importance of the debate between rationalist and constructivist accounts of agency and their relevance for normative theorising; which include (3) the identification of different kinds of hypocritical political practice which in turn imply different ethical evaluations of hypocrisy; (4) the illumination of neglected dimensions for ethics, including the identification of different kinds of dilemmas arising from a focus on the constitutive effects of norms; (5) the relevance of relations of co-constitution for thinking through issues of complicity and cooptation; and (6) a theoretical account of morality that avoids the tendency of philosophical approaches to ethics to sidestep questions of power, without falling prey to the shortcomings of post-structuralist ethics that do highlight power” (Price, 2008: 7). Several contributors (Finnemore, Sikkink, Reus-Smit, etc) elaborate on how the constructivist approach can respond to the question of how to behave based on morals and ethics. The context in which situations come to be is essential, and occasionally it is impossible to make decisions that will not sacrifice one value for another, and there will be a certain level of hypocrisy when choosing one value over another (Price, 2008).

In IR, several actors advocate recognising certain norms based on their ethical and moral perspective, NGOs being the most predominant. As Khagram et al. (2002) note, three critical aspects of norms are relevant for NGOs at the international level: 1) How do we recognise a norm, and what behaviour is expected when it is recognised? 2) Who holds these expectations? 3) Who do the norms apply to? (Khagram et al., 2002: 14). Transnational networks need to create transnational beliefs before these beliefs can be transformed into international norms (Khagram et al., 2002: 15). After international norms are established, the network grows and, as a result, can often influence and modify states international policies, as in the case of the Helsinki Act, which provoked a wave of human rights petitions and movement that reached even Washington, influencing a change in US foreign policy and developed support in advocating for human rights in Eastern Europe (Thomas, 2002).

In the next paragraph, I will discuss the importance and the role of NGOs and transnational networks in promoting and shaping norms in IR and their impact on state behaviour. I will review the constructivist literature and theories on NGOs and transnational advocacy networks, their connection and use of human rights as international norms, and their ability to affect change internationally and domestically.

#### **4. The Role and Activities of NGOs in International Relations**

NGOs have found a way of influencing international norm formation since the eighteenth century. The Anti-Slavery Society for the Protection of Human Rights (1839), the International Working Men Association (1864), the World Christian Temperance Union (1883), and the World Zionist Organisation (1897) can be noted as major NGOs in the 19th century (Sikkink and Smith 2002: 25). These were only the pioneer movements that led to an international conscience of human rights and demonstrated that movements and NGOs have an essential role in shaping it.

Transnational networks were operational as early as 1889, and the UN created formal channels for NGO participation from the very beginning (Steffek et al., 2010). “As evidence of their perceived effectiveness, a number of NGOs were early winners of Nobel Peace Prizes, including the Institute of International Law (1904), the Permanent International Peace Bureau (1910), and the International Committee of the Red Cross (1917, 1944, and 1963)” (Kratochwil, 2014: 32). With the creation and expansion of the UN and its organs, NGOs found a stable international structure to thrive. The term Non-Governmental Organisation itself was coined in the founding Charter of the UN (Dany, 2013: 4). “The UN was the first intergovernmental

organisation to grant non-state actors official participatory opportunities” (Brühl, 2010: 190). The number of NGOs participating in global governance has grown exponentially since the end of the Cold War (Havrda and Kutílek, 2010: 159, Kratochwil: 2014: 32).

One of the differences between NGOs and other international actors, such as states and businesses, is the reason for their involvement: States are the main actors of IR and are driven by authority and power; businesses have economic power and are driven by the market; NGOs are third sector actors which justify their existence and actions with a belief, a value which they advocate for, representing a part of civil society that believes in the same values (Khagram et al., 2002: 11). NGOs can participate in what is called global civil society, which “refers to voluntary associations occurring across state boundaries” (Wapner, 2008: 256), and when civil society actively engages the international system to achieve social change, it becomes politically relevant (Wapner, 2008: 256).

NGOs do not have the same power that states have, but they hold what is referred to as soft power (Nye, 2004), characterised by the ability to persuade and influence with information. This power mainly manifests itself in agenda setting, advocating, and influencing decision-making (Steffek and Hahn, 2010: 5). Social movement theory has developed the concept of ‘meaning creation’ or ‘framing’, which consists in the shaping by a specific group of a shared understanding of the world and society to inspire and legitimate social action and, similarly, strategic social construction has been developed in IR theory to describe the same process NGOs use to frame an issue and inspire social action (Khagram et al., 2002: 12). We will see in this thesis that the process of framing has been crucial in the development of LGBTI rights internationally, as NGOs had major success once LGBTI rights were framed as human rights with a focus on the right to love.

The gatekeeper theory, which argues that certain rights are brought to the international agenda once major NGOs decide to adopt them, highlights a type of power that more prominent NGOs hold (Mertus, 2007). Well-established NGOs have connections and means which allow them to lobby for the rights they decide to advocate for successfully. For instance, the recognition of women and LGBTI rights as international norms was accelerated by the adoption of these rights by mainstream NGOs, such as Amnesty International and Human Rights Watch (Brown Thompson, 2002: 104-105, Mertus, 2009: 52-61).

Barnett and Duvall identify four types of power: “The first type is power as relations of interaction of direct control by one actor over another- Compulsory Power; the second is the control actors exercise indirectly over others through diffuse relations of interaction-



Institutional Power; the third is the constitution of subjects' capacities in direct structural relation to one another- Structural Power; and the fourth is the socially diffuse production of subjectivity in systems of meaning and signification- Productive Power.” (Barnett and Duvall, 2005: 43). NGOs often use a combination of these powers to influence states and international organisations by implementing shaming campaigns and relying on global governance institutional and structural power to uphold norms they advocate for. “Power is the production, in and through social relations, of effects on actors that shape their capacity to control their fate” (Barnett and Duvall, 2005: 42).

NGOs utilise this power in global governance. “Global governance is produced through networked relations among different kinds of actors with different kinds of authority and power that are embedded in both formal and informal arrangements” (Barnett and Sikkink, 2008: 64). The presence and work of NGOs are crucial to the well-functioning of this model. NGOs that participate at the international level engage states and international organisations and other non-state actors such as multinational corporations, highlighting the relevance and importance of human rights for all actors (Ruggie, 2007, 2011; Risse et al., 2013). At the end of the 1990s and early 2000s, scholars started to question the effect that international and regional organisations, such as the UN and the European Union, have on domestic policies utilising a top-down perspective (Börzel and Risse, 2000). Success and change are often made possible by changes at the international and domestic level: when a political pattern is broken, it is easier to introduce change and new norms (Price, 2003: 593). Essentially the fact that the international system recognises certain rights creates an opportunity structure for domestic actors to push forward their agenda.

NGOs' influence in global governance is growing. As a result, they acquire more and more access to international organisations, which raises questions on their right to be there in the first place. Specifically, the criticism is mainly based on three factors: Legitimacy, Representation, and Accountability. This topic will be addressed in the next paragraph.

## **5. NGOs in Global Governance and the Challenges of Legitimacy, Representation, and Accountability**

NGOs acquire credibility with moral authority, giving them influence and acceptance within the international system. Expertise can come from scientific studies, field studies, and information gathered, and it is essential in the moment of promoting an idea and creating a norm. NGOs' legitimacy derives from the fact that they claim to represent parts of

unrepresented civil society. They are not composed of elected staff, although they claim to work in the interest of parts of society, and they are not held accountable for their actions. Thus, NGOs seem to derive their authority and legitimacy from political legitimacy, expertise, and moral influence (Price, 2003: 587).

The most precious asset NGOs have is their reputation, and when this is put at risk, they could lose their credibility (Sikkink, 2002: 314; Steffek and Hahn, 2010). To maintain moral authority, NGOs must demonstrate to be impartial and independent, and this, of course, can be a challenge when the primary funder of an organisation can be the state, and this is why some NGOs do not accept funds from states, which often proves difficult (Sikkink, 2002: 313). NGOs are funded mainly by individual members, donations, and internal fees, but they also receive funds from international organisations, primarily located in the US and Europe. This process produces a dependency effect (Sikkink and Smith, 2002: 40). However, studies demonstrate that funds and grants from states and institutions are vital for NGOs' survival (Salamon, 1995). This also applies to international organisations, such as the UN, which provides significant funds for NGO projects and programs and pays expenses for transportation to international conferences (Reimann, 2006: 49).

Some see NGO participation in the global decision-making process as an opportunity to remedy democratic deficit in global governance (Barnet and Finnemore, 2004; Halpin and McLaverty, 2010: 58; Brühl, 2010: 181). "The only morally sound and politically feasible basis for legitimising wider NGO participation in the UN system is the democratic claim for all voices to be heard in global policy debates." (Willets, 2006: 306). Brühl identifies two issues with this view: Firstly, NGOs are seen as a unit, which does not take into consideration the power relations among NGOs and between certain NGOs and the state; Secondly, NGOs do not have complete access to all the settings in which decisions are made and therefore are not entirely heard (Brühl, 2010: 19).

From the challenge of legitimacy derives that of accountability. Who are NGOs accountable to, whom do they report back to, and whom should they report back to? Accountability at the international level is in some ways problematic as there is no global authority similar to the state that can set rules, so NGOs have turned to the more plausible method of self-regulation, which of course also presents its challenges (Havrdá and Kutílek, 2010: 157). The NGO Accountability Charter created in 2006 was an attempt by NGOs to self-regulate and increase their accountability which addressed many concerns relating to NGOs, including internal

organisation, advocacy, and fundraising. However, the charter lacks enforceability (Havrda and Kutílek, 2010: 168).

At the end of the 1990s, scholars believed that NGO participation still had to be regulated: States still threatened participation in official conferences and networking among NGOs; The UN had not established stable rules and procedures for participation and the hosting state obligations towards NGOs (Clark et al., 1998: 21); The actual influence that NGOs had was difficultly measurable. The international system is highly unbalanced, and often, states, which supposedly have one vote each, have different levels of influence. This is why NGOs are essential to counterbalance great states' power and inject the international policy and norm-making process with information and different perspectives.

NGOs claim to represent the issues that affect unrepresented people. However, there are so many that it would be impossible to advocate for each one (Bob, 2001), so how do organisations choose? Often, this is dictated by the funding entity that supports the NGO: When this is an international organisation or a funding institution, NGOs must pursue and advocate for specific issues to meet the criteria to receive the funds. This way, organisations and foundations model and decide which purpose the organisation must pursue. Southern NGOs often owe most of their funding to Western-based foundations as their members and citizens cannot donate (Sikkink, 2002: 307). When Southern NGOs have access to international channels, they are often representative of the elite and not necessarily more significant portions of society (Brühl, 2010: 181-2), consequence of the fact that the Northern hemisphere has more funds, resources, and citizens support, whilst Southern hemisphere locations prove more difficult and would incur high financial cost to guaranty efficient headquarters (Sikkink and Smith, 2002: 35).

Most NGOs that influence international norm formation originate in the West and are accused of spreading Western culture and ideology. Mainstream IR is accused of focusing primarily on a Western perspective. In *Thinking International Relations Differently* Tickner and Blaney (2012) and other contributors analyse several aspects of IR theory from the perspective of non-Western countries, highlighting the differences in issues such as security, sovereign state and authority, secularism and religion, and globalisation (Tickner and Blaney, 2012). Although scholars from the Northern hemisphere describe and understand the organising principles of IR to be anarchical, the perspective from counterparts in the South is that of hierarchy (Barnett and Sikkink, 2008: 66-67).

NGOs operate and have their base of members and supporters mainly in the Northern hemisphere (Halpin and McLaverty, 2010). This creates a further issue of representation

(Steffek and Hahn, 2010: 11). Proximity to decision making gives a better chance to access information, lobby and have direct contact with government and organisations representatives. For this reason, there is a focus of NGOs around Geneva, New York, and Brussels, which remains constant in time (Sikkink and Smith, 2002: 36). Northern NGOs can influence agenda-setting and give weight to their interpretation of rights and norms, whereas Southern NGOs do not have the same power, and often their perspective is often not heard (Brühl, 2010: 189).

The asymmetries between North and South have been diminishing: We expect Northern NGOs to have more ties to international organisations because they have more lobbying power and are physically closer to their headquarters, but studies have demonstrated that Southern NGOs have the same ties, they are just different types, for example, they will have ties to UNICEF and the UN Development Programme; furthermore the North/South divide is also believed to be on the range of rights that NGOs pursue, Northern NGOs advocating political and civil rights and Southern economic and collective rights, but studies demonstrate that Southern NGOs value political and civil rights as well, they just need to prioritise and use their budget accordingly (Sikkink, 2002: 307). The number of organisations in developing countries has grown constantly, with Latin America in the lead, followed by Asia and Africa (Alger, 2002: 94).

Representation from the perspective of constituencies or beneficiaries can also be a challenge. Advocacy NGOs construct an identity for their beneficiaries with the language that they use in international settings that can at times not be the language that their beneficiaries would use for themselves: for instance, on the issue of human trafficking and prostitution, there has been controversy on the language adopted by NGOs as their beneficiaries felt that it was not representative of their identity and that often it lead to victimisation instead of empowerment (Hahn, 2010). Halpin and McLaverty argue that NGOs provide two types of advocacy representation and solidarity: Representation is when an NGO represents its members' interest, and solidarity occurs when an NGO and its members advocate in solidarity on behalf of other people (Halpin and McLaverty, 2010: 66). This translates into different types of legitimacy and accountability questions.

NGOs are most effective when they organise in networks. These networks can become transnational when several NGOs from different countries start working together. In the following paragraphs, I will review the literature on how transnational networks form and how they operate.

## 6. NGO Network Formation, Operational Methods, and Growth

Transnational networks develop faster and are more effective when their cause is recognised as an international norm: NGOs had a wave of growth following the UN Declaration of Human Rights in 1948, which gave recognition to human rights groups; in 1973, they received a second intense burst from the institutionalisation of the ICCPR; the CESCER entered into force, and the Helsinki Final Act was signed, and Human Rights NGOs nearly doubled from 1973 to 1983; the same burst in 1993 caused by the Vienna International Conference on Human Rights (Sikkink and Smith, 2002: 31). With the constitution of the Commission on the Status of Women, which translated women rights into recognised international norms, followed by the United Nations Women Decade and the Committee on the Elimination of Discrimination Against Women (CEDAW), Women's rights networks strongly developed and participated through the UN in the formation of international norms (Brown Thompson, 2002: 97-98). International norms can be part of international law, international treaties, and 'soft law', which translates into declarations, covenants and even UN outputs such as General Assembly resolutions. IGO and NGOs both increased dramatically in numbers in the twentieth century: "In 1909 there were 37 IGOs and 176 NGOs, by 1960 this number had risen to 154 IGOs and 1255 NGOs, and at the start of 2009 had escalated to 240 conventional and 7628 NGOs" (Kegley and Blanton, 2011).

International conferences are an excellent opportunity for transnational networks to form and strengthen. By the 1990s, NGOs gained access to most conferences and committees, guaranteeing some involvement in decision-making processes at the international level (Steffek and Hahn, 2010: 4), increasing their presence and capacity to influence global governance (Brühl, 2010: 184). NGOs participate in each stage of the meetings and, since the 1972 Stockholm Conference on the Environment, have also organised a shadow conference to discuss the specific issues covered by the official conference, increasing the chances to influence governmental decisions, cultivate relations among NGOs and busting news coverage (Wapner, 2008: 259). As we can see from the final documents of the 1972 Stockholm Conference and the Mexico Conference on women's rights, States recognised the role NGOs play at the educational level (Clark et al., 1998: 10). The Convention on the Right of the Child even incorporates a role for NGOs in implementing the Convention<sup>5</sup>.

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<sup>5</sup> Article 45 of the Convention on the Rights of the Child.

Participation granted to NGOs is, however, often inconsistent in terms of access to different stages of conferences, times, and ways to contribute being negotiated in each instance, meaning that the opportunity that NGOs have to influence and be heard can vary greatly depending on the setting (Brühl, 2010: 194). There are several examples, for instance in the climate change international meetings, in which representatives of civil society are part of national delegations, and this seems to happen for two reasons: Civil society brings expertise and information to the table that is useful to the delegation; Secondly, civil society seems to give legitimacy and decreases the democratic deficit (Böhmelt, Koubi, and Bernauer, 2013).

UN agencies utilise NGO expertise to make informed policies and delegate NGOs to provide services and implement norms. Since the 1940s, in the early years of the UN High Commissioner for Refugees (UNHCR), for the UN Population Fund (UNFPA), the UN Education, Science, and Culture Organisation (UNESCO), and the UN Children's Fund (UNICEF) and in the 1970s new UN agencies were created that incorporated NGOs in their procedures: UN Environment Program (UNEP), the International Fund for Agricultural Development (IFAD) and the UN Population Fund (UNFPA) (Reimann, 2006: 54-57). NGOs' participation and presence are now integrated into several UN procedures. This process began in the 1990s when NGOs were officially recognised as partners and had specific attributes and duties in many departments. When most UN agencies were created, they did not necessarily have an official procedure to allow NGO participation in the policy formation process. However, there is now no agency that does not have at least one (Reimann, 2006: 55). These procedures are now consolidated and accepted by all parties.

Many studies analyse the composition of NGO networks and their development. A significant differentiation is that of NGOs that provide services from those seeking to influence policy and advocate for a group of individuals (Hahn, 2010: 222). NGOs often have a dual nature offering both services and advocating for change (Steffek and Hahn, 2010a: 258). Advocacy NGOs seek to represent the rights of a group of people that are not represented in the process of norm and policy formation and claim to represent them directly (Hahn, 2010: 223). NGOs that cover different issue areas often unite their efforts and work together to make their cause stronger and appeal to different audiences: Women's rights activists promote women rights as human rights, environmental and women groups have found communal grounds as well (Clark et al., 1998: 24), and development groups also promote women rights.

NGOs attempt to influence the creation of norms and policies at the international level by persuasion, disseminating information, and moral pressure (Khagram, 2002: 11). They

developed policies, made official statements, produced newspapers, organised workshops, and other educational activities involving impressive numbers of people and organisations (Clark et al., 1998: 19). They developed and widened lobbying techniques: Organise in groups that participate in each meeting both among NGOs and official ones with states participating; Coordinate to influence the wording chosen in official documents and the official position of states; Brief each other on activities and findings and circulate newspapers to keep representatives up to date; Utilise the media to shape formal and informal agendas and to keep the public attention focused on the desired issues (Clark et al., 1998: 13). Technology has greatly facilitated the growth of NGOs, allowing them to mobilise, organise, and advocate more efficiently and with fewer costs (Havrda and Kutílek, 2010: 162; Kratochwil, 2014: 32-33).

Critics of the impact that NGOs have on policy formation have identified the limitations of advocacy networks: The influence that NGOs have is limited, more general NGOs have less impact than the more specific ones; Security is a topic that remains in the sphere of the state and NGOs hardly have any impact or influence on this issue<sup>6</sup>; The issues that NGOs focus on are those of low politics such as protecting endangered species; The influence between NGOs and states goes both ways, and often states are the ones influencing; Efforts from NGOs to seek inaction from states is often more successful than when requesting significant social change (Kegley and Blanton, 2011: 183).

A specific critic is that the impact and effectiveness are always uncertain. “Empirical studies and mechanisms of influence show that transnational actors matter in world politics; however, the success is not guaranteed, the impact vary across time, issue area, countries, and depending on some intervening variables such as the domestic-international coalitions and domestic structures” (Erdem, 2015: 323). It has also been pointed out that, although NGOs have access to international platforms, they have “participation without real power and involvement without real influence” (Kegley and Blanton, 2011: 183). Even when NGOs are successful, “large-N statistical works have suggested that, although states increasingly endorse human rights norms, their behaviour does not always (or even usually) conform to these norms” (Dai, 2013: 88). Some of these criticisms have been answered by considering the role of the opposition. The

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<sup>6</sup> There are some exceptions, the strongest one being the argument raised by Evangelista (1999) that international organisations and transnational networks were partly responsible for the end of the Cold War, influencing one of the aspects, security, that is thought to be exclusively state domain.

opposition is found domestically and internationally, and success is often tied to the battle between two sides. I will review these theories in more depth in the following paragraphs.

In the following paragraph, I will review one of the theories that explains how NGOs can affect domestic policies utilising norms that have been recognised at the international level, called the spiral model of human rights change.

## **7. Transnational Advocacy Networks and the Spiral Model of Human Rights Change**

Risse et al. (1999; 2013) analyse the process of institutionalisation of norms in the transnational legal process model and the spiral model of human rights change. The authors use empirical analysis to conclude that how the international environment defines human rights as international norms affect domestic policymaking, regardless of the state's individual history, tradition, and political situation. In the introductory chapter of *The Power of Human Rights* by Risse and Sikkink (1999), the authors analyse how the international system influences domestic decisions on human rights. We will find the 'boomerang effect', that phenomenon of pressure from both below and above that occurs when domestic organisations link to international ones to double the pressure on the state (Risse et al., 1999: 18). The transnational legal process model divides the socialisation process into three types: interaction, interpretation, and institutionalisation and habitualisation of international norms (Risse et al., 1999: 11; Neumayer, 2005). Their research was initially based on non-liberal, norm-violating of basic human rights countries but was expanded to include non-authoritarian states, non-state actors, and also different types of rights such as gender rights (Risse et al. 2013).

The first phase, repression and activation of the network, starts at the peak of repression and closure towards the international community (Risse et al., 1999: 22). The second stage, denial, is characterised by the international community's awareness, usually triggered by a violation or violent action of the state. The international network is activated, and the state 'denies' that its territory falls under international jurisdiction and/or that human rights have been violated, going into the second phase (Risse et al., 1999: 22-24). "There are essentially only two responses to allegations of human rights violations available to governments: justifications and excuses" (Jetschke and Liese, 2013: 36). Both allow states to frame the violation in a way that makes it acceptable. Several conditions will allow the state to frame a violation: "(a) armed challenges to state authority, that (b) threaten the territorial integrity of states or their secular character and that (c) constitute unconstitutional challenges to a democratic type of regime" (Jetschke and



Liese, 2013: 38). Jetschke and Liese analyse how developed democracies create a counterargument to human rights to justify their behaviour: For instance, the USA openly utilised torture in its war on terrorism, arguing that national security and the safety of its citizens were more important than the right of terrorists not to be tortured (Jetschke and Liese, 2013: 29). In this case, countries generally in stages 4 to 5 utilise a sort of denial tactic, framing the issue differently.

In the third phase, tactical concessions, the norm-violating state makes a few concessions to diminish the visibility in response to the international and national pressure, ending up recognising NGOs and human rights (Risse et al., 1999: 25-28). In the fourth phase, prescriptive status, the state recognises human rights with some violations continuing (Risse et al., 1999: 29-31). “Once human rights have become a dominant discourse, however, this discourse exerts structural power on actors. As a result, they are more likely to comply” (Risse et al., 2013: 14-15). Finally, in the fifth stage, rule consistent behaviour, the international and national pressure continues until the state fully implements rule consistent policies (Risse et al., 1999: 29-35).

In *The Persistent Power of Human Rights: From Commitment to Compliance*, Risse et al. (2013) review the theories and empirical analysis in the first publication. There were several criticisms raised to the first edition and some were recognised also by the authors: “First, we under-specified the processes and scope conditions by which and under which states as well as private actors could be moved from commitment to human rights norms to actual compliance with them (;) Second, our earlier work assumed the presence of fully functioning states, suggesting in turn that compliance with human rights norms was a matter of state commitment and willingness rather than of institutional capacity (...) (;) Finally, we did not look at compliance with human rights norms by powerful states like the United States or the People’s Republic of China” (Risse et al. 2013: 4). Critics also argued that there seemed to be an ‘agenda’ that favoured progressive rights and “problems with the measurement and operationalisation of key variables, cases where the author’s application of the model to a particular country did not seem to square with the empirical evidence, and inadequate treatment of human rights situations where competing norms were involved” (Risse et al., 2013: 8-9) and failed to factor in that some states that in theory adhered to human rights could also be violators (Risse et al. 2013: 8-9).

The authors address some of the criticisms by analysing how states and non-state actors take the step from commitment to compliance, where commitment means that “*actors accept international human rights as valid and binding for themselves*” and compliance is defined as

*“sustained behavior and domestic practices that conform to the international human rights norms”* (Italic in original text) (Risse et al. 2013: 9-10). This runs through the final three phases of the spiral model: Third phase Tactical Concessions; Fourth phase Prescriptive Status; And fifth phase Rule Consistent Behaviour. The authors identify four mechanisms that bring to norm compliance through social interaction: Coercion or use of force and legal enforcement; Changing incentives, so sanctions and rewards with incentives, positive and negative being the preferred mechanism; Persuasion and discourse; and Capacity building (Risse et al. 2013: 12-16). Persuasion and discourse are the tools most used by NGOs and is the option that may take longer but will also have longer-lasting results as norms are being accepted voluntarily and socialised. However, both international organisations and states may use a combination of mechanisms (Risse et al., 2013: 14).

Risse et al. identify conditions for which these mechanisms are most effective: Democracy as opposed to an authoritarian regime; Consolidated as opposed to a limited statehood; Centralised as opposed to the decentralised rule of implementation; Level of material vulnerability (so if a state or non-state actor has the ‘power’ to ‘fight off’ external pressure); Level of social vulnerability (so the level of vulnerability that a state or non-state actor from a social perspective) (Risse et al. 2013: 16-21). Academia tends to agree that democracy and political liberalisation are favourable conditions to human rights being implemented domestically (Simmons, 2013: 44-45).

Another critical factor that can make a difference in achieving results and progressing through different stages is domestic commitment and mobilisation. “There is considerable variation in the level of domestic mobilization which consecutively explains varying progress toward later stages of the model” (Jetschke and Liese, 2013: 29). The stronger the domestic mobilisation and internal support, the better the chances to have an impact. “We can think of the expected value of mobilization as the product of two factors: the value people put on succeeding in achieving their goals and the likelihood of success” (Simmons, 2013: 55). In this instance, support should focus on capacity building. Capacity building is an additional mechanism that in the first edition was overlooked: when a state commits to human rights, this does not mean that it will comply in areas in which the state is weak (Risse et al., 2013: 15).

Another variable that can affect results is the beneficiaries. “Beneficiaries of compliance are related to governments in different ways, states’ incentives to comply differ with regards to different international institutions” (Dai, 2013: 95). This means that the more the beneficiaries influence the government or other groups that influence the government, the more international

organisations can pressure the government to comply with international norms. When the relationship is weak, international organisations benefit from working directly with beneficiaries and domestic non-state actors. “From this perspective, the primary effect of international human rights institutions lies in their ability to empower domestic stakeholders” (Dai, 2013: 95).

This thesis will use this approach to study LGBTI rights, identifying how the five stages apply to the case studies. The socialisation process of international norms usually occurs among peer groups or social groups (Risse et al., 1999: 11). In Western states, we will see that other neighbouring states followed after the first opening to LGBTI rights by one state. This phenomenon has been noted in Europe and the Americas while still beginning in Africa and Asia. However, the case studies analysed are countries that have embraced LGBTI rights much later than their neighbours. I will be investigating why this occurred and the conditions that finally led to the opening.

I have reviewed how NGOs developed over the years and how they have been integrated into official UN channels. I have discussed how transnational networks operate, how they influence norm formation internationally and domestic policy change. Something missing from earlier literature, the spiral model included, is the analysis of one actor that holds power domestically and internationally: The opposition. NGOs can face opposition at the domestic and international level that does not necessarily come from the state. It is crucial to understand how these forces organise, their methodologies, and how they interact. This is the topic of the next paragraph.

## **8. The Rise of Opposing Transnational Advocacy Networks and the International and Domestic Clash**

The structures and tools identified by the theories reviewed so far, such as the spiral model and the concept of opportunity structure, analyse the framework in which NGOs function at the international level without considering the opposition they face. Although scholars claim that it is a neutral approach, empirical studies are accused of being mainly utilised to explain and champion change from a progressive perspective (Price, 2008: 320-321). It is only recently that global opposition has been taken into consideration. These theories all consider and analyse the success that NGOs and transnational networks have, failing to study instances in which these groups failed to influence policymaking. Scholars have started analysing these instances (Bob,

2009, 2010, 2013, 2019; Dany, 2013) to understand what makes a campaign successful and the circumstances that can bring to its failure. Several studies highlight the so-called culture wars that refer to conservative values and perspective on the world against more progressive values in many countries. For example, religious and traditional values oppose sexual and reproductive rights. Since the mid-2000s, academia has started to analyse this phenomenon at the international level, analysing transnational networks that oppose progressive rights in the framework of international organisations such as the UN.

In *Globalizing the Culture Wars: The United Nations Battle Over Sexual Rights*, Cliff Bob (2010) analyses the reaction of conservative NGOs to the UN Resolution initiated by Brazil in 2003 that for the first time mentioned sexual orientation as a matter for non-discrimination in enjoying human rights. Bob divides NGOs according to the position taken in specific matters as progressive or conservative (Bob, 2010). It is no longer possible to analyse the impact of transnational advocacy networks composed of only progressive NGOs as conservative NGOs have decided to participate after a long time of avoiding the international system. The author notices that conservative groups are turning to the international system as much as progressive ones, legitimising, even more, the international debate and norm creation process. Bob argues that the success or failure of transnational networks and NGOs also depends on the clash between opposing transnational networks. During the struggle, theories and arguments are created on both sides. It is this struggle that influences the identity formation of the opposing forces.

In *The Global Right Wing and Theories of Transnational Advocacy*, Bob (2013) reinforces his argument. The author recognises the issues of dividing international groups and networks into progressive and conservatives. These terms are not straightforward, which organisations fall under one group or the other regarding different human rights issues. However, he uses them anyway for the sake of argument and because many groups define themselves in these terms. On many different issues, such as women's rights and environmental issues, opposing sides confront each other with opposing arguments. This especially applies to LGBTI rights because of the development of transnational advocacy networks composed of conservative groups that lobby against them. Unexpected coalitions form to lobby and promote a set of principles. We see collaboration between Christian Catholics, Christian Evangelical, Protestant, Muslim organisations and states (Bob, 2013: 75). Conservative groups utilise the same tools as progressive ones: Competing for funding from states and foundations; Using media and social

media to spread their ideology; They use the same strategies, both attack their foes but also campaign and lobby for their program and agenda (Bob, 2013: 78).

Networks are created in two ways: from the bottom up and up to down. Problems are created at the international level and then find support at the local level and vice versa. The strategies that the networks utilise keep into account the opposite side, such as the implementation of tactics of undermining authority, the veracity of arguments and facts, and the preferred international arena of the opposite part while pushing own arguments and preferred institutions (Bob, 2013: 80-81). Scholars need to broaden their study of transnational networks to include both conservative and progressive transnational networks to fully understand the processes and strategies behind actions taken by transnational networks and the results that these actions have on international and domestic policymaking.

Conservative groups advocating against sexual and reproductive rights not only start to organise and mobilise in international organisations such as the UN, but they also build transnational networks to support and influence domestic efforts worldwide. This has been noted in different world regions where conservative transnational networks challenge progressive NGOs, often including LGBTI NGOs, mobilising domestic opposition to influence the state. For instance, in *Globalizing the Culture Wars: U.S. Conservatives, African Churches, and Homophobia*, Kaoma (2009) notes the impact of US evangelical transnational networks in African domestic policies on sexual and reproductive rights.

In *El Activismo Religioso Conservador en Latinoamérica*, Vaggione (ed) (2010) analyses religious groups' influence on policymaking in the region, particularly on sexual and reproductive rights. Progress in the region on sexual and reproductive rights has been met with mobilisation by conservative religious groups. The author highlights how conservative actors are developing to become more modern, the creation of pro-family and pro-life organisations in the region and the connection to and influence of global organisations such as *Opus Dei*, *Vida Humana Internacional*, *Los Legionarios de Cristo* and *los Sodalicios de la Vida Cristiana* (Vaggione, 2010: 310).

In *Anti-Gender Campaigns in Europe, Mobilizing Against Equality*, Kuhar and Paternotte (eds) (2017) address specifically the domestic opposition that LGBTI rights find in Europe and the transnational nature of the movement. The authors identify several civil society groups that started to mobilise in the 2010s in Europe to challenge the progress of LGBTI rights. Several countries analysed, such as Austria, Belgium, Croatia, France, Germany, Hungary, Ireland, Italy, Poland, Slovenia, and Spain (all majority Catholic countries), show similarities between

organisations and messaging. The main argument that these organisations put forward is that LGBTI rights violate the rights to “freedom of speech, thought and conscience” (Kuhar; Paternotte, 2017: 12). These organisations “defend the right of a child to have a father and a mother, the respect for male and female identities and the parents’ freedom to raise the children as they wish” (Kuhar; Paternotte, 2017: 12). The authors identify an ‘anti-gender’ movement that shows strong transnational mobilisation across several regions, particularly Europe and South America (Kuhar; Paternotte, 2017: 297). Domestic civil society groups seem to form in response to LGBTI policy proposals, but in some cases also in the prevention of policies (Kuhar; Paternotte, 2017: 299) and are strongly influenced by the Catholic Church (Kuhar; Paternotte, 2017: 307). Similarly, in *Conservative Mobilization Against Progressive Gender Equality Policies*, Antonovska (2018) also addresses the opposition to LGBTI rights found in Europe, analysing the mobilisation of conservative groups.

In *Rights as Weapons: Instruments of Conflict, Tools of Power*, Bob (2019) analyses the use of a framework of rights in history by powerful groups to justify conflict and power, often manipulating the framework to their advantage and to the disadvantage of other groups that are instead being violated. The book aims at creating a “new approach to understanding how political actors use rights as offensive weapons of conflict, not just as noble objectives to be achieved through selfless struggle” (Bob, 2019: 3). The strategic use of rights can be divided into three different methods adopted by the proponents: “First, they broadcast rights as rallying cries to galvanise supporters and sympathizers. Second, they deploy rights offensively against their foes. And third, foes counter these onslaughts with their own contrary sets of rights arguments” (Bob, 2019: 27). Bob further identifies how rights are used as weapons: As rallying cries to mobilise support; As shields and parries as a response to threats; As camouflage, to mask ulterior motives; As spears to overturn laws; As dynamites to destroy cultures; As blockades to suppress subordinates; As wedges to break coalitions (Bob, 2019: 21-22). Bob argues that the success and longevity of rights in history are also due to their utility in making claims from both sides, oppressor and oppressed (Bob, 2019: 16).

Several chapters refer specifically to LGBTI rights and how they are used: Conflict on LGBTI rights in Africa used as dynamite tactics; Transgender rights used as blockade tactics; LGBTI rights in Israel and USA used as wedge tactics (Bob, 2019). Relevant to this thesis is also the analysis and example of how religious groups frame their issues as rights to counter more progressive views on rights, such as the example of Italy’s dispute on the use of the crucifix in schools in which rights are used as spear tactics (Bob, 2019). Finally, understanding

how adversarial networks use the human rights framework is critical as this gives additional knowledge and tools to challenge the opponent domestically and internationally.

Academia is still addressing some of the lacunas in the theory, and it slowly becomes more accurate. However, we must also consider that identities, actors, and processes evolve and continuously change over time.

## **9. Conclusion**

With the globalisation of the economy and politics, human rights NGOs have found an international space and infrastructure in which to develop. The groups that seek international audience and support are not only progressive organisations that promote new and less standardised rights. Conservative groups seek space and participate in the international debate as well. This demonstrates that the international arena is now recognised as a space where both sides perceive the debate on human rights as legitimised and relevant.

NGOs do not acquire and exercise soft power through formal attributes: they do not have the same weight and power states have at the UN, some have consultative status, but their actions and power often go beyond their formal attributes, and the organisations that do not have consultative status and therefore do not have a recognised status within the institution still exercise soft power, both at the UN and within the state (Sikkink, 2002: 304). NGOs have acquired visibility and authority by participating and being included in international conferences, and this has created a circulation of growing power: during the conferences, the organisations acquire visibility, network and connect among each other and lobby states, and this gives them specific knowledge and power which legitimates their work within domestic barriers as well. NGOs' power is based on information: through divulging information, creating new agendas, and involving the public in the process, NGOs participate in norm formation at the international level. "By publicizing their version of public affairs and challenging governments to refute their information or to justify – or alter – official practices, these groups have challenged the official quasi-monopoly on information that many states enjoyed in earlier times. The growing role of NGOs certainly serves to break the state monopoly on information, standard-setting, and norm creation, even if it does not usher in a new era of democratic international politics" (Kratochwil, 2014: 35).

This chapter has shown that many approaches and empirical research support the theory that NGOs have a recognised position internationally and that transnational networks have the power to influence policy formation internationally and domestically. Many elements of these

approaches will be applied to this thesis: the five-step spiral model of socialisation of human rights, the boomerang effect, the concept of framing of an international issue by NGOs and of opportunity structures, the study of the international opposition, and the use of human rights as weapons. NGOs have grown exponentially in the international environment since the creation of the UN and the Universal Declaration of Human Rights. The growing network among NGOs demonstrates the development of common advocating and campaigning strategies that are now coordinated among groups worldwide. They have become an integrated part of the UN, gaining more and more recognition and official space.

I will utilise transnational advocacy network theories to study and explain the evolution of LGBTI rights, NGOs, and their networks, complementing these theories with Bob's outlook on the modern reality of NGOs in international relations and especially at the UN. I will argue that the clash at the international level reproduces itself at the domestic one. Domestic LGBTI NGOs connect with transnational networks, accessing and utilising the international system to influence norm formation. The opposition does the same. Each country will progress in the spiral model of human rights change depending on the opposition's activities and international and domestic pressure. Given the international and domestic opposition LGBTI NGOs face, how they use transnational networks and international organisations to their advantage will significantly impact results. The high investment in supporting domestic efforts on both sides demonstrates how critical the global balance of countries introducing LGBTI rights or supporting traditional values is for international norm consolidation and subsequent domestic internalisation by more states.

In the next chapter, I will review the rise of human rights at the international level and the organisation that allows most of the work NGOs do internationally to affect human rights and their recognition: The United Nations.



### **3. Human Rights and NGOs in International Relations: Integration and Effectiveness in the International System**

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#### **1. Introduction**

The main topic of this thesis will be LGBTI rights, the work NGOs do to integrate LGBTI rights at the international level, how they operate domestically and internationally, and its effect on norm creation at the international level and policymaking at the domestic one. To do so, I must first set the framework in which these mechanisms happen. So, in this chapter, I will review how human rights have been integrated at the international level and the channels and instruments that NGOs use to influence norm formation. Although NGOs lobby many transnational organisations, I will review the UN as the main global governance organisation.

I will review the UN's relation with human rights and NGOs. Going through UN organs and agencies and other international institutions, their historical link and development on human rights highlighting the level at which they have integrated these rights, and the mechanisms used to assure, or attempt to assure, that states comply with recognised rights. The UN system has much developed from its inception to the current days. The integration of human rights and NGOs has gone through different phases that have shaped, challenged, and developed the organisation.

I will be looking at the UN to understand how it allows and facilitates creating international norms, how it allows the promotion of human rights and its effects on domestic policy formation.

#### **2. Recognition of Human Rights at the United Nations**

After World War II (WWII), human rights were introduced at the UN when states ratified the Universal Declaration of Human Rights (UDHR). The 1948 UDHR<sup>7</sup> was the first declaration introducing human rights for every human being worldwide. It was created as a result of the discussions and compromises of different cultures. It was meant so that every

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<sup>7</sup> There are 193 United Nations Member States, and most of them have signed and ratified the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (74 signatories and 167 parties).

human being, without any possible discrimination, could refer to settled principles and fundamental rights that every state would actively guarantee and promote (Mahoney, 2007: 51). The tragedy of the Holocaust demonstrated the need for such a universally recognised set of rights so that what had happened could never happen again (Kratochwil, 2014: 41). Many argue that the human rights development within the UN is extraordinary, especially since the 1980s there has been “a surge of ratifications of human rights conventions occurred along with increasing implementation of many measures and greater public outrage over abuses” (Weiss and Dawn, 2008: 12). The UDHR is also important as it has been used as a blueprint in many regional human rights documents that are often more enforceable (Voeten, 2016: 56).

“The Universal Declaration of Human Rights (...) recognises personal rights to life, nationality, recognition before the law, protection against torture, and protection against discrimination on such bases as race and sex; legal rights to a fair trial, the presumption of innocence, and protection against ex post facto laws, arbitrary arrest, detention or exile, and arbitrary interference with one’s family, home, or reputation; a comparable variety of civil liberties and political rights; subsistence rights to food and health care; economic rights to work, rest and leisure, and social security; social rights to education and protection of the family; and the right to participate in the cultural life of the community” (Donnelly, 2003: 2). Following the UDHR, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) entered into force in 1976. Following these declarations, a range of commissions and committees were also set up to guarantee that measures are taken in each ratifying country to comply with these rights, monitor violations by states and ultimately require states to report on compliance. In addition, the UN has contributed to the development of human rights norms that virtually address any area in the relationship between individuals and the state (Ramcharan, 2008: 443). Every development in integrating human rights in international declarations and norms results from lobbying and campaigning by NGOs, which have been present since the very inception of the UDHR.

The ICCPR, adopted by the General Assembly (GA) in 1966 and ratified by most member states, is a powerful instrument outlining individuals' civil and political rights. “The First Optional Protocol to the ICCPR allows individual citizens of a signatory country to take complaints of alleged ICCPR violations directly to the United Nations Human Rights Committee” (Burton, 1995: 199), allowing individuals power to access UN channels without intermediaries. The ICCPR has 160 adherents and is the base of the homonym committee. It came into legal force in 1976, and the committee was operational within two years. In 1986 the

original committee was substituted by a committee of experts that developed the interpretation of the Covenant and achieved higher involvement from states. Initially, states failed to submit the legally required reports. The honesty of the reports and the ability to picture the reality of the domestic situation can be an issue, so the Committee has attempted to give domestic guidelines instead of universal ones and impact domestic policymaking (Forsythe, 2012: 104). Studies have demonstrated that state parties to the Covenant have a better human rights record (Neumayer, 2005).

The ICCPR is the basis for the Human Rights Committee. The Human Rights Committee was created to establish whether states party to the ICCPR comply with the treaty. It bases its evaluations on periodic reports that states are obliged to produce. In the reports, states highlight the modifications in domestic law and policies that they have made to comply with the ICCPR. The Human Rights Committee is composed of member states party to the Covenant. The Committee is the recipient of individual claims of human rights violations under the Covenant originating in signatory states of an additional protocol. A second additional protocol was added in which the death penalty is prohibited in states parties. Unfortunately, this protocol has not yet had the same success as the entire Covenant, and major influential states such as the USA have not signed it. The Committee makes two kinds of comments: Comments on the summary on an individual report and general comments that aim to give a detailed interpretation of the Covenant's principles. General comments are certainly the most important as they shape the international interpretation of the Covenant and influence international policymaking.

Unfortunately, states that ratify and express their support to international human rights declarations do not always have the best attitude towards committees and the critics and reports they produce. NGOs embrace specific declarations and work with some committees more closely depending on the goal they pursue. For instance, Amnesty International works closely with the committee against torture (Forsythe, 2012: 106). Some committees do not allow NGOs to provide information. Some do not have a mechanism that allows individual complaints, only interstate complaints, which are commonly adopted as states fear a boomerang effect on themselves (Forsythe, 2012: 106). The fact that these committees have not yet made an incisive difference in human rights violations around the globe should not undermine the socialisation function they offer. The existence of treaties and the fact that states ratify them facilitates the socialisation of international norms: although the treaties do not have mandatory power, if embraced by international authorities and NGOs, states often feel obliged to comply with its principles. To be of any value to individuals, human rights must be recognised by states, other

individuals, and society (Berdion Del Valle, Sikkink, 2017: 189-190). “The voluntary nature of human rights commitments is central to the way the system is supposed to work” (Voeten, 2016: 56).

An agreement on which human rights are truly universal has not been reached. Different approaches to interpreting human rights bring different types of implementation. An approach that defines human rights as negative rights would lead to a state that does not intervene, limiting itself to negatively describing what citizens cannot do<sup>8</sup>. A positive approach would lead to the state being more involved in citizens' lives, positively impacting individuals. There is a tension between universalism and particularism regarding human rights. Universal human rights must be recognised and guaranteed for all. However, some groups of people need particular rights because of the specific values, interests, and needs they hold (Walker, 2013), for instance, indigenous people, children, disabled people, and in some ways, LGBTI people. Historically minorities have promoted and brought forward developments in human rights (Sikkink, 2017).

The interpretation of international norms can be challenging as different groups may argue that a norm affirms a specific right whilst other groups may believe the wording to signify a completely different thing, and non-complying states may justify their behaviour by arguing that they comply with a second norm on the same issue (Thomas, 2002: 73). “The coordinating role of global instruments like the UDHR masks deep disagreements over the interpretation of rights, hierarchies of rights, relative emphasis, and the extent to which international bodies should be interventionist in their pursuit to protect citizens from their governments. (...) Near universal reverence for the UDHR should not be confused with acceptance of its contents or agreement on interpretation” (Voeten, 2016: 57).

The origin of human rights and their universal value and interpretation are often contested. The main criticism moved to human rights is that they are Western values promoted by a Western agenda and a utopian project that will eventually decline (Forsythe, 2017). At the 1993 Conference on Human Rights in Vienna, human rights were accused of being a Western cultural output that did not reflect other countries' values. It reflected an individualistic culture that did not value other principles, such as community, which is the centre of Asian culture. The West, often identified with the USA, was accused of hypocrisy in promoting human rights when it

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<sup>8</sup> This would be the case of early theorisations of rights and the role of the state, such as in the *Leviathan* by Thomas Hobbes.

often chose not to guarantee and respect them when convenient.<sup>9</sup> Some argue that not all Asian countries supported the opposition of Asian values to Western values. In fact, “it was rejected by various Asians, most notably in Japan, South Korea, Taiwan, and increasingly perhaps in Indonesia—not to mention India (...) it was clear that there was nothing in Asian culture that rejected internationally recognised human rights” (Forsythe, 2017: 247). Others have highlighted the participation of the Global South in creating the UDHR (Sikkink, 2017).

The argument of human rights as Western values is used to protect other cultures through ‘cultural relativism’. “The advocates of cultural relativism argue that permitting international norms to override the dictates of culture and religion is a violation of state sovereignty” (Alam, 2018: 194). However, certain countries can use cultural relativism to reject accusations of human rights violations. “Cultural relativists usually challenged the Universal Declaration on four grounds. Firstly, it was drafted by cosmopolitan individuals in a privileged situation within their own society, whose views did not reflect the real concerns of the ordinary people. Secondly, the Declaration only reflected Western values, putting the emphasis on the individual forgetting about families, communities and social groups. Thirdly, government will not accept those international norms if they consider them to be in conflict with their local cultural values or domestic political interest. Consequently, they will not let the international human rights regime dictate what to do with their practices. Lastly, certain rights like one of private ownership or marriage or religious freedom cannot be reconciled with traditional practices and norms of non-western societies, so they will be interpreted as a sign of western cultural imperialism” (Alam, 2018: 195). Cultural relativism is a human right, so it cannot be dismissed when human rights and international norms are interpreted. Instead, it must be used as a lens to aid the interpretation. “Ultimately theorists and policy-makers will need to reconsider the hierarchy of rights to ascertain the proper place of the right to culture vis- à -vis other human rights” (Renteln, 2013: 95).

Signing and ratifying international human rights treaties is voluntary, a free decision of states. Kratochwil investigates why states sign and ratify international human rights treaties finding that states sign because they want to comply and generally agree with the treaty's content (Kratochwil, 2014). “Governments ratify human rights treaties for both sincere and

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<sup>9</sup> The United States is often accused of hypocrisy as on its own territory it still has not abolished the death penalty, despite the limitless campaigns that both national and international organisations have run in the attempt to pressure the federal state in abolishing it.

strategic reasons. They calculate the costs versus the benefits in the context of their values, region, national institutions, and time horizons” (Kratochwil, 2014: 111). The value of international human rights in states that ratify treaties is that they tend to improve human rights within the country (Simmons, 2009; Kratochwil, 2014). The ratification of international treaties allows domestic actors to use this in their advocacy for policy change and even appeal to international organisations (Simmons, 2009). Domestic actors are the ones that have the most impact in holding their governments accountable and generating change to comply with international human rights (Kratochwil, 2014). Therefore, international human rights norms must be created.

It is often a challenge to measure the development of human rights internationally as different academics use different measures. Development can be seen as a historical accomplishment or in comparison to an ideal, and the different comparisons will give different results (Sikkink, 2017: 31). Some argue that there are improvements in human rights and that human rights violations are decreasing compared to the past (Sikkink, 2017). Many argue that this is a bad time for human rights considering the surge of nationalism, restriction of human rights and the so-called ‘shrinking spaces’ for civil society, going as far as to say that with the strengthening of economic powers such as China and Russia we are at the end of the human rights era (see Forsythe 2017 for an analysis of literature on the demise of human rights). Overall, there seems to be incremental progress in human rights (Forsythe, 2017: 251), with “recent human rights reports from non-governmental organisations and governmental sources typically contain much more and better information than earlier ones, and they document a wider range of human rights violations” (Risse et al., 2013: 277), demonstrating that we now better define human rights and have better monitoring processes in place.

Human rights at the international level have only recently included sexual freedom. Following sexual rights, the notion of sexual orientation was introduced at the domestic and international levels. The international community is becoming more accepting of LGBTI rights. However, acceptance, as for other rights such as women’s rights, is not universally extended, and some states and organisations reject them. Several states still criminalise homosexuality and even states that have now decriminalised homosexuality still allow for discrimination in health care, the workplace, and education. The rights of LGBTI people can be inferred from the principles contained in the UDHR, the ICCPR, and the general policy of the UN. The UDHR, however, does not explicitly protect from discrimination based on sexual orientation or promote same-sex marriage. This position is supported by the Organisation of Islamic Cooperation

(Kirchick, 2012), from the Arab and Asian world in general, and Christian religious groups (O'Brien, 2012). However, this position is challenged by local NGOs<sup>10</sup> (Mahoney, 2007: 104-111). These countries are still in the early phases of the spiral model, repression and denial.

Although the UDHR does not mention sexual orientation as an impermissible ground for discrimination or same-sex marriage as a fundamental right, many interpretations suggest LGBTI individuals and couples are protected in their fundamental rights as every other person (Bychkov Green, 2010: 86). Article 7 guarantees equality and equal treatment before the law and prohibits any unjust discrimination; Article 12 guarantees privacy in the family and personal life; Article 16 provides the right to marry, form a family, and choose a partner freely. This article is very discussed as many believe that the subjects of the right, 'man and woman', are considered the couple who can access the right. Others<sup>11</sup> argue that it refers to every man and every woman who can choose the partner they wish to marry. This argument is supported by an interpretative and systematic reading of the declaration. In this interpretation, men are free to choose to marry a man, and women are free to marry a woman.

The ICCPR contains most of the principles utilised to promote LGBTI rights: "The U.N. Human Rights Committee (HRC) has found that some of the protections of the ICCPR encompass sexual orientation, and some scholars have proposed that the HRC's holding supports the argument that same-sex marriage is a protected right under international law" (Bychkov Green, 2010: 86). Article 2 contains the non-discrimination clause that protects from discrimination based on "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or *other status*"<sup>12</sup> (Italic added) principle that can be easily extended to sexual orientation, and Article 26 provides the equality and non-discrimination before the law principle. In addition, Article 17 contains the right to privacy and Article 23 provides the right to marry, form a family, and freedom of choice of the partner.<sup>13</sup>

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<sup>10</sup> See for instance Chase and Hamzawy, 2008: 107-113.

<sup>11</sup> Many authors (for instance see Montalti, 2007) and international organisations in defense of human rights such as Amnesty International (See *Love, Hate and the Law, Decriminalizing Homosexuality*, Amnesty International Secretariat Peter Benenson House, July 2008.)

<sup>12</sup> Article 2, International Covent on Civil and Political Rights.

<sup>13</sup> Unfortunately, these articles are found in the part of the Covenant that the United States has declared as not self-executing in its reservations (Burton, 1995: 202).

The extended interpretation claimed its first victory in 1992. “In the important and interesting case of *Toonen v. Australia*<sup>14</sup>, the HRC<sup>15</sup> found that the gender protection in Article 26 also encompassed sexual orientation” (Bychkov Green, 2010: 88). In the decision, the Human Rights Committee established that the Tasmanian sodomy laws violated art. 2 (equality clause) and art. 17 (right to privacy) of the ICCPR, and “importantly, the decision affirmed the importance of homosexual rights within international law” (Bychkov Green, 2010: 88). However, in *Juliet Joslin et al. v. New Zealand*, the Human Rights Committee decided that the ICCPR cannot infer same-sex marriage recognition. Therefore, member states do not have to allow it. However, the Committee specified that states are allowed to introduce it per the principles contained in the Covenant (Montalti, 2007).

The 2006 Declaration of Montreal was the output of the first official International Conference on LGBTI human rights of the 1st World Out-Games. The drafters intended to frame LGBTI rights as human rights and change how human rights are perceived and therefore to overthrow “the traditional, male-dominated, heteronormative vision of the world” (Swiebel, 2009: 28). The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity was the output of an international meeting of experts on LGBTI rights in Indonesia in 2006. “Twenty-nine experts were invited to draft the principles. Coming from 2 countries representing all geographic regions, they included one former UN high commissioner for human rights, 13 current or former UN human rights special mechanism office holders or treaty body members, two serving judges of domestic courts, and a number of academics and LGBTI activists” (Vance et al., 2018: 232).

In this meeting, human rights experts from all around the world established that many principles support LGBTI rights under pre-existing international norms, such as non-discrimination, privacy, and the right to form a family<sup>16</sup>. The Yogyakarta Principles are a second attempt to frame LGBTI rights as human rights by interpreting and expanding existing international norms to include sexual orientation and gender identity. However, this document does not proclaim the right to marry for same-sex couples. It only states a general right to create a family, which some scholars believe is a document's fault (Swiebel, 2009: 29). In 2016,

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<sup>14</sup> *Toonen v. Australia*, Comm. No. 488/1992, U.N. GAOR Hum. Rights Comm., 49th Sess., Supp. No. 40, vol. II, at 226, U.N. Doc. A/49/40 (1994).

<sup>15</sup> Human Right Committee.

<sup>16</sup> There are several critics of these international documents even within the LGBTI world, see for instance, Matthew Waites (2009).



international NGOs advocating for LGBTI rights initiated a review of the Yogyakarta Principles based on developments in international law with experts producing “nine Additional Principles and more than 100 Additional State Obligations with a new list of expert signatories. The new document also expands the ‘SOGI’ terminology from the original Principles, to ‘SOGIESC’ (sexual orientation, gender identity, gender expression and sex characteristics)” (Vance et al., 2018: 232).

The organisation that facilitates the development of human rights at the international level the most is the UN. In the following paragraphs, I will review the structure of the UN and the most important organs that promote human rights.

### **3. The United Nations: Organs and Structure**

The UN was founded in 1945 in the aftermath of WWII from the need to prevent another destroying, horrible, and consuming world war. The UN was created based on two opposing theories of IR: The ‘Peace Project’, which had its foundation in Kant’s famous book *Perpetual Peace* that argued that war could be avoided and eliminated through the cooperation of states; And the tradition of the ‘concert of Europe’, which saw the European powers as responsible of maintaining a balance of power to ensure security and stability but also to guarantee and safeguard their interests (Brown, 2009: 144-145). Hence, the organisation was an idealist and liberal project driven by realist sentiments among the superpowers.

It was ideated to be a platform where states could discuss and cooperate. The organisation is bound to international law through its Charter, which entered into force on the 24th of October 1945: The GA is entrusted by Article 13 to encourage development and codification of international law. Chapter VII states that the Council must act according to international law. Decisions under Chapter VII are binding for all States and therefore have international law strength (Malone, 2004: 592). Economic and social development was addressed by the UN’s several agencies: “The UN Economic and Social Council, the International Bank for Reconstruction and Development (known as the World Bank), the International Monetary Fund (IMF), the International Whaling Commission, the Food and Agriculture Organisation and the World Health Organisation (WHO)” (Haynes et al., 2011: 73). The Charter states that the organisation has the purpose, among others, to promote economic, social, and human rights.

Different IR theories and approaches generate different views of the UN as a global governance organisation: Realists view the UN as an instrument of the great powers; Rationalist as a facilitator of interstate cooperation; the English School as a governor of a society of states;

and finally, the Constructivist perspective sees the UN as a constructor of the social world and a structure of legitimation (Barnett and Finnemore, 2008). Constructivism is the approach utilised in this thesis. According to this theory, the UN facilitates the creation and consolidation of new international norms and has allowed new actors, such as NGOs, to take part in global governance.

It is essential to understand the function and power of international organisations (IOs), such as the UN, to understand how NGOs use international channels to influence international and domestic norm-formation. NGOs were present since the drafting moments of the UN's founding Charter in San Francisco, where representatives of 1200 voluntary organisations attended and lobbied to create article 71, which establishes that NGOs may have a consultative status (Alger, 2002: 93). NGOs “gather information, offer advice, educate member states, help draft treaties, mobilise governmental and citizen support for UN policies, provide data about on-the-ground conditions relevant to the organization's operations, and generally supply a specialised knowledge-base for UN deliberations and interstate negotiations” (Wapner, 2008: 258). Some argue that they hold no real power as their decisions are not enforceable. However, “to deny the efficacy of international human rights institutions because they do not have universal and direct effect on states is to miss vital opportunities enabled by cost-effective instruments to push for positive, if incremental, change” (Dany, 2013: 102). International organisations are where international norms are developed and where they are socialised among states and other international actors.

Building on the sociological theory of Max Weber regarding bureaucracies, Barnett and Finnemore (1999) argue that international organisations and institutions have a life of their own once created and that they do not always satisfy the principles and functions they were created to fulfil. They are more important and influential than liberalists think since they create rules and norms, social knowledge, new actors in the international system, and influence policymaking at the domestic level, creating new interests for the states. Modern bureaucracies, however, can crystallise in their own general rules, become unresponsive to their environment, fail to find new ways of resolving specific problems because obsessed with following the impersonal rules that they set out, and are consequently inefficient (Weber, 1948; Barnett and Finnemore, 1999).

Barnett and Finnemore (2004) suggest that international organisations build an international framework in which states interact and make their decisions by setting rules, initiating debates, generating schemes of classifications and definitions, contributing to the creation of interests

that states pursue. However, there are cases in which the bureaucratic configuration of international organisations is the cause of malfunctioning and non-interventionism because the organisation needs to follow its processes and have slow times of reaction. The authors define the problems that afflict the international system and IOs: the lack of transparency, democracy, and participation. The UN has struggled to gain legitimacy and represent the people of its member states. NGOs have a similar struggle as they seek recognition and legitimacy in global governance, and the relationship between these two actors shows these struggles (Wapner, 2008: 254).

International governance organisations have been increasing NGOs' instances and level of consultation since the 1990s (Steffek et al., 2010: 100). The UN often collaborates with NGOs, contracting them to further its goals or implement strategies or plans (Wapner, 2008: 260). Human rights have also gained a more central stage. In fact, "perhaps the most important development in recent years is the degree to which human rights have penetrated institutions that were not traditionally concerned with rights. Human rights concerns now influence international cooperation on economic and security issues. The most obvious examples are UN General Assembly and Security Council resolutions on human rights" (Voeten, 2016: 61).

The UN is composed of 6 main organs: General Assembly, Security Council, Economic and Social Council, Trusteeship Council, International Court of Justice, and Secretariat. The Trusteeship Council is now an outdated organ suspended in 1996 that was initially instituted to manage colonial territories. UN members had gone from 51 in 1945 to 193 in 2011 when the last new member, South Sudan, was added. The UN seeks to be 'One United Nations'; however, the coordination and efficiency of all organs and offices are not as holistic as the organisation would want it to be, and often they compete for resources and responsibilities (Fomerand and Dijkzeul, 2008).

In the next section, I will review the main UN organs to understand if they are involved in creating international norms and how NGOs interact with them. I will start with the security council, considered the most important organ.

### **3.1 The Security Council**

The UN's most important organ is the Security Council (SC), which produces binding decisions for state members on security matters under Chapter VII of the United Nations Charter. "According to the Charter, the United Nations has four purposes:

- to maintain international peace and security;
- to develop friendly relations among nations;
- to cooperate in solving international problems and in promoting respect for human rights;
- and to be a centre for harmonizing the actions of nations”<sup>17</sup>.

The SC is composed of 15 members, and each member has one vote. The purpose and primary responsibility of the council are to maintain international peace and security. Member states must comply with its decisions. The council can issue recommendations, these do not have the same power, and member states are not obliged to comply.

Once a threat to peace and security is identified, the Security Council encourages states to solve the issue peacefully. It can, however, impose sanctions or authorise the use of force to restore peace. States usually activate the SC. In a very realist fashion, if one of the major states does not have any interest at stake, the SC will not intervene, which was undoubtedly the case on several occasions throughout the Cold War and after. The normality is that of non-intervention.

Initial interpretation of the charter tried to bring in human rights to guarantee peace as violations of human rights can be interpreted as a threat to peace. Two approaches within security studies, Human Security and Critical Security Studies, have highlighted this position. Since the 1960s, the Security Council has been interested in four kinds of issues related to human rights: Violence caused by racism; Human rights in armed conflict; Armed intervention across international boundaries; And guaranteeing peaceful elections and plebiscites (Forsythe, 2012: 73). The SC has been incorporating human rights in its strategies and decisions in an increasing way, even making them part of the responsibilities of peacekeeping operations (Malone, 2008: 126). It expanded the power of Chapter VII to include this new interpretation, a position confirmed in the statement issued by the Security Council in 1992<sup>18</sup>. The SC can invite NGOs to produce evidence and in general information on facts or issues of interest, and organisations can also produce written statements, a procedure that has been actioned by NGOs

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<sup>17</sup> United Nations website, Security Council, available at: <http://www.un.org/en>

<sup>18</sup> Security Council Decision of 31 January 1992 (3046th meeting)- The responsibility of the Security Council in the maintenance of international peace and security.

(Willett, 2000: 199). Collaboration with NGOs has also significantly increased from the mid-1990s (Malone, 2008: 130).

Although the SC would not necessarily be the organ promoting LGBTI rights, there have been instances in which it demonstrated support: After the 2016 Orlando (Florida) Night Club shooting, the SC issued a statement<sup>19</sup> supported even by countries that do not necessarily have a strong record in support of LGBTI rights condemning the attack.

I will now review the Secretary-General's role and involvement in human rights, the High Commission for Human Rights, and the Human Rights Commission.

### **3.2 Secretary-General**

The GA appoints the Secretary-General (SG) after a recommendation from the SC, as per art. 97 of the UN Charter, for a 5-year term and a maximum of two terms. The current SG, António Guterres, took office in January 2017 and is the ninth person appointed to the role. "The Charter describes the Secretary-General as "chief administrative officer" of the organisation, who shall act in that capacity and perform "such other functions as are entrusted" to him or her by the Security Council, General Assembly, Economic and Social Council, and other United Nations organs. The Charter also empowers the Secretary General to "bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security"<sup>20</sup>.

The SG appoints the High Commissioner for Human Rights, a position created by the GA in 1993. The post was pushed through at the 1993 Conference for Human Rights by Amnesty International and received robust positive support resulting in a statement in the final documents of the conference (Mertus, 2009a: 12). The current High Commissioner for Human Rights, and the seventh person to be appointed, is Michelle Bachelet, former president of Chile and women's rights advocate. The role became operative in 1994 and started to acquire additional UN Secretariat human right responsibilities in 1998, and, generally, the role's "quest for measures of implementation and protection have been to provide a voice for victims, to exercise the initiative in launching investigations into gross violations of human rights, and to spearhead

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<sup>19</sup> Security Council Press Statement on Terrorist Attack in Orlando, Florida, available at: <https://www.un.org/press/en/2016/sc12399.doc.htm> (Accessed on 01/11/2021).

<sup>20</sup> United Nations Secretary General Website, available at: <https://www.un.org/sg/en/content/role-secretary-general> (Accessed on 19/09/2021).

the human rights movement, interacting with bodies such as the Security Council and the ICC” (Ramcharan, 2008: 452).

The SG and the High Commissioner for Human Rights have both the duty to promote human rights, the High Commissioner’s primary duty is to provide technical assistance to a wide range of national and international actors, including states, NGOs, UN bodies and national offices on implementation of international human rights standards. It does so by offering training to government officials, advising in reforming domestic legislation to incorporate international human rights standards, assisting NGOs in their cooperation with states to implement human rights, educating at various levels international actors to human rights also through publications, reviews, and manuals (Mertus, 2009a: 16-18).

There has been much support from the SG to LGBTI rights, especially from the former Secretary-General Ban Ki-Moon. He famously promoted the UN campaign ‘Born Free and Equal’, which promotes LGBTI rights and has been very useful to LGBTI NGOs in their advocacy work. There are have also been other instances in which this post has highlighted LGBTI rights violations. For instance, “the UN Secretary-General’s Study on Violence against Women was also critical in documenting violations based on SOGI” (Vance et al., 2018: 229).

The High Commissioner for Human Rights is also committed to promoting LGBTI rights and has done so since “its first specific report on LGBT rights on 15 December 2011. The report was initially presented as the UN’s Human Rights Commissioner’s annual report to the UN General Assembly at the 19th session of the Assembly on 17 November 2011. The report framed LGBT rights within the existing UN Human Rights architecture. It linked sexuality rights as an integral part of the already established rules and norms of human rights accepted by most member states. It pointed out the obligations of member states towards these rights” (Seckinelgin, 2018: 9).

An efficient way of supporting and influencing compliance with international human rights standards is to open country or regional offices in locations that most need this type of involvement, such as emerging democracies. In addition to country offices, the Office of the High Commissioner for Human Rights (OHCHR) also established many regional offices virtually in every region of the world, coordinating with regional organisations and institutions to promote human rights. The OHCHR also cooperates with peace missions worldwide to guarantee human rights. Human rights country advisers are deployed to integrate human rights in development and any other type of UN project. The Rapid Response to Human Rights Crisis deploys personnel to the field in human rights crises and emergencies. In addition, the OHCHR

cooperates with national agencies created to monitor human rights violations within countries. The OHCHR recognises that although recognised and promoted internationally, human rights can be guaranteed efficiently only by local governments, and the office must cooperate as much as possible with domestic authorities to comply with international standards. Local offices are able to promote LGBTI rights and support LGBTI NGOs. For example, in Peru, one of the case studies included in this thesis, the local UN office promotes the UN ‘Free and Equal’ campaign. UN officials participate in events, support local NGOs in their work promoting awareness and occasionally are also able to discuss the UN’s position on these rights with government representatives.

The UN facilitates an important LGBTI rights initiative, the United Nations LGBTI Core Group, an informal cross-regional group of UN member states established in 2008. This group was joined in 2010 by the High Commissioner for Human Rights. “The group is co-chaired by Argentina and The Netherlands, and includes Albania, Australia, Bolivia, Brazil, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Croatia, Ecuador, El Salvador, France, Germany, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Malta, Mexico, Montenegro, Nepal, New Zealand, North Macedonia, Norway, South Africa, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, the European Union (as an observer), as well as the Office of the UN High Commissioner for Human Rights, and the non-governmental organizations Human Rights Watch and OutRight Action International (Secretariat)”<sup>21</sup>. The group works within the framework of the UN to promote LGBTI rights.

In the next section, I will review the General Assembly.

### **3.3 The General Assembly**

The GA is one of the six principal organs of the UN, and it is considered a global congress or parliament in which each member state is equal and has one vote. The issues that member states can discuss are listed in the Charter. These include “development, peace and security, international law, etc.”<sup>22</sup> The assembly is the main organ in policymaking and generally requires a vast majority of 2/3 for important resolutions to pass. The resolutions adopted by the

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<sup>21</sup> The United Nations LGBTI Core Group website, available at: <https://unlgbticoregroup.org/history/> (Accessed on 15/09/2021).

<sup>22</sup> United Nations General Assembly website, available at: <http://www.un.org/en/ga/> (Accessed on 03/09/2021).

GA are merely recommendations. However, states from specific regions, namely South America, Africa, and Asia, promote the organ's prominence due to its egalitarian treatment of all member states (Peterson, 2008: 103).

The GA “has also initiated actions—political, economic, humanitarian, social and legal—which have affected the lives of millions of people throughout the world. The landmark Millennium Declaration, adopted in 2000, and the 2005 World Summit Outcome Document, reflect the commitment of Member States:

- to reach specific goals to attain peace, security and disarmament along with development and poverty eradication;
- to safeguard human rights and promote the rule of law;
- to protect our common environment;
- to meet the special needs of Africa; and
- to strengthen the United Nations.

In September 2015, the Assembly agreed on a set of 17 Sustainable Development Goals, contained in the outcome document of the United Nations summit for the adoption of the post-2015 development agenda (resolution 70/1).”<sup>23</sup>

The GA has promoted human rights through treaties, resolutions, and instructing several offices to deal with the subject. Although resolutions are not binding and only give a general indication of the direction policies should take, they shape international policy on many subjects. After the end of the Cold War, a new tendency has emerged: The GA has established that it is within its powers and a regular feature of international policymaking to discuss the approach and violations of human rights by states. In addition, the GA is allowed to “initiate studies and make recommendations to promote international political cooperation, the development and codification of international law, the realization of human rights and fundamental freedoms, and international collaboration in the economic, social, humanitarian, cultural, educational and health fields”<sup>24</sup>.

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<sup>23</sup> United Nations General Assembly website, available at: <http://www.un.org/en/ga/about/background.shtml> (Accessed on 09/10/2021).

<sup>24</sup> United Nations General Assembly website, available at: <http://www.un.org/en/ga/about/background.shtml> (Accessed on 09/10/2021).



NGOs have been allowed to observe since 1950 and have access to documents from GA meetings on specific matters and have, since the 1970s, been admitted to committees to assist in areas of expertise (Alger, 2002). The first NGO to become an observer in 1990 was the Red Cross<sup>25</sup> (resolution 45/6, 16 October 1990), recognising the role conferred to the organisation from the Geneva Conventions.<sup>26</sup> This access is sufficient to extensively lobby, create networks, and create relations with subsidiary bodies, which have allowed cooperation with NGOs<sup>27</sup> given them the possibility to influence final recommendations made to the GA. The UN-NGO relationship was revived in 1995 when the Inter-Departmental Working Group on NGOs was resumed and in 1997 when the SG suggested to all departments to designate an NGO liaison officer (Reimann, 2006: 57). Observer position is also granted to a Catholic institution, the Holy See, which gives the Catholic Church further opportunity to influence international policymaking.

States have used the GA to promote resolutions and statements favouring LGBTI rights. Most of the outputs are coordinated with national and international LGBTI NGOs. The GA issued a statement regarding LGBTI rights in December 2008, confirming that LGBTI rights, as contained in the UDHR, the ICCPR, and the ICESCR, are to be guaranteed by every state member to the treaties (Bychkov Green, 2010: 89), a position reiterated in 2011.<sup>28</sup> The statement read by Argentina in 2008 was followed by one read by Syria, in representation of 57 states and backed by the OIC, which declared that there is no legal foundation for the claims of rights to sexual orientation and gender identity and that the notion opens to a wide range of situations such as paedophilia (Waites, 2009: 142).

These declarations were preceded by statements from states supporting and against recognising LGBTI rights. A proposed resolution by the Brazilian representation condemning sexual orientation discrimination was opposed by the Vatican and state members of the OIC at the UN Commission for Human Rights in 2004 (Kollman and Waites, 2009: 5). The GA also

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<sup>25</sup> Observer Status for the International Committee of the Red Cross, in Consideration of the Special Role and Mandates Conferred Upon it by the Geneva Conventions of 12 August 1949, UN General Assembly, Resolution 45/6 (16 October 1990).

<sup>26</sup> The full list can be accessed here: <http://undocs.org/en/A/INF/72/5> (Accessed on 04/11/2021).

<sup>27</sup> This was the case also in the 1960s since the decolonization process and the fight against the apartheid system in South Africa in which NGOs were allowed to participate to Special Committees (Willets, 2000: 197).

<sup>28</sup> Human rights, sexual orientation and gender identity, Resolution of the General Assembly 15-06-2011.

refers to LGBTI rights in several other resolutions<sup>29</sup>, consolidating these rights as international norms.

In the following sections, I will review the International Court of Justice.

### **3.4 The International Court of Justice**

The International Court of Justice (ICJ) is the main judicial organ of the UN. The cases that can be brought to the attention of the ICJ can be of two types, advisory or contentious. In contentious cases are disputes between states, and, apart from membership restrictions, the states must consent to the jurisdiction of the dispute. The GA and the SC can request advisory opinions, and so can other specialised agencies or organs after authorisation by the GA. Apart from deliberations on specific cases, the ICJ is attributed to advancing international law in several fields: International treaties; Law of the sea; Territorial issues, etc. (Crawford and Grant, 2008: 202). The ICJ is not a human rights court, as the European Court of Human Rights or the Inter-American Court of Human Rights are. In fact, at the global level, there is no equivalent judicial institution. International treaties on human rights have monitoring bodies that evaluate state performance based on states' self-reporting and possibly reports from civil society. However, they do not have any enforceable power, and they can only produce resolutions and recommendations.

In the following paragraph, I will review one of the essential UN organs regarding NGO participation, the Economic and Social Council (ECOSOC).

## **4. Economic and Social Council**

The Economic and Social Council (ECOSOC) was designed to be a prominent organ of the UN. It derives its mandate from the 1946 UN Charter to promote cooperation, dialogue and policy review on economic, social and development issues and human rights. It redirects the decisions approved in the GA to different economic and social bodies, and it “complies with its mandate on human rights by interacting with the now Human Rights Council” (Clark, 2013: 128).

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<sup>29</sup> List available on the United Nations website at: <https://www.ohchr.org/en/issues/discrimination/pages/lgbtunresolutions.aspx>. (Accessed on 12/12/2021).

The Commission on Human Rights, the predecessor of the current Human Rights Council, was established in 1946 by ECOSOC and served as an institutional body for drafting the UDHR. It was composed of representatives of states elected by ECOSOC. Starting in 1967, the Commission attempted protective activities instead of just promotional ones, thanks to the presence of more developing countries in the council (Forsythe, 2012: 92). It based its decisions on the UDHR and two resolutions, 1235 and 1503, and, on paper, it had the power to make decisions on human rights violations. However, this has not brought to the Commission's effectiveness regarding specific rights, people, or countries. The first important decision regarding human rights that ECOSOC made was that the Human Rights Commission members were to be state representatives and not independent experts. Then, resolution 1235 allowed the Commission to discuss specific complaints about specific countries. Resolution 1503 allowed the Commission to accept private petitions that highlighted specific countries' systematic and gross violations of human rights. These resolutions allowed increasing diplomatic activity around human rights. ECOSOC supervises several UN offices, including the UN Development Program (UNDP).

The Council also serves as a semi-judicial body that evaluates complaints of human rights violations by individual members. However, its decisions are not enforceable and often “concern liberal democracies that are not subject to a regional court” (Voeten, 2016: 58). The commission failed to address individual petitions of gross human rights violations within countries. To address this failure, NGOs and special rapporteurs pressured the commission into introducing this additional instrument which brought many countries before the commission (Ramcharan, 2008: 453). This allows dialogue and conversations on the record, not confidentially. The commission's work targeting countries that violate human rights that are also signatories and that have ratified conventions shows positive results (Clark, 2013).

The Human Rights Commission became the Human Rights Council on the 15<sup>th</sup> of March 2006 by resolution 60/251 of the GA, reporting to the GA. The Council “was directed to prepare recommendations and reports regarding several main themes including: the right to self-determination; racism; the right to development; the question of the violation of human rights and fundamental freedoms in any part of the world; economic, social and cultural rights; and civil and political rights, including the question of torture and detention” (Ramcharan, 2008: 448). The Council has the mandate to promote human rights, not a protection role, so many were left unsatisfied (Ramcharan, 2008: 450). Working groups and special rapporteurs with specific mandates were created to investigate human rights violations across the globe.

“Rapporteurs and working groups issue urgent appeals when people are at risk, make public statements denouncing violations, and submit annual reports to the CHR/HRC or the General Assembly” (Ramcharan, 2008: 450). The GA elects 47 members of the Council based on human rights situations and pledges and commitments by the states.

The Human Rights Council has been a focal point for LGBTI rights at the UN. Several initiatives saw collaboration between countries and NGOs with excellent outputs, strengthening transnational networks. For instance, “Brazil’s initiative, although not initially motivated by strong civil society engagement, served as a focal point and mobilising tool for NGOs around the world. An NGO strategy meeting was held in Brazil in December 2003, which was attended by a diverse cross-regional group of activists who engaged with and lent support to Brazilian government representatives responsible for crafting and guiding the resolution (ARC International, 2003). As a result of that meeting, and similar coordinated organising efforts, the Commission’s 2004 session saw more than 50 LGBT activists from all regions of the world gather to support the resolution. A global listserv (the ‘SOGI list’) was initiated by ARC International, a newly launched Canadian-based NGO, to facilitate this worldwide momentum. That listserv now has more than 1500 subscribers who regularly engage in strategic discussions about advocacy in spaces of regional and global politics” (Vance et al. 2018: 226-227).

In 2005 two statements were delivered to the Human Rights Council, one by New Zealand signed by 31 states and one by Norway signed by 54 states, stating the urgency of including sexual orientation as a cause for non-discrimination (Sheill, 2009: 59). In 2005 it refused for the third time to discuss a resolution on ‘Human Rights and Sexual Orientation’, proposed for the first time by Brazil in 2003, followed by Norway that tried to put the matter on the agenda and was supported by 54 states, including states from Latin America and Asia in 2006, and in 2008 the number of supporting states grew to 60 when Slovenia and Argentina made a similar proposal (Swiebel, 2009: 26). On the other side, the then Human Rights Council included in five resolutions sexual orientation in a list of reasons for hate crimes that states must prevent and investigate after ‘The Reports of the Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions’ in 2010 (Swiebel, 2009: 27). The Human Rights Council has eventually internalised LGBTI rights, with Resolution 17/19 in 2011, which exposed the violence and discrimination that LGBTI people suffered because of their sexual orientation and/or gender identity, which was followed by the first report on the matter by the Office of the High

Commissioner for Human Rights (A/HRC/19/41)<sup>30</sup>. The report led to a panel discussion in 2012, and in 2014 a second resolution was adopted (27/32) that again denounced the violence and discrimination LGBTI people endure. The latest resolution by the Human Rights Council was adopted in June 2016 and addressed the protection against violence and discrimination based on sexual orientation and gender identity (A/HRC/RES/32/2).

The Human Rights Council has also promoted LGBTI rights by commissioning reports on the violation of these rights. “Critical were the two occasions on which the HRC voted to request reports from the UN High Commissioner for Human Rights on discrimination and violence against individuals based on their sexual orientation and gender identity. These reports were issued in 2011 and 2015. They document and benchmark the abuses suffered by LGBT and intersex persons, as well as what protections currently exist for them” (Langlois, 2019: 3). These reports are crucial for highlighting human rights abuse based on LGBTI rights, raising awareness of the violations and consolidating these rights as international norms. One of the most important developments is the creation in 2016 of the Sexual Orientation and Gender Identity (SOGI) Independent Expert. This is an important role, and the work NGOs put into creating the post will be discussed further in the next chapter.

One of the Council's procedures is the Universal Periodic Review (UPR). The UPR is an essential tool for NGOs to report human rights violations via a shadow report and request comments on their country by peers. The UPR, launched in 2008, is based on three sources of information: A report written by the state under review; Reports from the UN with any information acquired via different organs and offices; and a civil society report. The UPR process is meant to be a platform in which all member states are equal, however there are some limitations to the process and how it is used that can increase divide between North and South, or developed and developing countries: There is a barrier in terms of capacity, costs, cultural differences and language, the six official languages spoken at the UN but also UN jargon, that results in smaller countries having low attendance or only attending the sessions in which they are under review; Some members seem to be using the process in the best way to give constructive feedback and practical suggestions, whereas some states seem to using the process to highlight other countries poor record on human rights or make themselves look better; Even the reforms that have been proposed to improve the process by developing countries often were

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<sup>30</sup> See United Nations Human Rights, Office of the High Commissioner for Human Rights at: <http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBT.aspx>. (Accessed on 28/12/2021).

too burdensome for developing countries; there also seems to be a focus on current events, that do not allow developing countries to raise or recall historical issues such as colonisation (Cowan and Billaud, 2015).

NGOs can apply for ECOSOC consultative status, which allows them to participate in meetings and conferences organised by ECOSOC and every other subsidiary body, to special events organised by the President of the GA and to organise conferences on the UN premises. There are three types of consultative status: General, Special, under which fall most of the new NGOs that acquire consultative status, and Roster. NGOs that acquire general consultative status are believed to have general expertise in subjects related to ECOSOC activities. NGOs that acquire specific consultative status are considered to have specific knowledge and expertise. Finally, NGOs that acquire Roster consultative status are considered to have knowledge or expertise on a subject that the Committee or the SG believe could be of use. The highest status allows NGOs to attend UN meetings and submit documents. Through three successive versions of the statute (1950, 1992 and 1996), ECOSOC decides on giving consultative status to NGOs. Consultative status allows NGOs to participate at any ECOSOC and subsidiary body official meeting, which are used also by CONGO (the Conference of Non-Governmental Organisations in Consultative Status with ECOSOC).

The most important restrictions to meet the criteria to be considered an NGO are to: Be a not-for-profit organisation; Not advocate violence; Not be a school, university or political party; Human rights issues must be advocated universally for every human being, with no territorial or other types of restriction (ECOSOC Resolution 1296, par. 17; Resolution 1996/31, par. 25). In addition, NGOs that wish to acquire ECOSOC status are required to follow Resolution 1996/31 that states NGOs to “be representative of their members, to have democratic and transparent decision-making process, and to be politically independent” (Steffek and Hahn, 2010: 2). Since 1996 national NGOs that originate and operate within one country can apply for special consultative status. This was meant to allow more NGOs from the South. However, the result was that more and more NGOs from North America, Europe, or government-funded by the South were accessing the UN instead (Willetts, 2006: 319). The Cardoso Report addressed this issue by creating a fund to allow applications and trips to UN headquarters (Willetts, 2006: 319).

Under ECOSOC resolution 1996/31, NGOs that acquire general and special consultative status are obliged to submit a report of their activities to the Committee on NGOs every four years. Otherwise, they will be suspended, and their status will be withdrawn under resolution

2008/4. NGOs with general consultative status can submit issues to the Committee on NGOs for it to submit to the SG and possibly be of interest to the Council. Some rules deny the concession of consultative status to fully government-controlled NGOs to guarantee the independence of the organisations and their role as representatives of civil society. After 1996 there was an arrest in the development of NGO official channels at the UN, as a result of pressure by the United States, and NGOs were obliged to pay fees to access electronic information, there was at one point talking of making NGOs pay the costs that the UN incurred for their presence and global conferences, which were the tools by which NGOs acquired visibility and had the possibility to network and lobby, were declared too expensive and no longer to be held (Ottaway, 2001: 277).

International conferences are essential platforms for NGOs to meet and develop networks. ECOSOC's commission establishes the status that NGOs have within the UN. However, whenever there is a conference on specific issues, NGOs' status with ECOSOC is utilised as a baseline to allow access, and the status within the conference is negotiated and agreed each time by the states and the evolution that this status has had in time demonstrates the growing importance and relevance that NGOs are granted by the main actors of international relations (Clark et al., 1998: 4). Since the mid-1970s, NGOs have generally had more rights during international conferences than within ECOSOC (Willets, 2000: 193). Since this period, the vast majority of NGOs have formed (Sikkink and Smith, 2002: 16). The NGOs that have successfully been assigned consultative status are 4045, but the number that participates at world conferences is much higher. Of course, not all NGOs have or would be given access to consultative status. However, they can still participate in global governance by registering at conferences, putting pressure on states and the UN through media campaigns, lobbying and advising on specific matters.

ECOSOC accreditation for NGOs promoting LGBTI rights has been extremely hard to achieve. The committee that approves the accreditation "has rejected more than ten applications submitted by NGOs working on SOGI. In 2006, 2007, 2008, 2009 and 2010, the ECOSOC has had to overturn these recommendations in order to uphold the principle of non-discrimination underpinning the UN Charter" (Vance et al., 2018: 228). This topic will be discussed further in the following chapter. However, it is important to highlight that other NGOs have supported LGBTI rights, in fact, "many ECOSOC accredited allied groups working on sexual and reproductive rights, women's rights, HIV/AIDS and general human rights have been extremely

helpful in accrediting representatives from LGBT organisations to attend meetings and assist with sponsorship of workshops and parallel events” (Vance et al., 2018: 242).

## 5. Conclusion

Since the UN’s inception, human rights evolution within the organisation has been sustained and invasive of every organ and department. “Human rights long ago ceased to be an idea or even set of aspirational ideas about the dignity of persons; they now provide the vocabulary with which we debate many questions about international law, politics, and global justice” (Berdion Del Valle, Sikkink, 2017: 190). Human rights are perceived as a distinctive sign of civilisation<sup>31</sup>, a universal standard to which countries want to participate, they are not imposed by force but are embraced by states willingly to demonstrate a specific international profile (Donnelly, 1998). “Human Rights norms have constitutive effects because good human rights performance is one crucial signal to others to identify a member of the community of liberal states” (Risse et al., 1999: 8). States want to be recognised as part of the international community, resulting in all states having signed and ratified at least one human rights declaration or parts of it. “This further contributes to an emerging world polity in so far as these norms not only set standards of appropriate behaviour worldwide, but also constitute states in the world system as member of the international community” (Alam, 2018: 194). Even after states’ behaviour and reaction in the aftermath of 9/11, when it appeared that the realist paradigm was again the most appropriate to describe and explain IR, studies on international organisations and transnational networks continued, and time demonstrated that the sit back was temporary.

Recognition of LGBTI rights has now gone through many UN bodies which have deliberated on sexual rights, non-discrimination on the ground of sexual orientation, gender identity rights and other aspects recognising LGBTI as human rights, and therefore extending most rights to LGBTI people, but also recognising a new and specific set of rights, exclusive to LGBTI people. The UN incorporates LGBTI rights in the policies of several of its agencies, such as UNHCR and UNAIDS. This reproduces itself also in initiatives brought forward by national agencies

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<sup>31</sup> This feature of human rights runs back in history to the antique cultures of China, Greece and the colonizing powers that proclaimed to defend human rights and to bring civilization, and therefore rights, to barbaric cultures, and is now a justification for war, humanitarian wars (Donnelly, 1998).



(Seckinelgin, 2018: 12). The recent appointment of the SOGI Independent Expert demonstrates the further commitment of the UN to LGBTI rights. The rise to the UN and in general at the international level of LGBTI rights as human rights has favoured the LGBTI cause worldwide. The UN has integrated the promotion of LGBTI rights in its channels, allowing LGBTI NGOs to acquire ECOSOC consultative status, creating sensibilisation campaigns such as the ‘Born Free and Equal’ campaign, and creating the SOGI Independent Expert. This does not change the fact that LGBTI rights are highly contested, and voting on resolutions in favour of LGBTI rights are always very close (Langlois, 2019), although there have been improvements in voting patterns<sup>32</sup>. Unfortunately, there are still many states that criminalise homosexual acts and “the death penalty can be imposed in eight UN states, with four implementing it (Iran, Saudi Arabia, Sudan and Yemen)” (Vance et al. 2018: 224).

In the next chapter, I will analyse LGBT NGOs and their networks to understand how they brought LGBTI rights to the international agenda, the strategy chosen to advocate for these rights within different groups and the legitimisation received at the UN level. LGBTI INGOs use UN channels to further their cause internationally and domestically. I review how they operate, the challenges they face, the progress made, and their opposition.

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<sup>32</sup> “African regions (Liberia and Mozambique) and Asian regions (the Philippines, Singapore, Sri Lanka and Vietnam) also appear to be making some progress. Most notably, in the fall of 2014, Vietnam and the Philippines supported the SOGI HRC resolution on combating violence and discrimination. In Central and Eastern Europe, the Republic of Moldova has made some headway; however, it did vote against a SOGI HRC resolution in 2011. Lastly, Latin American and Caribbean countries showing some improvements are Antigua and Barbuda, Bahamas, Barbados, Belize, Grenada, Peru, Saint Kitts and Nevis, and Trinidad and Tobago. Peru also supported the 2014 SOGI HRC resolution on combating violence and discrimination” (Vance et al., 2018: 239-240).

## 4. LGBTI NGOs in International Relations and at the United Nations

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### 1. Introduction

So far, I have made an overview of the IR theories developed to explain the growing presence and influence of human rights and NGOs at the international level and discussed the organs and processes available to NGOs to further their cause at the UN. As discussed in the second chapter, Cliff Bob highlights the presence of two factions at the international level, progressive and conservative, that use international platforms (Bob, 2013) and the human rights framework in different ways to further their cause against their opponents (Bob 2019). NGOs at the international level influence international norm formation through evolving methods such as agenda-setting, lobbying, and building presence through UN official channels, methods that both sides are now firmly engaging with (Bob, 2013). I have reviewed the theories that argue that international norms influence domestic policy formation, specifically the spiral model with its five phases (Risse et al., 1999 and 2013). A prerequisite of the spiral model is that human rights must be recognised as international norms.

In this chapter, I will look at how LGBTI NGOs use the international system to further their cause and present findings of the qualitative research done<sup>33</sup>. The research from the international perspective focused on the reach, recognition and impact that LGBTI NGOs have internationally, specifically the UN, the challenges and opposition they face, and the importance and impact of their presence. This is essential to establish LGBTI rights as international norms. Without this step, domestic influence would not be possible. In the second part of this thesis, I will focus on how this affects domestic policies and how domestic NGOs in the selected case studies use international channels to maximise results.

The first step in norm creation is the emergence of a norm in several states before being brought to the international agenda (Finnemore; Sikkink, 1998). In the next paragraph, I will review the emergence of LGBTI rights and NGOs at the domestic level.

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<sup>33</sup> This included interviews with International LGBTI NGOs, UN UPR staff, a UN staff member of the team of the Independent Expert on Sexual Orientation and Gender Identity (SOGI), several academics and personal observations during NGO conferences and a visit to the United Nations to witness the 27th UPR Review Process in May 2017 in Geneva.

## 2. The Emergence of LGBTI Rights at the Domestic Level

An international norm will only become such after several countries recognise it. So it is essential to understand when LGBTI rights started to be recognised. Until LGBTI rights have been recognised domestically by some key countries, it would have been impossible to advocate for them internationally. Organisations promoting sexual freedom and reform of laws punishing same-sex acts were present in Europe since the end of the nineteenth century. Their development was interrupted by Nazi ideologies and Fascisms until the late 1940s (Kollman and Waites, 2009: 3). LGBTI NGOs started to form in the 1970s at a local level in Europe, North America, and Australia. The first step towards full recognition of LGBTI rights is decriminalising homosexual acts by abolishing sodomy laws (Burt, 2007: 82). These laws actively violate many principles contained in constitutions and bills of rights: the right to privacy, equality and non-discrimination principles, protection of minorities, and they enforce through law a moral view of homosexuality that is based on religious beliefs and prejudice, which socially stigmatises LGBTI people (Koppelman, 2001: 219-220).

LGBTI activists mobilised after oppression or acts of violence, for instance, after the famous Stonewall Inn raids in New York City in 1969. This brought to the mobilisation of the first gay and lesbian organisations. In the 1970s, LGBTI organisations in the United States were divided into two orientations: integrate LGBTI rights in the mainstream or reject the mainstream and create a new social, cultural and legal framework that included sexual freedoms and rights<sup>34</sup> (Mertus, 2007: 1051). In Europe, most states abolished sodomy laws before the 1990s. The next target for LGBTI groups is adopting anti-discrimination laws for LGBTI people in sectors of public life such as the workplace, access to jobs, access to public offices.

In the 1980s, the European Union developed policies of non-discrimination towards LGBTI people, facilitating the process of domestic socialisation. Most Western states now fully recognise LGBTI rights. Many Western democracies have adopted laws that introduce same-sex unions in a relatively short amount of time. Scholars believe this is due to the development of LGBTI transnational networks that have globalised the idea of LGBTI rights as human rights and influenced domestic policymaking (Kollman, 2007). This process follows two directions:

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<sup>34</sup> The Gay Liberation Front was one of the most influential organisations in the 1970s and aimed at revolutionizing the system rather than just reforming it (Bateman, 2005). In reality the activities that the organisation was dedicated to were less revolutionary than its manifesto and included support groups for LGBTI people and growing awareness and educating the public (Mertus, 2007: 1052).

bottom-up as NGOs influence the international level, and top-down as international norm creation influences domestic policymaking. Local NGOs reach out to international networks in states that have not yet recognised LGBTI rights to activate the boomerang effect.

In the following paragraph, I will discuss the international evolution and recognition of LGBTI NGOs.

### **3. LGBTI NGOs Initial Access to the International Level**

The evolution and theorisation of LGBTI rights have come a long way, and there are different interpretations and approaches to expanding these rights at the international level. This progress was possible because of the tireless work carried out by LGBTI NGOs domestically and internationally. LGBTI NGOs have been active at the international level since the 1990s and have participated at many international conferences, including the “1993 World Conference on Human Rights in Vienna, the 1994 International Conference on Population and Development (ICPD) in Cairo, Egypt, and the 1995 World Conference on Women in Beijing” (Mertus, 2007: 1041). These conferences were divided into official UN meetings and NGO fora, in which LGBTI NGOs could develop networking, lobbying, and advocacy skills. LGBTI NGOs found a natural ally in organisations advocating for women's rights. Sexual rights have entered the international arena only since the mid-1990s and were introduced by women's rights advocates (Mertus, 2007: 1042).

The presence of a strong group advocating for lesbian and bisexual women's rights during the NGO forum in Beijing made the inclusion of sexuality possible in the outcome of the conference (Sheill, 2009: 60). The right of lesbians to be free of discrimination, oppression and violence was presented as a critical issue, with powerful testimonies from women that had endured violence and discrimination due to their sexual orientation (Mertus, 2007: 1043). However, in the output of the 1995 Beijing Conference, which recognises women as sexual beings and includes sexual freedoms, there is no mention of sexual orientation, sexual rights, lesbian or the word gender (Sheill, 2009: 58). Sexual rights were better defined in the following conferences, and the right to sexual orientation slowly appeared in documents and reports.<sup>35</sup>

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<sup>35</sup> LGBTI rights were raised also in other UN departments and organs such as United Nations High Commissioner for Refugees (UNHCR) which recognised LGBTI people as qualifying to be members of a particular group for the purposes of the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol

LGBTI NGOs have explored two main advocacy techniques: the first approach is specific to the time when LGBTI rights were still attempting to become part of the mainstream (before 1995) and consisted in applying already existing international human rights, such as the right to privacy, life, freedom from torture, the right to non-discrimination, creation of a family, etc. to LGBTI people, in this way integrating LGBTI rights in a known and specific framework; the second strategy is specific of the time that follows the adoption of LGBTI rights by leading international human rights NGOs, such as Amnesty International and Human Rights Watch, and the acceptance of LGBTI rights in the mainstream and consists of attempting to create a new set of rights which are specific to this group, such as gender identity rights (Mertus, 2007: 1039).

Many LGBTI NGOs have existed long before mainstream acceptance of LGBTI. For example, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) was founded in 1978. However, only in the 1990s, after embracing the human rights rhetoric, it started to succeed at the international level (Kollman and Waites, 2009: 4). Following this success, organisations started to expand. For instance, ILGA in the 1990s created regional sub-organisations to address regional advocacy with a more tailored approach: ILGA-Africa, ILGA-Asia, ILGA-ANZAPI (Australia, New Zealand, Aotearoa and Pacific Islands), ILGA-Europe, ILGA-North America and ILGA-LAC (Latin America and the Caribbean).

LGBTI organisations started to pressure established NGOs, defined as ‘human rights gatekeepers’, to promote LGBTI rights internationally. According to this theory, once established NGOs, such as Amnesty International and Human Rights Watch, embrace a set of rights, they are more easily acknowledged, recognised and eventually accepted as human rights by domestic society and the international community (Mertus, 2007). This tactic was adopted by the International Gay and Lesbian Human Rights Commission (IGLHRC) that collaborated to create reports for Human Rights Watch to promote LGBTI rights through the organisation and eventually created its department, deeply linked with IGLHRC in New York (Mertus: 2007: 1046). The fact that these organisations officially embraced LGBTI rights encouraged other organisations to do the same (Mertus, 2007: 1048).

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Relating to the Status of Refugees (Mertus, 2007: 1044). The criminal courts established in war time in the 1990s made a step forward in recognising rape as a violation of women sexual rights and autonomy, and not only as an offence to the woman’s dignity and honour (Sheill, 2009: 59).

In the 1990s, several access points were targeted at the UN, but the efforts and strategy were not coordinated. Women were actively fighting to include sexual rights in the Platform for Action at UN conferences whilst the more male-dominated international LGBTI movement was lobbying and campaigning to access ECOSOC and put the LGBTI agenda on the table of the Human Rights Committee (Swiebel, 2009: 28). LGBTI NGOs had successes at the European Union level long before the UN started addressing LGBTI rights. However, this success has not been replicated at the UN level, and this is mainly because “right-wing Catholics and fundamentalist Islamic states have formed a formidable alliance that systematically tries to block recognition of LGBT rights as a UN issue” (Swiebel, 2009: 25). We will see in the paragraph that analyses the opposition faced by LGBTI NGOs how these organisations have organised and mobilised.

In the next section of this chapter, I will review the NGOs and networks that have made progress possible, the work and the impact they have internationally, the challenges and opposition they face.

#### **4. LGBTI NGOs and Transnational Networks Access at the UN**

In this study, I will mainly consider NGOs that promote LGBTI rights and not organisations covering a wide range of human rights, such as Amnesty International or Human Rights Watch. However, such organisations will be mentioned as their work and influence are highly regarded, especially internationally. They can be gatekeepers to gaining international recognition. LGBTI rights entered the international system in the 1990s when organisations such as Amnesty International<sup>36</sup> and Human Rights Watch<sup>37</sup> started actively and officially campaigning for them. LGBTI NGOs can be divided into international, regional, and local groups. International organisations, such as ILGA and the IGLHRC, are often umbrella organisations that work and

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<sup>36</sup> Amnesty International recognised LGBTI prisoner’s rights officially in 1991 when the organisation started campaigning and pushing its members to write letters in favor of these prisoners; in 1993 the organisation published a monograph in which it stated that LGBT rights were considered as Human Rights, and subsequently published reports on the condition of LGBT people in different countries; finally the organisation created a department specialized on the topic of LGBT rights, LGBT Network, and created local departments in different countries as well to promote, lobby and advocate for LGBT rights (Mertus, 2007: 1045)

<sup>37</sup> Human Rights Watch officially started reporting and advocating for LGBTI rights only in 1996, only in 2003 was created a specific LGBT department (Mertus, 2007: 1046).

support local organisations, providing expertise on lobbying, advocacy, and campaigning techniques, offering access to a wide network of organisations and resources. They have access to UN channels and have more experience in utilising them to obtain better results. Regional organisations, such as ILGA-Europe and the American Human Rights Campaign, are often a smaller version of the international ones. They lobby and advocate for LGBTI rights regionally, such as within the European Union, supporting local organisations. Working with regional human rights organisations in Asia is more challenging, so regional NGOs such as the Asian Pacific Transgender Network (APTN) also attempt to access UN channels. Local organisations are often grassroots organisations that support and provide services to LGBTI people and advocate for equality and non-discrimination locally. These types of organisations are often responsible for the first campaigns and achievements that, from the 1970s in North America and Europe, have brought to the abolition of sodomy laws, the creation of anti-discrimination legislations and eventually to the creation of institutions such as civil partnerships and the extension of marriage to same-sex couples. Local organisations are also responsible for collecting data and compiling country reports as they are closest to the domestic situation.

The leading organisations advocating internationally for LGBTI rights are ILGA World, the regional sections of ILGA, and ARC International. They are the main organisations that coordinate with local NGOs to report back to UN bodies and engage with processes such as the UPR. Several national organisations such as COC Nederland and LGBT+Danmark also support other national NGOs to engage with the UN. ILGA was founded in 1978, initially focused in Europe and now with branches all over the globe. It is currently divided into Pan Africa ILGA, ILGA Asia, ILGA-Europe, ILGALAC (Latin America and the Caribbean), ILGA North America and ILGA Oceania. It is an umbrella organisation with “1,700 organisations from over 160 countries”.<sup>38</sup> It has a dedicated office in Geneva, its staff attends meetings and interacts as much as possible with UN bodies, officially and unofficially. They had to work very hard and throughout several years to be granted ECOSOC consultative status. They run global and regional conferences with presentations, workshops, and trainings to share strategies and techniques and to allow community building among activists. They also support and occasionally fund local campaigns and projects. The global and regional offices have a small number of paid staff, making their work all the more impressive.

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<sup>38</sup> ILGA World website: <https://ilga.org/about-us> (Accessed on 19/10/2021).

ARC International is one of the other major organisations that support international work on LGBTI advocacy and transnational network building, supporting other international and domestic organisations. Founded in 2003, the organisation worked on several international projects, including the resolution brought forward by Brazil to the General Assembly in 2003 and other initiatives brought forward by Norway in 2006 and France in 2008, cooperating with the Commission on Human Rights, the organisation was instrumental in the creation of the Yogyakarta Principles and their review after ten years and collaborates with the UN by having a stable office in Geneva<sup>39</sup>.

COC Nederland is an example of a domestic organisation that advocates at the UN level and facilitates access to the UN processes to other domestic NGOs worldwide. Founded in 1946 in the Netherlands, it supports domestic organisations and organisations worldwide by providing access to UN channels<sup>40</sup>. Similarly, LGBT+Danmark, founded in 1948, is another organisation that initially focused on achieving results domestically and now also provides support, training and facilitates access to the UN to domestic organisations worldwide. Both organisations collaborate with ILGA and are known international players in LGBTI initiatives because they were able to achieve ECOSOC consultative status.

LGBTI NGOs that have been granted consultative status at the UN are less than 20 on a total of 4,045 organisations, and they often endure resistance and rejection by the NGO commission. The first NGO promoting LGBTI equality to be granted consultative status in 1998 was the International Wages Due Lesbians (WDL), a USA-based NGO that advocates for wage equality for lesbians. WDL had an easier journey than other LGBTI organisations because its main field of interest is wage equality, not general equality. However, when the application was made in 1998, some delegates accused the organisation of encouraging children to become homosexual or encouraging adults to engage in sexual relations with children.<sup>41</sup>

The second LGBTI NGO to be granted consultative status in 1999 was the Australian based Coalition of Activist Lesbians (COAL). After that, any progress for LGBTI organisations has been slow and difficult. In 2006, the trend became positive again with three more organisations (ILGA- Europe, Lesbian and Gay Federation in Germany (LSVD), and the Danish National

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<sup>39</sup> Arc International website, available at: <https://arc-international.net/about/background/> (Accessed on 20/10/2021).

<sup>40</sup> COC Nederland website, available at: <https://international.coc.nl/about-us/>. (Accessed on 20/10/2021).

<sup>41</sup> Details of the issue addressed on the ILGA website, available at: <https://ilga.org/ilga-ecosoc-status-controversy> (Accessed on 19/01/2022).



Organisation for Gay Men, Lesbians, Bisexuals and Transgendered People (LGBTI+Danmark)) being granted consultative status. States that do not support LGBTI rights prevent organisations from acquiring consultative status. LGBTI NGOs face hostility when applying and during the phase of admission. According to a report from IGLHRC, “during its first session in 2008 (January 23-30), the NGO Committee made a negative recommendation regarding the application from FELGT Spain. The votes of the members of the Commission are often very close, seven countries voted for consultative status (Columbia, Dominica, Israel, Peru, Romania, UK, US) and seven countries voted against (Burundi, China, Egypt, Pakistan, Qatar, Russia, Sudan); four countries abstained (Angola, Guinea, India, Turkey) and Cuba was not present for the vote (Cuba’s delegate always leaves a room before a vote on an LGBT NGO). Eventually, ECOSOC voted to overturn the decision during the July session and the organisation was then granted consultative status. During the second session in 2008 (May 29-June 6), the NGO Committee gave COC Netherlands a positive recommendation for consultative status. Countries voted the same as in January except for Burundi, which abstained. The vote result was 7-6. At its meeting on July 21-22, 2008, ECOSOC granted special consultative status to both COC Netherlands and FELGT Spain.”<sup>42</sup> This is only an example of how long and full of obstacles the process can be. Opponent states comments relate to associating LGBTI people and their NGOs with paedophilia.

ILGA also had a long and complicated application, started in 1991 and eventually obtained consultative status in 2010. In this case, the NGO commission decided to modify its usual procedure to reach a consensus and instead decided to vote. ILGA was awarded ECOSOC consultative status in 1993. However, the United States promoted a campaign to overturn the decision accusing some member organisations of promoting paedophilia and ILGA “was expelled in 1994 under pressure from the United States and Arab countries” (Wapner, 2008: 257). After ILGA expelled the member organisation accused, it was still denied access to ECOSOC consultative status and UN funds, and in 2006 access was once again denied (Mertus, 2007: 1041). The effort put into making arguments against LGBTI NGOs and the irregular procedures followed prove the general challenges LGBTI organisations meet at the UN.

After three years, in May 2013, the UN Committee on NGOs opened to LGBTI organisations again. Two national NGOs were given positive recommendations, Homosexuelle Initiative

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<sup>42</sup> INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION, LGBT NGOs and Consultative Status at the United Nations in 2008, available at [www.iglhrc.org](http://www.iglhrc.org). (Accessed on 27/12/2021).

Wien (Hosi-Wien), an Austrian LGBTI NGO and Australian Lesbian Medical Association (ALMA), promoting LGBTI professionals and health. Finally, after six years of stalling, ALMA and HOSI were recommended for consultative status. Unfortunately, the member states of the Committee do not always enjoy a clear record on civil and political rights, which is one reason the Committee is often criticised. LGBTI organisations that have acquired ECOSOC consultative status are, so far, all organisations based in Australia, Europe or North America.

There is an organised resistance at the UN keeping LGBTI NGOs from gaining access to the organisation. As mentioned in earlier chapters, academia has identified this resistance in so-called conservative forces (Bob, 2010; 2013) and is organised by religious entities and groups. Thanks to the Vatican and most Muslim countries, these groups have much sway at the UN and other international fora.

## **5. Successes at the UN Level for LGBTI NGOs**

So why do LGBTI NGOs work so hard and invest so much in gaining access to the UN? All the progress made internationally on the recognition of LGBTI rights would not have been possible without the participation of LGBTI NGOs and the work they do to lobby states domestically and internationally. As a scholar puts it: ‘Fifteen years ago, I guess we were discussing whether there should be a separate or some kind of an institution in order to legally protect same-sex couples, like registered partnership. Fifteen years later, we are discussing marriage equality. So, in that sense, I guess the norms have changed towards more pro-equality... have changed in terms of not only legal equality, but also symbolic equality, and social equality, of course. And this, I would say, is the result of the pressure coming from the bottom. (...) But, once it is accepted on the transnational level, this can then go back and open the doors for new demands and for new issues to be addressed’ (Interviewee 1).

One of the successes of LGBTI NGOs at the international level is the creation of the Independent Expert on Sexual Orientation and Gender Identity (SOGI). As a staff member for the UPR process explains: ‘Special procedures on SOGI rights. That is a civil society success. That is the civil society success in terms of engagement at international level. (...) That is a ground-breaking success, and we start here. It's simply brilliant, and it is a civil society success, that is a civil society success. You can just look at all the ways that states, some of them spearheaded by Russia, try to block it, try to dilute the resolution. There again, you have the states, and then in the third assembly in New York where they continued and almost diluted the

Mandate of the Human Rights Council’ (Interviewee 35). Conservative coalitions fought the expert at the UN. International NGOs will be critical in the efficient use of the new SOGI expert by domestic NGOs as they work as a bridge between the two, disseminating information and training. The expert’s office has been working hard from day one with both countries and civil society. As the representative of the office of the SOGI Expert explains: ‘It is true in terms of organisational response we are always in a dynamic process and creativity and also trying more and more to use our added value which is exactly communication with our field presences, with other international organisations, and also systematisation of contacts with other stakeholders including civil society’ (Interviewee 36).

This and many more successes were possible because of the hard work and presence of LGBTI NGOs internationally. Being part of the decision-making process at the global level allows for the development of the issue in the correct framework. It allows NGOs to have a voice. As the representative of ILGA puts it: ‘Having the international presence here, at least when we were talking about ECOSOC status, gives you a voice. You will never have a vote, of course, but it gives you a voice. Like, if we hadn’t had an international presence here in Geneva when the whole SOGI Independent Expert happened, I think it would have been complicated. For us, it was quite time consuming the whole negotiation of the SOGI Independent Expert, talking with the states here. Human rights defenders talking with the states here with their own states here, explaining the importance of why there is the need of a SOGI Independent Expert, etc., etc.’ (Interviewee 37). As the UN becomes more invested in LGBTI rights, NGOs must be part of the conversation so that decisions are not made for them, especially giving the powerful voices that oppose LGBTI rights at the international level. In the words of the representative for COC Nederland: ‘If you’re not there, you’re not part of the communication; so people speak about you and not engage with you, which is especially tricky now that there’s more opposition at this level; so it’s really important that you’re there’ (Interviewee 3).

NGOs’ international participation helps raise awareness and increases the understanding of the issues that LGBTI people face. They have an essential role in monitoring violations but also progress. The SOGI Team Human Rights Officer recognises the value of LGBTI NGO participation in explaining how NGOs participate in the SOGI expert’s work: ‘The engagement of civil society organisations is important. It’s important to make certain issues public, aware. It’s a education process, and it’s awareness-raising process. At the national, regional, international level, depending, of course, on the scope and reach out of the organisation and whether the organisation has access to regional or international mechanism. It’s building

awareness. (...) And then through becoming a focal point for the monitoring and follow up on the implementation of recommendations of the human rights mechanism, regional and international, which keeps exactly pressure towards the governments to respond or to react to the recommendations put forward by the regional and international mechanisms. And also, with their own research presence on the ground, can also open up new avenues of discussion. Their own experience, their own expertise can also contribute to the debates at the regional and international level, which can afterwards be translated into further additional recommendations to the government to respond to these recommendations and to take action in these recommendations, which can be then monitored and followed up by these same civil society organisations' (Interviewee 36).

Access to the UN and, in general, international spaces allows NGOs to have much more recognition and weight when lobbying domestically and internationally. As a representative from LGBT+Denmark explains: 'It gives a kind of status to any organisation that actually has been in play with the United Nations, a status in the eyes of the rest of the society. And, of course, for people who are active in the NGOs themselves, they feel... they themselves feel, "Yes, we're... there's a potential for us to make a difference."' (Interviewee 6). The pressure and opportunity for dialogue are some of the most valued outcomes of engagement with the UN. As the representative for EnGendeRights (Philippines) explains: 'If you don't raise it at the UN level when that mechanism provides for pressure and engagement with the government and a chance for you to explain either... and accept normative standards, then you lose out on that significant time where you would have that particular opportunity to raise such issues. So, to me, personally, I think it's very important to engage with UN treaty monitoring bodies and with special procedures. For example, our organisation, apart from the CEDAW, UPR, we also asked for an Inquiry<sup>43</sup> – so the CEDAW Committee – and that's just the second Inquiry that has been conducted globally by the CEDAW Committee. So, in that sense, you would see that... well, they raised hell in the Philippines because they spent a week in the country interviewing national and local government officials. So that gives credence to the issues that we are raising as well, but also gives credence to us activists because they would see that, "Oh, these are

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Available

at:

[http://unwomen-asiapacific.org/docs/cedaw/archive/Advancing\\_Repro\\_Rights\\_Using\\_the\\_Inquiry\\_Procedure\\_EnGendeRights\\_.pdf](http://unwomen-asiapacific.org/docs/cedaw/archive/Advancing_Repro_Rights_Using_the_Inquiry_Procedure_EnGendeRights_.pdf) (Accessed on 03/10/2021).

people that the experts would listen to or would rely on, so they provide reliable information”” (Interviewee 17).

The more NGOs participate internationally, the more efficient they become domestically and internationally. They learn ways of working, the best timings to address issues, the most efficient channels, how to communicate, and become more strategic. As the SOGI Team Human Rights Officer explains: ‘The access, however, as you mentioned before, to the international human rights mechanism by civil society organisations. (...) It’s also an advantage for an organisation to learn how the international system, human rights system, functions, what are the procedures, and also the organisation strengthens, in this case, in this process its own, this capacity. It’s a learning process for an NGO, increases, strengthens capacity to monitor and address the cases at the national-regional level through interaction with the international human rights mechanism. By participating also in capacity building programs’ (Interviewee 36).

The added value of the UN is communication. The more NGOs participate at the international level and the more their advocacy work improves as their use of international channels and instruments at their disposal becomes more sophisticated. By being present at the international level, NGOs establish a way to communicate with their state, other states that could support their cause, and other networks that could also help. Even when states are generally hostile to LGBTI NGOs at home, they might be more open to dialogue in an international setting, as the representative for COC Nederland explains: ‘Sometimes, for a government that is apparently not very friendly to our community, Geneva is a much easier place for them to engage – and actively engage – with the activists from their own country than it is at home’ (Interviewee 3). The UN structure and, in general, the tools that are available to LGBTI organisations to forward the cause and improve the situation of LGBTI people within their country rely on dialogue and willingness of the country to engage with UN channels and tools. For instance, the UPR process is voluntary. It requires collaboration and dialogue with the country. Support from the new SOGI Independent Expert also relies on collaboration, openness, and dialogue. As the rep for ARC puts it: ‘As long as the international process can be made part of a national conversation, it’s useful’ (Interviewee 39).

The international processes can be helpful also in creating dialogue and cooperation among LGBTI NGOs that did not necessarily already work together in their country. As the rep for ARC explains: ‘And the other interesting, on the UPR, the other interesting outcome it seems to have is often, at the national level, sometimes conversations with the LGBTI NGOs and other NGOs don’t necessarily happen. The UPR forces all these different groups to start getting a

dialogue and conversation with each other, especially for doing a joint submission. And that's once again a useful process, you know, helping the process of building something at the national levels. And this time, I mean, you could see in the UPR as well, the LGBTI issues were well-integrated within the wider human-rights framework' (Interviewee 39). This is also recognised by UPR process staff: 'The process of CSOs [Civil Society Organisations] coming together they do affect policy outcomes and normative development of the country. Again, it won't happen in China. It won't happen in Syria. You need somewhat of an enabling environment to start with. Even in countries where LGBTI is criminalised, started working in coalition, feeling that solidarity, starting to connect with embassies, with donors. It's huge for many LGBTI organisations, especially for those working outside of the capital. That gets this network sense of, pardon the language, empowerment, which sometimes it's unprecedented. That feeling should not be underestimated' (Interviewee 35).

LGBTI NGOs believe that there are many examples in which international participation forwarded the domestic cause. As the ILGA representative argues: 'What I can tell you is our research on the UPR it had a couple of quite interesting results that were because of the UPR. So, for example, in the case of, I think was... Let's say, in the case of Fiji, because of our recommendation under UPR, they now have a commission on anti-discrimination. In the case of, I think it's Surinam and Greece, they now have typified discrimination on the basis of sexual orientation and gender identity. In the case of Ecuador, they have included sexual orientation and gender identity in their own constitution. In the case of Peru, they have been making trainings for officials because of the UPR. (...) So, I think that it has a real impact' (Interviewee 37). This is also confirmed by the UPR processes staff, which states: 'Seychelles and Nauru decriminalized same-sex activities on the back of the UPR recommendations. The Seychelles officially stated that the pressure from the international community was so strong that they couldn't any longer ignore it. There are, the UPR works for LGBTI recommendations and organisations. It also shows the value of engaging with UN mechanisms and perhaps particularly the UPR in this example. The question is why it's important. It's a good question, why is it important? In this example, because the UPR works. It's also because it works that the international level does have an impact at a national level. That is important. It's important because you have many friends at the international level that you don't have at home. If you live in any country that is very restricted to LGBTI issues, you have many friends here that will listen and that will support you' (Interviewee 35).

The Regional Policy Advisor on HIV Human Rights Law and Sexual Diversity for UNDP in Bangkok also mentions the successes achieved by LGBTI NGOs in Asia, highlighting the importance of LGBTI NGO's work internationally: "It's not only important, but it's actually essential that civil society participates in different UN mechanisms. So, well, one is around human rights reporting mechanisms such as UPR, CEDAW, etc. Because if LGBT groups aren't part of those discussions, then those issues actually will be... they won't be addressed; they'll be non-existent. And they do have an impact. We've seen different countries in this region respond to recommendations of the UPR, such as Palau and [inaudible 04:47], which the recommendations [inaudible] decriminalise same-sex behaviour, and they have. The Committee of Rights of the Child, as well, they've made recommendations in Nepal around intersex issues, and I know Nepal's working towards that right now. And so it's really important that that voice of civil society are part of those discussions at the global level, but also at the regional level. And so, at the regional level, there have been several resolutions passed around issues around health and HIV. And, because in this region, the entry point for discussions with government around LGBT is still largely framed in the health context. And so, there are two regional UN resolutions – so UNESCAP<sup>44</sup>, 66/10 and 67/9 – which basically called on governments to remove barriers, discriminatory barriers (...) which prohibit sexual and gender minorities to access health services. And it was because community groups and individual activists were part of those discussions that there's language on there which talks about transgender people; there's language that talks about men who have sex with men, which, previous to this, wasn't part of any UN resolution in this region" (Interviewee 18).

Recommendations often are not necessarily picked up by governments immediately. However, they provide a starting point for dialogue that NGOs can then use, and the UN, in general, gives activists a platform to be seen so that policymakers can no longer ignore them. As the UPR staff member explains: '19% of noted recommendation also trigger impact all halfway through review-- When we talk about recommendations, we talk about all recommendations (...) This is important especially in light of LGBTI recommendations because many of them are noted, but when we work with LGBTI organisations on the ground, we still develop implementation plans and action strategies for implementation of those recommendations' (Interviewee 35).

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<sup>44</sup> [Homepage | ESCAP \(unescap.org\)](https://www.unescap.org/) (Accessed on 07/11/2021).

Studies have highlighted how international documents and outputs are used more to advocate for LGBTI rights in countries with low acceptance of the issue. In this case, activists need to use external resources to advocate for LGBTI rights domestically. As one scholar puts it: ‘The higher the level of homophobia in the country, the more the activists, the NGOs – those who were working in favour of marriage equality –referred to UN documents, EU documents, international documents’ (Interviewee 1). International channels and tools are essential for activists as these can be utilised as complementary resources, especially when the domestic channels are not working. As the representative for ARC International puts it: ‘It could be, for example, violence against a transgender person on the streets in Bangalore [India], right? I mean, it seems, on the face of it, a relatively minor issue in terms of violence happens to all sorts of people, so what’s the big deal about this? It might be the media angle and why they would choose not to report a violence, but then if you managed to get that publicised at the international level, through, for example, the current Independent Expert to take it up and writes to the country, etcetera then you give very local issues happening, an international profile and that becomes a boost to your activism matter at the local matter’ (Interviewee 39).

A diplomat from Italy also makes a case for the importance of a presence at the international level, giving the latest developments and the importance of engaging with the UN on LGBTI rights: (Edited) ‘Then the most important thing is that in the last few years, since 2016, a series of changes have begun at the international level that are now changing the scenario. One- the figure of an independent expert was launched for the first time by the United Nations right?, Independent Expert for Sexual Orientation and Gender Identity, therefore the United Nations have begun to take an interest in the issue in a much more proactive way than before since 2016 and this is fundamental and therefore the Italian associations [LGBTI NGOs] are right that they interact with the United Nations much more than they they did (...) Two- the Equal Rights Coalition was created, which is this coalition of which Italy is a part, was created in Montevideo in 2016 which is becoming an important reality and that just as a coalition asks that every country, especially the relationship with its own civil society of all countries, be invited to strengthen ties with civil society and civil society is invited to the conferences of the Equal Rights Coalition so these are very important developments of the last two years and then, in my opinion, this is what I say to all the associations and they are well aware of it and it is essential that they strengthen their profile and their relationship with the United Nations’ (Interviewee 51).



Unfortunately, not all NGOs advocating for LGBTI rights manage to access the international system. Organisations working to gain access recognise the disadvantages of not having a presence at the international level, which is not having a say and not being represented in the decision-making process. As a representative for APTN argues: ‘Voice and representation. We’re the foremost trans network in this region [Asia Pacific] (...) We’re the only ones really doing extensive human rights work, and we’re not engaging with the UN mechanisms. But nobody is, except for LGB organisations speaking on our behalf. And that’s really damaging; that should never happen. LGB organisations – LGBT organisations – without trans leadership should not be speaking for trans people because they just don’t understand all the nuances of the problems that we’re dealing with. So, we believe that the only way for all of us to be adequately heard is going through our voice, and not through a microphone that comes from an LGB’ (Interviewee 16).

Access to the UN would allow for dialogue that otherwise does not exist. In the words of the representative from APTN: ‘The importance of UN activity is mostly about developing a framework for interacting with governments and handling hostile circumstances as many of the countries in our region are. And it may not be active hostility; it may just be indifference. But the UN allows us a certain power that we don’t otherwise have – a very small population [transgender people] in the world comparatively. Our needs and issues, most people can just kind of just brush aside because they just don’t really [inaudible] individually. So, we have to find other buttons to push to get to the table’ (Interviewee 16). Access to transnational organisations in some regions, such as Asia and Africa, is harder for LGBTI NGOs. The organisations that coordinate transnational affairs in the region do not have strong human rights bodies or committees, so the UN is one of the only options. As explained by the representative for APTN: ‘There are two regional intergovernmental organisations, ASEAN and SAARC. Neither of them are really good on human rights; they’re really difficult to interact with. ASEAN SOGI Caucus exists, but they struggle to get in the door, and there is not a human rights committee, and there certainly is not in SAARC. So, there’s no clear entry point, so that’s more difficult; the UN is certainly more direct’ (Interviewee 16).

In the next paragraph, I will analyse the challenges faced and how international NGOs work to overcome them.

## **6. Challenges and Barriers that Prevent Domestic NGOs from Participating at the UN**

Several challenges and barriers prevent NGOs from participating at the international level. However, there is much work that international NGOs do to overcome these barriers and challenges. The primary challenges are:

1. Language barrier: Most of the instructions and documentation that the UN issues are in English, Spanish or French, so any organisation that does not master these languages will have issues;

2. Location: It is hard for NGOs around the world to gather in UN locations such as New York and Geneva to take part in events;

3. Funds: Most LGBTI NGOs rely on donations, and often staff are volunteers, so it is hard to have resources;

4. Know-how: there are so many documents, instructions and procedures that it will always be a challenge for NGOs to find out all the things that need to be done, in what way and at what time, it is hard to navigate the UN's website and find all the information needed;

5. Reprisal: as soon as LGBTI NGOs start campaigning internationally, they can be targeted by the state and groups in power.

The language barrier is the first and most obvious challenge for many NGOs seeking to access the UN. There are five official languages at the UN. However, most of the documentation is available in English, Spanish and French. Generally speaking, when something is published, for example, all the literature on the 'Free and Equal' campaign, it is published first in English. After that, it gets translated into Spanish and then other languages. As the representative for ILGA explains: 'So, one is of course, language. (...) And the issue is that when it comes, for example, for post-Soviet countries that some of them cannot speak actually English, then you have that issue. And also, the information. Even though United Nations say that they have a bunch of different languages, the only working languages are actually English, French and Spanish. So that is a limitation' (Interviewee 37).

Of course, there are ways around this, and NGOs can rely on international NGOs or even local NGOs that can help translate. However, the language barrier at the international level translates into a barrier at the domestic one. The elite will be able to speak and understand UN languages if the country does not speak one of the five UN languages, and this means that the voice that will be heard at the international level will be that of a small privileged group. As the representative for Arc International puts it: 'It's more a barrier within the countries. So, there

tends to be people along these countries that can speak those languages, but they tend to be elite. So, it operates as a barrier by stratifying the national movement' (Interviewee 39).

Not having enough funds to participate at the international level can mean different things. For instance, not having funds to pay salaries of professionals who can dedicate time and learn UN procedures or not having funds to travel and participate in events that occur primarily in Geneva or New York. Although some procedures only require an email address and access to the internet, others require physical presence. The importance and impact of being in a location can vary. There are some instances in which this is important and can generate better results. As the representative for ILGA explains: 'I don't think that you need 100% to come to Geneva so you can have a real impact. So let's compare, for example. Yesterday Algeria was... Algeria's UPR, they received, I think, five recommendations on SOGIESC [Sexual Orientation, Gender Identity and Expression, and Sex Characteristics] issues, specifically on decriminalisation and they didn't come to Geneva. But on the other hand, I think it was Indonesia, they received 22 recommendations on SOGIESC issues and they came to Geneva' (Interviewee 37). In the words of the UPR officer: 'The in-country pre-sessions and UPR Advocacy Factsheets, if you do these two, you will see your recommendations being made in room 20, and then you can still sit at home and organise live screenings looking at the review itself. In India, yesterday, there were 50 live screenings around the country, gathering thousands of grassroots organisations. In Delhi, they had invited diplomats, EU delegations, and it was a big party. They were looking at the review on-- This live screen, they had debates. The same was done in Finland. They even had Amnesty International Finland and the NHRI [National Human Rights Institution]' (Interviewee 35). Although there are different ways to access UN channels, there is a disparity in certain NGOs' access compared to others. NGOs located in the global north with financial resources are present at the UN. They have access to events that happen during the year (such as the IDAHOT annual conference) in which UN representatives (such as the independent expert) take part.

Funds also impact the quantity and quality of work the NGOs produce. Most organisations employ unpaid volunteers and so both capacity and time are limited. As the representative of ILGA puts it: 'This means that perhaps they are interested in engaging in UN issues, but you know that, for example, to write a report, even though that is only five pages, it takes time to compile the information. This means that if you, for example, you have these two works, the first one that is a voluntary work because you work in the NGO and the second one that is the work that you are getting paid for, then that becomes an issue because it's like, yes, of course,

I want to present a report, but I don't have the human resources or the capacity to dedicate one week, one month to compile information because I still need my job' (Interviewee 37).

For organisations, it is often hard to find funds and to prioritise international work over domestic work. An activist from Ireland explains: 'We would be aware of the mechanisms. It's really about resourcing, and what strategically to prioritise (...) it's like, "Oh, it's two staff." (...) It's the politics of funding and what is being resourced, et cetera. I would say in terms of willingness or awareness, it's relatively high amongst the civil society sector in Ireland' (Interviewee 56). It is also hard to secure funds from trust and foundations or other funding institutions to be able to work at the international level. Access to the UN will entail a strategy that stretches up to five or ten years to obtain results, and applying for this type of funding can be hard. The UPR staff member explains: 'It doesn't necessarily cost something it cost in terms of strategy, and very few donors will give you money to write down a five-year UPR strategy even though that's exactly what the donors should be doing, but that's not what they're doing' (Interviewee 35).

One of the essential things NGOs must produce in their reports is information on how many LGBTI people are present on the territory, the human rights violation, and the consequences of the states' policies. However, access to this data is problematic for several reasons. The two most important are: 1. Funds are needed to collect the data; 2. LGBTI people in some regions will be afraid to provide information as they might fear reprisal. However, access to data, research and recommendations make the position and leverage of NGOs at the domestic level stronger. As the ILGA representative explains: 'And the other problem that I was going to say is the issue of compiling information. So, you know that for the reports of Treaty Bodies or Special Procedures or the UPR, you require data, and, as you probably know, one of the issues that LGBTI communities are always asking for is compilation of data. So sometimes you don't have compilation of data at all, so question is, how do I sustain my case? Because the question is like, so which is the next step? I know that people are being killed, but I don't have...(...) Because a state does not compile the data. (...) And then another problem that is faced frequently by LGBTI civil society is reprisals. Like the point between... You know that this is happening in this specific country. There can't be this public civil society to say it because as soon as they become public, they become a target for the country.' (Interviewee 37).

The issue of know-how relates to all the different procedures available at the UN, the timings of different events, finding and accessing the correct templates to submit reports to the different UN bodies, and the correct and most efficient ways of participating and having an impact. The

UN is an organisation founded by states that works with states. Most training programs, awareness, any program that would inform on channels to use, offices or anything else are targeted towards states. Few training or awareness programs would help NGOs. This is where the global NGOs come in to play and offer a network of support to regional and local NGOs. There are specific strategies that ILGA recommends to NGOs to maximise their impact. For instance, as the ILGA representative mentions talking about utilising the UPR process effectively: ‘The issue with the recommendations is that they are made in three phases. Phase one is capital, phase two is the embassy in the specific country, and phase three is the missions here in Geneva. If you target those three, then you have increased your chances that you will get your recommendation through. What we say with civil society that either we don’t have the money to support or they don’t have the money to come here, (...) so do your in-country advocacy. But if you don’t do your in-country advocacy and you don’t do your work in the capital, and you don’t do the Geneva advocacy, your chances that you are going to get the adequate recommendations... Because that is the most important thing, is not only having recommendations, because having them (...) worded correctly, but also what you need as civil society’ (Interviewee 37). ILGA prepares NGOs to meet with diplomats in Geneva. This is a crucial step as NGOs only have a limited window of time to have an impact. As the representative from ILGA puts it: ‘Diplomats love to meet within the [human rights] defenders that ILGA brings because they are always well prepared, they know how to go straight to the point, they have their materials of support. They make it very easy for diplomats on what they want, what they don’t want. They are prepared not only on LGBTI issues but on situations in the country because that sometimes is also very important’ (Interviewee 37).

Global organisations, such as ILGA, offer training to maximise NGO engagement with different processes to developed and developing countries. For example, a representative for LGBT+Denmark gives a testimony of how their delegation was supported during their country’s UPR review: ‘I was also... then went down to the United Nations for the pre-session time in December – the middle of December 2015 – to lobby other countries, to promote in the United Nations, our recommendations. So I met with 13 countries – just brief meetings – and asked them to promote our recommendations. And, by the way, ILGA Europe... or, I think it was ILGA World was really helpful there. They gave me and three other guys from developing countries, whose countries were also going to be reviewed the same week as Denmark, gave us all teaching... lessons in how you hold short meetings with countries, with the UN delegations – to the point, “You’ve got 2 minutes to deliver your message.” It was very good. So ILGA

really helped. (...) So we heard some of the countries – especially 2 countries – used exactly our formulation of our recommendations (...) Netherland and Uruguay’ (Interviewee 6).

NGOs need to be strategic in using UN channels and what they aim for. There are priority issues and issues that the country will never accept to work on fixing. For instance, in countries that still criminalise homosexuality, there is little chance of impacting same-sex marriage, which would not be the priority for LGBTI people in that country. As the ILGA representative explains: ‘If, for example, you are not looking for same-sex marriage, but you need to... Actually that was the case of Tanzania. (...) Like, the LGBTI civil society, they were looking for marriage equality. And then, the defender here that came, he said, no, we are not looking for marriage equality. We have a bunch of other things first that we need, for example, the case of violence against LGBT persons in Tanzania, and then we can address other issues. For us, the very, very step that we need to tackle is the violence against us and not marriage equality in the case of them. In other cases, you can have... For example, you have, of course, a law that criminalise same-sex relationships, but for some specific civil society in specific countries, they say, you know this is a conversation that is going to take more than ten years. So, we prefer that the states do not make these type of recommendations and instead make our recommendations on, I don’t know, anti-bullying at schools. Because making those recommendations are going to be the ones that are going to take us to the next step, which is decriminalisation’ (Interviewee 37). ILGA assists local NGOs by encouraging these conversations and aiding in strategy development.

The issue of framing the requests and suggestions for recommendations is critical. As discussed in previous chapters, it can significantly impact the recommendations being made and, most importantly, the lives of LGBTI people living in the country that receives it. Some NGOs have a transnational reach and are working on the ground in local contexts to identify the best way to contextualise and advocate for LGBTI rights domestically, such as APTN. These organisations work with local NGOs in several different ways, including capacity and leadership building. This is brought forward in different ways, as the representative for APTN explains: ‘Workshops, just direct feedback on written proposals and budgets, input on the design of projects, conversations like this one that capacitate them on particular concepts (...) assisting our country partners with their UPR reports and helping them to engage with the Special Rapporteurs’ (Interviewee 16). APTN has been struggling to acquire ECOSOC consultative status. In 2019 it was postponed as “Asia Pacific Transgender Network (Thailand)

— as the representative of China said the organization, on its website, failed to use the appropriate terminology referring to the Taiwan Province of China.”<sup>45</sup>

Other organisations also support NGOs in preparing for the UPR process, such as COC Nederland. As their representative explains: ‘One of the main things that we use our consultative status at the UN for is to bring national movements to Geneva when their country has an upward UPR. (...) Of course, the country writes up a beautiful report of all the beautiful things they’ve done, and then civil society is allowed to come with a shadow report and show their opinion and keep it... hold their government to account in front of its peers, which is a very, very powerful thing. Through our work, we can assist and support local movements in those countries themselves; they’re writing these shadow reports or giving input in them, which is a profession by itself, by its time and skills and sens-... knowledge and network. We can help them try to mainstream this in a general shadow report of that country – so build alliances with other human rights organisations in their own country – and then introduce concrete language on the vulnerability of LGBTI individuals or communities to the governments that should be responsible for their safety. And that has resulted in recommendations from the Human Rights Council to countries. And that has resulted in countries following up on those recommendations’ (Interviewee 3).

INGOs’ value in supporting other NGOs is also recognised by staff working at the UN. In the words of the UPR staff: ‘If you don’t have a presence in Geneva, you are very likely to have relationships with ILGA and with Arc [International], for example. They provide excellent UPR trainings. (...) You’re not alone just because we don’t have an office here. UPR Info also, as the bridge build that we are, always facilitates. If we meet an LGBTI organisation that is not connected to, for example, Arc [International] or ILGA, we’ll make sure to make that introduction. On the back of that, they can hopefully extract some funds as well to come to Geneva to participate in the trainings that ILGA provide and participate also in the pre-session. That will remedy the gaps. The gaps, obviously, being that you don’t know how it works. You don’t have the personal contacts with diplomats. You don’t know your way around very practical issues. By having ILGA and Arc [International] here, and they are doing their job, they will remedy those issues’ (Interviewee 35).

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<sup>45</sup> Resuming 2019 Session, Non-Governmental Organizations Committee Recommends 75 Groups for Consultative Status, Defers Action on 28 Others, ECONOMIC AND SOCIAL COUNCIL COMMITTEE ON NON-GOVERNMENTAL ORGANIZATIONS 17TH & 18TH MEETINGS (AM & PM), 19 May 2019; available at: <https://www.un.org/press/en/2019/ecosoc6982.doc.htm>. (Accessed on 06/11/2021).

A significant challenge that works as an efficient deterrent against LGBTI NGO participation at the international level is reprisal. Unfortunately, when LGBTI NGOs decide to speak up and challenge their government internationally, they often suffer reprisal at home. This can be more or less harsh, and it can go from freezing funds to raids in the offices to imprisonment of staff. International organisations offer some support and advice in these situations. For instance, they can submit reports in the place of the local NGO. As the representative from ILGA explains: ‘Then you have reprisals. (...) So we always, as long as these are people who have worked with us and they want to do that, we say, if you feel that this is not a safe space for you, what we advise you to do is instead of submitting the submission in the name of your organisation why don’t you do it in the name of one of our regional offices? (...) And as we are regional... Well, they are a regional office, reprisals are not that much’ (Interviewee 37).

Another solution can be to create a national coalition, so instead of submitting reports individually, it would be a group of organisations. This could alleviate the impact of reprisal on individual groups. In the words of the UPR info staff: ‘We have seen that when LGBTI organisations join national UPR coalitions, it’s much more difficult for government to crack down on them because who are they going to crack down at? If we have a national UPR coalition that speaks with one voice on a set list of issues and recommendations, including LGBTI recommendations, it’s much more difficult for the government to single out LGBTI organisations and crackdown on them. Strength in numbers definitely works’ (Interviewee 35). The coalition then is also generally supported by the embassies of the countries that have made the recommendations. As explained by the UPR process staff: ‘Then again, embassies in these countries have a huge political responsibility to provide political support for LGBTI organisations and communities. For example, if an LGBTI organisation lobby for an LGBTI UPR recommendation and state pick that up, make the recommendation, that is not where it ends. That’s where it begins. Then, in the follow-up, they need to provide political and financial support to LGBTI organisations, or even better, to the national UPR coalition in which the LGBTI organisation is a part, sustainably throughout the five-year implementation process so that the CSOs can continue their work and so that the state that made the recommendation actually continuously follow up on the national level to see what happens with our recommendations and what happens with our partners’ (Interviewee 35).

In this paragraph, I have discussed some of the challenges that LGBTI NGOs face in accessing UN channels and how international NGOs support them in overcoming them.



However, the biggest challenge and barrier to progress once UN channels are accessed is, of course, the opposition that LGBTI NGOs face domestically and internationally. This is what I will analyse in the next paragraph.

## **7. The Opposition to LGBTI NGOs**

As discussed in this chapter, LGBTI NGOs face strong international opposition, making consolidating LGBTI rights as a norm very difficult. Any international progress comes after a battle with the opposition, from being granted ECOSOC consultative status, to outputs from UN bodies, to creating the role of the SOGI Independent Expert. In recent studies, scholars reviewed the progress made by LGBTI organisations, trying to understand when and why organisations succeed, through which channels and utilising which tools. Findings suggest that opposition, domestic (Kollman, 2007) and international (Swiebel, 2009; Bob, 2010), is one of the variables that affect results. Bob recognises that transnational activism develops as a solution to transnational problems. Additionally, this process also creates new problems that the opposite coalition will address. This means that progressive and conservative networks react to each other and the narrative that each promotes: Before the rise of progressive NGOs advocating for LGBTI rights internationally, conservative groups had no incentive to create a network or elaborate their argument within the human rights framework. Bob (2019) identifies how rights are weaponised, and LGBTI organisations' opponents have engaged with these techniques.

The organisations that oppose LGBTI rights are substantially religious groups that greatly influence some states and political parties. Religious based organisations are present in high numbers at the UN. More than 300 enjoy consultative status (Haynes, 2013: 4). Pro-family NGOs lobby against the recognition of equal rights to LGBTI people. They argue that LGBTI rights would damage important traditions, culture and fundamental family values that ought to be promoted by the UN. They started creating alliances and developing international networks and presence after the international successes of progressive organisations in the 1990s (Bob, 2013). This suggests that LGBTI NGOs are making progress internationally and domestically, so much so that the opposition has had to mobilise to catch up. In the words of the representative of COC Nederland: 'There is rising opposition. I think that's a good sign because it means we have the attention; we're standing in the light, we're bringing our issues forward; they're being

taken seriously. I think conservative powers-that-be sort of also mobilise to try and stop us' (Interviewee 3).

Christian and Muslim countries often form coalitions to oppose any decision or resolution favouring LGBTI rights or block progress for LGBTI organisations within the UN. For instance, the resolution promoted by Brazil in 2003 aimed at responding to the violence and discrimination that LGBTI people suffer worldwide, stating that regardless of sexual orientation, all human beings enjoy the same set of fundamental rights. Pro-family organisations lobbied through governments such as Pakistan and the USA (George W. Bush at the time), to influence the output of the GA (Bob, 2013: 75).

These alliances are also evident in some of the votes that take place, for example, the creation of the SOGI expert position, as the SOGI Human Rights Officer states: 'There is a number of states that have voted down the resolution for the creation of the mandate. These are few among those states who consider this mandate as irrelevant to the international human rights framework and also against their own traditions, values. The issue of cultural relativism comes up again and again' (Interviewee 36). The opposition keeps targeting the office also in different ways. For instance, by diminishing their budget, as an activist from *Fuori! (Fronte Unitario Omosessuale Rivoluzionario Italiano)* explains: (Edited) 'The expert, who was nominated by the UN on LGBT issues (...) saw a lot of difficulties (...) They voted with many countries they have submitted the budget established to help the functioning of this office and therefore have forced that to strangle from the start' (Interviewee 50).

Other initiatives within the UN are also blocked when possible by this coalition, as the UN officer in Peru explains: (Edited) '[The UN Secretary-General] last year [2016] passed an administrative norm (...) that said that those people who had married in a country where the marriage is legal, they could enforce their right (...) I, as an employer organization give you the rights of a married person. Then a country, specifically Russia, and made so that this norm was reversed, was annulled because it said that it went beyond the powers that the Secretary-General had, it was thrown away, and the request of Russia did not pass, but you realize that there is a movement, there is a... The intention of even at that level to withdraw this type of rights' (Interviewee 28).

This coalition of states and organisations have become experts in international channels, as an activist from *Fuori!* explains: (Edited) 'In the international organisations COE [Council of Europe] and UN sit and have the majority a bloc of organisations and often this bloc of organisations has behind a bloc of churches which are either openly or silently homophobic.

And they are all Muslim-majority, Muslim countries and many countries many are in all countries with an Orthodox majority (...) the fruits have been seen because in recent national activities there has been this evolution, it is much more difficult today to talk about homosexuality, of transsexuality than it was ten years ago because these... the majority have become experts in the use of laws, of procedures and techniques and international relations know-how to move with respect to the issue of human rights etcetera etcetera. I.e. the fact, for example, that Saudi Arabia sits as president or in human rights committees, despite the fact that in Saudi Arabia there is even the death penalty if not, in any case, it is prison for homosexual people' (Interviewee 50).

LGBTI NGOs need to work hard to oppose the advocacy and the narrative carried out by the opposition. As the UPR staff explains: 'There are initiatives by states in traditional values, protection of the family, they are trying to frame it as a right of the child issue. That they have right to parents, parents being a man and a woman (...) there are definitely opponents, and they definitely are using human rights rhetoric to work against sexual orientation, gender identity LGBT (...) They're welcome to support to submit the information, and they can do their own reports and fact sheets. Obviously, that's the way the system works, and that's the way it should work. Then it's up to organisations who doesn't subscribe to their ideas to show why states shouldn't of course.' (Interviewee 35).

Certain states can stay on the fence on whether to recognise LGBTI rights or not and how to express themselves at the international level when the topic is addressed. The pressure and advocacy they receive from LGBTI NGOs and pro-family organisations will balance itself out in their decision. International organisations will connect with local NGOs to understand why that state is behaving in a certain way and how they can influence change. The representative from ILGA made the following example: 'Because you know that you have states that are in the middle and those states that are in the middle will never... Will very shyly be making recommendations on LGBTI issues. But the point is when you require a vote and there is the point... Like, for example, the situation that happened with Peru for General Assembly, that Peru is those states that are in the middle and they receive comments of pro-life organisations and then they receive... Pro-life and (...) pro-family. And then they receive, of course, inputs from LGBTI organisations. So that is where the clash goes (...) And you have those swing states in every single resolution, those states that will need an extra push from an extra either organisation, an extra person from capital, from their own capital, of course, some of them. And there is where you need the input of civil society. Because civil society from local civil society

are the only ones that are going to be able to tell you, you know why is this happening? It's because the minister is like this. Or it's because last year they signed up and then it was this debate, which is a thing that we from Geneva, we don't know it' (Interviewee 37).

Pro-family or pro-life organisations are NGOs that work domestically and internationally to promote traditional values. One of the largest organisations promoting family values is the International Organisation for the Family (IOF) and it “unites and equips leaders worldwide to promote the natural family.”<sup>46</sup> The organisation advocates against abortion and recognising LGBTI rights, favouring traditional family values. As per their website, “IOF accomplishes our mission through these four main projects: The World Congress of Families (WCF) convenes major international public events to unite and equip leaders, organizations, and families to affirm, celebrate, and defend the natural family as the only fundamental and sustainable unit of society. The Natural Family: An International Journal of Research and Policy (TNF) is a quarterly academic publication that informs and inspires leaders to promote the natural family as the fundamental group unit of society and to protect the sanctity and dignity of all human life. The Article 16 Initiative (A16) empowers leaders in worldwide institutions to protect freedom, faith, and family as the natural and fundamental group unit of society consistent with Article 16 of the United Nations’ Universal Declaration of Human Rights. The Emerging Leaders Program (ELP) equips and empowers young professionals, scholars, and activists to promote marriage, and the natural family as the fundamental group unit of society<sup>47</sup>”.

International pro-family organisations increasingly see their work from an international perspective. When there are gains from LGBTI rights in some countries, they focus on gaining ground in other countries to balance things internationally. The representative of COC Nederland explains how some groups from the United States behave: ‘You sort of have the sense that they’ve felt they’ve lost the battle in North America and in Northwestern Europe; so they were actively targeting the former Soviet Union – Slovenia, Russia – but also other countries that used to be in the Russian influence... and Africa. There’s very strong documentation of American evangelicals advocating for the anti-gay laws in Uganda’ (Interviewee 3). Many have noted the link between some international groups and the framing of issues in other countries. As an academic points out: ‘There is a pretty clearly identified link between some religious organisations in the US exporting anti-gay sentiment to other countries

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<sup>46</sup> International Organisation for the Family website: <https://profam.org/mission/> (Accessed on 18/01/2022).

<sup>47</sup> International Organisation for the Family website: <https://profam.org/mission/> (Accessed on 18/01/2022).

– Russia and Uganda are the biggest examples’ (Interviewee 21). This rhetoric and general framework is exported and used in several different countries. As the representative from COC Nederland explains: ‘I think the main opposition, really, is fear, traditionalism, people that don’t want change, find it scary seeing these new people coming to the horizon. And then, they use language of tradition and of religion as weapons of choice. So we’ve seen a big movement of opposition coming from the American evangelical movement... very strong, very active – the World Congress of Families<sup>48</sup>’ (Interviewee 3).

The network building and knowledge sharing that LGBTI NGOs have developed are now adopted and replicated by their opponents. As noted by the representative of COC Nederland: ‘I think they almost mirror each other. Like, at a conference like this<sup>49</sup> where LGBTI movements from European countries have peer-to-peer contact and have contact with our umbrella organisations, our opponents are, of course, doing the same. And where our umbrella organisations are sometimes having their confrontations at the international level, we’re reproducing that confrontation at the national level sometimes. And we’re both being empowered in doing that by our contact with our peers through these umbrellas’ (Interviewee 3). The two opposing sides have acquired the same methodologies and structure. As this scholar puts it: ‘I mean they are... basically, they are using the same kind of strategies that we are using. They meet, they exchange good practices; there are people who invest money into that. So, just like the LGBT community in the broadest sense possible – organised and works through networks and so forth – they are also now very well organised in the same way, and representing just the opposing norms that we are’ (Interviewee 1).

They all train each other to respond to and prepare for each other’s campaigns, share success stories and finance NGOs with fewer resources. The sharing of knowledge and strategies is transferred among groups, as a scholar puts it: ‘The strategies, the images, the narratives, the words, everything, is also cross-loaded from one group to another group. (...) . I don’t know if you’ve seen the – how do you say – the emblem of these movements. It’s always a silhouette of a “normal” family – a father and mother, two children. And they’re generally using the pink and the blue colours. So, in a slightly different version... but the same kind of silhouette and the

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<sup>48</sup> World Congress of Families. [Website available at: http://profam.org/](http://profam.org/) (Accessed on 18/01/2022).

<sup>49</sup> This interview took place at the IDOHAT International Conference in Copenhagen on LGBTI rights in May 2016.

same kind of colours were used in France, in Slovakia, in Croatia, in Slovenia<sup>50</sup> (Interviewee 1).

The network is very efficiently organised, with global organisations holding international conferences and mobilising across countries. As a scholar explains: ‘So I guess these organisations and this movement, which has also some connections to what’s going on in the United States. Like, right now [October 2015], in Salt Lake City, the World Congress of Families is taking place. And the World Congress of Families, (...) I mean it’s, okay, predominantly an American-based institution, but they have members, you know, from all over the place, including Russia. What’s going on in Russia is also... you know, it’s just basically supporting their efforts because, in Russia, you know, the Anti-Homosexual Propaganda Law and [inaudible 26:30] of the Pride parades’ (Interviewee 1).

Pro-family organisations and networks have developed a format that adapts to different countries. The format frames their narrative utilising a human rights framework instead of a religious-based one. The international and domestic opposition acquires the language of human rights as recognised by the international system. It highlights rights that they believe are in contrast with the rights promoted by LGBTI NGOs. This highlights the recognition and normalisation of the human rights framework. As a scholar explains in the case of Slovenia: ‘I can tell the experience from Slovenia, which is one possible way how they do their job. When we had a referendum on marriage equality in 2012, around that time, a new civil initiative came into being, and it was called Civil Initiative for Family and Protection. It was .. yes, for Family and Protection and the Human Rights of Children, something like that. So it sounds absolutely secular; there is no reference to God or the Church – nothing, right. (...) They are using the language that the proponents of human rights are using. They are basically... you know, we have to, just like we said, we have to reclaim our language back. And that’s the problem because, now, all... both – you know, the one who’s against gender equality and the one who’s in favour – both are saying, “Human rights, human rights, human rights,” right. There’s no difference in language anymore. So this Civil Initiative came into being and started to give out messages, which were, you know, very similar to these gender theory messages. But also some Church representative came in public and talked about these issues. What was interesting was that it wasn’t the archbishop; it was just a very young, well-educated professor from the theology faculty, who represented the Roman Catholic Church; which again is a sign how the

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<sup>50</sup> Further details and documentation in Kuhar and Paternotte (2017).

Church is secularising its discourse. They were not referring to the Bible, at least in Slovenia... (...) This time, zero, no references to the Bible; they were referring to psychological studies, sociological studies, like, very rational-sounding discourse. And, also, on the level of how they were visible, the image they created, it was this young, well-educated man, who did not wear clergy clothes; he was just like you and me... although representing the Roman Catholic Church' (Interviewee 1).

The opposition has accepted the language of human rights, and it uses it in similar ways to the traditionally left human rights organisations. As another scholar puts it: 'The language of human rights has been hegemonic, the right is using the same language to do completely different things. You can see this is the way the ultra-right speaks in the US, where it champions for itself. It sets itself up as the besieged minority, whose freedom of speech is curtailed, whose freedom of religion, whose freedom of expression is thwarted by the, sort of, civil rights protections that minority movements have won. So, it's not so much that we disagree with these standards, as they apply to us too, and we need to re-address our position in the equation. The interesting thing about the focus on the family type organisations is their use now of the UN system. You don't get the rhetoric of, you know, branding the UN as world government as something that needs to be destroyed, which you did in the '90s (...) Instead, they use the terrain. They don't want to cede the terrain to their opponents. They want to seize it and use it for their purposes. So, it's emerged as the common battleground, rather than a liberal thing' (Interviewee 40).

The term 'gender theory' has been traced back to the early 2000s, when the Vatican used it in official literature<sup>51</sup> (Garbagnoli, 2014: 250). The opposition argues that LGBTI NGOs are working with governments behind closed doors to promote their agenda, the so-called 'gender theory' (see, for example, a publication by Italian pro-family journalist Tettamanti, 2015). It specifies five types of gender (lesbian, gay, bisexual, transsexual and heterosexual), biological gender is no longer recognised, and gender is simply a social construct that the individual can self-identify with as they choose (Tettamanti, 2015). Extensive use outside of the Vatican of this literature occurred after 2011 when the public debate in France was dominated by same-sex marriage and was then used in most countries to oppose campaigns to progress LGBTI rights (Garbagnoli, 2014: 253). The UN is accused of divulging this theory with the excuse of

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<sup>51</sup> Lexicon: Ambiguous and Debatable Terms Regarding Family Life and Ethical Questions (2006) by the Pontifical Council for the Family.

promoting equality (Garbagnoli, 2014: 255). The so-called ‘gender theory’ is accused of promoting homosexuality, transsexuality, and sexual perversion, destroying the traditional family and men and women’s role in society (Bernini, 2016: 367-368).

The narrative is compelling and constructed with care. It uses human rights rhetoric and pushes LGBTI organisations to defend themselves. In the words of a scholar: ‘So this is their strategy, and constantly, and they are very successful because those who are supporting equality are somehow pushed into the side, and they have to defend. They say, “This will change my daughter’s gender.” And we have to, “No, no, no, it’s not like that. It’s...” They are leading the game. They are setting... you know, they are saying, “This, this, this... (...) the problem is that...” well, “we”, let’s... I can say “we” are pushed into the position where we have to defend, explain, instead of setting the agenda; they are now the agenda-setters’ (Interviewee 1).

Some of this rhetoric is utilised strategically by some parties and politicians. As the representative for COC Nederland explains: ‘So it’s like the same, like, in Western Europe, that politicians are being extremely xenophobe, extremely Islamophobe. I think politicians in other countries use the narrative of anti-gay for the same reason (...) it’s not the issue that really, really goes to their heart. It’s something they use to broaden their power base. (...) If you think it’s about your own children and your own family, probably you can make it into a dark force that’s going to take over your country. But if you need people to rally behind the flag, it’s a good flag to wave at some people’ (Interviewee 3). This is also utilised as a narrative to oppose the imposition of Western values. In the words of the Head of the SOGI Unit in Europe: ‘Because often we are accused that this is a promotion of European – Western European – values against the Eastern European values; and this is not true. This is simply not true because, in other parts of the world, LGBT human rights are advanced, and... which proves that it is not an invention of Western Europe’ (Interviewee 2).

Although the approach is slightly different in different countries, the international perspective and the connection with international religious groups are always present. As the scholar from Slovenia noted: ‘They were giving out similar messages; and, at first, it didn’t look like there’s any connection between the two. There’s one group of civil... I mean concerned citizens, and these are religious people. But then it turned out that the website of the Civil Initiative is, not only hosted from the official server of the Roman Catholic Church, the website was part of an organisation, which was actually directed by these representatives of the Roman Catholic Church’ (Interviewee 1).



## 8. Conclusion

In this chapter, I have reviewed the path taken by LGBTI NGOs from national to international advocacy, the international recognition given to LGBTI rights and NGOs, the work that LGBTI NGOs do internationally and the challenges and opposition they face. Activists started advocating for LGBTI rights in the 1970s in many Western countries and reached the international level in the 1990s after being embraced by mainstream INGOs. The recognition of LGBTI rights as international norms is essential to initiate the ‘norm cascade’ effect, the boomerang effect, and the spiral model of human rights. This is why international NGOs have invested so much in bringing the issue to the international agenda. With domestic NGOs, INGOs pressure states to recognise and internalise LGBTI rights, positively affecting domestic policy formation.

The successes achieved at the national and international level are why LGBTI NGOs invest so much effort in overcoming the challenges and barriers that would prevent them from utilising international channels. International organisations that work as umbrella organisations and have a presence at the UN, such as ILGA, have a strategy to overcome some of the challenges and facilitate the participation of domestic NGOs. They support with translations in different languages and offer their know-how to organisations to help them with the procedures and timings. They supply funds where possible. They offer to publish reports or responses under the name of the regional offices so that the NGO would face less reprisal.

Having a specific voice and being correctly represented has made these successes possible. LGBTI NGOs cover many roles such as awareness-raising, education, monitoring of violations and progress made by countries, and collaboration in creating successful policies. International participation gives organisations more weight domestically and encourages collaboration. However, participation for domestic NGOs is not easy, and there are several challenges faced to have this impact.

LGBTI NGOs are ostracised by several states that do not recognise LGBTI rights and generally support organisations that oppose them, such as pro-family organisations. LGBTI NGOs are not alone in the international system. They have to lobby and campaign in states that traditionally oppose these rights and against conservative NGOs that have recently started to defend so-called traditional values and that utilise the same tactics and tools used by LGBTI organisations. “Groups such as America’s C-FAM and United Families International, Real

Women of Canada, Spain's Hazte Oir<sup>52</sup> and many others are active in international settings” (Bob, 2013: 75). Therefore, success or failure depends on the result of this confrontation, as does the socialisation of norms domestically. The opposition has developed a format that is exported and utilised in several countries. Traditionally faith-based organisations have adopted the framework of human rights to challenge and oppose LGBTI NGOs, focusing on children's rights. They elaborated sophisticated campaigns to misrepresent the concept of gender, creating a 'gender theory' that they claim would harm children. The opposition instils fear and utilises this to rally people into supporting their claims. As recognised by Bob (2019), the use of rights as weapons will also be evident in the case studies analysed in the following chapters. The impact that transnational networks on both sides have domestically impacts the international balance of states that have introduced LGBTI rights and states that promote traditional values.

In the following chapters, I will discuss the three case studies: Ireland, Italy and Peru. These countries do not currently have the same recognition of LGBTI rights. LGBTI NGOs have done similar work and followed a similar path, the main difference being the opposition that is found both domestically and internationally. There are also differences in how they have used the transnational networks at their disposal and UN channels. The first case study will be Ireland.

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<sup>52</sup> HatzeOir is part of the CitizenGo group, website available here: <https://citizengo.org/hazteoir>. (Accessed on 18/01/2022).

# Part Two: LGBTI Rights and NGOs from a Domestic Perspective

## 5. Case study: Ireland

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### 1. Introduction

In this chapter, I will discuss the first case study: Ireland<sup>53</sup>. Ireland decriminalised homosexuality very late compared to other European countries, and in a short amount of time, it introduced same-sex marriage. In Europe, the first country to introduce same-sex unions was Denmark in 1989, followed by Norway, Sweden and Iceland in the early 1990s and France in 1999. By the early 2000s, European countries started to introduce same-sex marriage, and Ireland joined the club in 2015, becoming the first country in the world to introduce it by popular vote. This was before Austria (2019), Finland (2017), Germany (2017), and the United Kingdom (2020).

I want to highlight the stages of the spiral model identified by Risse et al. (1999; 2013) by looking at the history of LGBTI rights and NGOs. LGBTI NGOs' success in promoting their cause is tied to the result of the conflict between them and their opponents, domestically and internationally. Ireland is a majority Catholic country with a strong presence and influence of the Catholic Church in many aspects of life such as politics, education, healthcare and the organisation of free time. Remarkably, the country was able to introduce same-sex marriage when it did, especially because the first step of decriminalisation only took place in 1993. In Ireland, organisations used an internal opportunity structure and successfully used transnational networks and international channels.

In this chapter, I will review the tactics utilised by LGBTI NGOs and their opponents to understand how this success was possible.

### 2. LGBTI Organisations

In this paragraph, I will review the history of LGBTI rights and NGOs in Ireland. Ireland achieved remarkable progress in a relatively short timeframe: Decriminalisation of

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<sup>53</sup> This chapter summarises the findings of several interviews with NGO representatives, scholars, activists, and a volunteer in a political party. All interviews were conducted via Skype or by email before for a total of 7 interviews. Representatives from major NGOs, such as GLEN, and activist who took part in the 'Yes Equality' campaign were interviewed.

homosexuality was achieved in 1993, same-sex couples were granted access to Civil Partnership in 2010 and Equal Marriage in 2015. The movement that advocated for these achievements started in the 1970s to counteract repression of LGBTI rights, specifically advocating for decriminalisation. This would have started the first stage of the spiral model, Repression and Activation of the Network.

## **2.1. The Initial Mobilisation**

In the beginning, the gay rights movement found that lobbying the government for change would come to no avail, so the route of the domestic courts and then the European court was taken with the David Norris' case (Ryan, 2014: 105-106). The claims were denied twice by domestic courts with the reasoning that the Irish Constitution is based on Catholic morals and values (Wilkinson, 1994: 253). The arguments made by activists in the Irish case were in line with those made in several other countries: discrimination and equal treatment before the law, privacy and freedom of expression and association. Sodomy laws had already been eliminated in most European countries, so this could be considered an international norm. The use of the European Court can be considered as activation of network as activists were looking for recognition transnationally. Following this, the second phase of the spiral model, denial, starts.

In the 1970s and 1980s, several gay and lesbian groups started to form: "Following the founding of the first gay rights organisation in Ireland, the Irish Gay Rights Movement (IGRM) in 1974, groups inside and outside of Dublin quickly began to emerge, such as, Cork Irish Gay Rights Movement in 1976, Liberation for Irish Lesbians (LIL) in 1978, the National Gay Federation (NGF) in 1979, the Cork Gay Collective (CGC) Cork Lesbian Collective in 1980/1983, Dublin Gay Collective and the Galway Irish Gay Rights Movement and Galway Gay Collective also in 1980" (McDonagh, 2017: 69). The Gay and Lesbian Equality Network (GLEN) was established in the 1980s and advocated for the decriminalisation of homosexuality and then for progress and development of equality and non-discrimination laws and was instrumental in many victories for the LGBTI community (Healy et al., 2015: 14-15). LGBTI people started to live their sexual orientation more openly and visibly to the rest of society, creating a strong sense of community (McDonagh, 2017: 68).

Ireland was the only country left in the European Economic Community (EEC) to uphold sodomy laws. Northern Ireland had rejected the sodomy law that was still in place in 1983, after the European Court for Human Rights decision in the case *Dudgeon v. United Kingdom*. This

victory would boost the chances of Norris' case (Ryan, 2014: 102). In Ireland, as in other parts of the world, the decriminalisation of homosexuality and the recognition and protection of LGBTI rights by the state have come hand in hand with other rights and legislation regulating sexuality, both homosexual and heterosexual, and a range of women's rights. After 20 years of campaigning finally, decriminalisation was achieved in 1993. Many factors contributed to this achievement: "a long campaign to persuade politicians that reform was necessary; a litigation battle which culminated in a successful judgment from the European Court of Human Rights; and the vagaries of a general election which saw the right politicians in the right place at the right time" (Wilkinson, 1994: 252). This would be the start of the third stage, tactical concessions. Consistent with the findings by Risse et al. (1999), the initial phases of the spiral model are characterised by more critical communication. From this stage onward, NGOs will begin an approach based on dialogue and persuasion.

A cultural shift took place in the 1980s and 1990s when, also thanks to the campaigning of organisations such as GLEN, the idea of homosexuality was tied more to a view of an open and liberal Ireland. In contrast, people's perception of the Catholic Church also changed due to scandals (Bowyer, 2010). Many factors contributed to the shift, as an activist and scholar explains: 'Over a period of time, that has really changed. Actually, the activism and campaigning on the issues of LGBTQ rights in relation to abortion have been very significant factors in moving that along. They did not in themselves cause that shift in attitudes alone. It has to do with increased prosperity, although that didn't last all that long. Increased materialism, neo-liberalisation, becoming a very neoliberal economy, which has a lot of negative dimensions to it as well. Nonetheless, those were factors which played very significantly in opening Ireland up to an understanding and really a practice of having a much more secular state' (Interviewee 57). NGOs successfully capitalised on an opportunity structure created by this cultural shift.

Changes in legislation with regards to family law started to happen since the 1980s: 'the abolition of the status of illegitimacy for children born outside of marriage (1987); the abolition of actions for the restitution of conjugal rights (1988); the Judicial Separation and Family Law Reform Act (1989); the Maintenance Act (1994); the Domestic Violence Act (1996); and the Family Law (Divorce) Act (1996)' (O'Connell, 2015: 58). However, the Catholic Church still had a strong influence, for instance, on the referendum on divorce and abortion (Wilkinson, 1994: 257-258). Changes in society also accompanied these changes. An Irish Times article notes that: "The changes to the Irish family within a single generation have been dizzying: In the late 1960s, just 3 per cent of children were born outside marriage, and cohabiting couples

were so rare they were not even counted in the census. Today, more than a third of children are born outside marriage. Same-sex couples are raising children in the community. Tens of thousands of children are growing up among cohabiting couples” (O’Brien, 2015).

This shift in attitude also affected LGBTI legislation. After decriminalisation, the progress made focused on the workplace and equal rights for LGBTI people, as in many places, people could be dismissed for religious reasons. As the then co-chair of the Irish Council for Civil Liberties explains: ‘I would have been involved in some LGBT-related reform when I was co-chair of the Irish Council for Civil Liberties, which is a human rights NGO and at that juncture, we were largely looking at improvements to employment law. Ireland has a pretty notorious religious ethos exemption which impacted in particular on teachers and people working in the hospitals. There was a major concern that LGBT people, in particular, could be fired if and when they came out or disclosed their sexual orientation’ (Interviewee 56). In 1988 it was made illegal to discriminate against an individual in the workplace based on their sexual orientation. In 1989, it was made illegal to incite hatred based on sexual orientation, and in 1993, it was made illegal to dismiss an individual based on their sexual orientation (Wilkinson, 1994: 263-264). The Irish Council for Civil Liberties (ICCL) started working on LGBTI issues in the 1990s. It produced a report which influenced the decision and the legislation that would decriminalise homosexuality in Ireland (Healy et al., 2015: 17).

LGBTI NGOs struggled to find funds, and almost all staff was made of activists that volunteered their time. Some funds came from an international funding organisation called Atlantic Philanthropies, which funded several LGBTI organisations and initiatives in Ireland (O’Connell, 2015: 53). Progress was also a consequence of the great collaboration and relationships NGOs created and cultivated with the government and a broad spectrum of political parties (Parker, 2012). “GLEN leaders believed that taking an insider advocacy strategy and working with the government was a more productive tactic than standing on the outside and publicly criticizing it” (Parker, 2012: 6). GLEN’s ability to connect with both politicians and other civil society groups, such as the trade unions and the Irish Council for Civil Liberty, contributed to its success (Ryan, 2014: 112), especially given that “the law was passed with near unanimous support by a coalition government led by a centrist political party and with the support of all political parties in a largely Catholic country” (Parker, 2012:1).

Ireland is now in the final stages of the spiral model and the communication style is persuasive and is a dialogue between all parties. LGBTI NGOs are recognised as stakeholders and have a semi-institutionalised relationship with the government.

## 2.2. The Path to Marriage Equality

In the early 2000s, the focus started to shift on the recognition of same-sex couples. Unfortunately, in 2004, the Irish parliament had defined marriage<sup>54</sup> as a contract that could be entered only by persons of the opposite sex, a trend that had started in several countries and took place around the same time in Australia (Tobin, 2016: 116). Like many other countries, Ireland transitioned to recognising same-sex marriage by recognising a civil partnership first. The Civil Partnership Bill was welcomed by many but also criticised as many human rights and LGBTI organisations viewed the bill as discriminatory towards LGBTI people (Ryan, 2014: 121). Nevertheless, the Bill inspired the discussion for same-sex marriage, and in 2008 Marriage Equality was formed (Ryan, 2014: 122).

Most organisations rallied behind the goal of achieving same-sex marriage. Another group decided it was time to pursue gender recognition policies. In the words of an activist: ‘It became really focused on the struggle for marriage equality with another arm focused on trying to get good transgender legislation, which we did actually get the same time as we achieve marriage equality, so that the marriage equality struggle had started around about 2007, 2008 and continued until 2015, when we actually won the referendum. All during that time, trans rights had been very much on the agenda with the Trans Equality Network. There were quite a lot of links between those, but certainly, the marriage equality fight was almost all-consuming’ (Interviewee 57).

Three organisations worked together to organise and run the ‘Yes Equality’ campaign: GLEN, Marriage Equality and the ICCL (Fergus, 2015: 15). When the referendum was decided, the organisations had to prepare for something different, convincing the majority of Irish voters to vote in favour of same-sex marriage. In the words of the strategic advisor: ‘I and others were offering the view that you needed to be in a much more mainstream campaign than the work done by LGBT groups up to now. (...) Because the referendum campaign and the constitutional amendment change in Ireland requires a majority of the population, popular vote, 50% plus one and obviously has to talk to the widest possible audience in order to persuade them to get to that point of the majority’ (Interviewee 54).

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<sup>54</sup> This was defined in the Civil Registration Act 2004, section 2 subsection 2.e, in which excluded same-sex couples from being able to enter the institution.



The messaging of the campaign had to reach a majority of the population, as the strategic advisor for the campaign explains: ‘The task was to maximize mobilisation and activity from the intense activists. It was to direct a message towards them because they were already presumed as given if it’s a direct message at the mainstream middle ground audience. (...) The key closing message was that LGBT people were people who lived typically-- They were people in your neighbourhood, they were people in your community. They were teachers, they were workers, there were of every type. They were artists, they were performers, they were farmers, they were postmen, they were firemen, they were literally every type of person in society’ (Interviewee 54).

The effort put together by the LGBTI community was impressive, with extensive canvassing that took place in most Irish cities and towns, much advocacy on multichannel media. The ‘Yes Campaign’ focused on mobilising voters, with exceptional results. As an academic explains: ‘The mobilisation of the vote was remarkable, lots of young people even flying into Ireland just to be able to vote in the referendum’ (Interviewee 53). The turnout for a referendum in the past had not been very high in Ireland, which was one of the ‘Yes Campaign’ concerns. In the end, there was a 60% turnout, “among the highest since the Constitution was enacted in 1937, with young and working-class voters coming out in force to show solidarity with the LGB community” (Tobin, 2016: 127). This was a 20-year record and a change in voter behaviours during a referendum in Ireland (Elkink et al., 2017). A majority of 62% voted in favour of same-sex marriage. An activist comments on the results of the vote, considering that a majority chose for a minority in the country: ‘In that sense, it was a terribly emotional and hopeful thing about the Irish referendum is that people who had-- It was a phenomenal level of human empathy for heterosexuals to vote for a very small minority’ (Interviewee 55). Same-sex marriage was introduced in Ireland in 2015 with a proposed constitutional amendment to Article 41, which would state that marriage could be contracted by two people without distinction of sex.

The wave of progress that the campaign for the referendum brought also benefited trans people’s rights. In 2015 the law that regulated the change of gender on official documents was modified to no longer include the medical evaluation and for married people to separate from obtaining the change. Although there has been much progress in Ireland, there are still things that can be improved: for instance, there is no aggravating circumstance for hate crimes based on sexual orientation and gender identity.

In the next paragraph, I will review how political parties interacted with LGBTI NGOs and their opponents.

### 3. LGBTI Rights and Politics

This paragraph will review how LGBTI NGOs and their opponents have interacted with political parties and governments. Ireland is a majority Catholic country in which the Church has great influence in many aspects of society, including politics. The political path did not bring change in addressing sodomy laws, so the activist David Norris attempted the legal path. “Both the High Court and the Supreme Court had rejected David Norris's case that the prohibition on sexual acts between consenting adults violated the Irish Constitution, invoking the alleged incompatibility of homosexuality with the ‘Christian values’ enshrined in the Constitution” (Dunphy, 1997: 248). Even after the decision of the European Court for Human Rights, the government took its time in changing the law and made several propositions on how to change the law, indicating an unwillingness to address the topic (Ryan, 2014: 211).

No political party openly addressed LGBTI rights until the 1990s. Only then was the change in cultural perspective towards LGBTI rights and general human rights reflected in politics. An example is the presidency of Mary Robinson and Mary McAleese, which started a tradition of presidents engaged in human rights and committed to promoting change both domestically and internationally (Galligan, 2012). Both supported LGBTI rights: Mary Robinson supported and was a legal adviser for Norris in the European case, and Mary McAleese was one of the founders of the Campaign for Homosexual Law Reform and has been an active campaigner for LGBTI rights, publicly supporting the ‘Yes Equality’ campaign by giving speeches and interviews (Healy et al., 2015: 153).

Reform on marriage and family law was always going to be a challenge as marriage and family are protected in the Irish constitution. For a long time, the courts in the country defined and recognised marriage to be between a man and a woman (Saez, 2011: 31). Several reports from human rights and civil liberty organisations had been published between 2000 and 2006, including from the Equality Authority, National Economic and Social Forum, the Irish Human Rights Commission and the Irish Council for Civil Liberties, all prompting the government to legislate on a family institution that would allow LGBTI people to enter a marriage-like institution and in 2007, the new coalition government included a civil partnership in their program (Ryan, 2014: 120).

As to be expected, the left was more supportive of LGBTI rights. “Labour had been central to the achievement of the decriminalisation of homosexuality and equality legislation, while their private members Civil Union Bill in 2006 was key to building support for subsequent civil

partnership legislation” (Healy et al., 2015: 2). Other parties, especially when historically close to the Catholic Church, were more hesitant but eventually embraced LGBTI rights. In fact, “in 2004 Fine Gael had been the first party to publish a proposal for civil unions” (Healy et al., 2015: 2), and the Fianna Fail-Green Party government strongly supported the Civil Partnership Bill in 2010 (Healy et al., 2015: 2). However, not all party members approved of this move, and “the day of the publication of the “Heads of Bill” more than 30 Fianna Fáil TD (members of the Dáil) and Senators signed a party motion for the government to reverse its decision on civil partnership” (Parker, 2012:10). This was when swift action from LGBTI organisations was needed. “GLEN quickly appeared on the country’s most popular morning current affairs show to respond. In the appearance, GLEN emphasized Fianna Fáil’s proud tradition of republican principles, which includes treating everyone equally. This was a critical moment in dispelling resistance in the party. GLEN used Fianna Fáil’s own language, making it difficult for the party to come out against the bill. Opposition in Fianna Fáil eventually dropped from 30 to three members when parliament discussed it” (Parker, 2012:10).

At this stage, NGOs had changed tactics and stopped using “arguments which had featured so strongly in Senator Norris’s campaign — about rights of privacy, rights of the individual, limiting the role of the state, etc. — in GLEN propaganda. In the latter, the emphasis is very much upon law reform as a path to inclusion within ‘family’ and ‘nation’ through an appeal to fairness and compassion, characteristics which are ascribed to the ‘nation as family’” (Dunphy, 1997: 259). GLEN’s strategy focused on networking, creating alliances and working the system from within, managing to achieve civil partnerships by extensively lobbying all parties, positively framing the issue and managing the opposition without attacking it (Parker, 2012).

Most parties recognised the need to expand marriage to same-sex couples. Particularly the Labour party, in fact, “in 2012, its then leader and deputy prime minister called the issue «the civil rights issue of this generation»” (Fergus, 2015: 11-12). Several polls ran ahead of the popular vote strongly indicated that the Irish people favoured introducing same-sex marriage. However, the political parties still preferred to keep the final decision out of their hands and agreed to a Constitutional Convention. A strategic advisor of the campaign explains the position of the different parties: ‘Well, the first thing was that the progressive practice of the left-wing parties including the Labour Party in government would always have been in favour of this reform. This reform was supported by their support-base so they were running no political risk as it were in coming out in favour, and many of them continued to be active in the campaign. The other government party, Fine Gael, which is a relatively conservative party, had moved to

the position of supporting introduction of marriage equality, and that was an important moment in the campaign. Then the other main opposition party, Fianna Fáil, which was also a traditionally conservative party, also can have an official position in favour of the referendum' (Interviewee 54).

It is important to highlight that there was no need for a referendum to change the law on the interpretation of marriage and that this was a political decision. At the time, the government did not want to take the responsibility to legislate on the matter (Tobin, 2016). Although several parliament and senate members supported equal marriage and, in general, LGBTI rights, there were also several that strongly opposed it and voted and campaigned against any advancement of LGBTI rights (Healy et al., 2015). This shows how strong the influence of the Catholic Church is.

In the next paragraph, I will review the opposition that LGBTI NGOs found and still find in Ireland.

#### **4. Opposition to LGBTI Rights and NGOs**

To understand delays in the progress throughout the spiral model of human rights and the reluctance of political parties to legislate on LGBTI rights, it is necessary to include an actor in the analysis: The opposition. The main opposition to LGBTI rights in Ireland comes from the Catholic Church and affiliated organisations. As an activist and scholar explains: 'The biggest opposition to progress in Ireland was the Catholic Church, basically. That applied to progress for women as well (...) I've said in my book that the Catholic Church was as oppressive of heterosexuals sexuality, as well as of lesbians and gay men. Then there was a lay right in Ireland, there was a secular right which was Catholic' (Interviewee 55). This was evident from the beginning when in the 1970s, several campaigns promoted a Catholic view of sodomy as a sin. The Catholic Church in Ireland has a history of influencing policy. It fiercely opposed progress for LGBTI people in Ireland. They successfully kept in place sodomy laws even after most Western countries had abolished them. Even at the peak of the HIV/AIDS epidemic, it still condemned the use of condoms and any policy or campaign to spread information on prevention (Kerrigan, 2019: 11). The government failed to adequately address the AIDS crisis out of a fear of alienating the Catholic majority and the Church's lobbyists (Nolan, 2018: 113). Only when the Catholic Church decided to create a task force in response to the AIDS crisis was the government able to create policies to manage the crisis and contain the spread without

fear of reprisal (Nolan, 2018: 121). As noted by an activist: ‘In Ireland, up to the late ‘70s or early ‘80s, the Church's prominence was very strong still’ (Interviewee 53).

The majority of the population identifies as Catholic. However, societal and cultural changes have now diminished the Catholic Church’s grip on society. Notwithstanding this cultural shift, several parts of the Irish Constitution still refer to Catholic values (Dempsey, 2017). A Catholic ethos infuses the Irish constitution in matters of family and marriage (Tobin, 2016: 118; Fergus, 2015: 5). This legitimised some of the Catholic Church’s claims in terms of law interpretation and gave arguments against both civil partnership and equal marriage.

Several scandals in Ireland have affected the influence and status the Church historically had on society. In the words of an activist: ‘Certainly, the Catholic Church itself was undermined in Ireland by itself because of the child sexual abuse cases. That started to come into the public arena at the beginning of the ‘90s’ (Interviewee 57). There was a cultural shift in a short period, as an activist explains: ‘It’s a very interesting cultural one that the Catholic Church held huge sway in Ireland through the ‘80s. Church attendance was quite high, and their cultural control was quite high. I think it was often a form of social control or a coercive control over the people. It was almost like a revolution. Once the Irish people got the chance to not go to mass or to throw off the Catholic Church, they did it almost overnight. It was like a revolution. In a weird sense, what were Catholics, notionally weren’t actually Catholics at all. They weren’t committed to the religion. It was just part of the culture’ (Interviewee 55).

The perspective people have on religion has changed vastly. In the words of an activist and scholar: ‘You actually have a situation in Ireland now where 87% of the population described themselves as Catholic in the last census. However, the nature of that Catholicism has changed so that people now see Catholicism as something which is individual and private rather than a matter for state control (...) That is very, very clear now in Ireland, which it absolutely wasn’t 25 years ago’ (Interviewee 57). The Church and other affiliated organisations have changed their messaging to adapt to the situation. They utilise different strategies and even different representatives to convey their message. As an activist explains: ‘The primary voice that’s opposed to LGBTI issues is the Iona Institute<sup>55</sup>. It’s the consistent voice and even it has very

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<sup>55</sup> The Iona Institute describes itself in the following way: “The Iona Institute promotes the place of marriage and religion in society. Our starting point in debates about the family is that children deserve the love of their own mother and father whenever possible. We believe in the public funding of both denominational schools and other types of schools that reflect the wishes of parents in an increasingly diverse society. We also promote freedom of

much softened its rhetoric. You had their spokespeople saying, “Oh, well, we're not opposed to LGBT couples being able to adopt children, their own children, we're not opposed to that.” The message has been diluted down through the years’ (Interviewee 56).

The Church still holds an important position in society as most life milestones are celebrated within the Church, such as baptism, communion, marriage and burial (Ó hAdhmaill, 2013: 1). As an activist and scholar explains: ‘You’ve got to win people over, and there is some residual feeling for the Catholic Church in Ireland [unintelligible 00:29:33] especially as a cultural kind of thing. People still have their children get first Holy Communion or get married in a church (...) I think that it’s important for all countries where the Church, whichever church it is, have a lot of- is not again involved in a cultural war with them’ (Interviewee 55). Even after the scandals, the Church still held power over society. In the words of an activist: ‘While Catholicism is a living force in Ireland, it is not politically influential in the way it used to be. It still has a very considerable influence and power, and ownership to the education system, but even that is now being eroded. I would never underestimate the Catholic Church’ (Interviewee 57).

During the ‘Yes Equality’ campaign, the opposition chose to have different organisations and representatives convey their message: The Irish Catholic Bishops’ Conference, the Knights of Columbanus, “the Iona Institute, Mothers and Fathers Matter, StandUp4Marriage, First Families First, a number of politicians including Senator Ronan Muller & Senator Jim Walsh as well as a number of well-known public commentators and conservative thinkers” (McAuliffe; Kennedy, 2017: 174). ‘Mothers and Fathers Matter’ was created by concerned parents, in theory not a religious organisation, but promoting religious views. In the words of an activist: ‘The central opponents at the campaign were traditional anti-liberal reform groups in Ireland, which includes the Iona Institute, a section of high-profile commentators and columnists associated with that. The Catholic Church itself was imposed, came out in opposition to marriage equality, including some very high-profile ways the prominent Archbishop of Dublin who would have been regarded as relatively progressive. To one extent, they were the opponents, and they were the people building and putting together a campaign in opposition to our campaign’ (Interviewee 54). As an activist further explains: ‘It was really quite interesting that at the beginning of the marriage equality referendum campaign, bishops

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conscience and religion, and the right to life” (The Iona Institute website, available at: <https://ionainstitute.ie/about-the-iona-institute/> (Accessed on 21/06/2021).

tended to make statements. They were told by the senior bishops to keep silent because there was a recognition by the Church that if they intervened in the referendum debate, that the people would simply say, “Go away, get off the stage. This is not your business” (Interviewee 57).

The primary tactics utilised by the opposition can be identified in the analysis of the use of rights by powerful oppositions by Bob (Bob, 2019). The first was to inspire fear claiming that children's rights would be violated, which was used as a rallying cry to mobilise supporters. The second was to call out the LGBTI movement as attacking religious and traditional beliefs and their rights to religious freedom, being oppressed by a minority that was radicalising the country, so rights as shields and parries or rights as dynamite as these had the potential to change the traditional values of the country.

The ‘No Campaign’ used the usual arguments against same-sex marriage, including utilising the supposed right of children to have parents of different gender (Fergus, 2015: 15). In response, the ‘Yes Campaign’ strategically worked with 15 children charities to address the fear promoted by the opposition regarding violating children’s rights (Healy et al., 2015: 72). However, the cultural changes in the ’90s meant that the Irish people did not react as expected by the opposition. As a strategist for the campaign explains: ‘They used the argument that every child deserves a father and a mother to counter the suggestion that marriage equality would give rise to two men and a baby and the children as a result would lose something else. That ended up being counterproductive for them because of people from all kinds of families, which weren’t the typical that’s based on a one mother and father living together because of separation or other [unintelligible 00:14:25] and were offended by that. Also were offended by their failure to appreciate the complex, diverse family structures that have emerged and has emerged everywhere in recent generations’ (Interviewee 54).

An advantage for the equal marriage campaign was that the topic of adoption and generally parenting for same-sex couples had already been addressed by the political system in the same year by the government via legislation. However, the ‘No Campaign’ still tried to inspire fear of a possible new law on surrogacy (Tobin, 2016: 126). In the words of an activist: ‘There was a lot of talk of surrogacy and how two gay men having a baby would be exploiting women, for instance, but even that wasn’t very effective. (...) It’s like we’d have our grannies, we’d have our grandfathers, we’d have our cousins. Because it’s a smaller country and that we have big extended families, that model didn’t work as well’ (Interviewee 47). As an activist further explains: ‘They had big posters out with basically two men saying, effectively, would you let these men raise your child? Irish people didn’t like that. They didn’t like that at all because they

felt that this was being very unjust and very unkind to gay men. There was already an empathy there. They were much more likely to think of priests as dangerous people to have around children than gay men' (Interviewee 57).

The 'No Campaign' had substantial resources and used these to promote its message on television, social media, YouTube, posters, by canvassing (Elkink et al., 2017), letters from bishops and sermons during mass (Healy et al., 2015: 121), tools also wildly utilised in other majority Catholic countries. "It was clear, however, that, as well as tapping into international anti-marriage equality networks and having some very experienced strategists of their own, Mothers and Fathers Matter did not want for money. What they lacked in activism, they would more than make up for with professional postering, literature and a paid for online presence" (Healy et al., 2015: 117). These are also typical aspects of the opposition to LGBTI rights in other countries with a strong Catholic and Christian in general presence. Logos and posters for these organisations are also very similar, focusing on the traditional family, and this was also the case for Ireland (Healy et al., 2015: 120).

The opposition made little use of the so-called 'gender ideology' in its public-facing campaigns. References to the 'gender ideology' are "found from those opposed to same-sex marriage in various publications, as well as in online Catholic sites" (McAuliffe; Kennedy, 2017: 172). This was mainly in reference to legislation favouring LGBTI rights and education programmes promoting awareness of LGBTI people (McAuliffe; Kennedy, 2017: 172). In this context, often, instead of the use of 'gender ideology,' the opposition referred to these initiatives as 'feminist ideology' (McAuliffe; Kennedy, 2017: 172).

In this paragraph, it has become clear that the opposition used international resources to prepare strategies and fund campaigns to oppose the progress of LGBTI rights. Since the beginning of the spiral model and throughout all phases, the opposition has invested considerable resources in blocking progress and influencing policy outcomes. In the next paragraph, I will analyse how both the opposition and LGBTI NGOs have used these transnational resources and international channels.

## **5. Domestic and International Networks: The connection to Transnational Networks and International Institutions**

LGBTI NGOs and the opposition used the international system by connecting to their transnational networks and international organisations. Initially, LGBTI activists had to draw



from the international space, mainly because mobilization and knowledge sharing were challenging domestically. An example from an activist on a series of events organised in the 1980s: ‘Also, to make the point in an international sense that we’re not alone, that there’s a lot going on that we can actually draw on. While it doesn’t certainly qualify as an internationally networked event, it tried very hard, and it succeeded really to keep that sense of “We’re part of a global cohort, a global movement of women who are lesbian”’ (Interviewee 57).

Transnational networks and umbrella organisations were crucial in sharing strategies, skills, and know-how.

### **5.1 The use of Transnational Networks by LGBTI NGOs and the Opposition**

Transnational networks were a great source of information, as an activist explains: ‘In a lot of cases, the lesbian and gay movement was most advanced in cities, whether it was Toronto, or San Francisco, or New York, or London, or Amsterdam, or whatever. Again, we were so not advanced. We had no gay culture, no gay production of books, novels, films, or whatever. Also, in terms of theory and strategy and analysis, we were learning from those more advanced countries. We had to develop our own analysis, not just take an analysis from Toronto, for example, which is a huge, wealthy city with immigrants, and we were the exact opposite’ (Interviewee 55). NGOs used the international system to their advantage from the beginning, as it helped them achieve the first milestone victory of decriminalising homosexuality. In the words of an activist: ‘We just achieved decriminalisation in the mid-1990s. That was very much built and layered up on decades of activism in other countries and in Ireland obviously, and international [unintelligible 00:03:08] were absolutely instrumental there in securing that change in the end, including most obviously the (...) case that went to the European Court of Human Rights [David Norris’ case]’ (Interviewee 56).

Most organisations in Ireland are members of ILGA. The support of umbrella organisations such as ILGA and their members was of great importance, as an activist and scholar explains: ‘I suppose if you take the example of Ireland, it was hugely important for us to be involved at an international level and to get support at an international level to ILGA, for example, because our movement in Ireland was so weak. We had very strong opponents. Both the Catholic Church and the lay right in Ireland were hugely powerful. Getting the support of the ILGA members internationally, and their countries to lobby Ireland’ (Interviewee 55). There are many examples of NGOs in Ireland effectively utilising transnational networks to absorb skills and knowledge,

as an activist explains: ‘I suppose there’s those formal institutional connections in terms of attending conferences, directly sharing ideas about strategies, practices, norms. ILGA Europe has done an amazing job, as has a TGEU<sup>56</sup> at having spaces in which people can share ideas, learn from each other, share strategies. I know that that absolutely has happened in the case of TENI. In fact, I think TENI, the Trans Equality Network of Ireland, was formed directly as a consequence of some activists attending a conference. They basically thought, “Well, okay, we haven’t scaled up our ambitions enough” and then formed TENI as a direct response to participating in a TGEU conference back in the 2000s’ (Interviewee 56).

NGOs were often able to use information efficiently in the domestic context, as an activist and scholar explains: ‘We then went to the International ILGA Conference in Vienna in 1989 (...) We got a copy of the Ontario Human Rights legislation, which was very progressive at that stage. It was human rights (...) equality legislation, and it included sexual orientation on protected grounds. We used that bill or that act, the Ontario Act, in lobbying the Labor Party in Ireland to produce a similar bill. (...) Then when Labour came into government in ‘93 to ‘97, I think, or ‘98, ‘97, they set up a new department, a new minister for equality and law reform. That Labour minister introduced the equality legislation. That was very similar to the equal status bill of [the] 1990s. (...) That was hugely advanced at the time because Britain didn’t have such legislation’ (Interviewee 55).

They were also able to give back to the international community, as the activist mentions: ‘I think it’s fair to say that Ireland have voted the Amsterdam treaty and in Ireland Equality legislation, led and encouraged EU to adopt similar legislation and policies (...) Then when you get the change, you owe responsibility to act at an international level to pay back almost the support that you got when things were very difficult. We did that in GLEN because we, for example, we lobbied the Amsterdam treaty as a clause, empowering the EU to take action on discrimination on the basis of sexual orientation so on. That sexual orientation term was dropped by the previous presidency of the EU, which was Netherlands, strange enough. The Irish put it back in’ (Interviewee 55).

After the domestic progress, Irish organisations could contribute back to transnational networks, becoming an example to other countries. This role is perceived as very important by NGOs, as an activist explains: ‘It’s important for your own domestic situation, but it is also important in terms of lending your voice, particularly if you have some achievements. In

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<sup>56</sup> Transgender Europe.

Ireland, with marriage equality, we do have some achievements. It's really important for LGBTIQs in Ireland to work on those issues at an international level. I think that's something which has been happening in Ireland for quite a long time, actually. There's always been that awareness, maybe because we're a very, very small country, but one which is quite internationally very permeable' (Interviewee 57). And continuing: 'A key organisation in that (...) was called the Gay and Lesbian Equality Network, GLEN. They did a lot of policy work and international work. Rather than they were not a grassroots organisation, which most of our organisations do tend to be, they were much more policy-oriented and internationally focused. They did a lot of that interacting with various UN committees, and so on and so forth' (Interviewee 57).

It is not always easy as an organisation without paid staff to advocate domestically and internationally. Some NGOs were able to guarantee funds to pay for staff, as in the example of GLEN. As the director of the organisation at the time explains: 'GLEN got substantial funding from Atlantic Philanthropies, which is an Irish American funder and that allowed us to employ really skilled people, and it speeded up progress quite a bit' (Interviewee 55). Much knowledge on procedures and timings needs to be absorbed, preventing NGOs from being effective. An activist explains: 'We use those procedures to get change. For example, we were told by a feminist activist because we didn't understand the operation of the Council of Europe and the European Court of Human Rights because they review the implementation of the court judgments every six months as a meeting of state civil servants at ambassador level. That's held in secret, and we didn't even know that. We started to use that process and alerting journalists so that the Irish journalists in Europe started doing their work and found out that the Irish ambassador at that European Council of Europe meeting was saying one thing (...) Meanwhile, the Irish government at home, in our parliament, because they were under pressure from the laity, were saying, "No, no, we're not changing it"' (Interviewee 55).

A factor contributing to the success of the strategy adopted by LGBTI NGOs in Ireland was using transnational networks' knowledge and adapting the tactics to their situation. This is extremely important as every country has its socio-cultural context and legislative framework. As an activist explains: 'The problem is that when you-- in social movement politics when there is a need to focus on legislative frameworks (...) you are thrown back on your own country because your country's legislation is specific to your country and while how other people do it is of interest and importance, the battle is actually fought on your own terrain, which is sadly national terrain' (Interviewee 57). And it was very important to keep the knowledge and

information sharing in the background in certain circumstances as it was believed that, for example, this could be counterproductive in a referendum, as an organiser of the campaign notes: ‘In some respects, it wasn’t helpful for us to say in Ireland in relation to the marriage equality referendum, “Well, this is what they’re doing somewhere else”, because actually in a referendum, the notion is that the people is sovereign and the people, i.e. the voter, do not like any international interference, “this is for us to decide”’ (Interviewee 57).

LGBTI NGOs used international networks profusely during the Marriage Equality campaign. They had support from Freedom to Marry and the Human Rights Campaign from the USA and adopted their research and strategies to manage the opposition (Healy, 2015: 44). The campaign moved away from mobilising the LGBTI base and tried to address the questions and doubts that the general voter would have. The campaigns in the USA inspired some of the materials utilised, such as the newsletter called ‘Marriage and Family Matter’ used to address the doubts on family matters that voters might have (Healy et al., 2015: 67). As one of the campaign’s strategists notes: ‘Evan Wolfson from Freedom to Marry in the US would have been very helpful to us in Marriage Equality because Marriage Equality is very focused on that single issue. He was a really important resource for us, him, and his organisation. (...) Marriage Equality is different I guess because we looked to the States and to Canada. We’re looking at Proposition 8 in California. Learning from that was really important for us because of the referendum there and what hadn’t worked and what did work, so that on the ground sense of how do you talk to people about marriage equality face-to-face. Absolutely. There’s a lot of really generous, I think, sharing of strategies. One of the first things we did in Marriage Equality when I was involved at least was to do an audit of the difference between marriage and civil partnership. (...) We got that idea from [the] New York marriage equality audit. Those kinds of connections are absolutely instrumental. Some very, very good concrete initiatives we thought, “Okay, we can learn from that, we can learn from this, talks to those people why do they do it, how do they do it, what was their trial and error process and how can we then enhance that”’ (Interviewee 56).

Knowledge and information sharing also translated into visits to better help and analyse the situation. An activist recalls: ‘Marriage equality groups in Ireland had been in contact with the marriage equality organisations in America over the course of years about the campaigns. (...) Definitely, one of them (...) were on-site for a week or two in the early phases of the Irish campaign just to get a flavour for the Irish campaign. In some ways, they came to Ireland with a message, which we had begun to garner and fine-tune from previous referendum campaign

experiences in Ireland itself, which was that an inclusive, open, transparent cam[paign] reassuring the papers which portrayed the Irish audience are a generosity, a humanity-based appeal rather than a demand for rights, or civil rights, or human rights, or LGBT rights was the way and that the campaign was going to work best in Ireland. That's consistent with the message that they had learned in America' (Interviewee 54).

The opposition had early access to transnational networks and resources as well. As explained by an activist: 'Family Solidarity published a book called *The Homosexual Challenge* in 1988. They were obviously hugely familiar with all of the studies and groups in the United States and were quoting them how dangerous homosexuality is for your health. All that awful data that they tried to use the most, HIV AIDS to stop progress and stuff like that. They were very well connected internationally. (...) In a sense, I think they were using, those groups from Britain and the US, were using Ireland as a kind of a testbed, because in the 1980s, what better testbed could you get than a country where the Catholic Church was so dominant, and where the left and the progressives are so weak' (Interviewee 55).

The opposition worked with transnational networks during the Marriage Equality campaign to put together a strategy. In the words of one of the strategists for the 'Yes Campaign': 'On the other side, they did proactively engage with anti-marriage equality groups in America and otherwise where they had learned the lesson of their successful campaigns against marriage equality proposition in America of how to displace their audience in the middle ground and you could see that. In the same way that the LGBT groups here had engaged with groups that have successfully turned around strategy in America' (Interviewee 54).

The opposition was also well funded by transnational networks. An activist explains: 'There was a lot of talks during especially the referendum campaign here at Marriage Equality and the one on abortion about the extent to which the conservative side were funded by and propped up by organisations based in the United States' (Interviewee 56). In the words of another activist: 'The Iona Institute, which would be the religious group I was talking about, they reach out to evangelical groups around the world but there are some restrictions on them receiving funding from those groups. We're not supposed to take international funding for referendums. They did bring in, let's say, American speakers who are speaking from an evangelical viewpoint' (Interviewee 47).

The astonishing results achieved in the equal marriage referendum and the campaign run by LGBTI NGOs are an inspiration for LGBTI movements everywhere. During the 2015 ILGA Conference in Athens, a plenary presentation was a summary and highlights of the Irish 'Yes

Campaign' and was applauded by representatives of NGOs from all around Europe. Several moments of the campaign were also shared globally. For instance, a video from the Drag Queen 'Panti' entitled "'Noble Call' was viewed almost a million times (...) and has inspired LGBT activist all around the globe" (Healy et al., 2015: 22). The campaign was also followed internationally by journalists from all over the world (Healy et al., 2015: 94). In the words of an activist: 'I think it's important because one country can be an example to another. For instance, very soon after marriage equality was voted in here in Ireland, the Supreme Court in the USA voted in favour of marriage equality. I think there was a feeling that there was almost a ripple effect. If a little country like Ireland could bring in marriage equality, then it was possible anywhere in the world. Certainly, that's what we thought here in Ireland. We thought the positive effects are going to ripple all over the world, but there was really the sense that we're on the world stage, that here's an opportunity to be an example to other countries that this has international significance as well' (Interviewee 47).

NGOs and activists believe that it is essential to give back to the international community and countries struggling to achieve progress for LGBTI rights. However, most believe that the way you support countries is very important. In the words of an activist: 'Now, we can do the work through the Irish government because it is quite, I think, fair to say pro LGBT. Our Department of Foreign Affairs, and in the UN, or our government through the EU, or the International Labor Organisation, or whatever, can support the LGBT and the countries where it is [unintelligible 00:05:56] such as Poland' (Interviewee 55).

In the next section, I will look at the use of international organisations by LGBTI NGOs and the opposition.

## **5.2 The use of International Organisations by LGBTI NGOs**

LGBTI NGOs successfully used international channels to their advantage. Ireland has greatly benefited from the European Union's juridical system. In fact, homosexuality was initially decriminalised after the European court's decision. They also made efficient use of international pressure. For example, they used international channels and international pressure to push the government to hold the referendum on marriage equality, as an activist explains: 'It's just that Canada is the linchpin, Canada, Norway and so on, yes, that that was very important and we were able to use it to impress on our government here in Ireland, and our politicians in a democratic (...) country, that they had to agree to hold a referendum on the

question of marriage and in that sense, I think that those are those representative and participative of democratic moments internationally, are really important' (Interviewee 57).

UN mechanisms, including the UPR process, were effectively used as well. As described by an activist: 'Here I'm obviously talking about the recent timeframe, the last 15 years maybe. Before that, LGBT issues were raised consistently, but usually, as far as I remember by kind of umbrella type submissions like the ones by the Irish Council for Civil Liberties, Amnesty, etcetera. LGBT issues would have been packaged in with a whole broad range of coalition reports. I think more broadly outside of SOGIESC issues the UN mechanisms have been very useful in Ireland. (...) Really, really important in adding fuel to the domestic movement' (Interviewee 56).

Ireland's civil society actively participated in the first and second UPR cycles. In the first cycle, which took place in 2011, 2 SOGIESC recommendations were made by Spain and Switzerland<sup>57</sup>. These comments were received and supported requests made domestically. In the second cycle, which took place in May 2016, the opening statement by the government representative, Tánaiste and Minister of Justice and Equality, Frances Fitzgerald, addressing the international community, mentions LGBTI rights progress in Ireland, stating that: "The single most important development in this regard since the first cycle is the adoption by the Irish people by referendum of an amendment to our constitution to provide for same-sex marriage. This hugely symbolic step, providing for the recognition of, and respect for, the equality of our LGBTI fellow citizens is a hugely important legal change. It also represents a milestone of world significance on the journey to equal rights for LGBTI people, in that Ireland is the first sovereign country to make the journey to marriage equality by popular vote"<sup>58</sup>. The government also mentions the progress made on gender recognition.

This suggests how important the perception of the international community is. As an activist explains: 'Whereas when we're part of a UN Committee, I think it's really important for Irish diplomats, to be raising their voice on behalf of the rights of people in Poland, for example, which now they're doing because they have been empowered by the rights that we have gained here, which gives their work as international diplomats, which is putting it on a different footing a kind of legitimacy, that those (...) actually quite high-level diplomats saying to me after the

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<sup>57</sup> ILGA, 25TH UPR WORKING GROUP SESSIONS. SOGIESC RECOMMENDATIONS, available at: <https://ilga.org/upr-session-25-sogiesc-recommendations> (Accessed on 17/09/2018), page 28).

<sup>58</sup> ILGA, 25TH UPR WORKING GROUP SESSIONS. SOGIESC RECOMMENDATIONS, available at: <https://ilga.org/upr-session-25-sogiesc-recommendations> (Accessed on 17/09/2018), page 27).

referendums, “It’s really great, we go into meetings now, and we can talk about gay rights” as they say’ (Interviewee 57).

Ireland recognises itself internationally with a group of countries that believe in and have a strong track record on human rights. As an activist and scholar explains: ‘Our services are slow to follow, which is another problem but the legislation is slightly better, and that I think came about because Ireland was thinking, “We’re doing well in the human rights field. We can be a leader in this field”, so it becomes something to be proud of, not ashamed of. It becomes something that you can boast about, and I think if you can get your representatives in the international arena to feel proud of what’s going on in their country. Of course, they will talk about it, of course, they will put pressure’ (Interviewee 57). And continuing by making an example of Canada: ‘Good thing Canadians themselves, say, “No, no, no, Canada’s not perfect.” But they’re very proud of that record so that they have a lot of credit and I think that countries like Ireland aspire to have that kind of credit’ (Interviewee 57). In the opening speech of the UPR process, the government representative also mentioned that religious rights have been respected: ‘Protections for religious bodies have also been reiterated, in that the Act provides that neither religious bodies nor religious solemnisers can be compelled to perform marriages’<sup>59</sup>. This highlights the power religious groups and bodies have at the international level. In the second cycle, ten countries commend the progress made for LGBTI people in Ireland, and 3 make recommendations on improvements: Denmark, Spain and Canada<sup>60</sup>.

Activists value the tools and channels available internationally, as an activist and scholar, explains: ‘The work of different organisations in interacting with UN committees, for example, we just keep it at UN commissions for the moment, meant that we were describing the violations of human rights, for example, that happened on the ground in Ireland. What that meant in a lived light, what that meant for a lesbian, what that meant for a woman who needed an abortion, what that meant for a trans person who needed an operation or whatever. Those committees then were able to make strong statements back to the Irish government to say, “You are in violation of article something or another in the international covenant of this, that, and the other”’ (Interviewee 57). And continuing: ‘That was really coming much more from a grassroots, or not so much grassroots, but certainly, LGBT and women’s organisations on the

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<sup>59</sup> ILGA, 25TH UPR WORKING GROUP SESSIONS. SOGIESC RECOMMENDATIONS, available at: <https://ilga.org/upr-session-25-sogiesc-recommendations> (Accessed on 17/09/2018), page 27).

<sup>60</sup> ILGA, 25TH UPR WORKING GROUP SESSIONS. SOGIESC RECOMMENDATIONS, available at: <https://ilga.org/upr-session-25-sogiesc-recommendations> (Accessed on 17/09/2018), page 28).



ground directly making submissions to these various bodies who then (...) for the countries, for the states, for the governments of those states recommending or instructing them to behave in certain ways' (Interviewee 57).

## 6. Conclusion

In this chapter, I reviewed the history of LGBTI organisations in Ireland, their struggle since the 1970s and the significant progress made in the country regarding LGBTI rights. LGBTI activists and NGOs have used all tactics possible from a domestic perspective and have organised and mobilised in crucial moments to achieve this progress. Regarding the spiral model phases, it is hard to identify when the phases start. Mobilisation domestically started in the 1970s, and NGOs immediately connected with NGOs and activists from other countries. This can be seen as activation of the network. However, pressure from the international system would have only started in the 1990s, after LGBTI rights were addressed at the international level. In the case of Ireland, progress starts to move faster after this time as international pressure, not only coming from the European Union but also the UN starts to grow. However, understanding progress within the spiral model is not possible without understanding the impact of the opposition. The opposition successfully blocked progress for many years and challenged LGBTI NGOs every step of the way.

NGOs have capitalised on some structure opportunities, such as the Catholic Church's crisis, moments of economic development and left-wing leaning coalition governments. The progress made by Ireland is recognised as the result of many factors playing together. An activist elaborates on the relatively quick progress made in the country since the decriminalisation of homosexuality in 1993: 'I would attribute that to really good organising, basically social movements in Ireland, capitalising on I think the collapse of the moral authority of the Church. You have I guess these kinds of ideal conditions in a sense, the recession as well, so you got a lot of, I think, just heightened activism and a sense that things have to change in order to change. I do think in terms of LGBTI issues, the context here has always been very heavily coloured by religious norms and the power of the interpenetration of the Church [unintelligible 00:04:38]. I think when those fissures opened up in the 1980s, the 1990s, with all of the scandals around abuse of children in particular that a good space opened up to I think go after not just minimal formal equal citizenship but also trying to secure things like good gender recognition laws and obviously marriage equality' (Interviewee 56).

The extra aid of transnational networks and international channels facilitated these victories. The Irish movement was able to adapt to use transnational networks and international channels as the situation changed domestically and always had an active pressure domestically and internationally. UN channels were used consistently, and in the background, so there would be discreet but consistent pressure at the international level. As an activist explains: ‘If you have committee after committee, after committee, after committee saying, “You need to change this. You can’t go on with this,” that certainly does begin to make a difference. If you are dealing with a democratic government, that does make a difference because they know that they will constantly have to stand up and defend their structures and laws that do violate human rights. You need a bit more though than that. You also need a grassroots movement on the ground which is saying to government, “You should be ashamed of yourselves. You’ve been told to do this by the UN Committee on Torture. Why are you not doing it?” You need a pincer movement that goes after it from both sides. It’s not enough for the UN Committee on whatever to make a recommendation, to have an impact on a country through legislation. It happens over time. It is complex and it also requires struggle and campaigning on the ground, but it has a real place’ (Interviewee 57).

Transnational networks and international channels, when used in the right way and in conjunction with a strong domestic strategy, can make the difference in countries with strong and organised opposition. Although Ireland has achieved great progress, political parties, even from the left, were still reluctant to make a change. This was evident in the delays in implementing the European court’s decision on the decriminalization of homosexual acts and the referral to a popular vote on the introduction of same-sex marriage. This highlights the Catholic Church and affiliated organisations' impact on delaying progress. It is clear that LGBTI transnational network and the oppositions’ transnational network greatly invested in supporting domestic efforts, indicating that each countries’ situation is important to the whole movement on both sides to keep the global balance.

International channels are specifically crucial in terms of agenda-setting. Success will then result from the clash between LGBTI NGOs and the opposition. This clash has been present in every step of the spiral model. Pressure from the opposition, both domestically and internationally, has counterbalanced the work done nationally and internationally by LGBTI NGOs and has acted as a blocker in some instances, delaying progress. The strategic use of transnational networks to inform communication and advocacy strategies benefited LGBTI NGOs in achieving success. Especially in the campaign on marriage equality, the use that

domestic LGBTI NGOs made of ILGA and LGBTI NGOs that had successfully campaigned in other countries with a religious opposition enabled them to anticipate the opposition's moves and more easily construct a successful campaigning strategy.

Progress in Ireland has been celebrated as a victory for LGBTI people worldwide, and organisations moved from seeking help from transnational networks to giving support and being an example internationally. The 'Yes Campaign' victory in the 2015 referendum was recognised and celebrated internationally. Even the former Secretary-General Ban Ki-Moon praised the results as sending a message to the world (McDonagh, 2017: 66). It sparked conversation and renewed enthusiasm in several countries around the globe, including Australia, Germany and Italy (Fergus, 2015:2).

In the next chapter, I will analyse the case of Italy.

## 6. Case Study: Italy

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### 1. Introduction

Italy is the second case study in this thesis<sup>61</sup>. Like Ireland, Italy is a majority Catholic country in which the Catholic Church has significant influence. LGBTI NGOs are primarily composed of unpaid staff. Unlike Ireland, sodomy laws were eliminated at the end of the nineteenth century, so there was no struggle for the decriminalisation of homosexuality. Marriage is not granted to same-sex couples. However, in 2016, Parliament passed a law allowing same-sex couples to enter a civil partnership<sup>62</sup>, being the last country in Western Europe to do so.

Some LGBTI rights are derived from the European Union membership, such as the right to non-discrimination in the workplace. The EU has also put pressure on the subject of hate crimes that would include sexual orientation and gender identity. The EU has recently made a statement to put pressure on the government. However, after a long campaign, the proposed legislation that would have given additional protection to LGBTI people with regards to hate crimes did not pass. There is recognised institutional discrimination from institutions such as the state, family, education system, and the Church (D'Ippoliti, Schuster, 2011: 25).

The structure of the chapter will be the same as the previous case study: I will review the history of LGBTI NGOs and rights, identify the stages of the spiral model of human rights change, review the approach from political powers to the subject, the opposition and finally the domestic and international collaboration.

### 2. LGBTI Organisations

Historically there has not been a practice of specific persecution of LGBTI people from a legislative perspective, but rather a tendency at denying their existence (D'Ippoliti, Schuster, 2011: 64). Homosexual behaviour was overall tolerated if kept private. Some argue that the

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<sup>61</sup> This chapter summarises the findings of interviews I conducted with NGO representatives, activist, scholars, and a diplomat. Interviews were conducted between 2016 and 2017 in Italy and also via Skype for a total of 13 interviews. Representatives of all major Italian LGBTI NGOs. Including Arcigay, *Certi Diritti*, Arcilesbica and *Fuori!* were interviewed.

<sup>62</sup> Legge 20 maggio 2016, n. 76: Regolamentazione delle Unioni Civili tra persone dello stesso sesso e disciplina delle convivenze.

creation of a movement for LGBTI rights was delayed, given that in other countries, the spark came from repression and often violence against LGBTI people (D'Ippoliti, Schuster, 2011: 64). This does not mean that life as an LGBTI person was easy.

## 2.1. The Initial Mobilisation

The LGBTI movement started to organise in the 1970s, with *Fuori! (Fronte Unitario Omosessuale Rivoluzionario Italiano!)*. The movement starts to mobilise in the second part of the 1970s. It defines itself as radical and aligns with left-wing parties (D'Ippoliti, Schuster, 2011: 65). An activist from *Fuori!* recalls the events that prompted reactions by the LGBTI community: (Edited) 'In [19]72 (...) the first international demonstration against a congress of psychiatrists, who believed that homosexuality was a disease, in Sanremo, and the first demonstration ever (...) and it was also an international demonstration because delegations of gay groups came from France, Belgium, England, Germany etc. etc. (...) at the European level there were almost immediately contacts and the previous year (...) there was a first international meeting (...) in Belgium (...) where there were delegations of newly born gay groups all over Europe' (Interviewee 50). So, there was immediately a connection with other European groups. This initiated the first phase of the spiral model: Repression and activation of the network.

The first organisation to lobby for the rights of trans people was the *Movimento d'Identita' Transessuale (MIT)*, founded in 1979, which lobbied for the changes in the law that took place in 1982 (D'Ippoliti, Schuster, 2011: 66). The group activated to counter a decision of the constitutional court that stated that legal sex reassignment after an operation was not possible. As a result, in 1982, Italy introduced a law that would allow transgender people to legally change gender, becoming the third country in the world after Sweden and Germany. This is the start of the third stage, tactical concessions, where some rights start to be recognised.

Initially, organisations were mainly composed of gay men and promoted gay rights. With time more specific organisations formed, such as *Arcilesbica*. There is now a growing movement in Italy, as in other parts of Europe, for the rights of intersex people. Although there was already a framing of LGBTI rights as civil rights, the activities mainly aimed to change public perception and support LGBTI people, especially in the 1980s when the HIV/AIDS crisis started. Similarly to what happened in Ireland, in the 1980s, the movement mobilised to address the HIV/AIDS crisis as the government, and the Catholic Church prevented decisive action and information spreading that would have increased prevention (D'Ippoliti, Schuster, 2011: 65).

Up until this moment, communication style is critical of the government. Later, the communication style changes and is based on persuasion and dialogue. As in the Irish case, several NGOs will engage in a collaborative relationship with the government.

## 2.2. The Path to Marriage Equality

The first attempt by activists to achieve same-sex marriage started in 1980 when a couple tried to file for marriage in Rome, arguing that the civil code made no mention of couples being of different sex to access marriage (Winkler, 2017: 2). As an activist recalls: (Edited) ‘In October there was a national congress where for the first time there was talk of civil unions and marriage, 1980 national congress of the *Fuori!* in Turin’ (Interviewee 50). The 1990s were a time of mobilising and organising to start addressing civil rights issues, as an activist explains: (Edited) ‘In the [19]90s, the political issues began to be resumed (...) to obtain perhaps those that have been identified as two, let’s say the two main claims. On the one hand, civil unions, on the other, following then also the international movement, on the other a law against (...) homophobia transphobia. The two things went hand in hand. At times priority was given to one after the other, until at a certain point it was clear at the beginning of the 2000s [focus on same-sex marriage], also concerning what was then happening in the rest of the world with the approval of marriage equality in several countries, starting with Spain which was a Catholic country and which therefore allowed us to grasp hope’ (Interviewee 42). Initially, the movement asked for civil unions. Then as similar countries gradually all saw granted same-sex marriage, the request changed also in Italy.

The LGBTI movement had to make internal changes to unify and advocate strongly for same-sex marriage. There was division on the best route to pursue, political or juridical. A group of NGOs (*Avvocatura per i Diritti LGBTI- Rete Lenford* and *Certi Diritti*) brought the case of same-sex marriage to the Italian Constitutional Court<sup>63</sup>, which gave its decision in 2010 stating that the Court was unable to extend marriage to same-sex couples but that the legislative

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<sup>63</sup> Decision n. 138/2010, available at: <https://www.cortecostituzionale.it/actionSchedaPronuncia.do?anno=2010&numero=138>. (Accessed on 18/10/2021).

branch ought to legislate on the matter. In 2012 the Cassazione Court<sup>64</sup> decided that same-sex couples should see their rights recognised by law, but as the legislative branch would not create such law, couples could use the courts to see their rights recognised, mentioning the decision of the European Union<sup>65</sup>. The European Court of Human Rights ruled in favour of same-sex unions stating that Italy should address the violation<sup>66</sup>.

After the European Court's decision, the legislative branch took its time to address the matter, and there was much campaigning from both LGBTI groups and the opposition. NGOs focused the campaigning on the message of love<sup>67</sup>. In the words of an activist: (Edited) 'We used a lot of what was the rhetoric of love, the rhetoric of love and rhetoric of homosexual family (...) the symbol we had chosen for this campaign which was 'the same yes' was the heart with the equal (...) Trying to channel the message that they were simply people who love each other and that they asked to be respected and recognised like any other couple who love each other<sup>68</sup>. It helped a lot the dialogue with the public opinion' (Interviewee 43). The symbology used by NGOs was similar to that used in other countries. LGBTI NGOs organised protests in 100 towns mobilising a million people to support the 2016 same-sex union bill, with Rainbow Families<sup>69</sup> NGOs playing a pivotal role in the mobilisation and visibility (Winkler, 2017: 23).

As a result, in 2016, the Italian Senate approved a civil union law<sup>70</sup> after 30 years of proposals and activism<sup>71</sup>. The institution is very similar to marriage and offers similar rights, except for the right to adopt the partner's children. There would be two years of negotiations between parties and eliminating the section that allowed for adoption to get the proposal to pass. The victory of introducing civil unions was bittersweet, as LGBTI activists were hoping to finally

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<sup>64</sup> Decision of the Cassazione Court No. 4184 of March 15, 2012, Garullo & Ottocento v. Comune di Latina et al.

<sup>65</sup> ECHR, Case of Schalk & Kopf v. Austria, June 24, 2010, App. No. 30141/04, part. para. 94.

<sup>66</sup> ECtHR, Case of Oliari v. Italy, App. No. 18766/11 and 36030/11, see European Court of Human Rights Rules European Convention for Protection of Human Rights Requires Italy to Enact Either Civil Union or Marriage Law for Same-Sex Couples, 2015 L.G.L.N. 347.

<sup>67</sup> Some instance of this messaging are shown in appendix B, group 2.

<sup>68</sup> Examples of content from LGBTI campaigns in appendix B, group 1 to 3.

<sup>69</sup> Instance of the focus on rainbow families in appendix B, group 3.

<sup>70</sup> Legge 20 maggio 2016, n. 76, G.U. May 20, 2016, n.118 (It.)

<sup>71</sup> Comprehensive list of all the proposals can be found at: <http://www.articolo29.it/de-jure-condendo/>. (Accessed on 10/01/2022).

have complete equality with heterosexual couples through access to marriage. Italy was in the third phase of the spiral model, tactical concessions until the introduction of civil unions. This brings Italy to the fourth stage, prescriptive status.

Different perspectives and opinions within the movement and individual organisations have transpired recently, dividing the movement and making advocacy harder. Differences have occasionally brought to harsh reactions, as an activist recalls: ‘Arcilesbica was very harshly attacked, at a hefty level, with harsh insults, we started to think of going to lawyers for defamation in short (...) [insults and threats] has been written on Facebook (...) has become the place of the most vulgar insult from the simple fact that something that bothered was claimed’ (Interviewee 52). This division is currently an obstacle to the approval of the DDL Zan, as Arcilesbica opposes the law.

In the next paragraph, I will review how parties and governments interacted with LGBTI rights and NGOs.

### **3. LGBTI Rights and Politics**

In this paragraph, I will review how LGBTI NGOs and their opponents have interacted with political parties and governments. LGBTI NGOs emerged within groups that were engaged in the radical party, as an activist at *Certi Diritti* explains: (Edited) ‘The Italian LGBT movement is a movement that has existed for many years, was born at the beginning of the [19]70s with an association called *Fuori!* among other things, within the Radical Party and it is an association that inspires us because *Certi Diritti* (...) is also linked to the Radical Party’ (Interviewee 42). Starting in the 1960s, right and centre parties used the homosexual rhetoric to accuse the left of being perverse and undermining the traditional family. In the 1980s left-wing communist party started advocating for LGBTI rights and included these rights in their philosophy. This, however, did not translate into legislative change. With time most of the left, which is now the *Partito Democratico*, supports LGBTI rights, although they are very reluctant to take action and initiate change.

Some see the decision to primarily work with the left as a mistake as the movement should have worked more across the board and focused on its requests. An activist explains: (Edited) ‘For many years the only interlocutor in Italy was the left, I realise that it was very difficult to have relations with the right, but it is also true that either the criterion passes according to which the rights of LGBT people are human rights, are rights that concern all, exactly like other rights,



or it does not pass. Or there will always be the one who appeals to freedom of expression, of thought when talking about homosexuality as a disease and bullshit of this kind' (Interviewee 50). Activists feel that there has never been a strong stance from the left on LGBTI rights. In the words of an activist: (Edited) 'There is a left that has often been very timid, there is a sort of rampant centrism (...) governments that are very shy and fearful then often because they won with a tightrope they won by very few votes so they don't dare' (Interviewee 52). Even within left-parties, some have expressed their opposition to LGBTI rights, consider homosexuality wrong for society, a disorder of the personality or a sin, and consider same-sex marriage to be against the Constitution (Borrillo, 2009: 153).

The activist explains the difficulties of working with parties on both sides, as parties tend to avoid taking a position: (Edited) 'Before [the mid-1990s] all the Italian parties, all the major Italian parties, both on the right, on the left and the centre, had always refused to deal with issues related to the claims of homosexuals. Homosexuality was something that they say couldn't be talked about' (Interviewee 43). Given the resistance at the political level to engage in LGBTI rights, NGOs started working from the bottom up, as an activist explains: (Edited) 'The change was when we realised that it was impossible in Italy to start from the head, that is, from the government and Parliament. It was necessary (...) the change from the bottom up (...) Our ruling elites tend towards conservation unless stimuli arrive to stimulate a change. So we reversed our order of work, we started working with local authorities' (Interviewee 43). This strategy also raised awareness among the public. Both the Ufficio Nazionale Antidiscriminazioni Razziali Italiano (UNAR) and the European Union promoted LGBTI awareness and education programs, but seem to have more success at a local level with those regions that want to collaborate (see for instance 'Politiche Locali LGBT: L'Italia e il Caso Piemonte'<sup>72</sup>, available at [http://www.comune.torino.it/politichedigenere/bm~doc/politiche-locali-lgbt\\_ita\\_web.pdf](http://www.comune.torino.it/politichedigenere/bm~doc/politiche-locali-lgbt_ita_web.pdf)).

Local authorities have taken action to tackle discrimination and collaborate with LGBTI NGOs to create programs of awareness and define policies<sup>73</sup> (D'Ippoliti, Schuster, 2011). However, progress is often hard to achieve even in cities and regions generally led by left-wing

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<sup>72</sup> This was part of the EU project AHEAD (Against Homophobia. European local Administration Devices) within the EU program "Fundamental Rights and Citizenship (2007-2013)" that saw many local authorities and universities across Europe take part.

<sup>73</sup> The city of Naples, Rome, Venice, Torino, and Bologna all have an institutionalised collaboration set up with local LGBTI NGOs and bring forward programs and policies in partnership.

authorities and with a history of tolerance. As an activist explains: (Edited) ‘Bologna (...) is a tolerant city, a city where most of the LGBT people come from Italy, especially from the south but also from the north, east, with the excuse of the important universities those who come to study here in the city so full of young lesbian girls and boys also gay people trans (...) we have not succeeded in carrying out a regional bill against homophobia transphobia (...) for almost ten years there has been no way’ (Interviewee 49). Although some local authorities have promoted LGBTI rights, many have taken a conservative view and promoted the so-called traditional values, such as Veneto, which has established a traditional family's day (Bernini, 2016: 368). In some cities (Padova, Verona e Venezia as an example), there have been initiatives to promote the so-called ‘traditional’ or ‘natural’ family or to stop promoting LGBTI rights (Bernini, 2016: 368).

In other countries, opportunities arise from a left-wing government. In Italy, this was not the case. When a left-wing government held power between 1996 and 2001, any legislation introducing civil partnerships did not pass. The 2007 law proposal that aimed to reproduce the French PACS<sup>74</sup> was so diluted to appease the opposition that there was barely any recognition at all, and it still did not pass into law (Borrillo, 2009: 152). “The 2007 Italian bill contained a very minimal regime that was the alleged result of a compromise with the powerful Roman Catholic component of the governing coalition” (Winkler, 2016: 226). Even after all the pressure of the domestic court’s decisions, the European court, and the considerable time gap, the civil union was chosen over marriage.

Right-wing parties, such as the elected Lega Nord, which nominated a minister for Family in 2017, publicly promoted so-called family values and are generally unsupportive of LGBTI rights. However, there are also unfriendly individuals within the left, as an activist explains: (Edited) ‘All governments have always had some unfriendly element. Even in the past government that approved civil unions, they had some elements of contrast’ (Interviewee 43). LGBTI rights are so controversial that representatives in Parliament withdraw their support towards laws in favour of LGBTI rights after initially supporting them. For instance, the *Movimento 5 Stelle* initially supported the draft of the civil unions that included adoption and then withdrew its support, which brought to the redaction of the proposal (Cirinná, 2017). When regulations are brought in by the European Union, governments and the legislative branch delay and stall addressing the matter.

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<sup>74</sup> *Pacte Civil de Solidarité*

In the next paragraph, I will review the opposition.

#### 4. Opposition to LGBTI Rights and NGOs

To understand the delays in the phases of the spiral model of human rights, it is necessary to analyse the opposition LGBTI NGOs face. Opposition to LGBTI rights in Italy comes from the Catholic Church and affiliated organisations that claim to represent so-called traditional values. One of the groups created is the ‘*Sentinelle in Piedi*<sup>75</sup>’ (Standing Guards), a group of civil society that advocates for traditional and family values. Although these organisations claim not to have connections to the Church or parties, there are solid links. An activist explains: (Edited) ‘They are non-confessional associations, movements even better, and they are non-partisan, so they say. In reality, if you go and check, there are very worrying confluences because there are members of the extreme right. There are people linked to ‘*Militia Christi*’ and ‘*CasaPound*’, a whole series of far-right movements’ (Interviewee 11). These often mirror organisations of LGBTI groups. An activist explains: (Edited) ‘There is *Pro Vita* [*Pro Vita e Famiglia*<sup>76</sup>], there is the group of jurists for life. They too (...) deal with strategic litigation, so they try to somehow always oppose or make lawsuits for the issues opposite to those we want, or defend those we attack’ (Interviewee 42).

The Catholic Church has significantly influenced policies on sexuality since the very beginning of the republic (Winkler, 2016a: 126). As the LGBTI movement became stronger in the 1990s, the position of the Catholic Church grew stronger and more public (D’Ippoliti, Schuster, 2011: 65). Although the country has become more secular and there is not the same attendance to mass as before, both the Catholic Church and right-wing politicians still have much influence. In the words of an activist: (Edited) ‘On a national level, Italy is a traditionalist Catholic country, there is nothing to do, we tend to be a country with a right-wing mentality (...) And in addition, we have (...) the Vatican in Italy, which in our country has a disproportionate, disproportionate political, moral, social weight. I don’t really know how else to say it. And with a power, a very heavy political and social influence, still very heavy today. Although a few punches in the teeth have been given from abortion to divorce, to civil unions,

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<sup>75</sup> Sentinelle in Piedi’s website: <https://sentinelleinpiedi.it/> (Accessed on 12/01/2022).

<sup>76</sup> ProVita e Famiglia’s website: <https://www.provitaefamiglia.it/> (Accessed on 12/01/2022).

which is not equal marriage, however, there is still much power, much weight, much money' (Interviewee 49).

The Catholic Church has been able to successfully block all progress for LGBTI rights for a very long time, and once progress started, it was still able to slow it down (Winkler, 2017: 9). For example, the DDL Scalfarotto was presented against bullying based on sexual orientation in 2013, and the opposition has been successful in delaying the discussion in the Senate for years thanks to the campaign promoted by Catholics and right and extreme-right wing politicians (Bernini, 2017: 229). Other victories include the intervention by Prime Minister Renzi to stop the distribution of anti-bullying material to the education staff and the shortcomings of the same-sex union law (Bernini, 2017: 230).

A strong mobilisation was put in place to campaign against same-sex unions. In 2007 an organised Family Day protest brought the civil union proposal (DiCo) to an end. As an activist recalls: (Edited) 'In the previous ten years they had always had a bill opening, the discussion in Parliament, Family Day, closing of the bill that was covered up or ended up who knows where inside the Parliament never reaching the floor' (Interviewee 43). The Church organised a second one in 2016 that didn't have the same impact. Although it did not completely stop the legislation, it did put enough pressure on the legislative branch to dilute the legislation taking out the stepchild adoption.<sup>77</sup> An activist notes: (Edited) 'Just before the approval of the law on civil unions, a 'Family Day' was held and it helped to blast out stepchild adoption from civil unions' (Interviewee 41).

The opposition is well funded and well organised. It uses strong media channels, such as right-wing newspapers. An activist explains: (Edited) 'There are journalists like Langone now comes to mind, who constantly makes his invectives against the LGBT movement on the *Foglio*, there are newspapers such as *Liberio*, *la Verità*' (Interviewee 42). The Catholic Church is also powerful at a local level as we see instances in which initiatives to promote LGBTI rights or awareness are blocked (D'Ippoliti, Schulster, 2011: 159). It has capillary reach in Italy and can reach even remote realities. An activist explains: (Edited) 'They [the opposition] exploit the most widespread organisation in Italy, that is the Catholic Church. (...) Even in the most

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<sup>77</sup> In Italy the matter of parenthood and LGBTI couples has been crucial in the rhetoric against the extension of certain rights to LGBTI couples. This led to the abandonment of the first proposal on civil partnership by the left-wing at the time government and the changes to the proposal that eventually became law to not include adoption (Buttó, 2017: 42).

remote village, there are four houses and a church. (...) It happened to me in small churches of small villages to find at the church entrance, where there is the banquet with the various parish materials and the package of leaflets [denouncing the so-called ‘gender theory’<sup>78</sup>]. Obviously, when a person finds those contents in the church, the church is a credible and authoritative institution and therefore is obviously a powerful conveyor of the message’ (Interviewee 43).

The opposition created articulated rhetoric based on a theory they argue LGBTI and feminist activists promote. This theory is called ‘gender theory’ or ‘gender ideology’ and is articulated in the canonical literature and referred to by conservative/right-wing press and groups. The use of language often used by the LGBTI community and the use of an English word were two strategic choices that helped the success of the narrative. It is used to inspire fear, as an activist explains: (Edited) ‘These entities such as ‘gender’ have been invented, used the foreign word, right? to make it even more alien (...) to make bad information and above all to play on taboos that is the taboo of the uterus for rent. Therefore, motherhood, exploitation of the woman’s body or the taboo of children (...) the taboo of sex or they combine sexuality with childhood and therefore they have invented this bogeyman of ‘gender’ that says that children are taught to masturbate and/or change sex, that you can change sex as there is no male and female etc. That scares people’ (Interviewee 7). Literature for families and professionals on how to contrast the so called ‘gender theory’ are featured in newspapers and magazines such as ‘Avvenire, Tempi, La Nuova Bussola Quotidiana, Il Foglio’ (Garbagnoli, 2014: 259). Literature on what ‘gender theory’ refers to and how to ensure children are not affected by it is also distributed at mass. “In Italy, “gender theory” operates as a rallying cry that gathers a vast heterogeneous front of conservative actors” (Garbagnoli, 2017: 186).

The ‘gender theory’ is used by the opposition to block any policy on LGBTI rights and women rights. An activist explains: (Edited) ‘Where there was talk of gender-based violence, and that the term that is used all over the world, Catholics, the Catholics of the Catholic hierarchy, now raised their antennas and did not want us to talk about this theme’ (Interviewee 50). One of the sectors in which the Catholic Church has much influence in is education. In the words of an activist: (Edited) ‘Schools are a terrain in which they [the opposition] are already inside because every school in Italy has associations within political associations of the right-left rather than the right, but also the Catholic ones (...) There were precisely national sites that gave directives. They gave directives to parents, Catholic parents associations that had national

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<sup>78</sup> Examples of the ‘gender theory’ utilised in leaflets and campaigns in appendix B, group 5.

directives on what to write in the flyers, of what where they should be afraid, who they had to contact so yes yes no this was a very strong thing, and it still is now' (Interviewee 52). A scholar makes an example: (Edited) 'These groups, like the *'Sentinelle in Piedi'*, others who (...) led to the disposal of certain types of actions that were carried out in the schools of Potenza, sex education workshops, etc. right after their intervention in Veneto, at the time, there is a law that prevents groups from going to schools and doing 'gender' propaganda' (Interviewee 11).

The LGBTI movement recognises the strength of the narrative as it uses fear to mobilise the oppositions' base. In the words of an activist: (Edited) '[Gender Theory] has given us a hard time honestly (...) it is scary, with people's irrational fears for what is unknown mixed with a bit of prejudice, but organised in a structured way as an idea and carried out by credible subjects such as the Catholic Church in Italy, that in any case, the Catholic Church is a credible and structured institution in Italy and therefore is an authoritative subject. At a time when we have important parts of the Church, of the dioceses, of the parishes that host conferences and conventions on this phenomenon, calling the citizens together because there is a serious danger threatening their children' (Interviewee 43). Many politicians are extremely connected to the Catholic Church and represent its position within the government and the legislative branch. An activist explains: (Edited) 'Many politicians are linked by their nature with the Catholic Church, with other organizations that are not mainly only pro-family (...) the CEI the *Conferenza Episcopale Italiana* the space of bishops who has hands for example on CL *Comunione e Liberazione* that is (...) this super Catholic organisation, I would dare to say extremist, to which so many politicians belong' (Interviewee 7).

The opposition has strategically moved away from attacking individuals. It now uses the rights of children to mobilise its base, as an activist explains: (Edited) 'Since the struggle can no longer be made against the homosexual individual because (...) the front of the struggle against the individual has collapsed, before (...) [the] war was against the homosexual person. Now that they [the opposition] can no longer lash out, they use children (...) they use them in schools (...) the duty to protect. (...) It is no longer on the person because this has become a social taboo' (Interviewee 52). The Catholic Church refers to the 'gender theory' and the imposition of LGBTI rights on families that otherwise adhere to Christian values as an authoritarian imposition of the state (Bernini, 2014: 83). According to the opposition, this theory violates their freedom of expression (Garbagnoli, 2014: 259) and is a danger to children. These are the tactics that we see highlighted in the work of Bob (2019): rights used as a rallying

cry to mobilise supporters and rights as shields and parries or rights as dynamite. The same strategy was used in the case of Ireland.

In the next paragraph, I review LGBTI NGOs' and the oppositions' transnational networks.

## **5. Domestic and International Networks: The connection to Transnational Networks and International Institutions**

Initially, Italian LGBTI groups were engaging and even creating transnational networks, as an activist notes: (Edited) 'The *Fuori!* was also one of the organisations that founded ILGA (...) The Italian Movement and the European Movement are movements that have had a very long history' (Interviewee 42). An activist of the *Fuori!* recalls one of the first international meetings: (Edited) 'In 1968 in Coventry guests (...) of the Liberation Front, and the first Liga, International Gay Association, was born and a few years later it became ILGA (...), and we were among the founders' (Interviewee 50).

Interacting at the transnational and international levels is seen as important and efficient. Most organisations, national and local ones, are a member of ILGA. An activist explains: (Edited) 'The homosexual movement, in my opinion, all over the world must act as a compact network and [it is] the only way to bring effective pressure on all governments. (...) I have no shadow of a doubt that it is essential that there is a large international network' (Interviewee 44). And another: (Edited) 'Being in contact with LGBT associations that are in Germany, England and other European countries allows us to implement in some way the daily practices implemented by activists in Italy' (Interviewee 11).

### **5.1 The use of Transnational Networks by LGBTI NGOs and the Opposition**

The exchange within transnational networks includes materials, campaigns and leaflets that are used and adapted to the Italian context, as an activist explains: (Edited) 'To see what the Dutch, Belgians are doing (...) who for me are a great example, the English (...) For us it is a great help. (...) Since 2011, I have been living on the fat of the land simply by looking at what the Catalans (...), what Aids France does in Paris (...) I am copying, Italianising their campaigns or some pamphlets. Even an Australian pamphlet they brought, some activists from Sidney, we also copied our pamphlet that you can find online about positive gay sex it has been Italianised in the contents in the choice of words, but it is an idea copied from a British pamphlet a few

years ago' (Interviewee 49). Of course, adapting and tailoring messages to the local context is important.

The exchange of information and strategies was important to achieve civil unions during the campaign. An activist explains: (Edited) 'For example, this ability to read the clash that was happening in Italy is also linked to the fact that we talked and read in international matters the movements that had already experienced this clash (...) are all things that help, and they give you tools with which you can read your reality' (Interviewee 46). The communication strategy utilised was similar to that used in other countries, as an activist explains: (Edited) 'The visibility of oneself, and with regards to rainbow families of one's own families and also of one's children is a bit part of the typical [communication/campaigning] strategy of the LGBT movement. (...) Even here it was somehow inspired by the international example. (...) This is an international trend (...) more visibility was given to families and children to reassure, more than reassure, an image that could speak to the interlocutor who we wanted to convince, that is the average Italian (...) It is certainly a hypothesis of a communicative strategy that if you ever managed to launch a campaign on marriage in Italy in the future will be reused because it was the winning communication strategy' (Interviewee 42).

Particularly important was meeting with activists from Ireland so they could share their experiences. An activist explains: (Edited) 'The lesson taken from Ireland in this case, because among other things the leaders of the 'Yes Campaign' of the referendum had come to Italy on the occasion of the 'Expo' in Milan, we came to the American pavilion we had meetings etc. The question at the level of communication, and this was for a while for all the organisations of the movement, to focus on positive communication. So, looking at how they did just that in Ireland, try to make a positive communication, for communication not necessarily linked to the legal aspects or to the rhetoric of human rights but instead linked more to storytelling therefore with great visibility of the stories of the rainbow families who have had great visibility, a great ability to tell their stories in a very effective way I think. It was instrumental, and surely this came from the examples of the Irish (...) had a great impact simply by another and another Catholic country closer to us' (Interviewee 42).

These connections and the network, in general, have been successful in working with different countries. An activist explains: (Edited) 'The role of Italy, of Ireland, is certainly important. (...) The group of people who have actually achieved that great success in the United States of obtaining equal marriage, now he is doing counselling a bit all over the world to try to share strategies etc. With the Italian movement, we've had various meetings this both at the



level of Arcigay, *Certi Diritti* with precisely the people of the North Irish American movement who, however, are those who have been to the, how to say, behind both the victories in Ireland, in Australia are now also working in Taiwan (...) in the Czech Republic to try to create a campaign on equal marriage so there have been various meetings on how to do, how to structure etc.’ (Interviewee 42).

The NGOs that mainly interact with transnational networks are *Certi Diritti*, Arcigay and Arcilesbica. For other organisations, it is more sporadic. *Certi Diritti* is one of the examples of the most successful exchange and use of umbrella organisations. An activist notes: (Edited) ‘However, as far as *Certi Diritti* are concerned, of course, we have always done a whole process together with ILGA Europe with regards to the strategic litigations, that is, the pilot cases that we started in Italy but then with regards to the European part we have naturally shared together with [ILGA] Europe also a whole program that analyses all the pilot cases that are made at the European level (...) this is one side, the other side of cooperation which is just recently the launch we did, not even a month ago, in one of advocacy, first intersex campaign in Italy with a book, excuse me with a [web]site to try to raise the issue of intersex genital mutilation and this has all been done, thought of at an ILGA Europe conference (...) We did this campaign which will be half funded by *Certi Diritti* and half by ILGA Europe’ (Interviewee 42).

The activist describes the activities and benefits that NGOs can gain from participating in conferences and engaging with transnational networks: (Edited) ‘[The] aspect of sharing best practices because clearly if you fit into an international context and therefore the fundamental thing is to attend the conferences of ILGA Europe or possibly even ILGA World, get in touch with all the activists of the with the region (...) and on the other hand to exchange best practices and meet for example (...) the people of the American Movement who then came to Italy and so on and so on and we met at ILGA at the ILGA Europe Conference. The donors meet the ILGA Europe conference because then they can finance things. For example, *Certi Diritti*, together with the *Rete Lenford*, had funding for strategic litigation in Italy a couple of years ago. Thanks to a meeting that I had during the ILGA Europe conference with OSF<sup>79</sup>, one of the various donors there are at the conference. And this has made it very concrete what is possible. The activation of some of the pilot causes as well as the intersex campaign that was imagined

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<sup>79</sup> Open Society Foundation, website available at: <https://www.opensocietyfoundations.org/> (Accessed on 03/06/2021).

in an ILGA Europe conference and then, in that case, it was ILGA Europe that financed 50% of it' (Interviewee 42).

The campaign on intersex rights is an excellent example of collaboration with umbrella organisations and the transnational network, in which Italy starts to be able to give back and support other countries. The activist explains: (Edited) 'The intersex campaign that was done together with ILGA Europe but also with OII Europe<sup>80</sup> (...) it was done in partnership with the Serbian intersex group, this campaign was born in Italy because the pilot project is Italian. *Certi Diritti* and ILGA Europe, which are the main stakeholders, but with the aim of making it European, therefore, the first country to which it will be exported to is Serbia because we have worked together, and together with the Serbs and then through ILGA Europe. It will be offered to anyone who wants to make use of it. In any country, it will naturally require 'adaptations'' (Interviewee 42).

The opposition is very well organised, has international ties, and efficiently uses its transnational networks. An activist explains: (Edited) 'The opposition is enormous (...) extremely structured at the national and international level. For example, a twin and opposite association to AllOut called CitizenGo petitions against [LGBTI issues]. The World Congress of Family, which is this American association that is very active in the UN headquarters and who also lectures around the world, among other things, all these associations are also connected to Russia, are linked to the American evangelicals, linked to the Russian Orthodox Church and the Russian government' (Interviewee 42).

A similar format is used in different countries. It is adapted to the domestic context and the domestic LGBTI strategy. Activists believe this format has also been implemented in Italy and adapted to the Italian context. An activist explains: (Edited) 'Modalities of campaigns (...) which were born in France with '*La Manif Pour Tous*' that have been brought back to Italy. There is also a manifesto and, yes, Italy, among others, and a way to build their message differently, from what it was before, less confrontational, if you want, more and more welcoming. They use the same rhetoric of human rights. They themselves don't say "you are perverted" etc. they say "you are totalitarian because you want to subvert nature, you want no 'gender', you want to place your minority to dominate the majority", that is. They place themselves in a linguistic context of safeguarding Western democracy against totalitarianism.

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<sup>80</sup> Organisation Intersex International Europe, website available at: <https://oiieurope.org/> (Accessed on 03/06/2021).

(...) It comes from an international (...) battle against ‘LGBTI totalitarianism’, ‘gender totalitarianism’ (Interviewee 42).

The narrative appears in France, and activists believe the platform was then imported in Italy and refined for the Italian public. In the words of an activist: ‘(Edited) ‘The ‘anti-gender’ movement born in France (...) as a structured movement that carried on the idea that there was, that through the recognition of the rights of homosexual people in truth they wanted to arrive at an anthropological change of society. France, exactly when France began to discuss equal marriage as a strategy to curb the momentum of the recognition of rights’ (Interviewee 43). Another activist explains: (Edited) ‘A few years ago there was a wave of, in Italy, called the ‘*Sentinelle in Piedi*’. The ‘*Sentinelle in Piedi*’ were linked to the French [La] ‘*Manif Pour Tous*’ and is an international Catholic network’ (Interviewee 52). Other organisations similar to the ones created in France were also created in Italy, such as “«Manif pour Tous-Italia», «Sentinelle in piedi», «Hommen-Italy»” (Garbagnoli, 2014: 258).

The ‘gender theory’ narrative is also used in several other countries, and the groups that use it connect internationally through networking and conferences. An activist explains: (Edited) ‘Other organisations, let’s say, that have a name like pro-life, one of the main ones are *Provita*<sup>81</sup>, *Generazione Famiglia*<sup>82</sup>, they are all organisations that use this theory and do this kind of propaganda. It is a phenomenon that we also find in other countries, and that is working. Among other things, the connections they have with Russian movements are a bit disturbing. In fact, it was organised, it seems to me, that a couple of conferences have been organised in Moscow that united the movements with the so-called extremist movements (...) And some members of the Italian realities participated in these initiatives, by *Provita*, *Generazione Famiglia*, yes and there were also exchanges with some Russian exponents who came to Italy for the conferences so, let’s say, it is an international movement that should not be underestimated’ (Interviewee 43). And another activist: (Edited) ‘This rhetoric of ‘gender’ [theory] can be found throughout South America and Central America, for example, identical’ (Interviewee 42). The connections with transnational networks are cultivated by politicians that cover important roles, as explained by the activist: (Edited) ‘At the national level we have, how to say, a government now [2017] the ministry of the year the minister of the family is a member of these opposition groups and a member of the *Legha [Nord]* who is also a member of the *Provita* association, which is one of

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<sup>81</sup> ProVita e Famiglia, website available at: <https://www.provitaefamiglia.it/> (Accessed on 02/01/2022).

<sup>82</sup> Generazione Famiglia, website available at: <http://www.generazionefamiglia.it/> (Accessed on 20/01/2022).

the most active on these things. However, he is also linked to the World Congress of Family to all this circle here' (Interviewee 42).

In the next paragraph, I will look at the use of international channels, specifically the UN mechanism.

## **5.2 The use of International Organisations by LGBTI NGOs**

Italian LGBTI people have greatly benefited from pressure, regulations and achievements at the European level<sup>83</sup>, especially given the slow domestic progress. The European Union was crucial in achieving same-sex unions. Unfortunately, some political groups are fomenting an anti-European sentiment and oppose several initiatives pro-LGBTI at the European level. This has not translated into negative consequences at a normative level. It does, however, encourage anti-LGBTI behaviour in the country. The concern is when these groups acquire seats in legislative bodies, both domestically and at the European Union level.

Italian NGOs have participated in the UPR process. Italy has had three review cycles. The first cycle took place in February/March 2010. Civil society made a joint submission. The NGOs included were Arcilesbica, Arcigay, *Crisalide Azione Trans* and ILGA. The topics addressed were non-discrimination, hate crimes based on sexual orientation and gender identity, same-sex unions. The government noted that: "The Government expressed its commitment to gender equality, the human rights of the individual, prevention and removal of discrimination for reasons directly or indirectly based on sex, racial or ethnic origin, religion or belief, age or sexual orientation. Following recent incidents of homophobia, the first national awareness-raising campaign was launched. In this framework, Italy mentioned the Project "Diversity is a value" run by a group of relevant non-governmental organizations. The National Office against Racism has also commissioned Lenford Network, an advocacy organization, to carry out a study. The study will focus on, inter alia, preventing homophobic bullying in schools, combating multiple forms of discrimination, counselling for the families concerned and the promotion of local networks. Along these lines, the Department for Equal Opportunities has commissioned the National Institute of Statistics to carry out the first national multipurpose

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<sup>83</sup> One of the initiatives that has benefited the LGBTI community is the creation of UNAR, the Italian national office against racial discrimination. The LGBTI community was able to lobby to expand the work also to include SOGI discrimination.

survey on homophobia by 2011”<sup>84</sup>. In the discussion, Norway noted elevated instances of violence against LGBTI people. In this cycle, Netherlands, Spain and Norway made recommendations on SOGIESC topics.

The second UPR cycle for Italy took place in October/December 2014. Civil society made a joint submission<sup>85</sup>. NGOs included: LGBTI Resource Centre, *Associazione Radicale Certi Diritti*, *Famiglie Arcobaleno*, Intersezioni, and ILGA-Europe. Further submissions mentioning LGBTI rights were made by the International Center for Advocates Against Discrimination<sup>86</sup> (ICAAD) and joint submission by Franciscans International (FI) and Antigone.<sup>87</sup> During this cycle, the National Office against Discrimination (UNAR) has also made a submission, highlighting the existence of a national strategy to tackle discrimination based on sexual orientation and gender identity.<sup>88</sup> The government also mentioned the national strategy<sup>89</sup>. NGOs engaged in the process giving several recommendations to states on how to comment on Italy’s progress during the weeks before the review.<sup>90</sup> Spain, Canada, Netherlands and UK made recommendations.

Italy’s third cycle took place between October and November 2019. The state notes in its remarks that there has been progress for the rights of LGBTI people in Italy, mentioning the introduction of the civil partnership and other initiatives the government has initiated in collaboration with LGBTI NGOs in order to address discrimination based on sexual orientation

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<sup>84</sup> ARC International website, database on UPR outputs, available at: <https://arc-international.net/global-advocacy/universal-periodic-review/> (Accessed on 02/01/2021).

<sup>85</sup> Submission available at: [https://www.upr-info.org/sites/default/files/document/italy/session\\_20\\_-\\_october\\_2014/js2\\_upr20\\_ita\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/italy/session_20_-_october_2014/js2_upr20_ita_e_main.pdf) (Accessed on 01/12/2021).

<sup>86</sup> Submission available at: [https://www.upr-info.org/sites/default/files/document/italy/session\\_20\\_-\\_october\\_2014/icaad\\_upr20\\_ita\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/italy/session_20_-_october_2014/icaad_upr20_ita_e_main.pdf) (Accessed on 01/12/2021).

<sup>87</sup> Submission available at: [https://www.upr-info.org/sites/default/files/document/italy/session\\_20\\_-\\_october\\_2014/js4\\_upr20\\_ita\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/italy/session_20_-_october_2014/js4_upr20_ita_e_main.pdf) (Accessed on 01/12/2021).

<sup>88</sup> Points addressing SOGIESC matters available at: <https://arc-international.net/global-advocacy/universal-periodic-review/> (Accessed on 01/12/2021).

<sup>89</sup> ARC International website, available at: <https://arc-international.net/global-advocacy/universal-periodic-review/> (Accessed on 01/12/2021).

<sup>90</sup> ILGA: 34th UPR WORKING GROUP SESSIONS SOGIESC RECOMMENDATIONS 4–15 November 2019, available at: [https://ilga.org/downloads/34th\\_UPR\\_working\\_group\\_session\\_SOGIESC\\_recommendations.pdf](https://ilga.org/downloads/34th_UPR_working_group_session_SOGIESC_recommendations.pdf) (Accessed on 01/12/2021).

and gender identity and programs of awareness.<sup>91</sup> The Human Rights Committee made a remark to note concern about discrimination based on hate speech on the grounds of sexual orientation and gender identity<sup>92</sup>. Civil society made several joint submissions. Organisations included several LGBTI NGOs and human rights NGOs. The focus was on the absence of legislation addressing discrimination based on sexual orientation and gender identity in several fields, the absence of legislation addressing the issue of hate speech on the ground of sexual orientation and gender identity, noting that hate speech had come from the public sector recently, the rights of LGBTI prisoners, encouraging the government to run awareness campaigns for health professionals on how to care for LGBTI people. There were three questions submitted in advance regarding SOGIESC issues.<sup>93</sup> The government highlights during the discussion that the initiatives organised via UNAR in collaboration with LGBTI NGOs and the policy adopted on intersex people<sup>94</sup>. Several countries made remarks on LGBTI rights, and during this cycle, the recommendations on SOGIESC issues increased to seventeen. Countries that made the recommendations were: Belgium, Czechia, France, Greece, Iceland, Ireland, Israel, Luxembourg, Malta, Netherlands, New Zealand, Norway, Portugal, Spain, South Africa, Uruguay.<sup>95</sup>

NGOs that engage at this level are not many. However, some of the larger ones do. The first time that the organisation *Certi Diritti* participated in the process was the second cycle, as an

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<sup>91</sup> ILGA website, available at: <https://ilga.org/upr-italy>. (Accessed on 01/12/2021).

<sup>92</sup> Information available on the United Nations website at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/ITIndex.aspx> (Accessed on 01/12/2021).

<sup>93</sup> ILGA: 34th UPR WORKING GROUP SESSIONS SOGIESC RECOMMENDATIONS 4–15 November 2019, available at: [https://ilga.org/downloads/34th\\_UPR\\_working\\_group\\_session\\_SOGIESC\\_recommendations.pdf](https://ilga.org/downloads/34th_UPR_working_group_session_SOGIESC_recommendations.pdf). (Accessed on 01/12/2021). Original available on the United Nations website at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/ITIndex.aspx> (Accessed on 01/12/2021).

<sup>94</sup> ILGA: 34th UPR WORKING GROUP SESSIONS SOGIESC RECOMMENDATIONS 4–15 November 2019, available at: [https://ilga.org/downloads/34th\\_UPR\\_working\\_group\\_session\\_SOGIESC\\_recommendations.pdf](https://ilga.org/downloads/34th_UPR_working_group_session_SOGIESC_recommendations.pdf). (Accessed on 01/12/2021).

<sup>95</sup> ILGA: 34th UPR WORKING GROUP SESSIONS SOGIESC RECOMMENDATIONS 4–15 November 2019, available at: [https://ilga.org/downloads/34th\\_UPR\\_working\\_group\\_session\\_SOGIESC\\_recommendations.pdf](https://ilga.org/downloads/34th_UPR_working_group_session_SOGIESC_recommendations.pdf). (Accessed on 01/12/2021).

activist explains: (Edited) ‘We [*Certi Diritti*] also follow the United Nations in this case in direct cooperation with ILGA World (...) We followed the first, well, in reality, it was the second UPR to which Italy was subjected, (...) the first we followed, carrying, doing a lot of a report with all the associations, doing a shared report with some Italian LGBTs organisations. Few had the know-how to do exactly, to do this thing. (...) And then there was the whole part of going there and looking for everyone to talk with, the commissioners etcetera etcetera. And this was also done a whole series of other mechanisms in which Italy was under scrutiny, which had to do with the human rights of LGBTI people both with the activity of writing reports and with the activity when it was possible to go to Geneva to look for the lobbying activities that is essential to be able to work on that’ (Interviewee 42).

The work done in Geneva was possible thanks to the support from ILGA World and the transnational network of other NGO organisations, as Italian activists worked with their peers in other countries to then lobby their governments to make questions to Italy. An activist explains: (Edited) ‘For example, for the first UPR we also worked then with a whole series of other countries in particular with Stonewall with England to get England to make an observation to Italy on equal marriage (...) England made it’ (Interviewee 42).

Activists believe that this participation has helped obtain civil unions. In the words of an activist: (Edited) ‘Even just the fact that when they check the rights (...) the possibility of forcing the Italian government to respond on any delays in the eyes of the other states, that were obviously the questions to Italy on the question of rights, (...) because we pose the problems, then the other nations can ask questions to Italy based on the elements that emerged, of things that they are not good, right? So, this generates a control for which the questions to Italy, obviously a little more uncomfortable, are made by Italy’s most allied countries. This obviously means that Italy cannot completely ignore these questions and should give some answers. So even this helps’ (Interviewee 43).

Of course, the process is slow and does not give quick or automatic reactions. The activist continues: ‘Obviously, being then the diplomatic world, it’s a very slow world and, in short, it is not that there is an automatism, so if France or Spain ask Italy for explanations on a certain thing the next day, Italy puts in place a law but it forces [the state] to give an institutional response as a government and therefore to clarify its political position or in any case reassure that it is taking steps forward (...) it obliges it to do so and in the eyes of nations that are our interlocutors, our partners in many other sectors’ (Interviewee 43). It is perceived to have helped achieve civil unions, as the activist continues: ‘I have no doubt that it has been fundamental in

the approval of the civil union in Italy (...) it was one of the fundamental elements' (Interviewee 43). For Italian LGBTI NGOs, participation at the UN is less structured than it should be, and there are essentially only a few organisations that engage in its mechanism. Furthermore, funds and resources are a challenge in efficiently participating in monitoring activities at the international level.

The Italian state is also committed to participating in human rights internationally. There is a committee that all ministers adhere to, responsible for managing human rights at the international level and their translation domestically. Within this committee, a group of staff founded an organisation called GLOBEMAE. The organisation has done critical work to improve LGBTI rights domestically and internationally. It aims at facilitating the dialogue between civil society and the state, also with a view on the global perspective, as the director explains: (Edited) 'As Globe Mae, we are really facilitating the dialogue between organisations [LGBTI NGOs] (...) with the institutions, they have already had an obviously structured dialogue for years, but we (...) are now facilitating the development of this dialogue and this interaction from an international point of view (...) we believe that there is an ever-increasing interaction both of the Italian government and of Italian civil society under the international profile, therefore with the United Nations, with the European Union but also with the others, with the other institutions' (Interviewee 51). This happens in collaboration with LGBTI NGOs. An activist explains: (Edited) 'Another thing that we are now doing, as Italian LGBT organisations, (...) all those who have done the work in various phases at the UN have come together and have drawn up an international policy document identifying our priorities and our priority requests for the international policy on LGBT rights which was presented on March 17, the day against homophobia in Rome. GLOBEMAE has joined and will now have to hinge a whole series of initiatives also in dialogue hopefully with the new Foreign Minister (...) the objective of this document with the request to Italy to play a more active role at the international level in support of LGBTI movements' (Interviewee 42).

The opposition is also present at the UN with strong lobbying groups and networks. LGBTI NGOs recognise the strength of the network and wish it could replicate it. An activist explains: (Edited) 'There is a strong lobbying action that homosexuals must learn to re-do, not that they have not done it because they did it with ILGA, ILGA Europe and ILGA World are now present, but at the moment we are faced with a comeback of these groups, and from this point of view Italy is practically, with a few laudable exceptions, absent from this context, that is. We must organize ourselves we must work to mitigate this type of pressure that exists' (Interviewee 50).



The use of international processes also seems to be more advanced for the opposition, as an activist explains: (Edited) ‘They [the opposition] have learned their lesson, they know how to use commission meetings they know how to use UN and COE documents, they know how to use lobbying against the party or the European Parliament, for example. They have become experts in this activity’ (Interviewee 50).

## 6. Conclusion

After many years of debate, Italy started introducing LGBTI legislation and has finally introduced civil unions. As in the case of Ireland, identifying the initial phases of the spiral model is challenging as the LGBTI mobilisation started prior to LGBTI rights becoming international norms. Italian LGBTI NGOs were among the founders of the LGBTI transnational networks and umbrella organisations. Progress achieved in neighbouring countries, however, was not achieved in Italy. After LGBTI rights were recognised internationally and the pressure from the international system could be activated, slow progress started. Unlike the case of Ireland, though, the Catholic Church is still a strong actor in domestic policymaking that did not suffer a major crisis.

Since the beginning, activists connected with other NGOs at the European level, exchanging information and platforms. There has been a connection with the limitations given by funding, resources, and language barriers throughout the years. The work carried out at the UN and European Union level has greatly benefited advocacy work, especially in terms of agenda-setting domestically. The opposition, led mainly by the Catholic Church and affiliated organisations, has successfully blocked LGBTI initiatives for many years and through all phases of the spiral model of human rights. The pressure by international organisations facilitated bringing LGBTI rights onto the agenda. At the time of writing, the opposition has successfully blocked for several years the DDL Zan against homo-transphobia and violence against women despite vigorous national campaigning and pressure from both the UN and the European Union.

A series of factors brought to the successes achieved with the introduction of civil unions. An activist describes: ‘It is obviously never a single element that leads to a law that causes a cultural change of this type. However, the internal mobilisation in Italy with the also popular demonstrations in the square of ‘*Svegliati Italia*’ in 100 squares in Italy with over a million people, international pressure, international attention, the decisions coming from the ECHR the

European Court of Human Rights (...) all these elements have contributed to the creation of civil unions. (...) [Italy] will receive questions in international contexts on these issues, obviously increasing the pressure on our country. It was useful for, let's say, one of the elements I believe to be right also for being able to get to where we have arrived today. This, I have no doubts about it, if it hadn't been there and we would have had to rely exclusively on the domestic front, let's say, we would have had to work a lot harder' (Interviewee 43).

The impact of international pressure is significant in terms of agenda-setting domestically. Legislation on same-sex unions had been attempted for decades before the final achievement in 2016. An activist explains (Edited) 'For sure international dialogue (...) did so much good (...) even just to introduce the discussion in Italy because, before the only law that was approved now, in short, the word homosexuality had never reached Parliament if not for the law on homophobic crimes which was approved in the House [lower chamber of parliament] is still there deposited in the Senate. Therefore, it certainly pushed for there to be an intervention' (Interviewee 7). Once the agenda has been set, the result depends on campaigning by LGBTI groups and the opposition. In addition, both sides are connected to international counterparts and networks.

The opposition is very well structured and funded. An activist mentions how well the groups are organised and their power of mobilisation: (Edited) 'And you must not underestimate it because if you underestimate it, you make tragic mistakes. I personally consider [the opposition] very capable people, very organised and I would often like us to have their organisation I start from a methodological point of view, this I would like yes because I think they are more robust and more organised than us, with more press and with a lot, in short, a lot of following, a lot in which politics comes together, religious belief comes together with peoples, many things are put together' (Interviewee 41). Even under left-wing governments, progress was successfully delayed for many years by the opposition. The investment from both transnational networks in domestic campaigning and advocacy demonstrates how much progress in a single country is valuable for the global balance. Of course, Italy is particularly important for the Catholic Church due to the presence of the Vatican.

Increased participation by LGBTI NGOs in transnational networks and the strategic use of transnational networks to inform domestic campaigning and advocacy to react and prepare for the arguments created by the opposition has definitely allowed LGBTI NGOs to be more efficient. Additional collaboration with transnational networks could result in more robust campaigns and a more structured approach. In the words of an activist: (Edited) 'We have a lot

to learn, above all the method, above all from how a battle is built, how a theme is built and all that, because there is not always this transparency of methodology in Italian things' (Interviewee 50).

In the next chapter, I will present findings on the third case study, Peru.

## 7. Case Study: Peru

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### 1. Introduction

In this chapter, I will review the case study of Peru<sup>96</sup>. LGBTI rights in Latin America have come a long way in a short period in which the area transformed from a hostile environment for LGBTI people to an area in which LGBTI people are granted most legal rights. The legal and political framework change seems to be caused by the influence of transnational networks and political decisions in Western countries, specifically Spain. The Spanish law on equal marriage was utilised as a blueprint for the Argentinian one (Encarnación, 2011:105). International and transactional factors contributed to this success: a left-wing wave of governments in the geopolitical area and the rise of human rights in the international discourse due to the changes caused by the end of the Cold War (Encarnación, 2011:105-107). However, progress is not consistent throughout the region, and there are still nine countries in which homosexuality is illegal<sup>97</sup>. The opposition, mostly Christian Catholics and the Evangelical Church, opposes all progress in the region by lobbying governments, organising media campaigns, and street protests<sup>98</sup>.

Like Ireland and Italy, Peru is a majority Catholic country, with a strong presence of Catholic and Evangelical churches. The majority of LGBTI NGOs staff are unpaid volunteers. As in the previous case studies, I will review the history of LGBTI NGOs, the political climate around LGBTI rights, the opposition to LGBTI rights and the connections to the international system. Finally, I will highlight the stages of the spiral model identified by Risse et al. (1999; 2013) that the state goes through.

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<sup>96</sup> This chapter summarises the findings from several interviews with NGO representatives, UN Peru representative, scholars, and activists conducted in Peru. Some interviews were also conducted via Skype or by email for a total of 12 interviews. Representatives from all major LGBTI NGOs in the country, such as PROMSEX, MHOL, LIFS, Red Peruana TLGB were interviewed. I also attended a public audience at the Peruvian Congress in which the civil union law proposal was discussed on 17<sup>th</sup> of February 2017.

<sup>97</sup> Antigua and Barbuda, Barbados, Dominica, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines.

<sup>98</sup> Several successes by these groups in past years include: shutting down the constitutional bill on same-sex marriage in Mexico, opposing the new LGBTI inclusive school curriculum in Peru, in Ecuador and Paraguay the opposition has organized successful rallies claiming the need to defend traditional family values (Berezowsky Ramirez, 2018).

In the next paragraph, I will review the history of LGBTI rights and NGOs in Peru.

## 2. LGBTI Organisations

Peru is a colonial state with a history of inequality, racism and machismo. It was the last country in the region to gain independence from the colonisers. The difference between urban areas, especially Lima, and rural areas is drastic. However, even in the city, volunteers and activists in LGBTI organisations often do not publicly support and campaign for LGBTI rights. This is the atmosphere in which the first organisations started to form.

### 2.1. The Initial Mobilisation

LGBTI organisations have been advocating for change since the 1980s. The oldest LGBTI organisation founded in Latin America and still operational is the *Movimiento Homosexual de Lima* (MHOL), founded in 1982. It was based in Lima and mainly composed of gay men. The 1980s were characterised by the rise of a communist movement categorised as a terrorist group called Sendero Luminoso, which instigated a civil war. Civil society and movements were shut down these years because of the political climate. An activist explains: (Edited) ‘The presence of the *Sendero Luminoso* in the 80s and 90s destroyed a lot of the social fabric and destroyed a lot. They did not kill the organisational pulse that we have, but they destroyed a lot and put much fear on the common citizen’ (Interviewee 26). Currents of thought influenced by left-wing politics claimed that homosexuality was the product of capitalism and would disappear with a communist society. Many left-wing LGBTI people felt that this did not represent them and that the left was not doing anything for the rights of homosexuals and therefore started meeting up and discussing a way forward. We can identify this as the first stage of the spiral model: Repression and activation of network.

At the time, auto-funding and having office space was challenging. The government does not give many grants to NGOs so finding a way to support the work is very difficult. European agencies primarily funded NGOs. The funds were to support the development of human rights and the prevention of HIV and were provided by NORAD (Norwegian Agency for Development Cooperation) and NOVIB (*Nederlandse Organisatie Voor Internationale Ontwikkelingssamenwerking*). NORAD stopped funding MOHL as the strategy and objective of the organisation eventually changed. An activist explains: (Edited) ‘NORAD stopped

financing the MOHL because (...) strategy and priority of the cooperating agency began to change and that meant that financing would be lost, its priorities of us as a country also began to change' (Interviewee 31). Peru was not on the top list of priority countries to support after the war, inflation started to decrease, and the new political framework was neo-liberal. These changes did not translate into progress for the rights of LGBTI people.

Gay men initially brought forward the LGBTI movement, followed by lesbian organisations and, more recently, other groups promoting the rights of trans and intersex people. *Lesbiana Independientes Feministas Socialistas* (LIFS), founded in 2005, is an NGO that advocates for the rights of lesbians. LGBTI organisations often coordinate with feminist organisations, supporting one another's initiatives. PROMSEX is a Peruvian NGO that started working on women rights and then expanded to LGBTI rights. In 2002/2003, the Red Peruana TLGB formed an umbrella organisation coordinating with and supporting LGBT organisations. Currently, there is no Intersex representation.

## 2.2. The Path to Marriage Equality

The path towards marriage equality for Peru has only recently started with some organisations mobilising and cooperating with politicians to start pushing forward for the recognition of same-sex couples. Young activists frame the cause of LGBTI rights around the right to love and have a life project and fight for positive change instead of fighting against the negative in society. As mentioned by an activist: (Edited) 'Younger people make the issue, they mobilize more because of the love theme, of the, I don't know, what life project (...) that is, that vision of fighting for something that they do not want to think about that there are deaths does not have to think that (...) Much more LGBT people moved, say, for equal marriage Civil Union, than for those issues' (Interviewee 25). A more positive message is also adopted to contrast the messages from the opposition. An activist explains: (Edited) 'The vast majority in our country is Christian. And we do not want to confront women, especially women who are mostly involved in this campaign that are simple women. So, then we are trying to change the language, it is not about hate, it is about love<sup>99</sup>, more love less hate' (Interviewee 29). This is in line with the strategies adopted in other countries. The law proposal to introduce civil unions

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<sup>99</sup> Examples of content inspired by the messaging of same-sex unions as the right to love in appendix B, group 2.

was vastly championed and supported by young organisations and activists. *Matrimonio Igualitario Peru* was founded in 2013 in support of the law proposal. Most organisations have now backed the proposal for same-sex unions, showing the unity of the movement. As we will see in the following paragraph, this proposal is also backed by some representatives of political parties.

In the next paragraph, I will review how political parties and governments have interacted with LGBTI rights and NGOs.

### **3. LGBTI Rights and Politics**

It is difficult for parties to publicly show strong support and include LGBTI rights in their official agenda. The government avoids upsetting the Church for fear of losing votes. In the words of an activist: (Edited) ‘The problem is that since there are so many Christians in our country, the government makes alliances with the churches, especially the Catholic Church, because that gives them legitimacy before the people’ (Interviewee 29). *Alianza Popular Revolucionaria Americana* (APRA), *Frente Amplio*, *Peruanos Por el Kambio* (PPK) all have representatives in congress that are in favour and against LGBTI rights. LGBTI rights were only introduced in the most recent political campaigns. The left is divided into two factions, and one is led by an ex-catholic priest, Marco Arana. This traditional left believes that homosexuality is contamination of bourgeois society, comes from white people, and claims that the Peruvian population has other problems. After the civil union law proposal and then the equal marriage proposal, even representatives in congress from *Fuerza Popular*, the right-wing party established to follow Fujimori, has supported LGBTI rights. LGBTI rights and other rights that the Church opposes are very controversial, so congress representatives vote and support according to their beliefs. Congress members use freedom of conscience to choose to support the cause and relevant legislation or policies proposals. The current government seems to be more open towards LGBTI rights.

A few years ago, Peru entered the third stage: Tactical concessions. In December 2016, the government approved a medical protocol for trans people. This is very important because there was no medical protocol for hormone therapy or any other therapy that trans people undergo. The health minister also included a trans normative in the law that prevents HIV. On the 23rd of January 2017, the government issued an administrative order that tackled violence against women and hate crimes. In the debate in congress about the categories that would fall under

hate crimes, sexual orientation caused many delays due to religious and right-wing groups opposition, so sexual orientation was taken out. Conservatives and religious groups collected and presented one million signatures against the law.

The current government seems to be more committed to having a human rights agenda that will include the rights of LGBTI people, contrary to previous governments. This is typical of the fourth stage of the spiral model: Prescriptive status. Several projects include LGBTI rights, such as the scholastic curricula and the law project on civil unions. On the 14<sup>th</sup> of February 2017, a proposal to introduce equal marriage was presented to congress. The project does not include adoption. On the 17<sup>th</sup> of February 2017, the first public hearing at the congress for LGBTI rights took place, which helps make issues, groups, and presence visible. Local NGOs organised the meeting. There was a participation of feminist, Trans, Gay and Lesbian organisations, academics and it was supported by two congresswomen.

There are local authorities that have introduced policies favouring LGBT rights. For example, Miraflores (Lima district) has a non-discrimination policy in public places (restaurants etc). However, there is no national law that regulates anti-discrimination. Progress was underway with a law addressing hate crimes based on sexual orientation and gender identity, but unfortunately, the opposition blocked this. As an activist explains: (Edited) ‘A legislative decree has been issued, 1323, (...) that is aimed at issues of gender violence against women, and there we got many problems, two important things concerning the demands that we had within the LGBT community, (...) for hate crimes (...) Unfortunately, congress was fairly conservative (...), and there is still a lot of influence from the churches of the Catholic hierarchy, from some evangelical churches that have many powers and a lot of economic power. They also managed, let's say, to stop some initiatives between the congress and this project. It was reduced to a minimum, (...) because the issue of sexual orientation and gender generated so much controversy, that in the end the legislators chose to (...) remove all the categories’ (Interviewee 25).

In the next paragraph, I will be reviewing how the opposition reacts to LGBTI NGOs, their tactics and methodologies in opposing the advancement of LGBTI rights in the country.

#### **4. Opposition to LGBTI Rights and NGOs**

Once again, the opposition is a key blocker for progress within the spiral model of human rights. The opposition to LGBTI rights comes from the Catholic Church, Evangelical Church,



and affiliated organisations that often claim not to have ties to religious groups and define themselves as organisations of civil society that defend traditional values. Conservative/religious organisations oppose any progress for LGBTI rights, including laws that aim to prevent discrimination and violence<sup>100</sup>.

The Catholic Church is powerful and has solid ties and presence within political parties. Politicians that act as if they represent the Church often cover public stations such as mayors or ministries. An activist describes: (Edited) ‘Cardinal Cipriani (...) he is a political actor who uses the pulpit, his church, his mass every Sunday to put a topic that has to do with public policies and women’s rights, and LGBT is a constant. He has a radio program where he also has an open tribune to continue speaking’ (Interviewee 29). The other strong power in the country is the Evangelical Church. Often representatives in congress are also ministers of faith, and they use religious arguments instead of constitutional and international law-based ones. A scholar explains: ‘So we have legislators (...) that when they talk, when they have the floor, they use the Bible and they have the Bible in their hand (...) But they say “I’m here because I represent the constituency okay of people defending family values, and we trust what the Bible says” (...) this public figures that are elected, not only to Congress but other other important, you know, like become mayors important authorities in key ministries. For example, like Ministry of Justice Ministry, you know, of women rights, you know, whatever the figure is. So they are working there in order to stop an agenda advancing either abortion rights or LGBTI rights’ (Interviewee 20).

Ministers and congressmen respond to religious groups such as *Opus Dei*, *Lo Legionario De Cristo*, *El Sodalicio*, groups originating in Portugal, Spain, Greece, and Italy. Influencing politics is extremely important and has a high impact. These groups have occupied a substantial number of seats in Congress, in which there is a strongly conservative group. An activist explains: (Edited) ‘One of the ways these groups act is by getting into politics and getting into congress and getting into the executive in the government. Thus, you have congressmen who hold public hearings within congress. With evangelical pastors, in quotation marks, curing homosexuality. It’s a flagrant violation of the human rights of LGBT people’ (Interviewee 29).

The opposition has a lot of economic resources. An activist explains: (Edited) ‘It is a network of diverse interests, not only are the churches religious organisations but there are also business groups, economic power groups, there are groups that have to do with media power as well and

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<sup>100</sup> *Decreto de Ley* 1323

that are ultimately a network (...) churches, they act in collusion and in collaboration with economic groups, they act in collusion with the media' (Interviewee 27). Churches in Peru have significant economic and social power that allows access to extensive campaigns, communication channels, and politicians. As an activist explains: (Edited) 'Million-dollar campaigns and also the media have the pulpit, that is, they influence the political power in fact, de facto, (...) the church has businesses, business and economic interests, businesses in the entire furniture sector education institutes universities colleges in the health business with the polyclinics, the clinics in the cemeteries' (Interviewee 26). Another activist further explains: 'They have a huge advertising apparatus, they are distributing flyers by putting up panels in popular areas of Lima in popular areas throughout the country' (Interviewee 29).

The opposition has privileged access to different audiences. The message that the opposition wants to project is often more visible than the message that LGBTI NGOs are projecting. In the words of an activist: (Edited) 'Furthermore, because they have representatives and spokespersons, and spokespersons in many important spaces, not only those of communication (...) in education with schools, churches, in political institutions such as the congress, the council, that is, they have spaces of power (...) spaces of public opinion (...) in the television (...) in the gatherings with journalists, right? Then it is very difficult to affect that network because it is a very consolidated network very tight (...) That monopoly (...) in the case of communication, that is, it is practically a unique discourse. It is a unique discourse that is very difficult to break' (Interviewee 27).

The church owns media agencies they can use to propagate their message, such as ACI Prensa (*Agencia Católica de Informaciones*), which creates campaigns that are then divulged within educational institutions owned or primarily funded by religious institutions. There are many public and private businesses heavily funded by the church, and the church uses media and any other channel to divulge the message. Many radios are owned by or funded by the church. An activist explains: (Edited) 'Two very strong Catholic examples, *Poturri Solicitud*, the Latin American headquarters is here and (...) the other agency is from *ACI Prensa*, (...) They all invest a lot of money. (...) Has links with Opus Dei, no? Canal2 as well, that is, Canal2 (...) *Expresó*, *Correo*, *Peru21*, *Trome* the other medium and conservative radio stations, radio programs of Peru that has a radio program, *Radio Capital* and all, and where the cardinal, that is *Opus Dei* goes out every Saturday to give his one hour radio program in the morning' (Interviewee 31).

The communication strategy is to mobilise with fear and create an image of LGBTI groups as the enemy of family and children. An activist explains: (Edited) ‘I believe that the strategy used is fundamentally based on promoting misinformation and fear, the fear that people may have of the unknown or of reality that it is not yet conceived as close or understood’ (Interviewee 27). This is also being achieved by using the so-called ‘gender theory’<sup>101</sup>. An activist explains: (Edited) ‘In truth, it is the arguments of ‘gender ideology’, instilling fear about homosexuality. Also that your children are going to be homosexual’ (Interviewee 30). One example is the campaign against the so-called gender ideology, ‘*Con mis hijos no te metas*’<sup>102</sup>[Don’t mess with my children]. As described by an activist: (Edited) ‘[The opposition is] organising campaigns such as ‘gender ideology’, (...) throughout Latin America (...) [they] say that gender is an ideology that will belong to our children and our families, these groups of homosexuals and people that have the aim of destroying society as we understand it’ (Interviewee 29).

The campaign ‘*Con mis hijos no te metas*’ was a reaction to the new National Education Curriculum proposal. In the words of the UN communication officer: (Edited) ‘In Peru in recent months, in recent weeks there is a whole campaign (...) ‘*No te metas con mis hijos*’, ‘Don’t mess with my children’ (...) that basically asks that the new school curriculum that should begin to be applied this year eliminates what they call ‘gender ideology’, which we do not understand very well, what does ‘gender ideology’ mean, but they want (...) to eliminate it (...) because it could mislead, confuse or, as they say, homosexualize children’ (Interviewee 28).

The opposition uses sensationalism to convey its message. In the words of an activist: (Edited) ‘I think their strategies now, they are more communicational (...), for example, they use sensationalism a lot in their communications to the population, with which they try to deepen more, try to deepen more myths and fears of the population. (...) Communicationally, they create graphic elements such as flyers that go through social networks’ (Interviewee 32).

In August 2017, the opposition censured the minister for Education Marilú Matens. Her replacement, Idel Vexler, will not be supporting the new National Education Curriculum (Bello, 2017). The Church states that the new curriculum goes against the right of parents to educate their children.

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<sup>101</sup> Examples of content referring to the ‘gender theory’ in appendix B, group 5.

<sup>102</sup> Website of the campaign available at: <https://conmishijosnotemetas.pe/> (Accessed on 02/01/2022).

By framing the opposition as a group of people that oppose love, NGOs try to speak to the religious base of the population. For instance, to oppose the campaign '*Con mis hijos no te metas*', LGBTI NGOs have reacted by creating a campaign called '*Contra la ideologia de odio no te metas*', '*Con la igualdad no te metas*' or '*No te meta con la igualdad*'. NGOs have tried to make this easy to communicate as a strategy. An activist explains: (Edited) 'The way we have had to respond to a practically unequal and massive attack is to arm among ourselves, the LGBT, and we are the ones who have reacted first because we are the direct opponents made visible as the opponents of the children's family and we have both organised a group called, against the ideology of hate, *Con La Igualdad No Te Metas* and well, it has a diversity of names, which indicates that we have not had a good communication strategy put together' (Interviewee 29).

As in the previous two case studies, the tactics utilised by the opposition can be identified in the analysis of the use of rights by Bob (Bob, 2019). First, the opposition tries to inspire fear claiming that the new school curriculum and possibly same-sex unions will violate children's rights, creating the campaign '*Con mis hijos no te metas*' as a rallying cry to mobilise supporters. They also accuse the LGBTI community of violating or attacking religious and traditional beliefs and the right to freedom of religion. Finally, they claim they are being oppressed by a minority that is radicalising the country, so rights as shields and parries or rights as dynamite as these had the potential to change the country's traditional values.

In the following paragraph, I will review how LGBTI NGOs, and the opposition, interact with the international system.

## **5. Domestic and International Networks: The connection to Transnational Networks and International Organisations**

NGOs recognise the importance of being present and engaging at the international and regional levels. An activist explains: (Edited) 'It is important because Peru (...) is part of these international organisations that have agreements that are mandatory for the signatory states, so for us, it is important that these organisations have that influence in our state because through these legal instruments, international treaties signed by Peru, we can advocate here in our municipalities, in the ministries, etc. For example, a protocol of gynaecological care for lesbian women to the Ministry of Health, human rights of women in general, right? So, we make use of these instruments. That is why it is also necessary that we are vigilant of what our state

reports at the UN because the Peruvian state at the UN informs, well, that this is wonderful, right? That here we live in paradise and it is not true' (Interviewee 29).

Most activists feel that international participation impacts domestic policies. Although progress is slow, international norms help limit violations and steps backwards. As an activist explains: (Edited) 'There is a positive impact, in fact, everything that the resolutions of the Yogyakarta Principles, the resolutions of the United Nations, of the [General] Assembly, the creation of (...) LGBT Rapporteur [SOGI Independent Expert] (...) I think that if it weren't for that, I think that here, they would have issued a public policy to cure LGBT [people] or suddenly they would seek, right? to sanction homosexuality in the penal code' (Interviewee 26).

Noteworthy is the use of international references when promoting LGBTI rights. As a scholar explains: 'Law on civil unions has been presented at the Congress, and if you read the justification of why this should be passed as the law, you see that 80% of the references are either comparative, like, decision that has been happening in the Americas like Argentina, Brazil, Colombia, you know examples like "okay, look what happening around" but also references to U and UN documents from treaty bodies from UN procedures. And from the Inter-American Regional Human Rights system, like telling the Peruvian Congress look: "we have legal obligations related to SOGI"' (Interviewee 20).

LGBTI successes at the international level or in other countries influence the work domestic LGBTI NGOs carry out by offering arguments and examples to use in day-to-day advocacy, opportunities for dialogue, and arguments to lobby policymakers. The opposition noted the successes at this level, resulting in harsh stances on Peru's participation in international organisations, even suggesting leaving these organisations.

## **5.1 The use of Transnational Networks by LGBTI NGOs and the Opposition**

Most NGOs that operate in Peru are part of regional and international networks. Even organisations that are more focused on local advocacy or providing local services are likely to be members of ILGA and, in general, understand the benefit of interacting with transnational networks. International organisations are moving towards strengthening regional connections and empowering local organisations. Participating in transnational networking events is challenging for NGOs when meetings and conferences are held in places difficult to reach. The

use of the network is not as strong for some LGBTI NGOs, and there is not a lot of coordination and exchange of information.

Although organisations appreciate the importance of participating in the international system, few can do so. This relationship is now stable for a few more prominent NGOs such as PROMSEX. Smaller NGOs struggle. Younger groups are currently looking at engaging with transnational networks more. An activist from *Matrimonio Igualitario* explains: (Edited) ‘[We are] not formally in collaboration with international organisations however we are in contact yet, it is not a very strong contact, that is, we are looking to make these international alliances because, above all, on the issue of equal marriage there is a more global struggle on the issue, right? So, I believe that it is super important to make these alliances with other organisations. We were contacted by an American activist who advocated in several Latin American countries. Let’s say that we are trying to be in contact and have some way to strengthen the alliance’ (Interviewee 30).

Connections to regional networks are also used. As described in this example by an activist from LIFS: (Edited) ‘We participate with the feminist lesbian meeting of Latin America and the Caribbean that takes place every two years in Latin America. We are connected with the Bolivian lesbian groups of Ecuador from the southern part [of Latin America] more than anything, from the southern part, right? Argentina, Bolivia, Ecuador, and we articulate certain actions. (...) In October of this year [2017], we are coordinating to see if we can also collaborate in the organisation in Peru, right? To be part of the team that organises the meeting, the feminist lesbian meeting of Latin America and the Caribbean’ (Interviewee 29).

ILGA also recognises the importance of connecting with local NGOs. An ILGA representative explains: ‘Because in fact the current [2017] issue in Peru regarding the constitutional amendment, Decree 1323, the information was received from the ground. We received it from the ground, so the contact and communication we have with the field presence is dynamic. That allowed us to be able to follow up with the whole situation about the amendment of the decree, which takes out apparently non-discriminatory language regarding sexual orientation and gender identity, among other things. That you have also the debate about the national curriculum regarding the inclusion of sexual orientation, gender identity, generally speaking, gender-diverse discussions included in the national curriculum. You have specific areas of policy and legislative developments that we were aware thanks to our field presences’ (Interviewee 36).

Domestic NGOs advocate for the Peruvian government to support and commit to LGBTI rights. In the words of an activist: (Edited) ‘We have achieved, for example, that Peru voted in favour of the LGBT expert at the United Nations, we have succeeded in getting Peru to recently sign an inter-ministerial relationship sponsored by UNESCO in July 2016 where the states of the world were called to commit the ministers of education of the states of the world commit themselves against homophobic bullying. All this must be done from outside and inside, articulating with networks of civil society organisations at the regional level and from within, articulating with civil society and national organisations, but also working with the powers of the State at the national level, right? Do advocacy meetings, workshops, campaigns’ (Interviewee 27). Activists recognise the value of being part of a network. As an activist explains: (Edited) ‘Staying only in a local space limits you (...) what is happening in Chile What is happening in Argentina in Venezuela (...) we can take advantage of that experience (...) of the LGBT movement of those other of those countries’ (Interviewee 25).

The opposition is part of a network that exchanges ideas and strategies and has similar actions worldwide, especially in other Latin American states. It seems that these organisations have a template they follow and share. For example, the campaign against the so-called ‘gender ideology’ started in November 2016 in Peru. The same campaign took place in other Latin American countries like Brazil and Colombia. NGOs recognise that their opponents interact with international organisations and have strong international networks, receiving funds from abroad. As an activist mention: (Edited) ‘The church, the Catholic Church (...) the Christian churches known to others as Evangelicals, they are very strong (...) financially, it is a bit complicated because, for example, this last campaign that they are doing against the Ministry of Education, of the campaign, campaign *Con mis hijos no te metas*, is a campaign that moves a lot of money, that is, (...) people who are putting flyers under the houses or what, or what, have large advertisements in large panels in the streets a lot of that, that costs, where does it come from? (...) The financing is mainly American of this pro-family [movement]’ (Interviewee 32).

The ‘gender ideology’ narrative and the overall strategy seems to be exported in different countries, showing how well organised the network is. A scholar explains: ‘I think opponents are very well organised. (...) I mean, that coalition of those collisions for life and whatever, I mean they know what they are doing and they, they have more and more of that. I started to understand the way they organised themselves. They are reproducing this model of success, of blocking any kind of advancement of the liberal agenda or the gay agenda in many countries,

the same way, like, Colombia, Ecuador, Peru, you know, also countries that have a very strong sense of Christian background' (Interviewee 20). An activist explains: (Edited) 'This debate that has occurred with 'gender ideology' (...) [in] Colombia it was exactly what we saw here in Peru. Exactly the same, they have a format (...) they handle a format, you know the same in Colombia, Brazil, Mexico, on the map they already handle a format of how to act, it is articulated very well' (Interviewee 25). And another activist: (Edited) 'In Peru, the 'gender ideology' campaign started strongly just a few months ago. Since November [2016] seems to me, December [2016], it has been noticed. We know that this campaign has taken place before in Colombia and (...) also there in Brazil' (Interviewee 29).

The international strategy and coordination are evident. As an activist notes: (Edited) 'I think we have a lot (...) to learn from them, [the opposition] has a very strong international qualification obviously as resources, but it responds very well to a work of international articulation that has a much greater effect (...) It also happened (...) in Spain, Polonia, then sure in Italy. Well, it is not even from Latin America it is worldwide (...) because it is also linked to the political power that they have, that is, in all the councils of ministers of the world. (...) We know in Portugal, Italy, Greece, Poland, and Spain, which is the Catholic south of Europe, that is, how much power have religious elements had in governments and they continue to have, right? So here it also happens like this in the United States (...) and they have high impact' (Interviewee 27). And another activist: (Edited) 'Yes, in fact, the attack that we see of the conservative sectors is quite similar in all the countries of, at least, Latin America than what we know here. On the one hand, the Catholic Church with international strategies to oppose certain rights (...) Evangelicals are also getting stronger and stronger, right? They also have regional strategies against LGBT rights and, right? Now recently, as a result of the national curriculum, which has some mentions in favour of equality and non-discrimination, provoked marches and attacks against the 'gender ideology', in quotation marks. I believe that this is a strategy that has already been experienced in Colombia, for example, with the same education issue, right? Then no, they are not new strategies, right? So, I think they are quite common and are rather regional strategies to get to everything that has to do with women's rights and LGBT rights' (Interviewee 30).

LGBTI networks recognise lessons from the opposition in terms of organisation of the network and consistency of messaging. An activist explains: (Edited) 'All the conflicts are in a global world and everything local and global feeds off of each other all the time and in the end the conflicts that happen outside, we also have them inside (...) And also vice versa, the



conflicts that begin in a certain place in Latin America, for example, the [gender] ideology (...) that is replicated locally in so many other Latin American countries (...) But we know that it comes from other places too. So yes, it is a reality that is fed back all the time and what makes us think is that indeed we must put in the effort to articulate, right? Internationally the way they do it, right? The same as they lobby internationally, we need to articulate internationally to act in the spaces such as the UN such as the CH and test and design common international strategies' (Interviewee 27).

In the following paragraph, I will review how LGBTI NGOs from Peru have used international organisations.

## 5.2 The use of International Organisations by LGBTI NGOs

LGBTI NGOs participate in UN channels by submitting reports to different bodies and committees. They present the reports<sup>103</sup> in collaboration so that there is one voice. Organisations include PROMSEX, MHOL, LIFS, DEMUS, and the Red Peruana TLGB. The coalition of NGOs produces the '*Informe Anual de Derechos Humanos de Personas Trans, Lesbianas, Gays, y Bisexuales en el Peru*', a document put together by Red Peruana TLGB and Promsex. Eight editions have been published<sup>104</sup>. The document conforms to the Yogyakarta Principles, summarises what has been done by the state for the LGBTI population, and aims at presenting the situation of LGBTI people with regards to different rights: the right to health, life, the integrity of the person, right to education, etc. The document is used to lobby congress and government representatives to encourage them to do more, often denouncing the state's inaction. In addition, it is used to make submissions through UN channels. During the 28th UPR

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<sup>103</sup> Peru was reviewed as part of the third UPR cycle in November 2017 and the coalition prepared the following documents: Stakeholder Report Peru UPR 28 (available at: [https://www.ilga.org/downloads/stakeholders\\_report\\_Peru\\_UPR28.pdf](https://www.ilga.org/downloads/stakeholders_report_Peru_UPR28.pdf)) (Accessed on 10/10/2021); the Shadow Report Peru UPR 2018 with suggested questions for countries (available at: <https://www.ilga.org/wp-content/uploads/2016/02/Shadow-report-English.pdf>) (Accessed on 10/10/2021). A report on progress from recommendations submitted in 2012 was also presented (available at: [https://www.ilga.org/downloads/SOGIESC\\_Advocacy\\_paper\\_Peru\\_UPR28.pdf](https://www.ilga.org/downloads/SOGIESC_Advocacy_paper_Peru_UPR28.pdf)) (Accessed on 10/10/2021)).

<sup>104</sup> Publications are available on the Promsex website at: <http://promsex.org/diversidad-sexual-genero/publicaciones/> (Accessed on 24/06/2018).

Working Group Sessions, held in November 2017, Peru received 20 SOGIESC recommendations and accepted them all<sup>105</sup>.

Submissions are an important way to ensure that the state's report is accurate. In the words of an activist: (Edited) 'So for us, the periodic review was important (...) it gives us a very good opportunity to present a different perspective. For example, the LGBT population still does not offer official data on the situation of, for example, the vulnerability of legal protection, violence, discrimination suffered by the population. (...) Every year we have the report where we analyse the human rights situation of the LGBT population in Peru, and this type of information is very useful in these committees and in those universal periodic examinations to be able to present a different vision than that of the Peruvian state' (Interviewee 27).

Participation in the UPR process is seen as important. Although it does not give immediate results, it creates an opportunity for NGOs to advocate and pressure the government. An activist explains: (Edited) 'United Nations organisations, above all, have scheduled recommendations and I believe that it is positive (...) because it helps civil society organisations to have inputs, to argue before the state that these types of measures are important. Therefore, as a result of these types of recommendations, organisations that are specifically dedicated to advocacy work with authorities and have achieved various things, right? There is now a plan included, let's say, there is a protocol for care for LGBT people and from the ministry of women, the ministry women opened a table for LGBT people' (Interviewee 30). The discrimination suffered in the police force because of sexual orientation was addressed after a UPR recommendation<sup>106</sup> to change the law.

Activists use international bodies' recommendations and general output to lobby local authorities. In the words of an activist: (Edited) 'It also allows us to have arguments, right? Because of those examinations [UPR] (...) obviously, there are recommendations to the Peruvian State, right? For it to implement human rights policies (...) Following up on the recommendations that the United Nations is making (...) These recommendations are used as arguments also to continue doing advocacy' (Interviewee 27). In this sense, the recommendations have symbolic importance. An activist explains: (Edited) 'Above all I believe that the most important thing to achieve at the policy level and it is very important at the

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<sup>105</sup> ILGA website: <https://www.ilga.org/upr-peru> (Accessed on 12/01/2022).

<sup>106</sup> Recommendation promoted by Slovenia in the 14<sup>th</sup> cycle of UPR in November 2012, adopted in March 2013: 'Repeal penal sanctions on homosexuality in the police force'.

symbolic level. I believe that it is also very important (...) the United Nations says it is taking firm steps, it even has a specific campaign for the defence of LGBT human rights and gives us a symbolic and moral argument to meet with public authorities of our states and say well, “they have international commitment in a world forum” (...) “those [rights of LGBT people] are not the agendas of some NGOs, it is not a whim, an international policy recognises [them]” (Interviewee 27).

Thanks to the support from ILGA, submissions to the UN UPR process and more have been possible. In the words of an activist: (Edited) ‘We have also been part for many years of ILGA (...) Some things were done, especially with the issue of the reports in front of the United Nations, the human rights reports that the state presents already then, (...) we organise to present (...) shadow reports in the form of civil society, and the MOHL has participated in those processes. Endogenous external information and issues related to the reality of the LGBT community here in Peru have been collected for these reports (...) I think it has been so important to do that level, let’s say, of pressure’ (Interviewee 25).

PROMSEX is one of the most prominent NGOs advocating for LGBTI rights. It coordinates with other LGBTI NGOs and has substantial resources compared to smaller organisations. PROMSEX collaborates and has an open dialogue with the UN delegation in Peru, with ONUSIDA (United Nations Program on AIDS/HIV), it collaborates with the Inter-American Commission for Human Rights in the publication of ‘*Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas*’<sup>107</sup>. The UN has different agencies in Peru that work with the government and local organisations to promote human rights. One of the initiatives is the ‘Free and Equal Campaign’ launched in 2013, which is promoted within the country via UN agencies. In the words of an activist: (Edited) ‘We collaborate very closely, for example with the United Nations for the implementation in Peru of the campaign ‘Free and Equal’, which was a campaign promoted by the UN human rights secretariat and here, because we elaborate different products, for example communicational, to promote that campaign, right? videos were made, a photo exposition (...) we have supported them. (...) That was the experience where I think there was a lot of work together and a very close collaboration between the United Nations and our organisation, and other organisations’ (Interviewee 27).

The UN supports the message of LGBTI NGOs and takes part in events where it publicly talks about LGBTI rights, legitimising the cause. Organisations found that the campaign had a

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<sup>107</sup> Available at: <http://www.oas.org/en/iachr/reports/pdfs/ViolenceLGBTIPersons.pdf>.

positive impact on their day-to-day work. It has been a fundamental tool in advancing the LGBTI rights' agenda within the government and society, making the UN more visible to the public through representatives attending events and demonstrating great support for LGBTI rights. Even within the civil union proposal in congress, the UN issued a statement supporting the initiative, stating that it was a matter of human rights. In the words of an activist: (Edited) 'It was very positive [Born Free and Equal Campaign], because it is the first time, at least in Peru, that the United Nations was visible in defence of the human rights of the LGBT population, right? Then it was the first, it was the first opportunity in a way, let's say remarkable in a powerful way, right? Then it was very important because it is a very very very very strong instrument of work, it is a very strong support, right? The fact that if we can say that there is a United Nations campaign supporting the human rights of the LGBT population (...) for us a fundamental support, right? that the United Nations raises its voice to say "Well here is a campaign", right? At the international level (...), when there was debate to approve a bill to recognise the civil union that (...) the United Nations draw a wind to say that they are human rights in that type of, that type of recognition of rights, right? So, for us, it was an important support' (Interviewee 27).

The UN communication office and other agencies also work directly with several NGOs and smaller groups, such as *La Red Trans* and *No Tengo Miedo (Transito)*<sup>108</sup>. The officer explains how the collaboration works: (Edited) 'The organisation [LGBTI NGO] agrees with the UN to work on these issues. Then we provide assistance. We disseminate messages. We promote the application of human rights for everyone. In that framework, it is where we dialogue and maintain a conversation, not only with the state, but with other civil society organisations, with youth, with academia, so they know it exists. We give this one-on-one assistance' (Interviewee 28). UN offices work directly with the government and congress supplying information and advice when required. UN representatives meet regularly with the government as a diplomatic delegation. The UN presents an independent report at the UPR, and this report is discussed with civil society and the state, creating an opportunity for dialogue.

The UN communication officer believes that there has been a positive impact from international norms in Peru and that a dialogue is underway. In his own words: (Edited) 'Indeed, there has been an important contribution from the international community, from international treaties, from the meetings held at the multilateral level to address the issue of human rights,

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<sup>108</sup> Website available at: <http://www.notengomiedo.pe/> (Accessed on 20/08/2020).

and with regards to LGBT rights, it has had a positive influence in the country. In fact, the current government has been working on a new human rights plan that considers the LGBTI issue, proposals, laws have been presented for both civil union, gender identity, equal marriage, and in congress there is a resolution of the constitutional court in favour of the right to gender identity, then there is a positive influence. Because in addition, the country of Peru, with all the member countries member states of the UN, undergo their universal periodic review, and in those universal periodic examinations, specific recommendations have been made to Peru (...) There is a naturally advanced relation to what the international community produces and what positively affects Peru. I believe that this evidence, and there is, it is shaped by what is happening in the world and what the world as an international community asks the governments, influencing Peru positively' (Interviewee 28).

NOGs worked hard to get the Peruvian state to commit to a favourable vote on creating the independent expert on SOGI rights. As explained by an activist: (Edited) 'The vote on the LGBT rapporteur, for example, there was a strong battle (...) even to get a figure to be recognised because there was a very strong one [opposition] of what I saw on the part of some states, especially confessional states of Africa and Asia (...) So it has been very important (...) to get our state to have a favourable position in that vote in Peru. For example, we managed to do meetings, send letters, and we managed to get the Peruvian government to commit with a favourable vote to that international figure, right? So, the work, it was very important' (Interviewee 27).

Unfortunately, it is not always possible to participate internationally, and one of the most significant issues is resources. This also creates inequalities in representation as only the more resourceful NGOs can participate. As an activist explains: (Edited) 'It is difficult for us to access funding now, then to go to the UN and be part of these monitoring groups to monitor public policies (...) money is needed. (...) For example, PROMSEX has money to go to the hearings and present the documents. But they prioritise passage for their staff instead of involving the people that are part of the [LGBT] movement so that we can attend those hearings. So, there is a limiting factor' (Interviewee 31).

Another barrier to participation in the UN is language. As a scholar explains: 'English is the barrier, even though many of these materials are translated into Spanish, there is also, so this barrier that people tend to see these as complicated and they do need a lawyer' (Interviewee 20). Although Spanish is an official language of the UN, not all parties in the United Nations will speak Spanish, and not all resources are in Spanish. For example, if an organisation wishes

to approach a state that is generally favourable to LGBTI rights, so this can make a recommendation during UPR, they would need to speak in English to convey their message. These barriers also impact who can participate internationally. As a scholar explains: ‘Peru is starting its third round. So, in the first two, there were organisations that work with LGBTI issues, but I guess it’s so interesting to see who were in Geneva. Yeah, who were in Geneva the ones that, for example, can speak in English or that understand better this kind of procedures. So, I won’t say [it] was representative enough. (...) representative enough of the variety of the movement and the real needs of the movement’ (Interviewee 20).

Some NGOs see participation as an opportunity for growth. As an activist explains: (Edited) ‘It is a very important opportunity to make not only this situation of violence visible but also an opportunity to arm civil society organisations in a space that (...) is not always easy to handle for civil society organisations, the United Nations committees, the Inter-American Court of Human Rights, they are international organisations that also need a professional and technical capacity that not all organisations have (...), so it also gives us the opportunity to learn how to handle these international actions for the defence of human rights in these organisations’ (Interviewee 27).

Not participating in the international discourse has many disadvantages. When activists are unaware of the recognition that LGBTI rights have internationally, they have one less argument to use. The UN officer explains: (Edited) ‘In Peru, some organisations including some organisations of the civil society itself, which sees LGBTI rights, does not know very well what is the international regulation that already exists on LGBTI rights. So, for example, it has happened to me, to me that there are groups of LGBTI young people who do not know that there are general observations to international human rights treaties that already specifically mention or that specifically ask the states to protect the rights of LGBTI people, so in this dialogue that these organisations have in ignoring their countries, they do not have the argument to support [their claim]’ (Interviewee 28). That is why the UN office works with organisations to share skills and knowledge, awareness activities and more. Additionally, the UN also works with political and administrative powers in the country.

Activists feel that the work done at the international level impacts domestically, although it takes time to establish an organisation internationally. As an activist explains: (Edited) ‘So I think that, yes, we have had more important ones [achievements] in international standards that are also supported by previous work from several years where we have also positioned ourselves as a reference organisation to make us visible. As I said before, you comment on

human rights in the universal periodic review, in the hearing of HIV-AIDS, work to systematise, to collect, to make visible the situation of intimidation and violence that still the LGBT population suffers and so I think, right? I know, I believe that to get a state to approve a norm (...) you also have to make a prior effort to effectively convince the State, it should not be like that, but in reality, it happens, to convince the State that indeed (...) your rights are violated, right? I think there are two processes that have to go for political advocacy for the approval of laws, right? But also to generate evidence, because one thing feeds the other, so I think that we have had positive results and we hope to have more, more results' (Interviewee 27).

## 6. Conclusion

Most major NGOs in Peru have a link to transnational networks and access to transnational and international organisations such as the United Nations; the International Lesbian, Gay, Bisexual, Trans and Intersex Association for Latin America and the Caribbean (ILGALAC); the Organisation of American States (OAS); the Latin American Public Opinion Project (LAPOP); the Pew Research Centre and Sexuality Policy Watch conduct studies and release reports about LGBTI rights worldwide, and Peru is included in these reports;<sup>109</sup> the Inter-American Commission on Human Rights.

In terms of the progress through the phases of the spiral model of human rights change, progress has been very slow. Activation of network and the phase of denial lasted for a very long time. LGBTI NGOs have successfully activated the network through funding agencies and umbrella organisations since the 1990s. The pressure from the international system is now quite strong, also given the presence of the UN office in the country. Unfortunately, there are many challenges for organisations that want to participate internationally, including resources and long-term investment before seeing results, language barrier, specific knowledge, know-how and skills.

Nevertheless, LGBTI NGOs have made a lasting impact on Peruvian society. They have connected and used transnational and international organisations to their advantage, conquering more spaces and relevance internationally. Local UN offices interact with civil society,

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<sup>109</sup> 2017 Amnesty International Report about the Americas, Human Rights Watch World Reports, 2016 Human Rights Campaign Global Spotlight, US Department of State country report about Brazil, Canada Immigration Report on Brazil.

validating and supporting their work. In addition, NGOs participate and use UN channels to submit shadow reports on the situation of LGBTI people in the country, monitoring what the government reports on and making sure that reality is represented.

This international participation, combined with domestic campaigns of awareness-raising and tireless advocacy and lobbying of policymakers, has prepared the ground for the change currently taking place in the country. Peru is between the third and the fourth phase of the spiral model of human rights change. The communication style between the government and LGBTI NGOs is starting to become that of dialogue and persuasion. LGBTI NGOs are starting to become recognised stakeholders. However, communication with the opposition is still antagonistic, especially from the opposition's side. As in the other two case studies, international pressure is beneficial in agenda-setting domestically. Domestic progress will be the result of the internal clash with the opposition. International and domestic pressure on human rights issues is undoubtedly most effective with left-wing governments, which create a favourable opportunity structure. However, there is the need for the build-up of momentum and visibility for governments to create policies and laws favouring LGBTI rights, and this work has been carried out in the past ten years by LGBTI NGOs.

Having low levels of resources and challenges accessing the international system, NGOs could have strengthened their connection with transnational networks to unlock more resources, training materials and case studies that would have made their efforts more targeted and efficient. Unfortunately, the use of transnational networks is not as efficient as possible. NGOs often replicate strategies already used in other countries, such as positive rhetoric of the right to love instead of suffering and discrimination of the LGBTI community, kiss-in protests and responses to the 'gender ideology' attacks they receive from the opposition. They do this in an unstructured way, making their efforts eventually less efficient than they could be if they accessed resources, case studies and strategies that were successful in similar contexts.

On the other side, the opposition takes full advantage of the resources that their network and the international system have to offer and have efficiently pushed back and caused delays in all phases of the spiral model. It uses strategies and methodologies proven successful in other countries and adapts them to the domestic environment. They have access to great resources both nationally and internationally, politicians and policymakers, they hold great economic power domestically and have privileged access to communication channels. It is clear from the strategy in the region that the oppositions' transnational network considers Peru, and other similar states, as important countries to keep in the global balance.



Given the country's powerful and articulated opposition, it would have been harder for NGOs to achieve what they have achieved without international support, and it will be crucial in the following years.

## **8. Conclusion: Does the UN and the International System affect Domestic Policies regarding LGBT Rights in Majority Catholic Countries?**

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### **1. Introduction**

This thesis aims to establish if international participation and international channels impact the work carried out domestically by LGBTI NGOs in democratic countries with strong opposition. Is this a good investment for LGBTI NGOs? Should they use their limited resources to engage with international organisations? Furthermore, what are the odds of having a positive impact domestically? As discussed, outcomes depend on the oppositions' work domestically and internationally and both sides' strategic use of their transnational networks. In the context of the spiral model of human rights change, the theory that supports the socialisation of international norms in countries that violate them, several factors are taken into account to predict outcomes. However, the theory does not account for NGOs' domestic and international opposition. In the case studies, we see that the opposition has successfully delayed and often stopped progress for LGBTI rights even when governments were not necessarily against implementing change. The opposition uses a strong transnational network to be so efficient. The efficient use of transnational networks by domestic LGBTI NGOs is an important variable that can impact results.

LGBTI rights are mostly recognised as making part of the international human rights regime, although they are still contested. The UN and many countries recognise LGBTI rights as human rights. This is the result of LGBTI INGOs work. Transnational networks and INGOs support domestic NGOs in their advocacy work internationally and domestically with training, skill-sharing and insightful learnings. There is, however, a coalition of countries and NGOs that define themselves as pro-family and defenders of traditional values that do not recognise these rights. Instead, they argue that LGBTI rights demean traditional values, violate children's rights, and freedom of speech and religion. These organisations have built a strong presence internationally and strong transnational networks to support their domestic efforts. The recognition of a right at the international level is a prerequisite for activating the norm cascade, boomerang effect, and the spiral model of human rights change itself. This is one of the reasons LGBTI NGOs and the opposition invest so much in advocating for their position internationally.

In the case studies, I have noted how countries go through different phases of the spiral model of human rights change. Ireland is at the last phase, Italy is between the fourth and fifth phases, and Peru is between the third and fourth phases. Although NGOs started to form in the three case studies simultaneously as their neighbouring countries, LGBTI rights were recognised later. Delays were not caused by inactivity on behalf of LGBTI NGOs but rather by the strong domestic opposition. Domestic opposition is powerful in countries that have a strong religious presence. In the three case studies, the main opposition is the Catholic Church, with the Evangelical Church's presence in Peru. The opposition is well connected domestically and internationally, has many resources, and access media channels. They have strong ties with politicians and often are involved in politics themselves. They have built strong transnational networks to promote their international work and support domestic efforts.

The clash between these two forces, the support from their transnational networks, and the pressure from the international system will impact the phases of the spiral model of human rights change that a country reaches. Strategic use of international channels and transnational networks will increase LGBTI NGOs' chances of success.

## **2. LGBTI Rights and NGOs in International Relations**

In this study, I have applied a constructivist approach to understanding the development of LGBTI rights at the international level and the development at the domestic one of countries with a strong presence of the Catholic Church. Constructivism is the approach to international relations that is most appropriate to explain the success of LGBTI rights internationally and consequent domestic socialisation. From a realist perspective, states would have little interest in recognising LGBTI rights and granting them. There are no direct advantages and gains in recognising these rights from the point of view of gaining more power. LGBTI NGOs would not be considered international actors able to influence policy formation. From a liberal perspective, although the UN gains more value as an international actor and as a facilitator for collaboration within this approach, recognising LGBTI rights would not increase the overall gains for countries that recognise them. The recognition of LGBTI rights would not improve collaboration or relative gains for the main actors of international relations, states. Neither theory would explain the conflict between LGBTI NGOs and the opposition, how both sides influence states decisions and identity.

Using a constructivist approach, we can explain the changes in identity and interest of the UN and states that have recognised LGBTI rights and the ones that chose not to. LGBTI NGOs that operate internationally have impacted international norms in the last thirty years. LGBTI INGOs have established themselves as recognised participants at the UN. They are utilised as a point of reference by UN offices and personnel and are recognised by diplomats and representatives of states. They have created and reinforced transnational networks to be more efficient and have stable contact points in UN headquarters and during regional and global conferences. LGBTI NGOs have an essential role in supporting the creation of implementation plans and then monitoring and reporting back on results. In addition, they can increase international knowledge on LGBTI rights and awareness of the issues that LGBTI people have.

LGBTI NGOs have worked very hard to see LGBTI rights recognised internationally. This is beneficial for several reasons: The international recognition of LGBTI rights as international norms consolidates the status of these rights that already recognise them; It also supports the work that domestic organisations do in countries that do not recognise them; The more NGOs are recognised internationally, the stronger the transnational networks grow and have an impact. The stronger the transnational network, the more support it can give to domestic NGOs, the more pressure it can put from the international perspective, the more credibility it gains with countries (Risse et al., 1999). This set-up is the prerequisite to the spiral model of human rights change: “Our dynamic model is based on the prior existence of international institutions which regulate human rights norms (a social structure) and of transnational advocacy networks composed of INGOs and foundations which are loosely connected to officials working for human rights” (Risse et al., 1999: 20-21).

LGBTI NGOs have been recognised as international rights relatively recently, from the 1990s onwards. Only at this stage can domestic NGOs in norm violating states activate more sustained pressure from international organisations such as the UN. Transnational networks, however, started forming in the 1970s in Europe and were accessed and even founded by activists in our case study countries. We have seen the norm cascade effect described by Sikkink and Finnemore (1998) for LGBTI rights. After LGBTI rights reached the international agenda, many countries recognised them quickly. LGBTI rights are now internalised and socialised in several countries across Europe and the Americas and are also starting to be recognised in other regions.

In the past few years, the UN has worked explicitly on promoting LGBTI rights and on a strategy to support LGBTI people as part of a vulnerable group. The international progress is

remarkable, especially considering the organised opposition of religious groups and several states that promote pro-family and traditional values. The UN structure and the tools available to LGBTI organisations to forward the cause and improve the situation of LGBTI people domestically rely on dialogue and willingness on the part of the country to engage with UN channels and tools. For instance, the UPR process is voluntary and requires collaboration and dialogue with the country; support and reports from the new SOGI Independent Expert also rely on collaboration, openness, and dialogue. NGOs need to be strategic in using UN channels and what they aim for. For instance, Irish LGBTI organisations' use of international channels changed over time: Initially, they used the European Court of Human Rights to oppose domestic courts' decisions openly on sodomy laws; In time, they chose to use channels that would allow them to stay more behind the scenes, such as the UPR process and lobbying diplomats at the European level.

Participating in UN channels increases NGO's credibility domestically and overall skills and knowledge. In the case studies, ILGA World collaborated with organisations such as Arcigay, *Certi Diritti*, GLEN, PROMSEX and other smaller organisations, supporting them in submitting civil society reports and lobbying national representatives for the UPR process resulting in several recommendations to their countries on LGBTI rights. This maximises NGOs' domestic impact and is extremely important when engaging with the state. It allows for further dialogue that the state cannot ignore. NGOs become more knowledgeable of human rights and can make the state accountable. They increase their monitoring activities and become overall more strategic. International engagement also allows domestic NGOs to start working together, for instance, when they make joint report submissions, strengthening their national impact.

Unfortunately, there are several barriers to accessing transnational networks and international organisations. The significant challenges to participating at the UN level for LGBTI NGOs are: 1. Language barrier: most of the instructions and documentation issued by the UN are in English, Spanish or French, so any organisation that does not master these languages will have issues; 2. Location: It is hard for NGOs worldwide to gather in UN locations such as New York and Geneva to participate in events; 3. Funds: Most LGBTI NGOs are funded by donations, and often staff are volunteers, so it is hard to have the resources; 4. Know-how: there are so many documents, instructions and procedures that it will always be a challenge for NGOs to find out all the things that need to be done in what way and at what time, it is hard to navigate the UN's website and find all the resources needed; 5. Reprisal: as soon

as LGBTI NGOs start international advocacy, they can become a target of certain groups and the state.

Umbrella organisations that have a presence at the UN, such as ILGA, have a strategy to overcome some of the challenges and facilitate the participation of domestic NGOs. They provide translations in different languages and offer their know-how to organisations to help them with the procedures and timings. They supply funds where possible. Finally, they offer to publish reports or responses under the name of the regional offices so that the NGO would face less reprisal. Although umbrella organisations such as ILGA support domestic NGOs in facing some of these challenges, there is still much work needed to make the international system as representative as possible, especially given the strong and organised opposition that LGBTI NGOs face.

Bob (2010, 2013) highlighted that the opposition is also engaging more and more with international channels, occupying international spaces. The opposition is composed mainly of religious and so-called pro-family groups that are organising and mobilising internationally to oppose progress for LGBTI rights. Many organisations have consultative status at the UN, and several states promote so-called family or traditional values. These groups mobilise in several countries, exporting rhetoric and strategy. In previous years, a wave of governments has favoured LGBTI rights internationally. Several countries in the Americas and Europe were supporting LGBTI rights. However, recently, a wave of support towards traditional values from the Americas and Eastern Europe has made advocacy for LGBTI rights harder. The international situation where there are more and more countries with right-wing governments, the administration of former USA President Trump, and Great Britain's exit from the European Union affect NGOs that tend to lose funds and funds tend to increase for the opposition. The international opposition grows with the rise of conservative governments. LGBTI INGOs must keep occupying international spaces.

The opposition created an international set-up to oppose LGBTI NGOs, challenging their international advocacy. An example is that of the organisation AllOut and CitizenGo. AllOut<sup>110</sup> is an international organisation that organises petitions and collects funds for local LGBTI NGOs and activists. CitizenGo<sup>111</sup> does similar work promoting so-called traditional values. A similar format is used in several countries, as an activist explains: (Edited) ‘The format of

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<sup>110</sup> For more information: <https://allout.org/en> (Accessed on 12/05/2021).

<sup>111</sup> For more information: <https://www.citizenngo.org/> (Accessed on 12/05/2021).

CitizenGo's orange bus, is found on Google, and is found in many countries including South American and anything else that is identical is exported to different countries, and it is and is done, in short, different organisations, those that exist in each country, however, use the same format, exactly like the format of gender paranoia, was imported from France to Italy and then in the countries of Eastern Europe, let's say, it is symptomatic of the fact that there is clearly a relationship' (Interviewee 43).

It is crucial that LGBTI NGOs keep occupying international spaces and advocating for LGBTI rights. Otherwise, the opposition will occupy these spaces. In the words of an activist: (Edited) 'The places that we do not occupy (...) are won by conservative groups (...) I believe that we cannot give them that opportunity, that is, I believe that we have to continue defending human rights agendas in all national and international political spaces and we cannot allow international spaces to be occupied by those groups of power, highly funded groups, with high coordination at the international level, very well structured, very well-articulated among themselves' (Interviewee 27).

Both transnational networks invest in international advocacy and in supporting domestic efforts to impact the global balance. If most states recognise a norm, it is consolidated as an international norm. Once a right is recognised internationally, the spiral model of human rights change can be activated. In the case studies, we have seen countries go through the phases of the spiral model and the challenges they faced.

### **3. Phases of the Spiral Model of Human Rights in Majority Catholic Countries**

Once a norm is recognised internationally, transnational networks and international pressure can be activated. The three countries analysed have gone through the different stages of the spiral model of human rights change, or are going through them now. They have used the tactics and communication methods recommended in the model. In most of the analysis done on the spiral model, the violator is the state. Although this is also true for majority Catholic countries, the reason for not introducing LGBTI rights sooner is often due to the pressure and power of the opposition, not because the state does not want to. This is particularly evident when left-wing governments hesitate and delay the introduction of LGBTI rights, even when these rights are often in line with their beliefs and their voters' beliefs.

The development of LGBTI movements has a similar path in the case studies. Mobilisation started in response to acts of violence or oppression. This causes activation of networks that

start to mobilise and connect internationally, entering the first phase of the spiral model of human rights change. Italian activists were part of the founding moments of ILGA. Both Italy's and Ireland's activists connected with transnational activists and networks. However, they were less able to achieve domestic progress than neighbouring countries. Decriminalisation in Ireland was achieved only in 1993, after all Western European countries. Civil unions were achieved in Italy in 2016 after all Western European countries had already introduced same-sex marriage. Peru is also behind compared to other Latin-American countries.

In the case studies, NGOs are primarily composed of activists who often can be untrained and contribute to the cause in their spare time. Passionate people committed to the cause often have a profession that helps them in their activism, as in the case of David Norris in Ireland. Nonetheless, most activists have a day job they need to dedicate time to. As in most countries, there was an initial phase of asserting the presence and the existence of LGBTI people, which then moved to asserting their rights. Initially, the movement was composed of gay men, in time organisations promoting lesbian, bisexual and transgender rights formed. In all three case studies, we see that organisations have focused their efforts and unified behind the request for same-sex unions.

For a very long time politicians and parties, in general, were strongly reluctant to support LGBTI rights. Apart from Italy's radical and communist parties, most parties feared angering the Catholic Church and alienating Catholic voters. Left-wing parties might support LGBTI rights but they are still reluctant to initiate change. In Ireland, we see a left-wing government that prefers to call a referendum instead of legislating on same-sex marriage, although popular opinion was in favour. In Italy, we see a similar trend when left-wing governments manage to finally legislate on civil unions after most of Western Europe had already introduced same-sex marriage, and only after the European Court of Human Rights decision. In Peru, we also see that although individual politicians are in favour and are proactive, the party's direction is still to stall. This protracted each phase of the spiral model. LGBTI NGOs primarily work with left-wing parties, which can severely limit progress. As the case of Ireland demonstrates, it is essential to work, where possible, with all parties.

The phase of denial starts with collecting data on human rights violations in the country and presenting this information back to the international community. This is done in several ways by international and domestic organisations, and one of the ways this is now possible is through the UPR process. International and domestic organisations lobby both sympathetic states and UN committees and offices to raise awareness of the issue, remind these actors of their identity



as human rights protectors using moral persuasion and ensuring they pressure the violating state to comply. Transnational networks essentially remind states and other actors in the international community of their roles and responsibilities. “The moral arguing here is mainly about identity politics, that is, Western governments and their societies are reminded of their own values as liberal democracies and of the need to act upon them in their foreign policies” (Risse et al., 1999: 251). All three countries in the case studies have used the UPR process successfully, generating recommendations for their governments to improve LGBTI rights.

Jetschke and Liese (2013) analyse how developed democracies create a counter-argument to human rights to justify their behaviour in the phase of denial. The state creates this argument to justify human rights violations, and this denial tactic is utilised in countries in later stages of the spiral model (Jetschke and Liese, 2013: 29). In the case studies presented, the opposition creates an alternative argument based on the same human rights framework used by LGBTI NGOs. Arguments and strategies utilised by the opposition are consistent throughout the case studies. Bob (2019) details different tactics and ways the opposition uses human rights as a weapon. Once the rights are recognised as norms, these tactics are utilised in later stages of the spiral model. In earlier stages, the opposition argued that LGBTI rights are against tradition and even against the law, arguing that Catholic morals and values were ingrained in the constitution. The state and some courts also adopted this position. This will be further discussed in the paragraph below on the opposition.

Risse et al. identify the third phase, tactical concessions, as the phase in which the government makes some ‘cosmetic’ changes and recognises some rights or gives space to human rights NGOs to improve its overall position internationally (Risse et al., 1999: 25). “In this sense the transnational network serves to help creating space for the domestic groups and to amplify their demands in the international arena” (Risse et al., 1999: 25). This is also the phase in which some of the opposition is wearing off (Risse et al., 1999: 25). However, this does not happen in countries with a strong influence of the Catholic Church. On the contrary, the opposition stays strong until the end and is very combative each step of the way. Domestic NGOs organise and mobilise in this phase and are recognised within the international space (Risse et al., 1999: 25).

As explained by Risse et al., “the transition from the denial stage to tactical concessions can also be explained mostly by instrumental interests and strategic bargaining. Under increasing international pressures, norm-violating governments feel that they must make some concessions” (Risse et al., 1999: 152). Although this step would make sense from a rational

perspective, moving to the third phase of tactical concessions was still hard for the countries reviewed. For instance, Ireland only decriminalised homosexuality after the European Court for Human Rights' decision and took time to make the change. Several governments initiated the conversation on same-sex unions in Italy, and almost thirty years went by before creating legislation. As described by Risse et al., "both sides' arguments became more and more detailed and also more and more legalistic. It was no longer a discourse about the validity of the norm, but about the situation on the ground. It was about the interpretation of the law of the land, but no longer about its validity. At the same time, the two sides also gradually accepted each other as valid interlocutors and abandoned the inflammatory rhetoric of the past" (Risse et al., 1999: 254). This argument is mainly brought forward between LGBTI NGOs and the opposition in the case studies. Even when left-wing governments are in place, the state seems to stay in the middle.

States tend to start a dialogue with NGOs and at the international level, justifying their position. This takes them down the path of engaging with the dialogue, and all actors become committed to the dialogue, and progress starts (Risse et al., 1999: 27-28). "A process which began for instrumental reasons, with arguments being used merely rhetorically, increasingly becomes a true dialogue over specific human rights allegations in the "target state." We expect this to be increasingly the case in the later stages of the "tactical concessions" phase" (Risse et al., 1999: 27-28). In this stage, domestic NGOs, as recognised by the international community, are taken more seriously and given legitimacy domestically. In the case studies, we see that the domestic dialogue starts to progress once NGOs interact with the international system.

The fourth phase, prescriptive status, in which countries recognise the international norm as such, and it is no longer controversial, is crucial for consolidating the norm domestically (Risse et al., 1999: 29). This phase can still be particularly lengthy in countries with a strong Catholic Church influence. Governments recognise LGBTI rights and then attempt to legislate for decades before being successful, and often come up with a lower standard than neighbouring countries, as in the case of Italy's civil union. Some of the other characteristics of this phase are also recognisable in the case studies: "We expect the communicative behavior between the national governments and their domestic and international critics to closely resemble notions of dialogue, of argumentation and justification. At the same time, the institutionalization of the norms into domestic law and ensuing domestic practices begins in this phase of the process. New institutions to protect human rights are created, public officials including police forces are

trained, and procedures for individual complaints are instituted” (Risse et al., 1999: 30). This is the case, for instance, in Italy with the expansion of UNAR to also include LGBTI issues. We know this stage has been reached because the norm is no longer contested, even when governments change.

Moving from the fourth to the fifth phase is crucial for rule-consistent behaviour. INGOs and local NGOs must keep up the pressure (Risse et al., 1999: 33), especially in countries with a strong influence of the Catholic Church, as all proposals in favour of LGBTI rights are challenged and fought. This is crucial to obtain the best outcome for LGBTI people. An example is the law on civil unions in Italy: In the final stages of approval, the government decided to take out the stepchild adoption after being pressured by the opposition.

The analysis by Risse et al. was consistent with the case studies for the initial part of the spiral model. The international engagement and pressure “are crucial in the early phases in terms of:

- putting the repressive regimes on the international agenda;
- starting a process of "shaming" and moral consciousness-raising;
- empowering and strengthening the initially weak domestic opposition” (Risse et al., 1999:

33-34). The importance of the work done domestically cannot be highlighted enough as nothing would be possible without all this work. This is especially true for later stages. “Only if and when the domestic opposition fully mobilizes and supplements the pressure “from above” by pressure “from below” can the transition toward prescriptive status and sustained improvement of human rights conditions be achieved” (Risse et al., 1999: 33-34). Domestic commitment is extremely important and should not be underestimated (Jetschke and Liese, 2013: 29; Simmons, 2013: 55).

In the case studies, the movement is committed although it could do more with more resources. The advice given by Risse et al. (2013) is to focus on capacity building in this case, which of course, is what the transnational networks and umbrella organisations do. It is also useful to be able to fund or partially fund some of the campaigns run, as in all three cases, funds are a big challenge. It is crucial to highlight that none of the progress achieved would be possible without domestic mobilisation. Risse et al., argue that the domestic mobilisation can be a factor in delaying progress (Risse et al., 2013: 29). In the case studies, progress was not delayed for lack of domestic pressure.

The different types of socialisation strategies identified by Risse et al. (1999) were used at the correct phase of the spiral model to obtain the best results. The authors establish that

“blaming and shaming strategies tend to be particularly effective during the repression and denial phase. (...) Strategies stressing instrumental rationality and bargaining are also useful during later stages of the socialization process, particularly when the rulers of the “target state” revert to repressive practices. However, the further along the socialization path the process has moved, the more strategies stressing argumentation and persuasion should be used” (Risse et al., 1999: 276). This was evident in the phases of the spiral model that the case studies went through when the communication approach was initially more critical. There was a more cooperative and persuasive tone at the final phases.

Risse et al. (2013) highlight different methods of moving states to compliance, specifically: (1) Coercion: use of force and legal enforcement; (2) Changing incentives: sanctions and rewards; (3) Persuasion and discourse; (4) Capacity building (Risse et al., 2013:13-16). In the case studies, we see legal coercion used in terms of court decisions from the European Union and the Inter-American Court for Human Rights, persuasion and discourse and, for the case of Peru, also capacity building in the work that the local UN office does to support LGBTI work in the country. In addition, sanctions and rewards are also used in Peru regarding some of the initiatives by the World Bank.

Risse et al. (2013) also identify factors that facilitate the socialisation of human rights: (1) Democratic vs. authoritarian regimes; (2) Consolidated vs. limited statehood; (3) Centralised vs. decentralised rule implementation; (4) Material vulnerability; (5) Social vulnerability (Risse et al., 2013: 16-22). In general, the countries analysed have favourable conditions to socialise human rights apart from Peru regarding consolidated statehood. However, as discussed in this thesis, the model does not include or account for a strong international and domestic opposition.

In these factors, we see social vulnerability as a favourable factor to efficiently socialising human rights. In reality, in our case studies, the government is socially vulnerable to the opposition to LGBTI rights as much, if not more, as it is vulnerable to social pressure from the international community. The authors do recognise that internationally some actors can have enough influence to offer a counter position: “The Asian values debate demonstrates, for example, that some states command sufficient international legitimacy to establish a counter-discourse to the Western-led human rights arguments (...) In other words, human rights are not the only discourse in town – and some actors command enough social legitimacy to be able to establish persuasive counter-narratives which then reduce their social vulnerability.” (Risse et al., 2013: 21). This is the case of the Catholic Church and affiliated organisations that have

developed a narrative around rights used both internationally and domestically. Additionally, the ‘gender theory’ is developed and used as a template in several domestic environments.

Risse et al (1999; 2013) investigate the interactions between several actors:

- “interactions between norm-violating governments and their domestic society including the opposition;
- interactions between the norm-violating state's domestic opposition and the transnationally operating human rights networks;
- interactions between transnational advocacy networks and international organizations as well as Western powers;
- interactions between the transnational advocacy networks, international organizations as well as Western powers, on the one hand, and the norm-violating governments, on the other” (Risse et al., 1999: 237).

As evident from the case studies, there is a further actor that needs to be taken into consideration: The opposition and its transnational networks.

#### **4. Missing Actor: Domestic and International Opposition and Its Transnational Network**

The spiral model for human rights change focuses on the interactions between transnational networks, the international system, the state, and domestic society (Risse et al., 1999, 2013). For democratic countries with a strong presence of the Catholic Church, however, a fourth actor engages with all other actors: The opposition to LGBTI rights. In the case of LGBTI rights, the opposition engages with the international system, the state and domestic LGBTI NGOs. In Risse et al. (2013), the authors focus on the latest stages of the spiral model. They recognise that delay in the final phases of the spiral model sometimes does not depend on the willingness of the state but other factors. However, a circumstance that is not highlighted is a blocker, such as the Catholic Church. In the case studies, the state has already recognised at the international level that LGBTI rights are human rights and has attempted the implementation of laws that would bring them to the final stage of the spiral model. However, it is still challenged by the Catholic Church and its allies. The opposition has been a powerful blocker to LGBTI rights progress from the very beginning. It challenged LGBTI rights’ progress at every phase of the spiral model using great resources. As a result, progress is slow not for lack of activism and mobilisation but because of the strong opposition.

One of the significant differences between the LGBTI movement and the opposition is that it is very well funded and can spread its message using all media channels, including television, newspapers, social media, billboards, and radio. They also have the advantage of having a dedicated audience in the people that attend mass. Similarly to NGOs, the opposition has what scholars identified as soft power (Nye, 2004). The Catholic Church and affiliated organisations are generally a trusted source of information for a big part of the population and hold significant influence over the educational system and health system and is a significant part of the population's life. The Constitution recognises the Catholic Church and its values in all three case studies. Historically, the Church has had a significant influence on politics. From the beginning of the LGBTI rights movement, the opposition blocked all progress. The influence of the Catholic Church was even noticeable during the HIV/AIDS crisis. In Ireland, it blocked all prevention and information initiatives for a long time, leaving the government unable to react and contain the crisis.

Left-wing governments often identify with specific human rights, including minority rights. However, in majority Catholic countries, even left-wing parties and politicians struggle to put LGBTI rights on the agenda when they are in power, further prolonging the spiral model phases. Phases of the spiral model can be significantly delayed. For instance, in Ireland, the government deferred the decision to introduce same-sex marriage to a popular vote. Similar countries have gone through the process of approving LGBTI rights, from tactical concessions to the fifth phase, in a relatively shorter amount of time. First decriminalising homosexual acts, then recognising equal rights, and eventually equal marriage and the right to change gender identity. In several countries with a strong influence of the Catholic Church, this is not the case.

In the phase of denial, the violating state often will argue that the international norm is an imposition on the tradition of the state, that there is no violation and often create a movement to oppose the international norm to demonstrate its identity (Risse et al., 1999). In majority Catholic states, it is often argued that the state is founded on Catholic values, often recognised in the Constitution and other laws of the land. The introduction of LGBTI rights would hinder these values. The international pressure on these governments is fought both internationally and domestically by the Catholic Church and its allies, and the pressure and influence domestically impact timelines. The strength of the opposition is crucial in progress within the spiral model.

The socialisation of norms results from a communicative dialogue (Risse et al., 1999: 31). Bob (2010, 2013) pointed out that the opposition has started occupying international spaces to oppose the consolidation of LGBTI rights as international norms. It engages directly in lobbying

states in international settings. Domestically it engages directly with the state and the public. Only in later phases of the spiral model, it starts to engage with LGBTI NGOs. The opposition uses several communication techniques to try to win the battle. The language chosen to advocate against LGBTI rights by opposing them to another set of rights demonstrates that the opposition has accepted and recognised the phase of prescriptive status in which LGBTI rights are recognised as international human rights. In Risse et al. (2013), the authors identify a trend in which the narrative of human rights is used as a counter-narrative to block progress, negating the initial assumption that persuasion would be only used by human rights defenders (Risse et al., 2013: 15). In the case studies, the opposition has embraced human rights rhetoric, and it proposes strong counterarguments to block progress for LGBTI rights. Bob (2019) highlights how the opposition uses the human rights rhetoric to advocate against certain rights, in this case, LGBTI rights. The opposition also strategically uses transnational networks to improve its advocacy work, strategy and communication style.

LGBTI NGOs and activists recognise the Catholic Church and affiliated organisations as a significant force that is hard to work against, exceptionally well-funded and organised. There are similarities in how the opposition builds their narrative and the strategies used. More than similarities, it seems to be a format adopted and adapted to domestic audiences where possible. This entails:

- the use of children rights to oppose LGBTI rights, utilising a strong rights framework;
- describing LGBTI groups as totalitarians trying to impose their values on others;
- violation of the right to religious belief;
- mobilising their audience with fear about children, the use of the so-called ‘gender theory’<sup>112</sup>, and the use of surrogacy<sup>113</sup>.

All the tactics and especially the use of the human rights framework by the opposition are identified in Bob’s (2019) analysis. First, rallying cries are used to mobilise their base, instilling the fear that children rights will be violated and urging parents to come to their defence. Religious rights and freedom of speech are rights used as shields and parries. And finally, the opposition depicts LGBTI NGOs as trying to subvert the order of society, destroying traditional values and ways of life through a totalitarian approach of a dictatorship of the minority, so rights as dynamite.

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<sup>112</sup> Examples of content produced on ‘gender theory’ in appendix B, group 5

<sup>113</sup> Examples of content on surrogacy in appendix B, group 6

The international and domestic opposition acquires the language of human rights as recognised by the international system. It highlights rights that they believe are in contrast with those advocated for by LGBTI NGOs. This behaviour highlights the recognition and the normalisation of the human rights framework. The opposition has accepted the language of human rights and the international structure. It is using it in similar ways as traditionally 'progressive' organisations. As one scholar puts it: 'The language of human rights has been hegemonic, the right is using the same language to do completely different things. You can see this is the way the ultra-right speaks in the US, where it champions for itself. It sets itself up as the besieged minority, whose freedom of speech is curtailed, whose freedom of religion, whose freedom of expression is thwarted by the, sort of, civil rights protections that minority movements have won. So, it's not so much that we disagree with these standards, as they apply to us too, and we need to re-address our position in the equation. The interesting thing about the focus on the family type organisations is their use now of the UN system. You don't get the rhetoric of, you know, branding the UN as world government as something that needs to be destroyed, which you did in the '90s (...) but you don't get that now. Instead, they use the terrain. They don't want to cede the terrain to their opponents. They want to seize it and use it for their purposes. So, it's emerged as the common battleground, rather than a liberal thing' (Interviewee 40). Although progressive NGOs will have to adapt to these tactics, adopting the rhetoric of human rights indicates that human rights are perceived as established and recognised both domestically and internationally.

The rhetoric used by the opposition builds on fear of change and diversity. One of the most used arguments is that of surrogacy. This was used, unsuccessfully, in Ireland. In Italy, a campaign primarily based on surrogacy successfully made lawmakers reconsider stepchild adoption in the civil union law. In addition, the opposition utilises the so-called 'gender theory' to oppose the progress of LGBTI rights. The argument is that this theory opposes the traditional values of Christian families by allowing children and adults to choose their gender and creating families with an atypical and unnatural structure (Bernini, 2014: 83).

This rhetoric is promoted in the many events organised to oppose LGBTI rights, such as the *Family Day*, which successfully delayed legislation in Italy. The strategic use of the so-called 'gender theory' is abundantly used in Italy and Peru. The main objective of this narrative is to mobilise with fear. It has a broad enough scope to be used to oppose most LGBTI rights and some women's rights. As an academic explains: 'This gender theory is... it's really a strategic, political tool that they are using; and it became... to represent just anything. I mean gender



theory can refer to homosexuality; it can refer to reproductive rights; it can refer to gender; it can refer to any issue that they want to address; they say, “Gender theory, you know, it’s coming from that.” And this gender theory, it’s now becoming more and more a household issue in terms of... it’s being recognised and it’s being recognised as something which is imposed on us, which is coming from the most... well, in countries where this works, and that’s Eastern Europe, it comes from the West...I don’t know to what extent that works in France. It comes from the elites’ (Interviewee 1).

Academics initially developed the ‘gender theory’ strategy in response to feminist and LGBTI groups participating internationally. It was then toned down to be understood by most people and franchised to be used in different countries. This academic debate has then been translated into slogans that inspire fear and rally supporters. As a scholar explains: ‘But I mean these are academic debates. So how they managed to translate this into a populist language that really works on the street (...) I was really shocked to see people holding these signs, “Stop gender” in Slovakia, in Poland, without being translated. That’s also quite telling; if you use the English term “gender” and not translate it to [“spol” 15:34], which is the translation in the Slovenian language, then it sounds something... you know, something foreign, something that’s imposed on us, and stuff like that’ (Interviewee 1). The same narrative is adapted in English speaking countries, where we still see the rights of the children and traditional values being used to oppose LGBTI rights. However, the foreign terminology cannot become a buzzword as it has become in non-English speaking countries. In Ireland, there was little mention of the ‘gender theory’.

There seems to be a bit of inconsistency in countries with a strong Catholic Church presence and their recognition of LGBTI rights. One scholar believes that this is connected to the Church being discredited in different ways: ‘The countries where the church has been complicit in periods of military dictatorship and has therefore been discredited, it’s been much less powerful. So, Spain and Argentina are good examples of that but Italy is different because it’s never been discredited in any way. Ireland would be another example in the Spain, Argentina category because of the paedophilia, child sex abuse scandals, so it really evacuated the moral authority of the church’ (Interviewee 40). Essentially this means that when the opponent is weaker LGBTI NGOs are able to effectively further their cause with less resistance.

The response to the opposition must come from organised international and domestic mobilisation. As an activist explains: (Edited) ‘We are a single political community so even if with a bit of trouble in recent times, however, the, let’s say, the analysis of movements for

example anti-gender (...) it is a phenomenon that has crossed France, Italy also affects the countries of Eastern Europe therefore, and it is therefore right that an attack on the rights of people of a continental nature is responded to in a continental way coordinated as much as possible' (Interviewee 43). This highlights the importance of the use of transnational networks from LGBTI NGOs to mobilise more efficiently.

The analysis of the case studies has highlighted an important variable that can be used strategically to improve chances of success from domestic NGOs: Transnational networks and INGOs. The knowledge sharing, training, and support that transnational networks can provide at the international level, whilst accessing international channels, and domestically, when planning and executing campaigns and advocacy work, can make a difference.

## **5. Important Variable: How Domestic NGOs Use Transnational Networks**

Risse et al., recognise the importance of transnational networks in several phases of the spiral model. The purposes of the transnational networks are summarised as: "1. They highlight states that violate human rights to the international community, highlighting the responsibility that complying states and international organisations have in promoting human rights; 2. They empower local NGOs and mobilise domestic forces to advocate for human rights legitimising their request for recognition; 3. They activate the pressure from below (the domestic context) and above (the international context)" (Risse et al., 1999: 5). The authors focus on transnational networks' role in collecting information on human rights violating countries, keeping these countries on the international agenda and keeping up the pressure from above. There is another critical role transnational networks fulfil. They support domestic NGOs by funding, sharing information and strategies that previously worked in similar countries. They also support domestic NGOs in directly accessing international channels to bring their advocacy at the international level.

Transnational networks were instrumental in the Irish campaign for marriage equality and the Italian campaign on civil unions. In both cases, activists exchanged strategies with transnational networks, acquiring important information that would inform their campaigns and advocacy work. In Ireland, activists exchanged strategies and research with several organisations, especially Marriage Equality from the USA. An exchange with similar organisations and the Irish groups also occurred in Italy. This was extremely important to develop the campaign and improve the messaging and narrative used. For example, using the

rhetoric of love<sup>114</sup>, targeting the middle voter/ average person, normalising the image of LGBTI people and using the concept of family and rainbow families<sup>115</sup> specifically was adapted by the experience that NGOs had in other countries. All these tactics had been used successfully in countries with a religious opposition, and so were instrumental in being able to predict the arguments and strategy the opposition would adopt. An essential aspect to consider is that strategies acquired within international networks must always be adapted to the local context.

One of the driving forces of LGBTI transnational networks is the umbrella organisations, such as ILGA, that coordinate access to UN channels for domestic NGOs and coordinate an effective response to the opposition in creating campaigns and advocacy strategies both internationally and domestically. These organisations spend time and resources analysing oppositions campaigns and rhetoric to prepare responses and campaigns in response. For example, the latest research and efforts are directed on understanding how to contrast the so-called ‘gender theory’ developed by the opposition<sup>116</sup>. Efficiently accessing and utilising umbrella organisations can give domestic NGOs a head start in preparing their campaigns and preparing for the opposition efforts.

Significantly, once countries achieve success, they are keen to then share with the network and give back to the community. In the case of Ireland, once marriage equality was achieved, activists presented their strategy back to the network, both in conferences and individually. For example, activists shared their communication and advocacy strategy at the ILGA Europe conference in Athens in 2015. Irish activists also supported Italian activists in the campaign for civil unions. Similarly, activists in Italy are collaborating with ILGA Europe and Serbian activists on campaigns to promote the rights of intersex people.

The LGBTI transnational networks share the format<sup>117</sup> that has worked in some instances to aid other domestic campaigns. Several similarities show a connection between movements and NGOs worldwide, for example, the use of the rhetoric of love and the use of storytelling to

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<sup>114</sup> Examples of content with the rhetoric of love in appendix B, group 2.

<sup>115</sup> Example of content focusing on family and rainbow families specifically in appendix B, group 3.

<sup>116</sup> Examples of content and projects available on ILGA-Europe website: <https://ilga-europe.org/blog/three-crucial-ways-resist-anti-lgbti-forces>; Funding projects: <https://ilga-europe.org/resources/news/latest-news/responding-anti-lgbti-forces-ilga-europes-call-project-proposals>; Resources to respond to anti-gender movement: <https://ilga-europe.org/responding-to-anti-gender>. (Accession on 18/01/2022).

<sup>117</sup> Examples of similarities in the three case studies with regards to images, content and messaging in appendix B, groups 1,2,3.

‘humanise’ LGBTI people. They use positive messaging. They focus on rainbow families and personal experiences during campaigns. These are successful strategies that the movement has adopted in response to the opposition. The campaign on same-sex unions has unified the movement in all three case studies. In Ireland, we see a great victory for the movement that managed to work together on marriage equality despite internal disagreement on the institution of marriage. Similarly, in Italy, organisations could set differences aside and collaborate on the campaign for civil unions. Unfortunately, after this success, divisions diminished the impact of the movement that has been campaigning for a law on hate crimes for several years now. In Peru, we also notice that NGOs, both LGBTI and feminist organisations, collaborate to advocate for marriage equality.

The opposition also uses transnational networks. The opposition has developed a format<sup>118</sup> to export to different countries. This involves using a human rights rhetoric instead of a religious one, using the so-called ‘gender theory’ in non-English speaking countries, defending children’s rights and the rights of freedom of expression and religion. Again, the imagery is very similar, with the image of a traditional family composed of parents of different gender and two children and coloured in blue and pink (Kuhar and Paternotte, 2017: 314).

The two strategies evolve in response to each other. The communication style started to become more positive and focused on human rights instead of religious beliefs. The Church stopped attacking the individual LGBTI person and started a campaign to defend children and traditional values. The spokespersons for the opposition also change. Groups of concerned citizens and parents start to form. Organisation formed by concerned citizens such as Mothers and Fathers Matter, *ProVita e Famiglia* in Italy, and *Con mis hijos no te metas* in Peru started to mobilise. This template, a non-traditional organisation representing the Church’s views, has been used in several other countries with a strong Catholic presence and influence, such as France, Italy, Poland, and Slovenia (Kuhar; Paternotte, 2017).

Both networks also seem to learn from each other in terms of methodologies and narrative. The LGBTI movement has acquired some narratives that refer to family values typical of the religious narrative, highlighting the importance of recognising LGBTI rights for rainbow families. The focus on the regular person is also generally used by conservative groups. Similarly, religious organisations have adopted the use of NGOs as mobilisation of civil society, which of course has worked well for LGBTI NGOs, choosing a group of younger and less

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<sup>118</sup> Examples of similarities in the three case studies in appendix B, groups 4. 5. 6. 7.

religious looking people to convey their message. They have also adopted the human rights framework to frame their claims. The opposition has also acquired the use of words typical of the vocabulary of progressive groups, such as gender, using it to describe something that needs to be avoided, the gender ideology.

In Italy, we see '*Sentinelle in Piedi*' and variations of the French '*La Manif Pour Tous*'. As a scholar puts it: 'Variety of civil society actors. That's how they present themselves; they don't present themselves as religious organisations. But my lucky guess is – and there are some very clear signs, and also proofs – that they work either as satellite organisations of the Roman Catholic Church, predominantly the Roman Catholic Church, but it could be also other churches (...) although they present themselves as a group of concerned citizens, as a group of dads and moms who would like to protect their children. And the common denominator of this variety of groups – which we've seen in France during the *Manif pour Tous* protests, in Slovakia during their referendum, in Poland, in Croatia during the referendum on marriage, and in Slovenia during our referendum – the common denominator is the so-called 'gender theory' or 'gender ideology'' (Interviewee 1).

In Latin America, pro-family organisations have a robust transnational network and level of organisation. They use the same tactics in different countries such as Colombia, Ecuador and Peru. The campaigns use both religious and human rights rhetoric depending on the audience, and their primary strategy is to instil fear. They seem to mobilise following a strategy that has taken place in other countries. For example, in Colombia and Mexico on 'gender ideology' and education for children. Similar campaigns have been organised all over the region with a focus on protecting traditional family values from the so-called 'gender ideology'. These campaigns mirror the strategy adopted in Europe.

The two sides have acquired the same methodologies and structure. As this scholar puts it: 'I mean they are... basically, they are using the same kind of strategies that we are using. They meet, they exchange good practices; there are people who invest money into that. So, just like the LGBT community in the broadest sense possible – organised and works through networks and so forth – they are also now very well organised in the same way and representing just the opposing norms that we are' (Interviewee 1). They all train each other on how to respond and prepare to each other's campaigns, share success stories and finance NGOs with fewer resources.

The oppositions' transnational networks and international organisations are very well funded compared to LGBTI organisations. They work closely with their networks, learn from their

failures, and adjust their tactics to respond to the tactics and strategies of LGBTI advocacy. As an activist and scholar explains: ‘There was an understanding-- I think it’s quite a dangerous one for our LGBTQ politics, there is an understanding now in the Catholic Church that you cannot go out and fight on the basis of religion in some countries because you will turn people against you. That didn't work in Ireland. It still works in Poland. It still works actually in the US up to a point, but it does not work everywhere. It really does not work everywhere. They have now understood and learned that there is a shift’ (Interviewee 57).

Given the strategic use that the opposition does of their transnational networks and the fact that the network itself is so well connected, mobilised and funded, it is essential that LGBTI NGOs also strategically use their networks to their advantage. The more NGOs participate in transnational networks, the stronger and more efficient they become. The use of transnational networks is undoubtedly a variable that should be accentuated in the spiral model of human rights change, especially given the opposition’s use of their transnational networks. In the case study analysed, the use of transnational networks to share information and inform strategy strengthens the campaigns of domestic NGOs. It prepares NGOs for what the opposition will argue. This gives domestic LGBTI NGOs a good chance to be prepared, react quickly and in the most efficient way. This is especially important in countries like the case studies in this thesis, where staff are non-paid activists and organisations have very limited resources to advocate and campaign. So, domestic NGOs must invest in connecting and participating at the international level in order to be able to respond better to the opposition’s mobilisation.

## **6. Conclusion**

As LGBTI rights are relatively new rights, domestic forces and international ones fight the consolidation at the international level of these rights as norms. A norm is consolidated once most states recognise and guarantee it domestically. The opposition has a global and local strategy to challenge the norm. The Catholic Church and affiliated organisations utilise similar techniques in different countries and have a strategy they use internationally, demonstrating an interconnected global approach to blocking the process of norm formation. It is clear from the opposition's investment in time and resources that each country counts in terms of the global balance of countries that have introduced LGBTI rights. Once these are the majority, it will be arduous for the opposition to challenge LGBTI rights internationally and in domestic contexts.

The conflicts that occur at the domestic and international levels feed off each other and influence one another. Domestic victories influence and galvanise international battles and are celebrated by the whole community, both for LGBTI and Pro-Family networks. International successes influence and galvanise the advocacy work carried out domestically. As soon as countries approve LGBTI legislation and improve on LGBTI policies domestically, NGOs turn to the international system to give back and support other countries. Religious and pro-family groups have a regional and international strategy that is reproduced in national contexts. With such a well-structured, influential, and ever-developing opposition, it is tough for LGBTI NGOs to achieve progress. The international pressure from peers and international organisations helps bring LGBTI rights on the political agenda. Support from LGBTI transnational networks then helps shape campaigns and strategies. This is why LGBTI NGOs must use their transnational networks efficiently. Otherwise, activists create strategies for their advocacy work, often reproducing what has already been done. More energy could be spent on refining and further developing strategies instead. International channels and tools are essential for activists as these can be utilised as complementary to domestic resources.

As the case studies of the spiral model in the original study were concentrated on authoritarian regimes, the influence of a domestic opposition with a transnational network like the Catholic Church was not considered as a domestic or international blocker. In Risse et al. (2013), the authors do follow up by identifying blocking factors:

- “1. The presence or absence of class-based, ethno-national, or religious forces threatening either the territorial integrity or the internal cohesion of the state (“blocking factors”);
  2. The degree of societal “openness” to external processes of argumentation and persuasion;
  3. “world time,” that is, the increasing strength and robustness of both the international human rights regime and the transnational advocacy networks” (Risse et al., 1999: 260).
- Although somewhat in the right direction, these points still do not identify religious groups as blockers for the progress of certain human rights in the context analysed in this thesis and do not highlight the importance of domestic NGOs efficiently utilising transnational networks to inform domestic and international advocacy strategies to efficiently campaign and advocate in the presence of such a string opposition. In his work, Bob (2010, 2013, 2019) highlights the presence of a conservative opposition that works internationally and domestically utilising the human rights framework to advocate against so-called progressive rights. For the spiral model of human rights change to be applicable and be used as a blueprint by NGOs advocating for new rights, such as LGBTI rights, to some extent women rights and environmental rights, the

spiral model needs to include as a fundamental actor an opposition. The theory should also account for how the transnational networks on both sides operate and the investments on both sides to maintain global balance. Considering the strength of the opposition's transnational networks, domestic LGBTI NGOs must use transnational networks and international organisations to their advantage.

Going back to the research questions, why should LGBTI NGOs access the international system and use transnational networks? By accessing international organisations and strategically using transnational networks to their advantage, particularly resources provided by umbrella organisations such as ILGA, LGBTI NGOs have a better chance at advancing LGBTI rights domestically and internationally. In democratic countries where the Catholic Church is a major player in influencing policies, LGBTI NGOs should invest in participating in transnational networks and international organisations.



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## Appendix A – Interviewee List

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**Interviewee 1-** Roman Kuhar, Socialist, Professor and Researcher, PhD University of Ljubljana, Faculty of Arts, Department of Sociology, Researcher at Peace Institute- Institute for Contemporary Social and Political Studies, Teaches courses on gender, sexuality, LGBT, he worked as a researcher on numerous European research projects on gender equality, discrimination of LGBT, homophobia, citizenship and human rights, including *Intimate Citizenship* (The Rights to have Rights: Implementing Active Citizenship), *Quing* (Equality in Gender+ Equality Policies), *Citizens in Diversity: A Four-Nation Study on Homophobia and Fundamental*, and *Anti-Gender Campaigns in Europe, Mobilizing Against Equality*, Athens, (30/10/2015)

**Interviewee 2-** Eleni Tsetsekou, Head of SOGI Unit, Anti-Discrimination Department SOGI Unit Council of Europe, Copenhagen, (11/05/2016).

**Interviewee 3-** Koen Van Dijk, COC Nederland Executive Director, Copenhagen, (11/05/2016).

**Interviewee 4-** Maria Ventegodt Liisberg, Head of Equality Department, Danish Institute for Human Rights, Copenhagen, (12/05/2016).

**Interviewee 5-** Erik Farso Madsen, Member and Activist at LGBT+Danmark, Copenhagen, (13/05/2016).

**Interviewee 6-** Stephen Wessels, Member and Activist at LGBT+Danmark, Copenhagen, (14/05/2016).

**Interviewee 7-** Daniele Serra, President Pinkriot Arcigay, Pisa, (19/05/2016).

**Interviewee 8-** Paul Dillane, Executive Director of UK Gay and Lesbian Immigration Group (UKGLIG), London, (20/05/2016).

**Interviewee 9-** Rev Sharon Ferguson, Pastor in the Metropolitan Community Church, Former Chief Executive of the Lesbian and Gay Christian Movement, Co-President of the European Forum of LGBT Christian Groups, London, (05/06/2016).

**Interviewee 10-** Maryna Shevstova, Doctoral Researcher at Berlin Graduate School of Social Sciences (BGSS), Research on the EU strategy for the promotion of gender equality and homonormativity beyond European borders in Ukraine and Turkey, Amsterdam, (04/08/2016).

**Interviewee 11-** Dany Carnassale, PhD in Social Sciences at University of Padua (Italy), Member of ENQA (European Network for Queer Anthropology), Research on SOGI Asylum Claims in Italy, Amsterdam, (05/08/2016).

**Interviewee 12-** Laura Eigemann, Zentrum Gender Studies, University of Basel, Research on LGBTI rights in Europe, Amsterdam, (05/08/2016).

**Interviewee 13-** Martjin Moss, PhD Candidate at Cornell University, Research on LGBT rights, Sexual and National Minority Rights, Amsterdam, (05/08/2016).

**Interviewee 14-** Philip Ayoub, Associate Professor in the Department of Diplomacy & World Affairs at Occidental College, Author of '*When States Come Out: Europe's Sexual Minorities and the Politics of Visibility*' and several articles on LGBTI rights, transnational networks and states, London (Skype), (16/08/2016).

**Interviewee 15-** Leow Yangfa, Deputy Director of Oogachaga (Singapore), Bangkok, (30/11/2016)

**Interviewee 16-** Cianan Russell, Human Right and Advocacy Officer, Asian Pacific Trans Network (APTN), Bangkok, (01/12/2016)

**Interviewee 17-** Clara Rita Padilla, Executive Director EnGendeRights (Philippines), Bangkok, (01/12/2016)

**Interviewee 18-** Edmund Settle, Regional Policy Advisor on HIV Human Rights Law and Sexual Diversity for UNDP in Bangkok, Bangkok, (02/12/2016)

**Interviewee 19-** Joshua Schoole, Transgender and Intersex Africa and Gender-Dynamics, Bangkok, (02/12/2016).

**Interviewee 20-** Prof Carlos J Zelada, Chair of the Department of Law at the Universidad del Pacifico and Prof International and Human Rights Law at Universidad del Pacífico (Peru), Bangkok, (02/12/2016).

**Interviewee 21-** Prof Lee Badgett, Economics at the University of Massachusetts- William Distinguished scholar at UCLA's Williams Institute, Bangkok, (02/12/2016)

**Interviewee 22-** Karen McKenzie, Acting Head Human Rights at Commonwealth Secretariat, London, (09/12/2016)

**Interviewee 23-** Fadi Saleh, Syrian Activist and PhD candidate in the Department of Cultural Anthropology at the University of Göttingen, Lecturer at the University of Bayreuth in Germany, London (Skype), (19/12/2016).

**Interviewee 24-** Hugo Sanchez, Co-Founder Epicentro Salud, Lima, (07/02/2017).

**Interviewee 25-** Christian Olivera Fuentes, President of MHOL, Lima, (11/02/2017).

**Interviewee 26-** Maria Ysabel Cedano Garcia, Director at Demus, Lima, (13/02/2017)

**Interviewee 27-** Alberto Hidalgo, Political Advisor at PROMSEX, Lima, (16/02/2017).

**Interviewee 28-** Christian Sanchez, Communication Office, ONU Peru, Lima, (16/02/2017).

**Interviewee 29-** Ester Rodriguez, LIFS, Lima, (16/02/2017).

**Interviewee 30-** Liliana Bruno, Member and Activist at *Matrimonio Igualitario*, Director at *Más Igualdad* – Perú, Lima, (16/02/2017).

**Interviewee 31-** Manuel Forno, Centro de Investigación Interdisciplinaria en Sexualidad, Sida y Sociedad, President of Dignidades (Derecho y Educación en Sexualidad para el Desarrollo), Previously in MOHL, Promsex and Red Peruana TLGB, Lima, (18/02/2017).

**Interviewee 32-** Maribel Reyes, Secretary General at Red Peruana TLGB, Lima, (18/02/2017).

**Interviewee 33-** Fernando Guerra, Founder SerGayPeru, London (Skype), (10.03.2017)

**Interviewee 34-** Dr Chamindra Weerawardhana, Political Analyst, International Consultant, Research Affiliate at Centre for Gender, Feminisms & Sexualities, University College Dublin, London (Skype), (02/04/2017).

**Interviewee 35-** Hans Fridlund, UPR Programme Manager, Secretariat of UPR Info, Geneva, (05/05/2017).

**Interviewee 36-** Damianos, Sogi Team HR Officer, Geneva, (08/05/2017).

**Interviewee 37-** Diana Carolina Prado, Senior Officer, UN Advocacy (UPR, HRC and SDGs) at International Lesbian, Gay, Bisexual, Trans And Intersex Association (ILGA), Geneva, (09/05/2017).

**Interviewee 38-** Dr Timothy Hildebrandt, Assistant Professor LSE- Expert in LGBT rights and policies in China, London, (14/06/2017).

**Interviewee 39-** Arvind Narrain, Geneva Director of ARC International, London, (17/06/2017).

**Interviewee 40-** Dr Rahul Rao, Senior Lecturer in Politics SOAS, Research on International relations theory, critical theory (especially postcolonial and queer theory), comparative political thought, gender and sexuality, South Asia, London, (17/06/2017).

**Interviewee 41-** Fiorenzo Gimelli, National President AGEDO Nazionale, London (Skype), (05/06/2018).

**Interviewee 42-** Yuri Guaiana, President at *Certi Diritti*- Associazione Radicale, Board Member at ILGA-Europe, Senior Campaigns Manager at AllOut, London (Skype), (06/06/2018).

**Interviewee 43-** Gabriele Piazzoni, Secretary at Arcigay, London (Skype), (09/06/2018).

**Interviewee 44-** Imma Battaglia, Former President of Mario Mieli, Co-Founder of Gay Project, London (Skype), (10/06/2018).

**Interviewee 45-** Fabrizio Paoletti, Co-Founder Rete Genitori Rainbow, London (Skype), (10/06/2018).

**Interviewee 46-** Lucia Giansiracusa, Member of the Secretary at ArciLesbica, London (Skype), (17/06/2018).

**Interviewee 47-** Aoife Leah, LGBT Labour Party Ireland, London (Skype), (09/07/2018).

**Interviewee 48-** Silvia Magino, Quore LGBT, Italy (Skype), (12/07/2018).

**Interviewee 49-** Sandro Mattioli, President at PLUS Onlus, Italy (Skype), (13/07/2018).

**Interviewee 50-** Vincenzo Cucco, *Fuori!*, Director for publication *Fuori!*, Curated Press Office ILGA WORLD Conference in Italy 1981, Italy (Skype), (14/07/2018)

**Interviewee 51-** Fabrizio Petri, Ministro Plenipotenziario degli Affari Esteri, Presidente del Comitato Interministeriale per i Diritti Umani, President at GLOBE MAE, Italy (Skype), (20/07/2018).

**Interviewee 52-** Helen Ibry, Former Board Member and activist at Arcilesbica, London (Skype), (28/08/2018).

**Interviewee 53-** Johan A. Elkind, Lecturer in Research Methods for the Social Sciences at the School of Politics and International Relations and the College of Social Sciences and Law's Graduate School Lecturer in Research Methods for the Social Sciences at the School of Politics and International Relations and the College of Social Sciences and Law's Graduate School University College of Dublin, co-author of the article: 'Understanding the 2015 marriage referendum in Ireland: context, campaign, and conservative Ireland', London (Skype), (30/04/2019).

**Interviewee 54-** Noel Whelam, Barrister, Political Analyst, Columnist for the Irish Times, Former Adviser for the Fianna Fáil Party, Strategy Advisor for the 'Yes Campaign', and Co-Author of '*Ireland says Yes: The Inside Story of How the Vote for Marriage Equality Was Won*', London (Skype), (13/05/2019).

**Interviewee 55-** Kieran Rose, Founder and Executive Director of the Gay Lesbian Equality Network (GLEN), Former Board Member of the Irish Human Rights and Equality Commission, Member of Executive and Advisory Committees of the 'Yes Equality' campaign (2014 - 2015), Advisory Board Member of Center for Theory of Change, Member of the Working Group on Merger of the Equality Authority and the Irish Human Rights Commission, Board Member of the Equality Authority (2007 - 2014), Amsterdam (Skype), (09/10/2020).

**Interviewee 56-** Judy Walsh, Head of Subject for Social Justice at the UCD School of Social Policy, Social Work and Social Justice. National expert on discrimination law for the European Equality Law Network, Vice-Chair of the Participation and Practice of Rights Project and collaborated with Marriage Equality, Transgender Equality Network Ireland (TENI) and the Irish Centre for Human Rights (ICHR), Amsterdam (Skype), (19/10/2020).

**Interviewee 57-** Ailbhe Smyth, Irish academic, feminist and LGBTQ activist, Founding Director of the Women's Education, Resource and Research Centre (WERRC), University College Dublin (UCD), Member of Marriage Equality, Convenor of Feminist Open Forum, Organiser for Action for Choice, Board member of Equality and Rights Alliance, Chaired the National LGBT Federation for over 10 years, Received the 'Lifetime Achievement' award at the GALAS, Ireland's LGBTQ Awards Ceremony in 2015, Amsterdam (Skype), (23/10/2020).

**Interviewee 58-** Brian Sheenan, General Secretary at Social Democrats, Co-Chair ILGA Europe, GLEN Executive Director, Co-Director of the 'Yes' Campaign for Marriage Equality, Amsterdam (Skype), (19/11/2020).



## Appendix B – LGBTI NGOs and Opposition Content and Images Inspired by Transnational Networks

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### Group 1 – LGBTI Logos with Heart and Equal Symbol



Source: GCN. Link: <https://gcn.ie/gay-marriage-seismic-changes/> (Accessed on 11/01/2022).



Source: *Piazzate d'Amore* #LoStessoSì Facebook page. Link: <https://www.facebook.com/lostessosi/> (Accessed on 11/01/2022).



Source: Arcigay Website, *Svegliati Italia* campaign. Link: [https://www.arcigay.it/svegliatitalia/#.Yd7h4\\_7MK5d](https://www.arcigay.it/svegliatitalia/#.Yd7h4_7MK5d) (Accessed on 11/01/2022).



Source: Arcigay Facebook page. Link: <https://www.facebook.com/Arcigay/photos/905812736121256/> (Accessed on 14/01/2022).



Source: The International Family Equality Day (IFED) Network, Annual Report 2015. Distributed at the ILGA-Europe Conference in Athens in October 2015. Photo shows a family day event in Sanremo, Italy.



Source: PROMSEX website. Link: <https://promsex.org/matrimonio-igualitario-apuntes-sobre-el-historico-proyecto-de-ley/> (Accessed on 11/01/2022).



**Sí Acepto Perú**

@siaceptope · Community organisation

Source: *Sí Acepto Perú* Facebook Page. Link: <https://www.facebook.com/siaceptope> (Accessed on 11/01/2022).

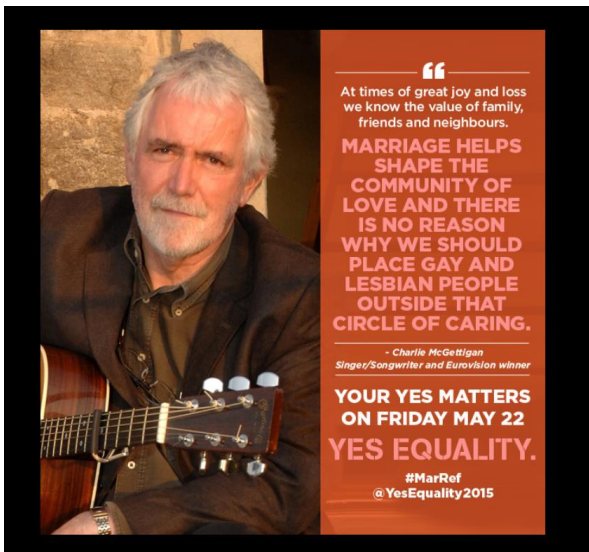
## Group 2 – Framing of Same-Sex Marriage as the Right to Love



Source: YesEquality (Ireland) Facebook page. Link: <https://www.facebook.com/yesequality/photos/1594934064072009>. (Accessed on 16/01/2022).



Source: YesEquality (Ireland) Facebook page. Link: <https://www.facebook.com/yesequality/photos/1633655043533244> (Accessed on 16/01/2022).



Source: YesEquality (Ireland) Facebook page. Link: <https://www.facebook.com/yesequality/photos/1632817623616986> (Accessed on 16/01/2022).

# VOTE YES FOR MARRIAGE EQUALITY



- ✓ Vote yes for families
- ✓ Vote yes for full citizenship
- ✓ Vote yes for equality
- ✓ Vote yes for love

[www.greenparty.ie](http://www.greenparty.ie)

Source: Irish Election Literature website. Link: <https://iriselectionliterature.com/?s=marriage+equality> (Accessed on 18/01/2022).



Source: EqualityItalia.it. Link: <https://www.equalityitalia.it/san-valentino-piazzate-damore-in-tutta-italia-per-dire-si-matrimonio-egualitario.html> (Accessed on 14/01/2022).



Source: *L'Amore È Uguale per Tutti* Facebook page. Link: <https://www.facebook.com/lamoreuguale/> (Accessed on 14/01/2022).



Source: Arcigay Facebook page. Link: <https://www.facebook.com/Arcigay/photos/953998774635985/> (Accessed on 14/01/2022).



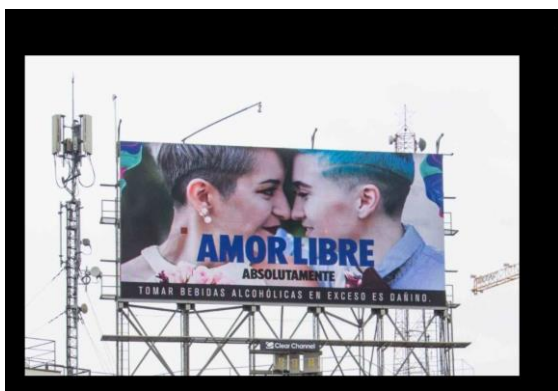
Source: TerzoBinario.it Link: <https://www.terzobinario.it/diritti-gay-strasburgo-condanna-italia-a-riconoscere-le-unioni-civili/> (Accessed on 14/01/2022).



Source: MHOL Facebook page. Link: <https://www.facebook.com/mholperu/photos/4710272015653091/> (Accessed on 18/01/2022)



Source: *Sí Acepto Perú* Facebook page. Link: <https://www.facebook.com/siaceptope/photos/1939631436185403/> (15/01/2022).



Source: *Sí Acepto Perú* Facebook page. Link: <https://www.facebook.com/siaceptope/photos/1215855855229635/> (Accessed on 15/01/2022).



Source: *Sí Acepto Perú* Facebook page. Link: <https://www.facebook.com/siaceptope/photos/799103856904839/> (Accessed on 15/01/2022).



Source: *Sí Acepto Perú* Facebook page. Link: <https://www.facebook.com/siaceptope/photos/776614005820491/> (Accessed on 15/01/2022).

### Group 3 – Focus on Rainbow Families



Source: YesEquality (Ireland) Facebook page. Link: <https://www.facebook.com/yesequality/photos/1630222567209825> (Accessed on 16/01/2022).



Source: YesEquality (Ireland) Facebook page. Link: <https://www.facebook.com/yesequality/photos/1627281504170598> (Accessed on 16/01/2022).





Source: YesEquality (Ireland) Facebook page. Link: <https://www.facebook.com/yesequality/photos/1630085687223513> (Accessed on 16/01/2022).

Each and every family in Ireland is unique. Some families have children, others do not. We're proud to count ourselves as one of these loving families. The love and support provided within families by family members and for families by society is very important.

In Ireland, civil marriage will legally recognise and protect same-sex families, civil partnership will not. This leaves couples and any children they may have without any legal rights and protections. Lesbian and Gay families deserve equality, just like any other family.

**The time for change is now**

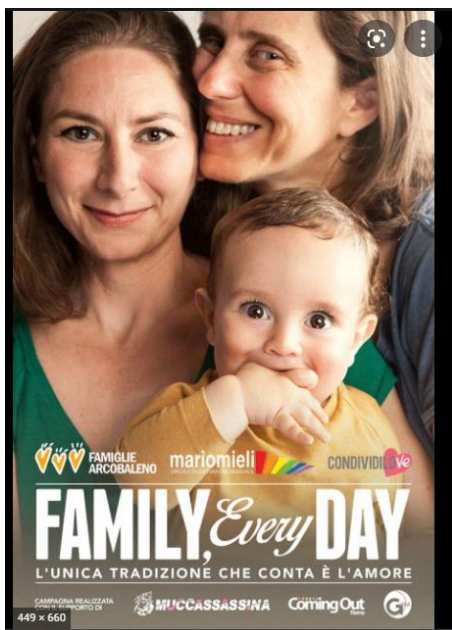
**The agent for change is you**

Visit [www.marriagequality.ie](http://www.marriagequality.ie) and find out how you can make a difference

**MARRIAGE EQUALITY**  
Civil Marriage for Gay and Lesbian People

The Community Foundation for Ireland

Source: Irish Election Literature website. Link: <https://irishelectionliterature.com/?s=marriage+equality> (Accessed on 18/01/2022).



Source: LaRepubblica.it. Link: [https://www.repubblica.it/cronaca/2016/01/28/foto/unioni\\_civili\\_siamo\\_famiglia\\_tutti\\_i\\_giorni\\_la\\_campagna-132225746/1/](https://www.repubblica.it/cronaca/2016/01/28/foto/unioni_civili_siamo_famiglia_tutti_i_giorni_la_campagna-132225746/1/) (Accessed on 14/01/2022).



Source: Arcigay Facebook page. Link: <https://www.facebook.com/Arcigay/photos/938566932845836/> (Accessed on 14/01/2022).



Source: Arcigay Facebook page. Link:

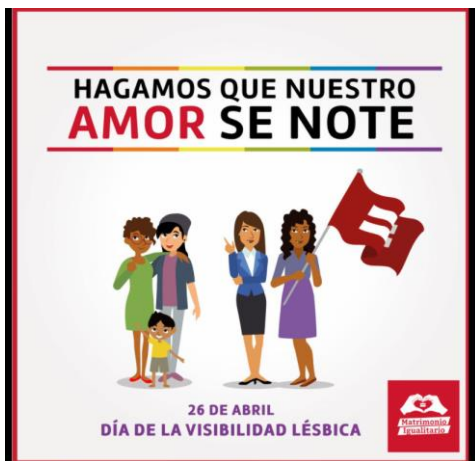
<https://www.facebook.com/Arcigay/photos/938566936179169/> (Accessed on 14/01/2022).



Source: Leaflet by *Famiglie Arcobaleno*, distributed at the ILGA-Europe conference in Athens in October 2015.



Source: MHOL Facebook page. Link: <https://www.facebook.com/mholperu/photos/4672869102726716/> (Accessed on 15/01/2022).



Source: *Sí Acepto Perú* Facebook page. Link: <https://www.facebook.com/siaceptope/photos/1055033494645206/> (Accessed on 15/01/2022).



Source: *Sí Acepto Perú* Facebook page. Link: <https://www.facebook.com/siaceptope/photos/666378810177345/> (Accessed on 15/01/2022).

#### Group 4 – Organisations Supporting Traditional Values Logos



Source: Mothers and Fathers Matter. Link: <https://www.facebook.com/mfmKildare/> (Accessed on 13/01/2022).



Source: *Generazione Famiglia* website. Link: <http://www.generazionefamiglia.it/> (Accessed on 13/01/2022).



Source: *ProVita e Famiglia* website. Link: <https://www.provitaefamiglia.it/> (Accessed on 13/01/2022).



Source: *Noticias ProFamilia Peru* Facebook page. Link: <https://www.facebook.com/profamiliaperu/> (Accessed on 13/01/2022)



Centro Provida y Profamilia Peru

★ 5.0 (1) · Community

Source: *Centro Provida y Profamilia Peru* Facebook page. Link: <https://m.facebook.com/Centro-Provida-y-Profamilia-Peru-903662203110332/> (Accessed on 13/01/2022).

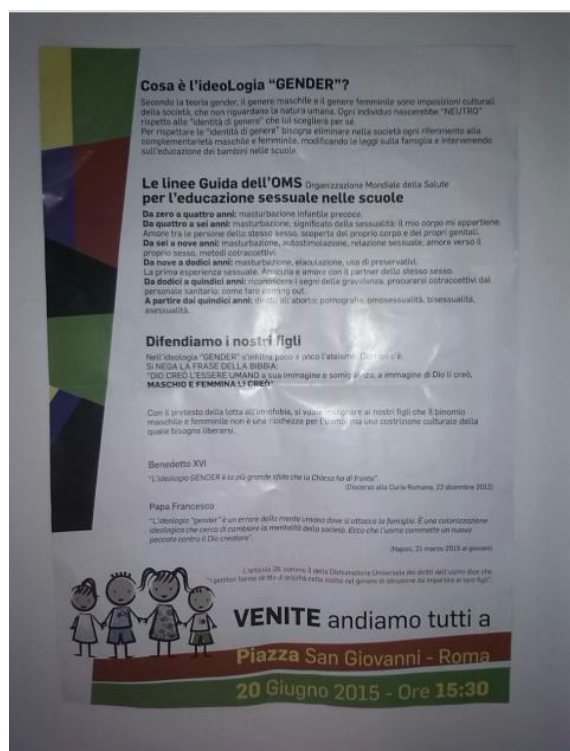


**Coordinadora Nacional Pro Familia**

@CONAPFAM · ★ 4.1 (130 reviews) · Non-governmental organisation (NGO)

Source: *Coordinadora Nacional Pro Familia* Facebook Page. Link: <https://www.facebook.com/CONAPFAM/> (Accessed on 13/01/2022).

## Group 5 – ‘Anti-Gender’ Leaflets and Campaigns



Source: *PSICOLOGIA DELLA VITA QUOTIDIANA* website. Link: <https://wp.ordinepsicologilazio.it/blog/psicologia-della-vita-quotidiana/educazione-sessuale-nelle-scuole-no-gender-no-party/> (Accessed on 14/01/2022).

## NO ALL'IDEOLOGIA GENDER NELLE SCUOLE

Firma anche **Tu** la petizione!



Source: NextQuotidiano.it. Source: <https://www.nextquotidiano.it/la-propaganda-gender-arriva-nelle-scuole/> (Accessed on 14/02/2022).



Source: *Lega Giovani* Facebook page. Link: <https://www.facebook.com/MovimentoGiovaniPadaniMartesana/photos/-no-alla-teoria-gender-nelle-scuole-italiane-toccalini-nessuno-a-sinistra-pensi-/3720493864728461> (Accessed on 14/01/2022).



Source: FoggiaToday.it. Link: <https://www.foggiatoday.it/politica/convegno-gender-scuole-replica-le-manif-pour-tour-foggia.html> (Accessed on 14/01/2022).



annullare il genere maschile e femminile sostenendo che uomini e donne sono uguali in tutto, a prescindere dal sesso biologico che li contraddistingue. Ognuno, pur se maschio potrà sentirsi femmina e, viceversa ognuno pur se femmina potrà sentirsi maschio o, a seconda dei bisogni personali, l'una e l'altro.

#### Cosa dice la scienza?

La scienza ci dice che la differenza tra maschi e femmine è presente in ogni singola cellula del corpo umano. Queste differenze si esprimono in diversità fisiche, ormonali, cerebrali e relazionali ben prima di qualunque influenza sociale o ambientale. **Questa pretesa di uguaglianza dei due generi non ha alcuna valenza scientifica.**

#### Cosa fare ?

All'atto dell'iscrizione dei vostri ragazzi, alla scuola che in questi giorni iniziano a frequentare, vi è stato fatto firmare un **documento di corresponsabilità** che, in pratica, autorizza la scuola alla scelta del percorso didattico, rendendo pertanto obbligatoria la frequenza dei ragazzi a qualunque tipo di insegnamento venga loro impartito. E' compito, e sacrosanto diritto, del genitore attento verificare che nel **POF (Piano dell'Offerta Formativa)**, che ogni scuola è tenuta a redigere e rendere disponibile a tutti, non vi siano elementi contrari all'orientamento religioso, etico, sociale della vostra famiglia. La famiglia è l'unico Istituto costituzionalmente delegato all'educazione affettiva dei propri figli.

#### La nostra posizione

Siamo convinti che dietro questa manovra, che al più appare lineare e priva di reali pericoli, vi sia l'intenzione, da parte del mondo politico che ci governa, di assecondare le spinte della potentissima lobby LGBT e che si cerchi di effettuare un indottrinamento "dolce" verso un mutamento antropologico, graduale ma costante, che mira all'uguaglianza totale dei sessi (in Svezia i soggetti vengono chiamati hen e non sono ne' maschio ne femmina) ed alla parificazione di tutti i tipi di unione, assegnando a ciascuno lo "status" di famiglia. Da sempre Fratelli d'Italia - AN difende la famiglia tradizionale ed i valori ad essa correlati. In tutte le prese di posizione che abbiamo assunto è sempre emersa chiara la contrarietà a qualsiasi strumentalizzazione e/o sperimentazione che tenda ad un mutamento antropologico sfruttando la permeabilità del carattere dei bambini.

#### Gli strumenti

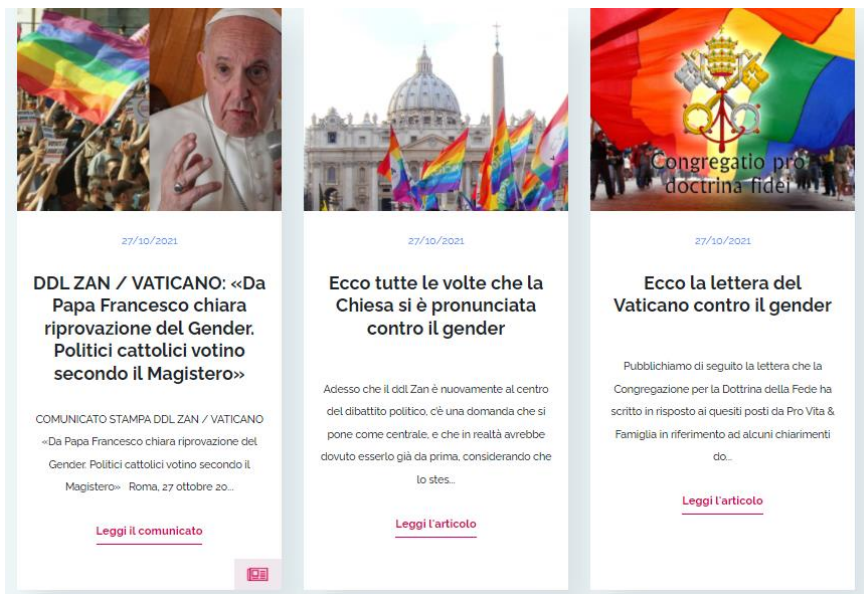
Vi segnaliamo che abbiamo predisposto un documento, scaricabile dal nostro sito, che, se firmato dai genitori e presentato alla scuola, costringerà la stessa a dare tutte le informazioni del caso in merito alla formazione del proprio figlio ed impedirà che allo stesso sia proposto

Source: Vice.com article. Link: <https://www.vice.com/it/article/av5p54/fratelli-italia-foto-rubata-gender-omofobia-718> (Accessed on: 14/01/2022).



Source: ProVita e Famiglia website. Link: <https://www.provitaefamiglia.it/blog/gender-pro-vita-famiglia-assurdo-che-istituto-alta-vallagarina-pubblicizzi-evento-gender-genitori-infuriati> (Accessed on 14/01/2022).





Source: *ProVita e Famiglia* website. Link: <https://www.provitaefamiglia.it/ricerca-semplific/p5?q=gender> (Accessed on 14/01/2022).



19/04/2021

### Campagna #NonInMioNome

Campagna di affissioni e camion vela per protestare contro la blasfemia e la propaganda gender nel servizio pubblico, culminata in due flashmob paralleli davanti alle sedi Rai di V...

Source: *ProVita e Famiglia* website. Link: <https://www.provitaefamiglia.it/iniziativa/campagna-noninmionome> (Accessed on 14/01/2022).



Source: *ProVita e Famiglia* website. Link: <https://www.provitaefamiglia.it/iniziativa/contrastare-la-propaganda-gender-le-iniziative-di-pro-vita-famiglia> (Accessed on 14/01/2022).



Source: *NO A La Ideologia De Genero En El PERU* Facebook page. Link: <https://www.facebook.com/photo.php?fbid=387190902370768&set=pb.100032395851919.-2207520000..&type=3> (Accessed on 18/01/2022).



Source: *Coordinadora Nacional Pro Familia* Facebook page. Link: <https://www.facebook.com/ConMisHijosNoTeMetasOficial/photos/a.335334723507119/352308325143092/> (19/01/2022).



Source: *NO A La Ideologia De Genero En El PERU* Facebook page. Link: <https://www.facebook.com/1448163908579938/photos/pb.100032395851919.-2207520000../2981000555296258/?type=3> (Accessed on 18/01/2022).

**ILUSTRE COLEGIO DE ABOGADOS DE LIMA**  
 DIRECCIÓN DE COMISIONES Y CONSULTAS  
 Comisión de Estudio de Defensa Nacional, Orden Interno y Seguridad Ciudadana "A"

**CONFERENCIA:**

**"IDEOLOGÍA DE GÉNERO Y SUS IMPLICANCIAS EN EL ORDEN INTERNO, LA SEGURIDAD Y LA DEFENSA NACIONAL DEL PERÚ"**

**PROGRAMA**

- **LIC. PEDRO MARTÍN RODENAS**  
 Político, especialista en Políticas Públicas (Universidad Nacional Mayor de San Marcos y Universidad Nacional Autónoma de México), Presidente de la Asociación Civil ENCIENDE UNA LUZ.
- **JORGE VILLENLA LARREA**  
 Ex Región de la Municipalidad Metropolitana de Lima, Agrónomo (Universidad Agraria), MBA Universidad San Ignacio de Loyola.
- **DR. TOMY VILLANUEVA AREQUIPEÑO**  
 Ex Decano del Consejo Regional de Lima del Colegio Médico del Perú.
- **DR. LUIS AGUILAR MENDOZA-DR. MILAGROS INFANTE CRUZ**  
 Director de la Sociedad de Neurociencia del Perú.
- **DR. LUIS A. MATEO MUÑOZ**  
 Decano del Colegio de Profesores del Perú-Región Lima
- **DRA BEATRIZ MEJÍA MORI**  
 Presidente del Instituto CIVICA BIEN, Abogada con especialización en ciencias administrativas, administración de justicia y gestión pública.
- **DR. LUIS LLAMAJA FLORES**  
 Juez Especializado en Lo Civil

**Viernes 06 Octubre**  
**06:00 a 09:00 pm.**

Auditorio:  
**JOSÉ LEÓN BARANDIARÁN**  
 COLEGIO DE ABOGADOS DE LIMA  
 Av. Santa Cruz 255 - Miraflores

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INFORMES E INSCRIPCIONES:  
 Dirección de Comisiones y Consultas  
 ☎ 7198657 / 7198616  
 ✉ comisionesyconsultas2016@gmail.com

**WILLIAM C. CONTRERAS CHÁVEZ**  
 Director de Comisiones y Consultas

**PEDRO M. ÁNGULO ARANA**  
 Decano

**LUIS LLAMAJA FLORES**  
 Jefe de la Comisión de Estudio de Defensa Nacional, Orden Interno y Seguridad Ciudadana "A"

Source: *NO A La Ideologia De Genero En El PERU* Facebook page. Link: <https://www.facebook.com/1448163908579938/photos/pb.100032395851919.-2207520000../1865857223477269/?type=3> (Accessed on 18/01/2022).



Source: *NO A La Ideologia De Genero En El PERU* Facebook Page. Link: <https://www.facebook.com/1448163908579938/photos/pb.100032395851919.-2207520000../1747805948615731/?type=3> (Accessed on 18/01/2022).



Source: *Coordinadora Nacional Pro Familia* Facebook page. Link: <https://www.facebook.com/CONAPFAM/photos/2430176520380567> (Accessed on 18/01/2022).



Source: *Coordinadora Nacional Pro Familia* website. Link: <https://conapfam.pe/profamilia/la-deconstruccion-del-lenguaje-promovida-por-la-ideologia-gender/> (Accessed on 18/01/2022).



Source: *Coordinadora Nacional Pro Familia* website. Link: <https://conapfam.pe/profamilia/por-que-la-perspectiva-de-genero-destruye-la-democracia/> (Accessed on 18/01/2022).



Source: *Con Mis Hijos No Te Metas* Facebook page. Link: <https://www.facebook.com/ConMisHijosNoTeMetasOficial/photos/a.335334723507119/722124348161486/> (Accessed on 19/01/2022).

## Group 6 – Campaigns and Messaging Against Surrogacy

### Ireland's proposed surrogacy law

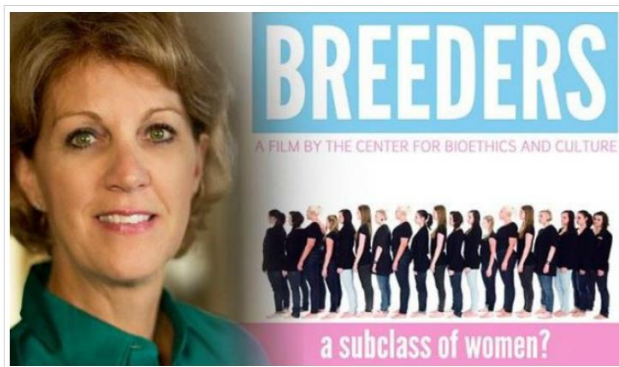
27TH FEBRUARY 2018



Source: Iona Institute website. Link: <https://ionainstitute.ie/irelands-proposed-surrogacy-law/> (Accessed on 18/01/2022).

### How surrogacy harms human dignity: a talk

8TH DECEMBER 2016



Source: Iona Institute website. Link: <https://ionainstitute.ie/how-surrogacy-harm-human-dignity-a-talk/> (Accessed on 18/01/2022).

## Why surrogacy is against human rights

23RD NOVEMBER 2016



Source: Iona Institute website. Link: <https://ionainstitute.ie/why-surrogacy-is-against-human-rights/> (Accessed on 18/01/2022).

### Referendum Commissioner's comments on surrogacy and adoption deeply contradictory

18TH MAY 2015

#### Press release from The Iona Institute

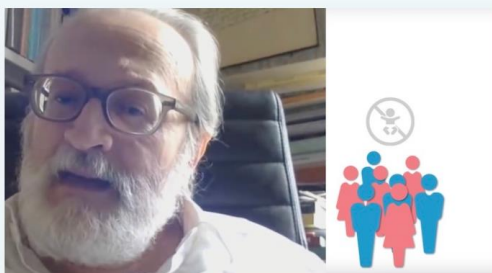
Comments by Judge Kevin Cross on Morning Ireland today concerning adoption and surrogacy seem very hard to reconcile with previous comments he has made on these topics.

He told Morning Ireland that the referendum is not to do with either surrogacy or adoption.

However, last week he admitted that if the marriage referendum passes it would be "difficult to imagine" how a future Oireachtas could pass a law that would prefer opposite-sex married couples

Source: Iona Institute website. Link: <https://ionainstitute.ie/referendum-commissioners-comments-on-surrogacy-and-adoption-deeply-contradictory/> (Accessed on 18/01/2022).

**Becchi su utero in affitto:  
«Drammatico usare donna e  
bambini come oggetti»**



Source: *ProVita e Famiglia* website. Link: <https://www.provitaefamiglia.it/iniziativa/becchi-utero-in-affitto-drammatico-usare-donna-e-bambini-come-oggetti> (Accessed on 14/01/2022).



**#stoputeroinaffitto: Pro Vita  
chiede aiuto ai suoi sostenitori!**



Source: *ProVita e Famiglia* website. Link: <https://www.provitaefamiglia.it/iniziativa/stoputeroinaffitto-pro-vita-chiede-aiuto-ai-suoi-sostenitori> (Accessed on 14/01/2022).

Pro Vita & Famiglia Onlus ✓  
15 October 2018 · 🌐

"DUE UOMINI NON FANNO UNA MADRE"  
Parte oggi per quindici giorni la campagna contro l'utero in affitto di ProVita Onlus e Generazione Famiglia - La Manif Italia  
#StopUteroInAffitto

NOTIZIEPROVITA.IT  
Campagna choc di Pro Vita e Generazione Famiglia #stoputeroinaffitto  
Manifesti forti per gridare forte #stoputeroinaffitto: Pro Vita e Generazione famig...

Source: *ProVita e Famiglia* Facebook page. Link: <https://www.facebook.com/provitaonlus/posts/1973036802735532> (Accessed on 18/01/2022).

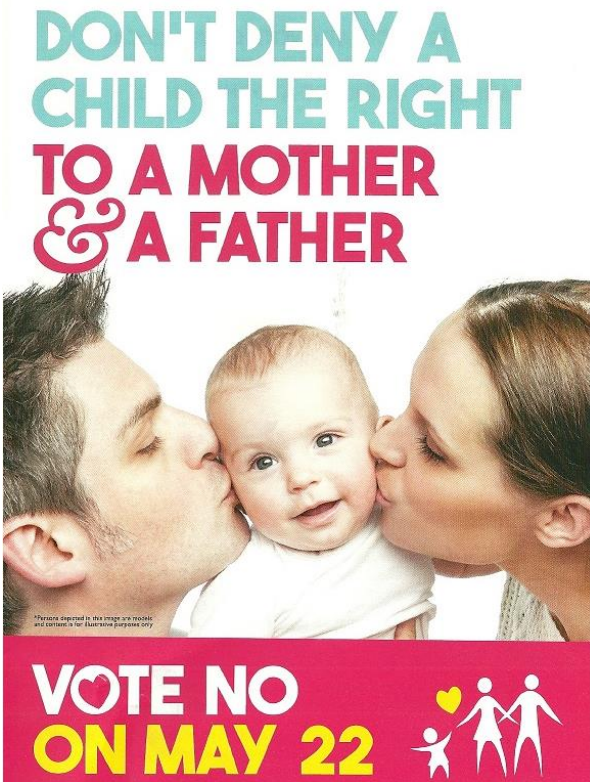


Source: *Coordinadora Nacional Pro Familia* Facebook page. Link: <https://www.facebook.com/page/178378722227036/search?q=Vientres%20de%20alquiler> (Accessed on 18/01/2022).

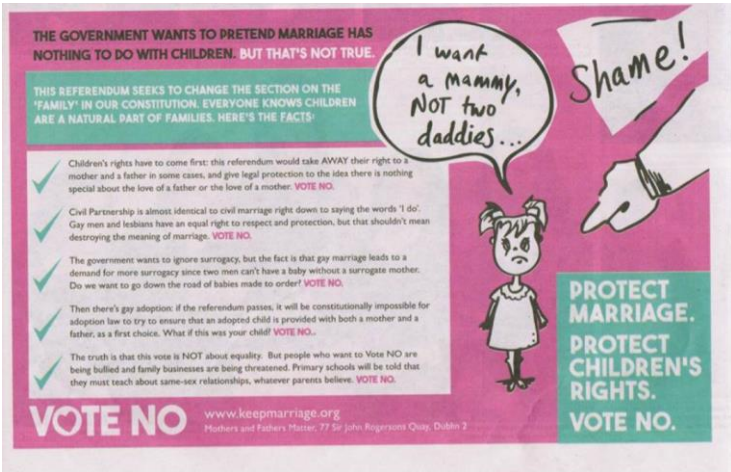


Source: *Coordinadora Nacional Pro Familia* Facebook page. Link: <https://www.facebook.com/page/178378722227036/search?q=Vientres%20de%20alquiler> (Accessed on 18/01/2022).

**Group 7 – Campaigns and Messaging on Children Rights**



Source: Irish Election Literature website. Link: <https://irishelectionliterature.com/?s=marriage+equality+campaign> (Accessed on 18/01/2022).



Source: Irish Election Literature website. Link: <https://irishelectionliterature.com/?s=no+marriage+equality> (Accessed on 18/01/2022).

14/10/2015

## Matrimonio gay: calpesta i diritti dei bambini, contro l'evidenza e i riscontri scientifici



Source: *ProVita e Famiglia* website. Link: <https://www.provitaefamiglia.it/blog/matrimonio-gay-calpesta-i-diritti-dei-bambini-contro-levidenza-e-i-riscontri-scientifici> (Accessed on 18/01/2022).



20/11/2021

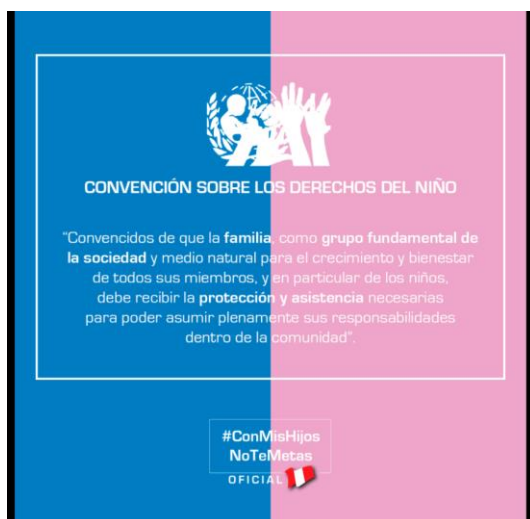
## Giornata Mondiale Infanzia. PV&F: «Gender, Ipersessualizzazione e utero in affitto, è questa la tutela dei minori?»

COMUNICATO STAMPA Giornata Mondiale Infanzia e adolescenza Pro Vita & Famiglia: «Gender, Ipersessualizzazione e utero in affitto, è questa la tutela dei minori?» &n...

Source: *ProVita e Famiglia* website. Link: <https://www.provitaefamiglia.it/blog/giornata-mondiale-infanzia-pvf-gender-ipersessualizzazione-e-utero-in-affitto-e-questa-la-tutela-dei-minori> (Accessed on 14/01/2022).



Source: *Coordinadora Nacional Pro Familia* Facebook page. Link: <https://www.facebook.com/ConMisHijosNoTeMetasOficial/photos/a.335334723507119/343026489404609/> (Accessed on 19/01/2022).



Source: *Con Mis Hijos No Te Metas* Facebook page. Link: <https://www.facebook.com/ConMisHijosNoTeMetasOficial/photos/a.335334723507119/463185607388696> (Accessed on 19/01/2022).