



# BUILDING STRONGER EQUALITY MOVEMENTS

## Managing backlash against women's and LGBT+ rights movements in the Commonwealth

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# DEFINITIONS OF CONCEPTS AND TERMS<sup>1</sup>

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## **Ally**

A person who identifies as cisgender and/or heterosexual but who consistently acts in solidarity with those of diverse sexual orientations and gender identities.

## **Backlash**

Intense or targeted actions intended to thwart social change.

## **Bisexual (or *bi*)**

A person whose sexual and/or romantic orientation may involve people of more than one gender.

## **Chosen family**

A group of people who are emotionally close and consider each other family even though they are not biologically or legally related.

## **Cisgender (or *cis*)**

A person whose gender identity is consistent with their sex assigned at birth.

## **Cisnormative / Cisnormativity**

The assumption or belief that everyone's gender identity is always consistent with their sex assigned at birth and the organisation of the world on that basis.

## **Conversion therapy**

Conversion therapy is the unscientific practice of trying to change an individual's sexual orientation from non-heterosexual to heterosexual using purportedly psychological or spiritual interventions.

## **Fakatangata**

A third gender group in Tonga assigned female at birth but who occupy masculine roles in society. They may or may not also identify as transgender. Tongan: Literal translation *like a man*.

## **Family violence**

Family violence is defined as a pattern of abusive behaviour by one or more family members against another. This includes: physical abuse (abuse involving contact intended to cause feelings of intimidation, pain, injury, or other physical suffering or bodily harm); sexual abuse (any situation in which force or threat is used to obtain participation in unwanted sexual activity); verbal abuse (a form of emotionally abusive behaviour involving the use of language); economic abuse (a form of abuse when one or more family members have control over the other's access to economic resources).

## **Gay**

A person whose gender is male and whose sexual orientation is toward other people whose gender identity is male. Gay may also be used as an umbrella term to refer to all homosexual people regardless of their gender identity.

## **Gender diverse**

Used as an umbrella term in this report for people who are gender non-conforming, gender queer, gender neutral, third gender, or whose gender identity and/or gender expression does not accord with binary norms in other ways.

## **Gender expression**

A person's way of communicating culturally defined traits of masculinity or femininity (or both, or neither, or another gender) externally through physical appearance (e.g. through the use of clothing, accessories, hairstyles, and the use of cosmetics), mannerisms, ways of speaking, and behavioural patterns in interactions with others.<sup>2</sup>

## **Gender identity**

Each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if personally chosen, modification of the bodily appearance or function by medical, surgical, or other means), and other expressions of gender including dress, speech and mannerisms.<sup>3</sup>



## **Heteronormative / Heteronormativity**

The assumption or belief that everyone is or should be heterosexual and the organisation of the world on that basis.

## **Heterosexual**

A person whose sexual orientation is towards people of the opposite gender as themselves (assuming binary gender norms).

## **Homosexual**

A person whose sexual orientation is towards people of the same gender as themselves.

## **Intersectionality**

The concept that makes visible overlapping identities such as gender, race, class, sexuality, ability and other differences that contribute to systematic oppression and discrimination. It is also a term for ways of working together to seek justice holistically to address these complex forms of discrimination.

## **Intersex**

A person born with sex characteristics (including genitals, gonads or chromosome patterns) that do not align with medical and social norms for female and male bodies.

## **Khatna**

A term used in Sri Lanka to describe a rite of passage practised by some Muslims that involves the excision of the female genital organs. Otherwise known as female genital mutilation (FGM).

## **Leitis**

A third gender group in Tonga who are typically assigned male at birth but who primarily occupy feminine social roles. They may or may not also identify as transgender. The literal translation of this word from Tongan is lady. A common term used is Fakaleiti meaning: *like a lady*, however, this is often seen as a derogatory term by Leitis themselves.

## **Lateral violence**

Violence and discrimination by members of a particular minority of marginalised groups by other members of that group, sometimes involving issues such as fragmentation, trauma and infighting within those groups.

## **Lesbian**

A person whose gender identity is female and whose primary sexual orientation is towards other people who are female.

## **Nachchi**

A third gender identity specific to Sri Lanka who are typically assigned male at birth but who primarily occupy feminine roles.

## **Pathologisation**

The characterisation of human diversity as medically or psychologically abnormal. For example, the tendency to institutionally classify transgender people as mentally ill, or to specify mandatory steps in medicalised processes to confirm their gender identity.

## **Queer**

A reclaimed term increasingly used as an umbrella term for people of all kinds of sexual and gender diversities, and sometimes used to imply a more radical perspective. *Queering* may also be used to refer to acts outside of sexual and gender diversity issues where a binary or norm is challenged.

## **Resistance**

Passive efforts to frustrate social change.

## **Sex assigned at birth**

Official registration of one's sex after birth, on the basis of male or female genitals. This assignment may or may not accord with the individual's own sense of gender identity as they grow up.<sup>4</sup>

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## **Sex binary**

The stereotypical categorisation of bodies as male or female, based on sex characteristics, and the organisation of the world on that assumed norm.

## **Sex characteristics**

Genetic, hormonal and anatomical characteristics of bodies, configurations of which are used for stereotypical categorisation of bodies as male or female.

## **Sexual orientation**

A person's capacity for profound emotional, affectional, and sexual attraction to, and intimate and sexual relations, with individuals of a different gender, or the same gender or more than one gender.<sup>5</sup>

## **Socio-ecological model**

The social ecological model emphasises dynamic interrelations among various levels such as individual, organisational, community and movement.

## **Third gender**

A person who has a gender identity that is neither male or female. Third gender people may also demonstrate fluidity within their gender identity and may occupy social roles typically associated with one or more gender identities. Third gender identities are usually culturally specific, and third gender people may or may not identify as transgender. Some third gender groups are specifically identified in this glossary (Leitis, Fakatangata) as they are referenced in the report text, however there are many more third gender groups.

## **Transgender (or *trans*)**

A person who identifies themselves: 'in a different gender than that assigned at birth. They may express their identity differently to that expected of the gender role they were assigned at birth. Trans/transgender people often identify themselves in ways that are locally, socially, culturally, religiously or spiritually defined.' Some transgender people are binary, their gender identity being the opposite to that assigned at birth, while others may identify as non-binary trans masculine, non-binary trans feminine, or in other ways. Transgender is sometimes used as a broader umbrella term, including those whose gender identity matches their sex assigned at birth, but whose gender expression is at variance with social norms or who otherwise challenge gender norms in their behaviour.<sup>6</sup>

## **Trans man**

A transgender person assigned female at birth but whose gender identity is male.

## **Trans woman**

A transgender person assigned male at birth but whose gender identity is female.

## ACRONYMS

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<b>BPfA</b>	Beijing Platform for Action
<b>CEDAW</b>	The Convention on the Elimination of all Forms of Discrimination Against Women
<b>CCM</b>	Chama Cha Mapinduzi political party in Tanzania
<b>CSO</b>	Civil society organisations
<b>EJA</b>	Equality and Justice Alliance
<b>FGM</b>	Female genital mutilation
<b>INGO</b>	International non-government organisation
<b>KII</b>	Key informant interview
<b>LGBTQ+</b>	Lesbian, gay, bisexual, transgender, queer plus other identities
<b>MMDA</b>	Muslim Marriage and Divorce Act
<b>GLBT</b>	Gay, lesbian, bisexual and transgender. Another way the acronym is used by some activists interviewed
<b>NGO</b>	Non-government organisation
<b>ODI</b>	Overseas Development Institute
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>RSLPF</b>	Royal St Lucia Police Force
<b>SEM</b>	Socio-ecological model
<b>SRHR</b>	Sexual and reproductive health and rights
<b>SOGIE</b>	Sexual orientation, gender identity and gender expression
<b>SGBV</b>	Sexual and gender-based violence
<b>UNFPA</b>	The United Nations Population Fund, formerly the United Nations Fund for Population Activities – a UN organisation
<b>UNHCR</b>	The United Nations High Commissioner for Refugees
<b>UPR</b>	Universal Periodic Review

# EXECUTIVE SUMMARY

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The Equality and Justice Alliance (EJA) is committed to advancing equality and promoting equal protection of the law for all Commonwealth citizens, regardless of gender, sex, sexual orientation, gender identity or expression. Established in 2018 by a consortium of international Non-Governmental Organisations (NGOs), the EJA is looking to effect social change in Commonwealth countries by supporting Commonwealth governments, civil society organisations (CSOs) and other stakeholders to reform laws that discriminate against women and girls and Lesbian, Gay Bisexual, Transgender + (LGBT+) people, many of which are remnants from the time of British colonialism. An important part of this work is strengthening intersectional movement-building between women's and LGBT+ activists and organisations.

As such, in March 2019, EJA commissioned the Edge Effect to undertake this multi-country research into Backlash in the context of movement building, as part of the series 'Building Stronger Equality Movements'.

Every day, women's rights activists and activists asserting the rights of people with diverse sexual orientations, gender identities and expressions (SOGIE)<sup>7</sup> live with backlash. It comes in many forms: from acute violence directed at individuals, to surveillance meant to intimidate, to stories or myths that inflame fear, to steps intended to frustrate the pace of change, to the slow drip of harassment online, in the streets or in families. Backlash is aimed at activists, the civil society organisations they work within and the movements they seek to build.

The paper starts by examining the notion of backlash from the perspective of the existing literature. It then looks at backlash through the words and experiences of 40 women's and diverse SOGIE rights activists in four Commonwealth countries: Sri Lanka, St Lucia, Tanzania and Tonga.

The paper maps different forms of backlash with reference to examples in the four research countries, drawing attention to particular tensions and challenges. The findings indicate that all forms of backlash have a profound impact on women and SOGIE people and can frustrate or set back progress within the movements in which they work. The paper goes on to outline practical strategies used by SOGIE and women's rights activists to counter and – in some cases – simply cope with backlash.

## Understanding backlash in the context of gender equality and diverse SOGIE movements

For the purposes of this paper, the term backlash refers to all tactics that are utilised to stop the advancement of women's and SOGIE rights. The study revealed multiple forms of backlash. These include:

**Active non-implementation/reversal of progressive legislation:** Across the world – including in the four countries where the research took place – a notable form of backlash in the face of demands for gender equality and SOGIE rights is the failure to bring into force appropriate laws and other measures. Or, when progressive legislation has been passed, the political will for its implementation is often lacking. For example, although the government of Tonga committed to signing the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in March 2015, there was strong opposition from churches and religious groups, who argued that the convention would undermine Christian ideologies. As a result, Tonga is the only Commonwealth country not to have ratified CEDAW.



### **Restricting civic space for promoting SOGIE and women's rights and voices:**

In some countries women's rights and SOGIE activists are finding it increasingly difficult to hold public events such as conferences or Gay Pride because of openly hostile responses and a lack of support from local authorities and the police.

**Everyday narratives and ideas are powerful tools of backlash:** In all four countries, narratives reinforcing or prescribing specific gender-based norms with regard to behaviours, roles and (opposite sex) relationships are often mobilised by influencers such as governments and religious leaders. These are often disseminated through the media and other channels of communication such as school textbooks, and can significantly shape public attitudes and ideas.

**Ostracism:** One implicit form of backlash experienced by many SOGIE and women's rights activists participating in the study is ostracism from families and community members. This is because their work and lifestyles are perceived as challenging traditional notions of family and gender roles.

**Financial discrimination and retaliation:** Many of those interviewed reported encountering employment discrimination and organisational underfunding because of the nature of their work. When seeking paid work, they noted that potential employees often discriminated against them on the grounds of their gender, sexuality or their activism.

**Violence:** Activists reported experiences of multiple forms of violence, including physical, emotional, psychological and cyber-based violence. Social media and email have been used frequently as channels of hate messages directed at activists. In extreme cases, SOGIE and women's rights activists have been subjected to physical violence. In Tanzania, every SOGIE activist responded that they had been beaten or raped by police.

### **Countering public and institutional backlash**

Activists noted the value of creating a critical mass of support. When organisations work in solidarity this can be a powerful strategy for addressing backlash. For example, in Tonga the divisions over CEDAW have created an opportunity for solidarity between gender and SOGIE-based activists. They have worked together to mobilise everyday citizens to support the international convention.

For backlash directed at individuals, reported tactics were more about minimising physical and psychological risks through self-care, mutual support and training.

# 1 Introduction

**“In Africa ... we have termites. At first you don't notice them, but they get into things like the wooden materials that houses are made of and start to destroy it from the inside. Backlash is the termites crumbling all the women's rights we have built.”**

Tanzanian women's rights activist

In 2018, at the Commonwealth Heads of Government meeting, UK Prime Minister Theresa May expressed deep regret for Britain's role in instituting laws that discriminate against women and girls and lesbian, gay, bisexual and transgender (LGBT+) people, many of which remain in effect today. Mrs May also offered the UK government's support to Commonwealth countries that wanted to reform these discriminatory laws. To catalyse this process, the two-year Equality and Justice Alliance (EJA) programme was launched with the overarching aim of providing support to countries seeking to address the systemic discrimination faced by women and girls and LGBT+ people. The Alliance is a consortium of four international NGOs: Human Dignity Trust, Kaleidoscope Trust, Sisters for Change and The Royal Commonwealth Society.<sup>8</sup>

The EJA recognises the vital role movements play in asserting, demanding and realising rights, and in challenging discriminatory laws and policies. It views intersectional forms of collective organising as particularly effective for facilitating gender-transformative social and political change. Driven by these convictions, the EJA is supporting coalitions of Commonwealth CSOs to work intersectionally and conduct collective advocacy. It has facilitated dialogue and knowledge sharing between civil society, government and other relevant stakeholders in order to build a better understanding of international standards and best practices. It has also provided technical legal assistance and expertise to Commonwealth governments seeking to reform discriminatory laws, combat violence against women and girls, eliminate hate crimes and increase access to justice.

The commonalities across laws, legal systems and histories of the countries formerly under British colonial rule make this a particularly revealing and useful exercise. Lessons and insights often have relevance for different Commonwealth countries and there is the potential for good practices and strategies to be adapted to diverse contexts.

As part of the programme, the *Building Stronger Equality Movements* series has been produced. The series explores the connected issues of intersectionality, intergenerational ways of working and backlash in the context of collective organising for LGBT+ and women's rights movements. Grounded on the perspectives and stories of activists in Commonwealth global south countries, the papers highlight good practices as well as challenges in building movements for more inclusive, gender equitable societies.

This paper – the third in the series – aims to demystify the topic of backlash against SOGIE and women's rights activists. It asks:

- what is backlash?
- how is backlash used as a tactic against activists as well as social and political movements?
- how can women's rights activists and SOGIE rights activists in Commonwealth countries respond?

It is hoped the paper will help to support and inspire those who are already engaged in movement and alliance building. A clearer understanding of different modes of backlash may assist activists to develop tactics to pre-empt or counter attempts to disrupt and dismantle progress. In many parts of the world this seems increasingly urgent. According to the 2018 CIVICUS Monitor People Power Under Attack report, the governments of only 85 countries (out of 196) uphold the principles of freedom of association, peaceful assembly and political expression.<sup>9</sup>

## 1.1 Approach to this paper

The paper draws on both SOGIE rights and women's rights activist accounts<sup>10</sup> of backlash in four Commonwealth countries: Sri Lanka in South Asia, St Lucia in the eastern Caribbean, Tanzania in East Africa, and Tonga in the Pacific. It explores backlash as experienced by activists in these four countries and seeks to contribute knowledge on good practices and practical tactics to combat backlash against women's and SOGIE rights movements.

### 1.1.1 Research methodology

The process of understanding and documenting backlash faced by women's and SOGIE rights activists, organisations, communities and movements and counter strategies was developed over several stages. This included a literature review of backlash against women's rights and SOGIE rights activists and movements in general, and in the four regions of South Asia, the Caribbean, East Africa and the Pacific. Primary research was conducted in Sri Lanka, St Lucia, Tanzania and Tonga, where the researchers were able to draw on existing relationships with relevant civil society organisations (CSOs). The researchers worked with women's rights and SOGIE rights representatives of organisations in the majority of the countries, but this direct contact was restricted in Tanzania because of the politically sensitive situation there.<sup>11</sup> An advisory committee, formed of representatives from three women's rights organisations and four SOGIE rights organisations, advised on the cultural appropriateness of the research process and provided feedback on the literature review. In consultation with the advisory group, an interview guide was created to collect data on activists' awareness of backlash, types of backlash they experienced, its impact, and strategies for overcoming backlash.

The methodological approach is grounded within a socio-ecological model,<sup>12</sup> in an attempt to better understand the interplay of backlash experienced as individuals, as members of activist groups, within local community contexts and within movements. Starting with the existing relationships the advisory group members had with activists inside and outside of their organisations, a snowball sampling technique was used to connect with a wide range of women's and SOGIE rights activists. A total of 10 self-identified women's rights activists and 10 self-identified SOGIE rights activists were interviewed from each country. All 40 activists were connected to a variety of national and sub-national women's rights and SOGIE rights-focused CSOs.

The activists were working on a variety of issues including abortion rights; the banning of female genital mutilation (FGM); decriminalisation of laws criminalising homosexuality; family violence; homelessness of young people due to their gender identity or sexuality; sexual health and reproductive rights education in schools; the right to education of pregnant young women; and police brutality against SOGIE people. Most of the activists interviewed were based in major cities, like Colombo, Castries, Dar es Salaam, and Nuku'alofa, as many national CSOs and activists are based in urban areas. The limitation of this methodology is that the stories collected via the key informant interviews (KIIs) cannot be considered representative of all activists in the countries involved. However, the data highlights specific and emerging themes that contribute to the overall understanding and capacity building of activists internationally.

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The advisory group members all agreed the safety of their organisations and the activists involved in this project was paramount, and a decision was made that names of activists or organisations interviewed or involved in the advisory group would not be included in the publication, although some organisations may be referenced in the literature and reports mentioned in this paper. Advisory group members were aware of targeted backlash that interviewees and their CSOs may experience by speaking about intimidation, violence and harassment experienced, as well as the divisive nature of some of their activist work including bodily autonomy, reproductive rights and decriminalisation-focused work. The advisory group also showed great concern for the activists from Tanzania because the Tanzanian government has banned all forms of dissent and placed restrictions on freedoms of expression, assembly and association. The state is also using surveillance, by police, by communities (e.g. neighbours, church), of activists' behaviours, including use of digital spaces and public and private spaces.

## 1.2 Structure of the paper

Section two provides a brief overview of the history and current situation regarding women's and SOGIE rights in Commonwealth countries, with reference to the persistent legacy of homophobic and sexist laws and social norms which activists are campaigning against. The section outlines the growth and role of women's and SOGIE rights movements in the Commonwealth context, and of intersectional organising between these groups. Section 3 focuses on the issue of backlash against organising, illustrated through activist narratives from the four countries represented in the study. It starts by exploring academic understandings of backlash and moves on to reflect activists' own experiences of different forms of backlash. The paper highlights practical strategies employed by activists to overcome or simply cope with backlash and provides targeted recommendations.

# 2 Understanding backlash in the context of gender equality and diverse SOGIE movements

This section provides a contextual foundation for understanding the conditions that have led to women's and SOGIE rights activism in Commonwealth countries and contribute to the backlash many activists encounter today. It begins by outlining the colonial legacy of prescriptive norms on gender and sexuality, underpinned by legislation that continues to have traction in many countries of the Commonwealth. It goes on to highlight key historical moments in the history of women's and SOGIE rights movement building.

## 2.1 The Commonwealth context

The Commonwealth is a voluntary association of independent countries which is largely united by a history of British colonialism.<sup>13</sup> It spans Asia, Africa, the Americas and the Caribbean, the Pacific and Europe. It has 53 member states, three of which are in Europe,<sup>14</sup> 13 in North America and the Caribbean,<sup>15</sup> 19 in Africa,<sup>16</sup> seven in Asia<sup>17</sup> and 11 in the Pacific.<sup>18</sup> The Commonwealth was conceived with the idea that nations formerly under British administrative rule could come together as sovereign equal nations and work together to define and achieve shared priorities.

In many Commonwealth countries the legacy of colonisation continues to influence social and gender norms as well as legal systems and the processes that reinforce them. This is largely because British colonial law imposed moral codes based on rigid gender binaries and normative Christian ideals about sexual identities and heterosexual relationships. This contradicted accepted practices in many pre-colonial countries where more fluid gender identities were accepted as normal. For example, among the Nnobi in Nigeria, biological sex did not always correspond to binary ideas of male and female gender norms, enabling women to take on roles typically associated with men.<sup>19</sup>

The rulers of the British Empire enforced their own criminal codes in colonised countries, enacting laws relating to crimes such as sodomy, buggery and 'offences against the order of nature'. Non-heterosexual activity or deviation from accepted, normative gender roles and behaviours were criminalised and reinforced through multiple channels of power that included the justice, education and medical systems, and religious teachings. In these ways the censure trickled down into everyday thoughts and actions of citizens. These avenues of persecution contributed to the entrenched gender-based discrimination and stigma in the various cultures within the Commonwealth and internationally, including in Tanzania, Tonga, St Lucia and Sri Lanka. Conformity to these binary roles reinforced the social, political and legal inequality of women and SOGIE people. Literature on political space for civil society argues that groups and individuals that work on human rights are often particularly vulnerable to restrictions and pressures.<sup>20</sup>

A growing number of Commonwealth countries have repealed colonial era homophobic laws but in many other countries, including Ghana, Jamaica and Zimbabwe, the laws continue unchanged. Anti-sodomy laws still exist in 34 of the 53 members of the Commonwealth. In some countries – including Nigeria, Uganda and Brunei – the stringency of these laws has been increased.

At the Commonwealth Heads of Government Meeting (CHOGM) in 2018, then UK Prime Minister Theresa May expressed "deep regret" that discriminatory laws criminalising same-sex relations and failing to protect women and girls continue to affect the lives of many people. She said:

"I am all too aware that these laws were often put in place by my own country. They were wrong then, and they are wrong now. As the UK's Prime Minister, I deeply regret both the fact that such laws were introduced, and the legacy of discrimination, violence and even death that persists today."<sup>21</sup>



## 2.2 The growth of women's and SOGIE rights movements in Commonwealth countries

The gender equality movement – also known as the feminist movement, women's liberation movement, the women's movement, or simply feminism – refers to a series of political campaigns, including women's suffrage, sexual health and reproductive rights, family violence, equal pay and sexual violence, all of which are underpinned by the political belief that women deserve equal treatment, representation and opportunity as men. Peggy Antrobus writes that the women's movement is “formed out of many movements shaped in local struggles and brought together in the context of global opportunities and challenges [...] as women discover commonalities and come to a better understanding of how the social relations of gender are implicated in the systemic crises.”<sup>22</sup> As a St Lucian activist noted: “There are many different parts of the women's movement [...] There are the feminists on the coalface, there are the feminists [who focus on] policy and [those who work] in government.”

Internationally there have been significant events that mark the timeline of the women's movement, starting from Mary Wollstonecraft's treatise in 1792, *A Vindication of the Rights of Women*, to 1911 when the first International Women's Day was held. In 1948, the UN Declaration of Human Rights,<sup>23</sup> the first international document to assert “the dignity and worth of the human person and [the] equal rights of men and women”, was introduced. In 1979, the UN General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>24</sup> which is often described as an international bill of rights for women. It explicitly defines discrimination against women, establishes legal obligations for state parties to end discrimination in the public and private spheres, and outlines a vision of substantive equality between women and men.



Activists in South Africa protest against violence against women.

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In recent years, women's rights movements have become visible players in civil society and UN negotiations. Particularly around the major UN conferences of the 1990s, the lobbying of women's rights networks has established issues such as women's empowerment, gender mainstreaming and women's human rights as a key feature of UN intergovernmental negotiations and agreements.<sup>25</sup> Notably, they played a key role at the 1995 Beijing Fourth World Conference on Women, where a set of universal commitments to promote gender equality was drawn up in the form of the Beijing Platform for Action (BPfA), which 189 global governments have agreed to honour.

The movement's priorities vary among nations and communities and range from opposition to FGM in Sri Lanka and the recognition of rape in marriage as a criminal offence in legislation in St Lucia, to the fight for access to education for young pregnant women in Tanzania.

In September 1995, sexual orientation became a topic of debate in the negotiations on the draft of the 1995 BPfA<sup>24</sup> during the Fourth World Conference of Women. While the proposed language on sexual orientation was eventually scrapped, it was the first time that governments had taken a public and explicit stance for or against the inclusion and recognition of sexual orientation as part of women's right to control their sexuality.<sup>25</sup> In 2006, an international meeting of human rights groups published The Yogyakarta Principles,<sup>26</sup> a document intended to apply the standards of international human rights law to address the abuse of people with diverse genders and sexualities. In 2016, the United Nations Human Rights Council (UNHRC) appointed an independent expert to find the causes of violence and discrimination against people due to their gender identity and sexual orientation and work with governments to ensure their protection. This OHCHR-based mandate has been seen as the UN's "most overt expression of gay rights as human rights".<sup>27</sup>

Across the world, people with diverse genders, sexualities and bodies are finding ways to speak out. They are telling their stories, building alliances, networking across borders, developing national and regional movements and finding creative ways to combat the stigma that reinforces existing discrimination. SOGIE activism is often part of a transnational movement. Diverse SOGIE activists from the Commonwealth countries that criminalise homosexual acts between consenting adults derive hope from the introduction of anti-discrimination laws in some Commonwealth countries. Activists have worked together to call for the Commonwealth Heads of Government Meeting (CHOGM) to have SOGIE rights on meeting agendas.<sup>26</sup> Organisations such as Stonewall,<sup>27</sup> Human Rights Watch<sup>28</sup> and the Royal Commonwealth Society<sup>29</sup> have created opportunities for SOGIE activists from across the Commonwealth to meet, connect and strategise towards a global goal of human rights for all.

However, as the struggle for legal equality of diverse SOGIE people in the Commonwealth continues to advance, the movement faces a series of questions about the future, such as how will it continue to advance a broad range of issues and influence social norms in order to make equality both a legal right and a lived reality for diverse SOGIE people?

Over this recent history of SOGIE organising and movement building, there has been increased visibility of intersectional organising between SOGIE and women's rights groups. Key regional women's rights funding networks and CSOs such as the South Asia Women's Fund, International Women's Rights Action Watch Asia Pacific (IWRAP-AP), and Urgent Action Fund Asia Pacific (UAF-AP) are inclusive of SOGIE women. SOGIE CSOs are also present within many women's movements, and in South Asia there have been notable victories for legal recognition of trans people although the tendency for SOGIE CSOs to be funded through HIV/AIDS programmes can marginalise women who are not part of key populations considered most vulnerable to HIV/AIDS.

The research conducted for this report highlights that, when headway is made towards the emancipation of minority groups and women, oppositional movements emerge across societies. The paradox of the present age is that while women and people of diverse sexual identities have contributed enormously to increased awareness and understanding of gender equality and SOGIE rights, they continue to face enormous challenges, including backlash towards their activism and the changes to which they have contributed. This will be explored in section three.

# 3 Understanding backlash in the context of movement building

## 3.1 Defining backlash

The term backlash is often used to refer to targeted actions or reactions to reform or progressive change, or to those calling for change. Researchers have argued that it is an “inevitable response to social change”<sup>30</sup> and of challenging the status quo of established power structures and processes, though “always situated within and shaped by the particular character and dynamics of gender within each country context”.<sup>31</sup> They note that backlash “may involve subtle forms of coercive power (such as ridicule, condemnation, ostracism, censure) or far less subtle forms (such as assassination, rape, beatings, lynchings, or other forms of violence) directed against change agents or change leaders.”<sup>32</sup>

Perhaps the best known use of the term is within Susan Faludi’s 1991 book *Backlash: The Undeclared War Against American Women*<sup>33</sup> in which she describes “a powerful counter-assault on women’s rights, a backlash, an attempt to retract the handful of small and hard-won victories that the feminist movement did manage to win for women”. But Faludi also notes that backlash can start well before victory: “The antifeminist backlash has been set off not by women’s achievement of full equality but by the increased possibility that they might win it. It is a preemptive strike that stops women long before they reach the finish line.”<sup>34</sup> This point – that backlash often happens in parallel with progressive movements, rather than once an objective has been achieved – is critical. Progressive and regressive movements often occur in tandem, gaining momentum at the same time, vying for public attention and competing for an audience.

Looking at the broader women’s rights and SOGIE movements within Tanzania, Tonga, Sri Lanka and St Lucia allows us to better contextualise and understand backlash within these global south Commonwealth contexts.

## 3.2 What forms do backlash take and how are they experienced?

The first theme emerging from the interviews is the extent to which progressive legislation is encountering backlash from multiple players, including government actors, religious and traditional leaders and other conservative groups. The second theme focuses on the restriction of civic space – including the banning or undermining of public events – for promoting SOGIE and women’s rights. The third theme relates to the influential power of narratives and discourses in shaping public ideas of normal forms of gender expression and relationships. The fourth theme is the ostracism of activists by families, communities and religious institutions as a pervasive and highly personal form of backlash. Another key theme is the financial discrimination faced by many women’s rights and SOGIE activists and organisations. The final theme is the physical, emotional and cyber violence that is being perpetrated against activists and the deep impacts of all forms of abuse.

### 3.2.1. Active non-implementation/reversal of progressive legislation

Across the world – including in the four countries where research took place – a notable form of backlash is the failure to bring into force appropriate laws and other measures, or the active failure to implement progressive national and international policies and agreements for which activists have lobbied. This is illustrated by the following case study.

## CASE STUDY

### Sri Lanka's international commitments to gender equality and women's rights



There are many strong and visible women's rights and SOGIE rights CSOs and activists in Sri Lanka working within existing social and political movements. In 1960, Sri Lanka elected Sirimavo Bandaranaike, the world's first female head of state and Sri Lanka's first female Prime Minister.<sup>35</sup> The International Women's Year (1975) and the United Nations Decade for Women (1976-1985) inspired the adoption of laws, policies and mechanisms for the promotion and protection of women's rights in Sri Lanka.<sup>36</sup> These pivotal events set the stage for the adoption of several international treaties and principals: Chapter III of the Constitution on Fundamental Rights; the ratification of CEDAW in 1981; the establishment of a Women's Charter; and the development of a National Plan of Action for Women in 1996.<sup>37</sup>

A Government Country Information Report on Sri Lanka notes that "Sri Lanka is a party to all major international human rights conventions including the International Covenant on Civil and Political Rights and its First Optional Protocol; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol."<sup>38</sup>

However, translating these commitments into practice has been a far from smooth process. A Sri Lankan activist explained:

**"There are legal issues we try to fight for. For example, stopping arranged marriages under customary law, and for Muslim girls, their parents can marry them from the age of 12. For Tamils, the wife does not have equal share of the property, only what she started with. Things like that affect the women and girls. For example, while the government has committed to prevent the abuse of women, and in November 2016 launched a national action plan to address sexual and gender-based violence [...] CSOs in Sri Lanka say however that no ministry is responsible for monitoring the implementation of the plan."**<sup>39</sup>

Activists in Sri Lanka also mentioned a failed attempt to legalise abortion in the mid-1990s,<sup>40</sup> with legislation blocked by parliamentarians who argued that it would 'open the floodgates' and lead to promiscuity; that it would cause conflict within families, or that deceitful women would use the law to victimise men. In Tanzania, according to Human Rights Watch, a policy to allow pregnant girls and young mothers to continue their education has been subjected to backlash by the President, who in 2017 stated these are no longer acceptable practices. The research revealed that many secondary school officials now routinely subject girls to forced pregnancy testing as a disciplinary measure to expel pregnant students from schools.<sup>41</sup>

There are also many reports of crackdowns on those of diverse SOGIE in the countries where research took place. Convictions for having "carnal knowledge of any person against the order of nature"<sup>42</sup> can lead to 30 years or more in jail in Tanzania. There are also serious concerns that Tanzania is becoming increasingly militant in its attitudes and treatment of SOGIE people. A Tanzanian SOGIE activist explained: "They look for us and arrest us just for being gay or transgender. We find it hard to get jobs in the workforce, and we can't get funding to do our activist work because we have to just work quietly supporting the LGBT people. I have been arrested many times for being LGBT and an activist. Lots of organisations don't want to work with LGBT because they will get shut down or kicked out."

## CASE STUDY

### Backlash against CEDAW in Tonga



The government of Tonga committed to signing the convention in March 2015. The Prime Minister, Akilisi Pōhiva, said it was "a historic day for all Tongans [...] in support of our endeavour to eliminate all forms of discrimination against women and girls".<sup>44</sup>

However, national protests ensued, with especially strong opposition from churches and religious groups<sup>45</sup> which argued that CEDAW would undermine Christian ideologies through its acceptance of abortion and same-sex relationships, even though CEDAW does not specifically mention these. Protesters waved banners with slogans such as 'CEDAW is a secret agent of Satan'.<sup>46</sup>

In June 2015, the Privy Council, headed by the King of Tonga announced the proposed ratification as unconstitutional.<sup>47</sup> Both the government and religious institutions united against the signing of CEDAW. The resistance from the church ultimately swayed the government, and they united in their opposition to ratification, demonstrating the power of backlash to change. As a result, Tonga is the only Commonwealth country not to have ratified CEDAW.



In particular, respondents identified a notable gap between lived realities and levels of actual government commitment to implementing ratified international conventions and agreements such as CEDAW. The researcher Yasmin Tambiah notes that “CEDAW has the (dis)honour of being the convention with the greatest number of reservations enjoined by its signatories. It is not surprising that, in the Sri Lankan context, the reservations are intimately linked with compromises and accommodations made by the state regarding its ethnic minorities on the one hand, and women’s rights to exercise choices in areas that would translate as sexual rights on the other.”<sup>43</sup>

The campaign to reject CEDAW in Tonga provides an example of backlash at the intersection of advocacy for women’s rights and SOGIE rights.

### 3.2.2 Restricting civic space for promoting SOGIE and women’s rights and voices

Activists from all four countries mentioned the narrowing of civic space and tolerance for women’s and SOGIE activism and awareness raising as a major and increasingly common form of backlash. For example, while Pride events do take place in Colombo, they often attract a negative response. According to one SOGIE activist: “Hate speech and cyber violence flowed freely in response to the 12th annual Gay Pride festival.”<sup>48</sup> This has led to the cancellation of some public events while police have provided protection for participants at others. Authorities have engaged in stalling tactics such as misplacing the paperwork necessary to hold public events. Additionally, the police offer only limited protection to the diverse SOGIE community and usually only within the context of SOGIE rights marches.<sup>49</sup>

Also in Sri Lanka, a shadow report to the UN Human Rights Committee regarding protection of the rights of LGBTI+ people explained there are local NGOs who support SOGIE individuals, organise events and advocate for equal rights. The report says that these groups face opposition, hostility and vilification by state and non-state actors, and many have ceased to operate. Although the increase in NGOs supporting SOGIE rights has led to greater visibility, it has also corresponded with an increase in visible homophobia within the community. One activist noted: “Here, we have to tell them about our activities after we do them. We are always under secrecy for safety.” Negative comments made against SOGIE communities by public officials and state-controlled media have also perpetuated stigma and negative stereotypes. In addition, the Sri Lankan government has shown a reluctance to engage with the issue of LGBT+ rights or to afford such people more rights and recognition under the law.<sup>50</sup>

In Tonga, the first Pacific Human Rights Conference on Sexual Orientation and Gender Identity in 2015 was met with extreme hostility.<sup>51</sup> A group of Christian protesters told the conference delegates to “go back to your country with your immorality, Tonga do [sic] not want you evil people.”<sup>52</sup> This is a concrete demonstration of conservative groups opposing LGBT+ people’s rights by framing sexuality and gender diversity as a foreign import or part of an alien agenda. This aligns with activists reports of the backlash they have personally faced. One respondent said: “We get told that it is not a part of our culture to be a lesbian. That it is wrong and that I must have got it from the TV I watch and the people I am with.”

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Activists are often left without any form of recourse in these hostile environments. In St Lucia, the US Department of State's Country Reports on Human Rights Practices for 2012 reports there is "widespread social discrimination"<sup>53</sup> against the SOGIE community. Yet, according to civil society representatives interviewed for this report, "LGBT persons were reluctant to report incidents of violence or abuse out of fear of retribution or reprisal due to their sexual orientation."<sup>54</sup> Others referred to "the fear that ... police will decide to arrest you because he is a homophobe or a transphobe. Fear he will do it just to take his anger out on you, then you can be released and not charged. Because it is still there, it is a form of terror that can be used against us."<sup>55</sup>

As a result of the restrictions placed on activism by the Tanzanian government, many women's and SOGIE rights organisations have been forcibly closed. There were also reports of the government using surveillance, by police, by communities (e.g. neighbours, church) to monitor activists' behaviours in public and private as well as digital spaces.

### 3.2.3 Everyday narratives and ideas as powerful tools of backlash

The third theme that emerged from the interviews is the use of powerful narratives as a tool of resistance to both SOGIE and women's rights activists and movements. In all four countries stories are used to reinforce notions of nationhood; culture; tradition; gender; womanhood; family; morality; normality; homosexuality; and sin.<sup>56</sup> The research indicated that in all four countries, narratives reaffirming or prescribing specific gender-based norms, behaviours and relationships are often used strategically by government and other powerful influencers to define national identities, values and practices, and disseminated through the media and other channels of communication such as school text books.

These messages may contradict or delegitimise the actions and words of rights movements who have, in some cases, been portrayed as threats to an established social order or central state power. This can legitimise the closing of civil society spaces.

The messages can also significantly shape public attitudes with potentially damaging implications at family and community levels. For example, a Tanzanian women's rights activist said: "My family, geographical community, prayer group, they still say things like, I must be a *wasagaji* which means a lesbian. There is still the idea that if you are educated and single, you must be a *wasagaji* or why else would you choose not to marry a man and have children. I have a boyfriend, but I don't take him home or the pressure will just increase. Hurry up and get married and have babies [they say]." A Sri Lankan activist talked about "the expectation that I will dress conservatively in public, going to my child's school. All the comments about how I should be only focused on my husband. That he is the man of the house, but we are not like that. He also gets a bit shamed by others that he cooks [...] cleans and does school things too. We make it work for us, but it is different to the stories they say about women's place in the home."

Powerful narratives in the four countries also reinforce the normativity of male/female gender binaries and opposite sex relationships. A Sri Lankan SOGIE activist noted: "The backlash I receive is about denying my sexuality. It is unnatural or not normal." This norm is reinforced by fear in the characterisation of non-heterosexual desires as sinful. A St Lucian SOGIE activist said: "St Lucia is a Christian place, and there is always the underlying thing that to be LGBT is a sin. Everyone says it." The activist went on to explain that some narratives are endorsed by the church. "The general population of St Lucia are against trans people, we are not really wanted and seen as not belonging. It is a very Christian country, and the churches speak out about LGBT+ people as sinners. I think that also fuels people's dislike of LGBT+ groups."

### 3.2.4 Culture vs rights narratives

Activists from all the four Commonwealth countries talked about a common argument used against rights-based activists that the notion of universal human rights, women's and SOGIE rights are at odds with the specific cultural realities that shape real lives and experiences. Especially in Sri Lanka, Tanzania and Tonga, the detractors of universal rights have found their strongest stance is to declare themselves defenders of 'authentic' cultural tradition.<sup>57</sup> In these instances, culture increasingly opposes itself to rights. The focus on the rights of women and SOGIE people has become a key battleground in the conflict. A Sri Lankan women's rights activist explained:

"We get a lot of church groups and religious groups, a lot of groups that say they represent different ethnic traditions that are against us. There is always the thing where they say we are importing a western lack of morals. That women's rights are corrupting women and corrupting our culture in Sri Lanka [...] In the feminist movement we get lots of resistance and backlash, especially from religious groups. They always rise up and say that we are taking away their rights. Yes, we are. We are taking away their rights to abuse women. We do want to stop FGM and we do want to stop marital rape [...] So yes, we are trying to take away their rights."

These experiences and responses to progress highlight the "coming together of conservative religious and political opinions against women's right to control their sexuality and reproduction", a truly "grave concern for women in Sri Lanka".<sup>58</sup>

### 3.2.5 Ostracism of activists by families and communities

In many cases the interviews with women's rights and SOGIE activists revealed experiences of isolation, abandonment, censure and ostracism<sup>59</sup> by families and community members. A combination of the patriarchal nature and enforced gender norms of many families, faith groups and broader communities within Tanzania, Tonga, Sri Lanka and St Lucia was cited as the main reason for these forms of exclusion.

The exclusion of activists can act as strong barriers to the formation of cohesive groups or movements. One St Lucian SOGIE activist summed up this phenomenon by saying, "the community is dispersed and often in the closet. The impact of backlash is that people are still isolated." Some activists said they had been forced by their families to leave home or to create geographical and emotional space between themselves and the rest of their families, with a St Lucian SOGIE activist noting: "It is hard being in that position of not being wanted in your family." Another St Lucian SOGIE activist said: "It is hard on my family for me to be a transgender woman. The community that I grew up with don't accept me and they would say to my family, how do you accept someone like that in your family?" Many said that family rejection was often couched in moralistic terms, echoed in local religious teachings and sermons.

Often, the work of women's rights activists is seen as challenging traditional notions of family and gender roles in the society. As a result, women's rights activists may be subjected to backlash in the form of ostracism by community leaders, faith-based groups, families and communities who consider them to be threatening religion, family tradition or culture. According to a Sri Lankan women's rights activist:

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“Although my family is ok that I am educated and work, they are very unhappy that I focus on women’s sexual health and reproductive rights. They think it is wrong to work with women who have had an abortion, to support them and look after them. My family thinks that abortion is sin. They separate me from the rest of my family because the family think I am a bad daughter, that I bring shame on my family. They say women’s rights activists like me are destroying the country. Only if I get a job doing something that doesn’t matter, that doesn’t help, only if I get married and have children, will my family embrace me again.”

### **3.2.6 Financial discrimination and retaliation**

Many of the women’s rights and SOGIE activists who work at the grassroots level referred to issues relating to employment and funding. They reported encountering employment discrimination and persistent underfunding because their work is perceived as disruptive. Most of the activists did not receive any payment for their work. Many found it hard to find paid work because potential employees discriminate against them on the grounds of their gender or sexuality or because of their activism. A women’s rights activist from St Lucia said:

“I have been unable to get a job for several years now, even though I have a Ph.D. They just won’t hire me here in St Lucia because of the activist work I do. It is different here to somewhere like the United States where having a Ph.D. means I can get a job. There is just too much discrimination against women here in the Caribbean. They discriminate against me here because I am a woman and I fight the discrimination that women face.”

A SOGIE activist from Tanzania noted: “Lately there are more crackdowns on LGBT people. They look for us and arrest us just for being gay or transgender. We find it hard to get jobs in the workforce, and we can’t get funding to do our activist work because we have to just work quietly supporting the LGBT people. I have been arrested many times for being LGBT and an activist. Lots of organisations don’t want to work with LGBT because they will get shut down or kicked out. Even if they feel sorry for us, that sorry doesn’t help. We just help each other, share money and clothes and food. Most of the LGBT organisations have been shut down, and we don’t get any funding to help us and help each other.”

### **3.2.7 Violence**

Violence against women and girls is now widely recognised as a fundamental violation of human rights, and a serious issue with considerable social and economic cost to individuals, communities and countries. There is now also a general consensus that unequal gender power relations and discrimination against women and girls are root causes of violence against women. Women of diverse SOGIE experience further violence and discrimination because of their sexual orientation, gender identity and expression. Forms of abuse activists experience include physical, emotional, psychological and cyber-based violence.

## Cyber violence

As with all types of violence, cyber violence affects the lives of victims tremendously and comes in many forms.<sup>60</sup> Cyber stalking, for example, refers to a person repeatedly sending unwanted emails or text messages to their victims<sup>61</sup> while cyber harassment relates to offending a person online with unwanted sexually explicit messages, threats of violence or hate speech.<sup>62</sup> Women are more likely than men to be victims of severe forms of cyber violence.<sup>63</sup> A recent UN Women report<sup>64</sup> states cyber violence is as damaging to women as physical violence, warning that women are growing even more vulnerable to cyber violence as more and more regions gain internet access. The report estimates that 73% of women have been subjected to this form of violence and that women are 27 times more likely than men to be harassed online.<sup>65</sup>

Thirty seven of 40 interviewees had experienced cyber violence. Many of the women's rights activists in all four countries speak of experiences of violent physical and sexual threats aimed against them via social media or sometimes by email. A Sri Lankan women's rights activist said: "If I am posting [on social media] about violence against women or about feminism I get a lot of people that speak out against it. They usually just say that I am probably fat and ugly and can't get a man. Or that I am a lesbian." Another Sri Lankan activist added: "We get lots of hate messages. Lots of bad things said about us, especially on Islamic Facebook pages. That we are traitors, that we are against Allah. They threaten to do terrible abuse things to us. I don't have a personal account because I used to get lots of hate messages." A St Lucian SOGIE activist noted: "That is their favourite because they can hide behind it. They can say really vile things that are so sexist but they can get away with it because sexism is fine and being LGBT is not fine."

## Physical violence

For many activists, violence or the threat of violence plays a large part in their activist lives. Women's rights activists are subject to the same types of risks as any human rights activist, but as women, they may also be targeted for, or exposed to, gender-specific threats and gender-specific violence. In practice, the majority of the women's rights activists interviewed had not experienced violence as a direct consequence of being an activist but often knew activists who had. Experiences of violence seemed to be linked to the visibility and radical nature of activism. As a Sri Lankan women's rights activist noted: "Other feminist activists have experienced violence. But they are either at the wrong place at the wrong time or they are a different type of activist. They are more the radicals." A St Lucian women's rights activist said: "Don't speak up about your activist work because those who speak up the most get the most negative attention and trouble. They are most likely to experience physical attacks for their work." SOGIE rights activists are also highly susceptible to physical forms of violence: "They make jokes and justify violence against the LGBT community. They say if they beat a man, that it will turn him straight, or rape a man, or rape a transgender or rape a lesbian. It is all the same, just violence against us."

An extreme example of violence against activists surfaced in Tanzania: every SOGIE activist responded that they had been beaten or raped by police. The interviews indicated that members of the SOGIE community are often treated as incompatible with Tanzanian culture. They have been disowned by families, communities and churches; they are encouraged by the state to flee, hide or live in fear of persecution.



# 4 Women's rights and SOGIE activist strategies for addressing backlash

The research revealed that, despite the many challenges outlined above, women's rights and SOGIE groups in the four focal countries are working together to find ways forward. Some practical strategies for countering – and for coping with – forms of backlash are outlined below.

## 4.1 Countering public and institutional backlash

### Creating a critical mass of support for change

Activists noted that when organisations come together to work in solidarity this can be a powerful counterforce to negative, potentially divisive reactions from often conservative institutions such as churches and from public detractors towards the introduction of progressive legislation or international agreements. In the Tongan case, women's rights organisations joined forces to continue campaigning for the ratification of CEDAW, even in the face of extreme opposition, with positive results. One activist explained:

"In response, the Tongan Women in Leadership Coalition was formed, comprising of 13 NGOs to petition the government to ratify the convention. We have been developing tactics to make sure that we can ratify CEDAW. The first tactic is to change the perception of the convention and the norms around gendered roles in Tonga. We have been doing lots of sensitisation workshops about women's roles in Tonga, and what CEDAW really stands for. We have been strategising on who is involved in our coalition and building relationships with international organisations so we can learn from them and get support from them. The Tongan government has said that it is committed to moving forward and asked members of the women's coalition to lead public consultations on ratifying CEDAW.

This has been ongoing and has helped us to understand the arguments and to find counter arguments against the backlash. The Tongan government has now reaffirmed its commitment to signing CEDAW and is working with the coalition."

Also in Tonga, women's rights activists described working "with churches, to get them on board. We have some church leaders speaking out. Trying to say that CEDAW won't make abortion legal or same sex marriage legal, that is a different process." Tanzanian activists inside and outside of the country are also using this tactic. Several Tanzanian SOGIE activists shared how some current activist work is building national and international solidarity from faith-based organisations that are supportive of people of diverse SOGIE. One activist living in South Africa said: "I have more conversations about faith and sexuality and the need to support Tanzanians and I have found international allies. We are working to strengthen alliances with those in the church to support LGBT refugees. If there comes an opportunity for an uprising against what is happening, we will be ready to support it."

In Sri Lanka women's rights activists have launched a campaign to raise awareness of the need for a ban on FGM, in the face of a backlash from powerful constituencies such as religious leaders. The campaigners worked both from the ground up with local communities to create awareness and local action, and from the top down with government actors to challenge perceptions of FGM as an acceptable customary practice. This is helping to widen the scope and reach of current legislation on FGM.

### Working with the police to shift discriminatory norms and attitudes

Another approach is to see the police as potential agents in helping to shift discriminatory norms and attitudes, rather than viewing them in a purely negative light. Activists in some countries have recognised that raising their awareness and working with them as allies can bring positive impacts. The case study from St Lucia illustrates the value of this approach.

## CASE STUDY

### Campaigning against the banning of FGM in Sri Lanka

A Sri Lankan women's rights activist explained:

"Female genital mutilation happens in parts of Sri Lanka. They call it *khatna* and some women's rights organisations decided to create a movement around the issue. We did lots of organising, lots of research on female genital mutilation, creating international networks who are against FGM, getting testimonies from women who have had FGM and working with lawyers and other experts to create sound arguments against it. We pushed the narrative that *khatna* is a grievous hurt which is a criminal offence in Sri Lanka's penal code. We explain that it is a violation of the rights of a child as protected by national and international law. It was banned in May 2018 by the Sri Lankan government, but the backlash was soon felt. The Sri Lankan Islamic Centre is the main source of backlash. They say we don't understand the local practices, arguing it does not cause harm. They say it is beneficial and hygienic. They also say that we are oppressing their religious rights.

We have been countering the backlash by increasing our campaign to include calling for FGM to be recognised as a specific criminal offence in Sri Lankan law. We have been working in the communities where the practices are most prevalent, working with women to change the practices. We have been sharing stories between women of harm done and of girls refusing to speak to their parents after the trauma of FGM. We collect the stories and use them in our advocacy. We try to change the stories and let people know that FGM is not in the Koran. Some women have stopped the practice, some pretend that they have completed FGM procedures on their daughters so that they are not sought out by their community and the Islamic centre. So far, we have been successful in our campaign to insist the government ban the practice, and that inspires us to continue with our campaign goals of creating specific legislation against FGM."

### Engaging men as partners in achieving gender equality

Globally, women's rights activists are recognising the value of working with men in the struggle towards sustainable gender equality, rather than castigating them as the problem in ways that create tensions and resentment. This approach was being taken in some of the countries researched. For example, in Tonga a women's rights activist said: "We try to not focus on blame but support. How can we support families? We also try not to blame the men but ask, how can we support the men to change their behaviours? We work with other organisations to refer them to support. We try not to just use the justice system, but all the other avenues for long term mindset changes."

This was mirrored in St Lucia by women's rights activists: "We do sensitisation work with men to bring them on board with us. We don't use separation tactics because that just reinforces the patriarchy. We ask them to work with us for the benefit of all of us."

## CASE STUDY

### Working with the police in St Lucia



A St Lucian SOGIE activist explained:

"Lots of LGBT+ people speak of ill treatment from the police. Our organisation has completed some research and found that there is chronic under-reporting of crimes against people with diverse genders and sexualities. People have said it is because they are afraid that rather than the police assisting them, they will be discriminated against.

We created a campaign that involved the upskilling of the police force and using them as models of behaviour towards LGBT+ people. The aim is for the police to stop discriminating and to start saying and doing positive things, so that the rest of the community follows their lead and stops discriminating against LGBT+ groups.

We have advocated to the police and government for training of all police on LGBT+ issues. We made the argument that the very high rates of HIV in the Caribbean were linked to homophobia. If diverse LGBT+ people are not so scared to be themselves in St Lucia, then they are more likely to access prevention, treatment, care and support interventions – the less discrimination, the lower the rates of HIV.

We also advocated that the U.S. Department of Justice should strengthen U.S. training for police to increase their capacity to recognise, prevent, and respond to crimes that are anti-LGBT+ and preventing violence against LGBT+ individuals. Furthermore, we wanted the Royal St Lucia Police Force and training officers from police forces in the Organisation of Eastern Caribbean States (OECS) to all have the training.

Currently some police have been trained by a group of LGBT+ CSOs along with support from other partners. We have some of the St Lucian government and Royal St Lucia Police Force supporting this campaign. If we can change their ideas about LGBT+ people we can start to change the wider societies, and then with broader support, we are in a better position to start to change the laws that criminalise homosexuality."

## 4.2 Countering organisational targeting

Various strategies for dealing with backlash aimed at organisations were outlined by the activists.

The interviews reflected the importance of collective ways of working for activists, both to increase impact and to create new, sympathetic communities. For some SOGIE activists, solidarity was often forged with women's rights organisations. As a St Lucian activist explained: "We develop strong relationships with other groups and organisations. We remind ourselves we are not alone." In the four countries, women's rights organisations are also finding ways to work together. A Sri Lankan women's rights activist noted: "Sometimes we pool our work together. Occasionally we have shared staff. We meet each other at feminist events, and we are friends and we make each other feel like there is a community and that they are not alone."

The value of seeking solidarity with international movements, activists and support from international organisations was also highlighted. When individual activists are targeted, appeals may be made to the international community for assistance, for example in the form of sanctions against those in power, or direct support for activists. However, there was a shared feeling that any support needs to be sustained and backed up with resources such as funding and expertise.

With regard to countering cyber violence, one response by organisations is to limit their use of social media and other forms of electronic communication. A Tanzanian SOGIE activist noted: "We are careful about using phones and things. There was also the crackdown on social media. That is how they first started targeting us, for the content [we were sharing]." A Sri Lankan SOGIE activist said: "We stopped people being able to comment on our work Facebook page without our approval first. We ban people. We keep our organisational location off public information. We only have a few people who are our public faces, the rest are not known."

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A police car patrols the streets in St Lucia.



Another strategy against backlash aimed at organisations is to register under a broad-based issue such as human rights rather than the single issues of SOGIE or women’s rights. One Tanzanian SOGIE activist explained: “We focus on human rights. We have managed to continue to exist because we are Tanzanian and because we don’t focus on one thing exclusively, like LGBT rights or women’s rights or freedom of press rights.”

Registering as another legal entity, such as a business, can also reduce levels of scrutiny and backlash experienced by civil rights groups, as the case study below illustrates.

Another reported strategy was the diversification of funding in order to remain agile, sustainable and less reliant on funds with specific conditions attached. “We found ourselves working on projects that catered to the funding requirements rather than catering to the needs of our communities, so we started to refocus our energy. We started to run workshops that are both educational and promote the behaviour change we want to see and these workshops bring in much needed money so we can focus on the priorities of our community rather than the priorities of funders,” said one St Lucian women’s rights activist.

## CASE STUDY

### From SOGIE CSO to for-profit organisation in Tanzania



A Tanzanian SOGIE activist told the story of how their organisation navigated and evaded state-led backlash:

“Our organisation was raided many times. They would say that we are running a brothel and accuse us of soliciting prostitution from the premises. We never did, it was just a way for the police to attack us. Soon they closed the organisation down. We found allies and our new beneficiary organised for us to get legal support. We found out that the NGOs and CSOs are all under the office of the Home Affairs.

We were advised to become a for-profit business. Now we pay our registration fees and operate as a legal for-profit business that is an LGBT activist organisation. We still have to be very careful, and we can’t run our shelter anymore. But we do advocacy work and are still working towards filing a case in the high court arguing that criminalising homosexuality contravenes the Tanzanian constitution. We are very tactical with our work and with the financial help of benefactors and lawyers, we have been able to get around the shutdown of LGBT CSOs.”



In many cases, however, organisations were forced to withdraw from community service delivery and other activities that could be targeted. In the words of a Tanzanian SOGIE activist: "We keep safe and hidden. We work through our communities and we keep hidden as much as possible."

### 4.3 Countering the targeting of individual activists

The strategies used by individual activists were more personal, relating to minimising the risk of psychological or even physical damage from backlash.

Self-care as a tactic was a common thread through many interviews. According to a Tanzanian SOGIE activist: "The community in Tanzania is fractured and in hiding. They have that saying that self-care is a radical act. In this case it is. To stay alive, this community is helping each other to survive each and every day." For one Sri Lankan activist, self-care was about activists nourishing and supporting each other in work spaces. "Bring healthy food to work, and if you are staying late, organise to cook together at work so we eat a healthy meal. Also, do the fun things, like cooking or other activist things with solidarity. Paint banners and things."

Related to self-care is a tactic of disengaging from the source of tension. For many activists this means actively stopping the use of social media. For others, some satisfaction was found in using social media as a means to stand up to online abuse. A St Lucian women's rights activist said: "Sometimes I troll them back. Especially the pictures men send of themselves. I just pretend I don't care and I am not offended."

### Mitigating risks

Violence and intimidation in the physical world are also concerns that activists are responding to in practical ways. A Sri Lankan women's rights activist explained: "For safety, we do assault training so we can look after ourselves." Others talked about the importance of keeping in contact with each other via mobile phone. A St Lucian women's rights activist explained: "We are known for the activist work we do, we speak to the media, are in public a lot. We do risk assessments, and if it is medium, we text constantly where we are, and if it is high, we always bring at least someone else with us."

# 5 Conclusion

Women's and SOGIE+ rights campaigns and movements do not exist in a bubble. They exist in a world where backlash against the changes they seek is to be expected. However, activists and the movements they belong to cannot and have not anticipated all potential effects of backlash in response to the social and political changes they seek to create. While the term backlash is used widely, it is also used loosely to refer to many kinds of violence, intimidation and erosion by state and non-state actors. This paper aims to provide a clearer understanding of different modes of backlash with the hope that it may assist activists to develop their own tactics to pre-empt or counter attempts to disrupt and dismantle progress. Using the information from the experiences of women's and SOGIE rights activists in the four Commonwealth countries of Sri Lanka, St Lucia, Tanzania and Tonga, this paper has covered many different types of backlash. It has attempted to better understand the interplay of backlash experienced as individuals, as members of activist groups, within local community contexts and within movements.

While the political pendulum has been shown to swing back and forth as the prevailing ideology of the day is countered by opposing forces, what the activists interviewed made crystal clear is that they continue to navigate and use iterative strategies in their journey towards human rights for women and SOGIE groups. They may be forced at times to take a step back from their universal human rights goals, but as one women's rights activist from Tanzania wisely said: "Try to remember that the people that are against us are passionately so, but there are lots of other people who are for us, they just have not told us yet". Remember there is always a time to take a few steps forward.

## Recommendations for activists, organisations and movements facing backlash

### Develop strong coalitions and networks

Create solidarity between movements by building networks and alliances that face similar experiences of backlash. When activists and organisations with common goals join together they are likely to be more effective in achieving their rights-based goals than if various individuals and groups act on their own.

### Take an intersectional approach

Women and SOGIE people have many other dimensions to their lives that also impact on their resilience when conducting their activist work. All campaigning should be informed by an analysis that takes into account intersectionality and the additional needs of activists, organisations and movements.

### Change the narrative

The stories we tell can be a powerful tool in shaping public opinion and influencing policies about human rights. Develop campaign strategies that focus on exploring the narratives that will be used against the campaign or movement and develop opposing narratives that help with the hearts and minds of citizens.

### Create a culture of self-care

Self-care is not just a personal and basic human right, but a strategy that is deeply political and subversive. It is a tool to re-energise for the long-term struggles we embark on as human rights activists. It is also a political strategy to keep us safe when facing harmful situations and to explore alternative strategies for survival, especially when under threat of persecution. By developing a culture of self-care, rights-based movements will benefit with revitalised, active and positive activists who are not burnt out or at risk of exhaustion.

## **Ensure sensitisation training is provided for all staff and volunteers**

Women's rights organisations should ensure their staff complete sensitisation training to address any in-house discriminatory attitudes and uncertainties about solidarity with people and campaigns connected to SOGIE rights. SOGIE rights organisations should ensure their staff complete sensitisation training to address any in-house discriminatory attitudes and uncertainties about solidarity with women's rights activists and campaigns. Activist organisations should also develop a specific cyber violence policy or incorporate provisions relating to cyber violence into the overall workplace bullying and harassment policy.

## **Recommendations for donors and policy makers**

### **Provide targeted funds for women's rights and SOGIE rights movements**

General funding doesn't necessarily trickle down to women's rights and SOGIE rights activists and movements. Targeted funds through the creation of specific budget lines are necessary to ensure that funds are guaranteed over a fixed number of years, with yearly increments.

### **Fund small CSOs**

Small organisations are often not eligible for large funds that could be used for core activities because of lack of absorptive capacity or limited time to comply with the conditions related to planning and financial reporting procedures. One effective solution to overcome these challenges is to use women's funds or international non-governmental organisations (INGOs) as intermediaries to distribute funds to women's organisations.

### **Provide support to CSOs and other organisations to undertake sensitisation at the community level**

Support for activist CSOs and other organisations is necessary to work with communities on behaviour change. If local communities, especially those in regional, rural and remote areas, are more accepting of women's rights and SOGIE rights practices, then it is more likely that families, local faith-based organisations and local government organisations will also be supportive.

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- <sup>1</sup> In at least two of the Commonwealth countries in which this research was conducted, local terms are used by people whose gender identity does not align with their sex assigned at birth, or whose gender expression does not align with stereotypical norms. Of the 40 people interviewed, three people specified that they identified within a specific cultural context - Leitis and Fakatangata, both from Tonga, and Nachchi, from Sri Lanka. These people are typically not represented in LGBTIQ+ politics; in turn leaving local Tongan and Sri Lankan identities, practices and experiences invisible. The LGBTIQ+ acronym itself has a strong history in the global north/west, with many critics challenging its history and use as a universal category into which all other diversity must be encapsulated. Such critics may also characterise LGBTIQ+ framing as a neo-colonial continuation of the erasure of diverse sexual and gender identities and practices that resulted from the imposition of Commonwealth laws, religion, and socio-cultural norms. There is more diversity in the world than the acronym LGBTIQ+ can express. For these reasons and more, this report used the acronym SOGIE as standard, and variations of LGBTIQ+ only when reviewing documents or when quoting research participants, in which case consistency is maintained with the source.
- <sup>2</sup> Asia Pacific Transgender Network [2015]
- <sup>3</sup> Yogyakarta Principles [2007]
- <sup>4</sup> Asia Pacific Transgender Network [2015]
- <sup>5</sup> Yogyakarta Principles [2007]
- <sup>6</sup> Asia Pacific Transgender Network [2015]
- <sup>7</sup> The LGBT+ acronym itself has a strong history in the global north/west, with many critics challenging its history and use as a universal category into which all other diversity must be encapsulated. There is more diversity in the world than the acronym LGBT+ can express, while the SOGIE term is generally used to refer to diverse (e.g. non-heterosexual, non-cisgender, or non-binary) sexual orientations, gender identities or gender expressions. It is worth noting that all people have SOGIE characteristics. Therefore, SOGIE emphasise what people have in common. For these reasons and more, this report uses the acronym SOGIE as standard, and variations of LGBT+ only when reviewing documents or when quoting research participants.
- <sup>8</sup> See: <https://www.equalityjusticealliance.org/about/partners/>
- <sup>9</sup> Barreto, M., Benedict, J., Gilbert, C., Perera, P., Mbataru, S., Svern, I., [2018]
- <sup>10</sup> It is important to note that the individuals in the study identified themselves as women's rights or LGBT+ activists. That is not to say that some women's rights activists do not also identify under the SOGIE umbrella or that people who are SOGIE activists are not also women.
- <sup>11</sup> Although individual women's rights activists within Tanzania connected and contributed to the research project, none of the Tanzanian women's rights organisations that were approached were willing to be involved in a project that explicitly included SOGIE people. This is because of fears of reprisals from the Tanzanian government which has banned dissent and has placed restrictions on freedoms of expression, assembly and association.
- <sup>12</sup> The Social Ecological Model (SEM) is a theory-based framework for understanding the multifaceted and interactive effects of personal and environmental factors that identify and determine behaviours. There are five nested, hierarchical levels of the SEM: individual, interpersonal, community, organisational and policy/enabling environments.
- <sup>13</sup> The exceptions being Mozambique and Rwanda which were formerly colonies of Portugal and Belgium respectively.
- <sup>14</sup> Cyprus, Malta, United Kingdom
- <sup>15</sup> Antigua and Barbuda, The Bahamas, Barbados, Belize, Canada, Dominica, Grenada, Guyana, Jamaica, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago
- <sup>16</sup> Botswana, Cameroon, the Gambia, Ghana, Kenya, Kingdom of eSwatini, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Nigeria, Rwanda, Seychelles, Sierra Leone, South Africa, Uganda, United Republic of Tanzania and Zambia
- <sup>17</sup> Bangladesh, Brunei Darussalam, India, Malaysia, Pakistan, Singapore, Sri Lanka
- <sup>18</sup> Australia, Fiji Islands, Kiribati, Nauru, New Zealand, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu
- <sup>19</sup> Amadiume, I., (1987) *Male daughters, female husbands: Gender and Sex in African Society*. Zed Books. London.
- <sup>20</sup> ACT Alliance [2011]; ACT Alliance and CIDSE [2014]; CIVICUS [2013]; Trócaire [2012]; Carothers and Brechenmacher [2014]
- <sup>21</sup> A transcript of the full speech can be found at: <https://www.gov.uk/government/speeches/pm-speaks-at-the-commonwealth-joint-forum-plenary-17-april-2018>
- <sup>22</sup> Antrobus [2004]
- <sup>23</sup> UN Declaration of Human Rights [1948]
- <sup>24</sup> The Convention on the Elimination of All Forms of Discrimination against Women [1979]
- <sup>25</sup> Fraser and Tinker 2004
- <sup>26</sup> *Star Observer*, 7 September 2011
- <sup>27</sup> <https://www.stonewall.org.uk/out-margins-global-lbt-rights-project>
- <sup>28</sup> <https://www.hrw.org/news/2018/04/16/commonwealth-should-address-lgbt-rights>

- <sup>29</sup> <https://thercs.org/our-work/campaigns/lgbt-rights/>
- <sup>30</sup> Flood, M., Dragiewicz, M., Pease, B. [2018] pg 9
- <sup>31</sup> Ibid
- <sup>32</sup> Mansbridge and Shames [2008]
- <sup>33</sup> Faludi, S. [2006]
- <sup>34</sup> Ibid
- <sup>35</sup> Richards, R. S. [2014]
- <sup>36</sup> Asian Development Bank [1999]
- <sup>37</sup> Ibid
- <sup>38</sup> Government of Australia [2018]
- <sup>39</sup> Ibid
- <sup>40</sup> Abeysekera, S. [1997]
- <sup>41</sup> See Martinez, Elin for Human Rights Watch. “Rights Groups Press Tanzania to Drop Pregnant Students’ Ban.” [18 Jun 2019]; Roth, K . 2019; Burke, J. [2018]
- <sup>42</sup> Government of Tanzania. *Sexual Offences Special Provisions Act*. Part 1(3) Section 154. 1998.; Burke, J. 2018
- <sup>43</sup> Tambiah Y. 1998
- <sup>44</sup> Matangi Tonga [2015]
- <sup>45</sup> Ibid
- <sup>46</sup> Ibid
- <sup>47</sup> Fonua [2015]
- <sup>48</sup> Government of Australia (2018) p29
- <sup>49</sup> Ibid
- <sup>50</sup> <http://www.kaleidoscopeaustralia.com/wp-content/uploads/2014/09/Sri-Lanka-Report-Final.pdf>
- <sup>51</sup> Tonga is one of only two Polynesian countries which has not signed the 2011 UN “joint statement on ending acts of violence and related human rights violations based on sexual orientation and gender identity”, and male consensual same-sex sexual activity is illegal under the Criminal Offences Act with a maximum penalty of 10 years imprisonment.
- <sup>52</sup> Tamani Rarama 2015
- <sup>53</sup> United States Department of State. ‘St Lucia’. *Country Reports on Human Rights Practices for 2012*.
- <sup>54</sup> Ibid
- <sup>55</sup> St Lucian SOGIE activist.
- <sup>56</sup> Abbott (2008) claims that (meta)narratives are “recurrent skeletal stories, belonging to cultures and individuals that play a powerful role in questions of identity, values and the understanding of life.”
- <sup>57</sup> Culture and tradition are malleable concepts with no fixed point—all tradition and culture are invented at one point or another.
- <sup>58</sup> Ibid
- <sup>59</sup> Ostracism in its modern forms has been defined in various ways. The general definition given by Merriam-Webster is, “exclusion by general consent from common privileges or social acceptance.” Ostracism is similar to other forms of exclusion. Kipling Williams [2007] offers a broad definition of social ostracism as “ignoring and excluding individuals or groups by individuals or groups”; and defines social exclusion as “being kept apart from others” (see also Leary, 2001, for an attempt to distinguish ostracism from other forms of rejection and exclusion.
- <sup>60</sup> Ibid
- <sup>61</sup> Ibid
- <sup>62</sup> Ibid
- <sup>63</sup> European Institute for Gender Equality [2017]
- <sup>64</sup> UN Women. *Combatting Online Violence Against Women & Girls: A Worldwide Wake-Up Call*. [2015].
- <sup>65</sup> Ibid



INSIDE BACK COVER



**“In Africa ... we have termites. At first you don’t notice them, but they get into things like the wooden materials that houses are made of and start to destroy it from the inside. Backlash is the termites crumbling all the women’s rights we have built.”**

Tanzanian women’s rights activist

