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COMMEMORATIVE ISSUE  
HUMAN RIGHTS IN MOTION



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HUMAN RIGHTS

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# Human Rights in Motion

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# INTRODUCTION



## HUMAN RIGHTS IN MOTION: A MAP TO A MOVEMENT'S FUTURE

Lucia Nader (Executive Director, Conectas)  
Juana Kweitel (Program Director, Conectas)  
Marcos Fuchs (Associate Director, Conectas)

**Sur Journal** was created ten years ago as a vehicle to deepen and strengthen bonds between academics and activists from the Global South concerned with human rights, in order to magnify their voices and their participation before international organizations and academia. Our main motivation was the fact that, particularly in the Southern hemisphere, academics were working alone and there was very little exchange between researchers from different countries. The journal's aim has been to provide individuals and organizations working to defend human rights with research, analyses and case studies that combine academic rigor and practical interest. In many ways, these lofty ambitions have been met with success: in the past decade, we have published articles from dozens of countries on issues as diverse as health and access to treatment, transitional justice, regional mechanisms and information and human rights, to name a few. Published in three languages and available online and in print for free, our project also remains unique in terms of geographical reach, critical perspective and its Southern 'accent'. In honour of the founding editor of this journal, **Pedro Paulo Poppovic**, the 20<sup>th</sup> issue opens with a biography (by João Paulo Charleaux) of this sociologist who has been one of the main contributors to this publication's success.

This past decade has also been, in many ways, a successful one for the human rights movement as a whole. The Universal Declaration of Human Rights has recently turned 60, new international treaties have been adopted and the old but good global and regional monitoring systems are in full operation, despite criticisms regarding their effectiveness and attempts by States to curb their authority. From a strategic perspective, we continue to use, with more or less success, advocacy, litigation and naming-and-shaming as our main tools for change. In addition, we continue to nurture partnerships between what we categorize as local, national and international organizations within our movement.

Nevertheless, the **political and geographic coordinates** under which the global human

rights movement has operated have undergone profound changes. Over the past decade, we have witnessed hundreds of thousands of people take to the streets to protest against social and political injustices. We have also seen emerging powers from the South play an increasingly influential role in the definition of the global human rights agenda. Additionally, the past ten years have seen the rapid growth of social networks as a tool of mobilization and as a privileged forum for sharing political information between users. In other words, the journal is publishing its 20<sup>th</sup> issue against a backdrop that is very different from that of ten years ago. The protests that recently filled the streets of many countries around the globe, for example, were not organized by traditional social movements nor by unions or human rights NGOs, and people's grievances, more often than not, were expressed in terms of social justice and not as rights. Does this mean that human rights are no longer seen as an effective language for producing social change? Or that human rights organizations have lost some of their ability to represent wronged citizens? Emerging powers themselves, despite their newly-acquired international influence, have hardly been able – or willing – to assume stances departing greatly from those of “traditional” powers. How and where can human rights organizations advocate for change? Are Southern-based NGOs in a privileged position to do this? Are NGOs from emerging powers also gaining influence in international forums?

It was precisely to reflect upon these and other pressing issues that, for this 20<sup>th</sup> issue, SUR's editors decided to enlist the help of over 50 leading human rights activists and academics from 18 countries, from Ecuador to Nepal, from China to the US. We asked them to ponder on what we saw as some of the most urgent and relevant questions facing the global human rights movement today: 1. Who do we represent? 2. How do we combine urgent issues with long-term impacts? 3. Are human rights still an effective language for producing social change? 4. How have new information and communication technologies influenced activism? 5. What are the challenges of working internationally from the South?

The result, which you now hold in your hands, is a **roadmap for the global human rights movement** in the 21<sup>st</sup> century – it offers a vantage point from which it is possible to observe where the movement stands today and where it is heading. The first stop is a reflection on these issues by the founding directors of Conectas Human Rights, **Oscar Vilhena Vieira** and **Malak El-Chichini Poppovic**. The roadmap then goes on to include **interviews** and **articles**, both providing in-depth analyses of human rights issues, as well as **notes from the field**, more personalized accounts of experiences working with human rights, which we have organized into **six categories**, although most of them could arguably be allocated to more than one category:

**Language.** In this section, we have included articles that ponder the question of whether human rights – as a utopia, as norms and as institutions – are still effective for producing social change. Here, the contributions range from analyses on human rights as a language for change (**Stephen Hopgood** and **Paulo Sérgio Pinheiro**), empirical research on the use of the language of human rights for articulating grievances in recent mass protests (**Sara Burke**), to reflections on the standard-setting role and effectiveness of international human rights institutions (**Raquel Rolnik**, **Vinodh Jaichand** and **Emílio**

**Álvarez Icaza**). It also includes studies on the movement's global trends (**David Petrasek**), challenges to the movement's emphasis on protecting the rule of law (**Kumi Naidoo**), and strategic proposals to better ensure a compromise between utopianism and realism in relation to human rights (**Samuel Moyn**).

**Themes.** Here we have included contributions that address specific human rights topics from an original and critical standpoint. Four themes were analysed: economic power and corporate accountability for human rights violations (**Phil Bloomer, Janet Love and Gonzalo Berrón**); sexual politics and LGBTI rights (**Sonia Corrêa, Gloria Careaga Pérez and Arvind Narrain**); migration (**Diego Lorente Pérez de Eulate**); and, finally, transitional justice (**Clara Sandoval**).

**Perspectives.** This section encompasses country-specific accounts, mostly field notes from human rights activists on the ground. Those contributions come from places as diverse as Angola (**Maria Lúcia da Silveira**), Brazil (**Ana Valéria Araújo**), Cuba (**María-Ileana Faguaga Iglesias**), Indonesia (**Haris Azhar**), Mozambique (**Salvador Nkamate**) and Nepal (**Mandira Sharma**). But they all share a critical perspective on human rights, including for instance a sceptical perspective on the relation between litigation and public opinion in Southern Africa (**Nicole Fritz**), a provocative view of the democratic future of China and its relation to labour rights (**Han Dongfang**), and a thoughtful analysis of the North-South duality from Northern Ireland (**Maggie Beirne**).

**Voices.** Here the articles go to the core of the question of whom the global human rights movement represents. **Adrian Gurza Lavalle** and **Juana Kweitel** take note of the pluralisation of representation and innovative forms of accountability adopted by human rights NGOs. Others study the pressure for more representation or a louder voice in international human rights mechanisms (such as in the Inter-American system, as reported by **Mario Melo**) and in representative institutions such as national legislatures (as analysed by **Pedro Abramovay and Heloisa Griggs**). Finally, **Chris Grove**, as well as **James Ron, David Crow and Shannon Golden** emphasize, in their contributions, the need for a link between human rights NGOs and grassroots groups, including economically disadvantaged populations. As a counter-argument, **Fateh Azzam** questions the need of human rights activists to represent anyone, taking issue with the critique of NGOs as being overly dependent on donors. Finally, **Mary Lawlor and Andrew Anderson** provide an account of a Northern organization's efforts to attend to the needs of local human rights defenders as they, and only they, define them.

**Tools.** In this section, the editors included contributions that focus on the instruments used by the global human rights movement to do its work. This includes a debate on the role of technology in promoting change (**Mallika Dutt and Nadia Rasul**, as well as **Sopheap Chak and Miguel Pulido Jiménez**) and perspectives on the challenges of human rights campaigning, analysed provocatively by **Martin Kirk** and **Fernand Alphen** in their respective contributions. Other articles point to the need of organizations to be more grounded in local contexts, as noted by **Ana Paula Hernández** in relation to Mexico, by **Louis Bickford** in what he sees as a convergence towards the global middle, and finally by **Rochelle Jones, Sarah Rosenhek and Anna Turley** in their movement-support model. In addition, it is noted by **Mary Kaldor** that NGOs are not the same as civil society,



properly understood. Furthermore, litigation and international work are cast in a critical light by **Sandra Carvalho and Eduardo Baker** in relation to the dilemma between long and short term strategies in the Inter-American system. Finally, **Gastón Chillier and Pétalla Brandão Timo** analyse South-South cooperation from the viewpoint of a national human rights NGO in Argentina.

**Multipolarity.** Here, the articles challenge our ways of thinking about power in the multipolar world we currently live in, with contributions from the heads of some of the world's largest international human rights organizations based in the North (**Kenneth Roth** and **Salil Shetty**) and in the South (**Lucia Nader, César Rodríguez-Garavito, Dhananjayan Srisikandarajah** and **Mandeep Tiwana**). This section also debates what multipolarity means in relation to States (**Emilie M. Hafner-Burton**), international organizations and civil society (**Louise Arbour**) and businesses (**Mark Malloch-Brown**).

Conectas hopes this issue will foster debate on the future of the global human rights movement in the 21<sup>st</sup> century, enabling it to reinvent itself as necessary to offer better protection of human rights on the ground.

Finally, we would like to emphasize that this issue of Sur Journal was made possible by the support of the Ford Foundation, Open Society Foundations, the Oak Foundation, the Sigrid Rausing Trust, the International Development Research Centre (IDRC) and the Swedish International Development Cooperation Agency (SIDA). Additionally, Conectas Human Rights is especially grateful for the collaboration of the authors and the hard work of the Journal's editorial team. We are also extremely thankful for the work of Maria Brant and Manoela Miklos for conceiving this Issue and for conducting most of the interviews, and for Thiago Amparo for joining the editorial team and making this Issue possible. We are also tremendously thankful for Luz González's tireless work with editing the contributions received, and for Ana Cernov for coordinating the overall editorial process.



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## Human Rights in Motion

# Themes

**JANET LOVE**

Are We Depoliticising Economic Power?:  
Wilful Business Irresponsibility and Bureaucratic Response by  
Human Rights Defenders

**PHIL BLOOMER**

Are Human Rights an Effective Tool for Social Change?:  
A Perspective on Human Rights and Business

**GONZALO BERRÓN**

Economic Power, Democracy and Human Rights. A New  
International Debate on Human Rights and Corporations

**DIEGO LORENTE PÉREZ DE EULATE**

Issues and Challenges Facing Networks and Organisations Working  
in Migration and Human Rights in Mesoamerica

**GLORIA CAREAGA PÉREZ**

The Protection of LGBTI Rights: An Uncertain Outlook

**ARVIND NARRAIN**

Brazil, India, South Africa:  
Transformative Constitutions and their Role in LGBT Struggles

**SONIA CORRÊA**

Emerging Powers: Can it be that Sexuality and Human Rights is a  
Lateral Issue?

**CLARA SANDOVAL**

Transitional Justice and Social Change



#### SONIA CORRÊA

Ever since the late 1970's Brazilian expert Sonia Corrêa has been involved in research and advocacy activities related to gender equality, health and sexuality. She has a degree in Architecture and a post-graduate degree in Anthropology. She is the founder of SOS-Corpo – Instituto Feminista para Democracia (Feminist Institute for Democracy), and member of the board of CCR – Comissão de Cidadania e Reprodução (Commission for Citizenship and Reproduction) in Brazil. Since 2002, with Richard Parker, she co-chairs Sexuality Policy Watch (SPW), a global forum comprising researchers and activists engaged in analyses of global trends in sexuality related policy and politics. In 2006, she co-chaired the expert meeting that issued the Yogyakarta Principles. She has lectured in various academic institutions and extensively published in Portuguese and English. Her writings include, among many others, *Population and Reproductive Rights: Feminist Perspectives from the South* (Zed Books, 1994) and *Sexuality, Health and Human Rights*, co-authored with Richard Parker and Rosalind Petchesky (Routledge, 2008).

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#### ABSTRACT

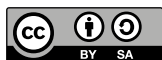
The article examines how emerging powers – namely, Brazil, Russia, India, China and South Africa – have behaved in multilateral debates around human rights, gender and sexuality, especially at Ibsa and Brics fora. The arguments presented are derived from the first round of conversations held in 2013 by the Sexuality Policy Watch, a forum of researchers and activists which invited partners based in the Global South to launch a cross-country effort to contribute to sexuality related global policy debates. After exposing the distinct foreign policies of the five countries regarding sexuality and gender, the paper analyses their performance and shifting alliances both within the Ibsa and Brics blocks and across North-South relationships in several multilateral fora. Although the frequent use of the terms Brics, Ibsa or 'emerging powers' might lead to forming an image of cohesion, the article concludes by highlighting their heterogeneity, still more pronounced in relation to sexual and reproductive rights, for these formations are comprised by States whose interests do not fully coincide and which, not rarely, compete with each other in a variety of fronts.

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#### KEYWORDS

IBSA – BRICS – Sexuality – LGBT rights – United Nations



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## EMERGING POWERS: CAN IT BE THAT SEXUALITY AND HUMAN RIGHTS IS A 'LATERAL ISSUE'?

Sonia Corrêa

### 1 Where does this theme come from?

The world is witnessing the emergence of geopolitical shifts and novel political economic and ideological formations, foremost amongst which are the Brics (Brazil, Russia, India, China and South Africa) and Ibsa (India, Brazil and South Africa) blocks. The presence and influence of these 'rising' powers are rapidly increasing, politically and economically, in various regions of the Global South. Ibsa and Brics now inhabit the political imagination of States, of the private sector and also of civil society actors, South and North of the Equator. In all these quarters, questions are being raised about the meaning of these shifts in terms of development patterns, bilateral and multilateral arenas and cooperation systems. Among civil society actors, expectations and questions are also emerging in regard to how these trends intersect with the ongoing global and national politics of gender, sexuality and rights. However, these domains of social, political and personal life are not being addressed in the academic debates devoted to understanding and intervening in the dynamics of the Ibsa and Brics formations, much less in conversations and agreements emanating from the interactions of these new blocks.

This absence inspired Sexuality Policy Watch, a global forum of researchers and activists, to invite partners based in the Global South to initiate a cross-country effort aimed at better understanding this gap and, eventually, expanding the visibility of these topics in ongoing debates on emerging powers, development and geopolitics.<sup>1</sup> This paper shares ideas discussed in this project's first round of conversation, which was held in Rio in July 2013, and includes an analysis – originally presented at a panel at Conectas' 13<sup>th</sup> International Human Rights Colloquium, held in São Paulo in the same year – on the way rising powers, since their emergence, have behaved in multilateral debates around human rights, gender and sexuality.

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*Notes to this text start on page 178.*

## 2 The emperor's clothes

Even a quick bird's eye view of gender and sexuality politics in Brazil, China, India, Russia and South Africa reveals that – whether or not the leaders of these emerging powers would like to directly address them in their negotiations –, these are dimensions of social and political life that cannot be easily skirted around. Even in 2014, one only needs to glance at the media and internet to verify that the effects of political power on gender and sexuality, and vice-versa, are not to be found at the extremities, as it was suggested by Foucault few decades ago. They are rather matters visibly at play in the centre of political stages in the most diverse contexts around the world; therefore these are not dimensions that can be avoided in global policy debates (CORRÊA; PARKER; PETCHESKY, 2008). Given that, the silencing of gender and sexuality matters that prevails in the formal discourses of the emerging powers on development and social justice evokes the Danish tale of the emperor's new clothes: they reveal what one may be trying to conceal.

Paul Amar's research on the shift from the neoliberal paradigm of the 1980's and 1990's towards a new model of governmentality – now organised around human security, which is directly linked to the 'emerging powers phenomenon' – demonstrates in detail how the new modalities of governance articulate measures of State protection, human rights and securitisation that, more often than not, revolve around gender, sexuality and family arrangements.<sup>2</sup> When the lenses are shifted to the four emerging powers being scrutinised by the project – Brazil, China, India and South Africa –, gender and sexuality politics are also very difficult to conceal.

**China** – As noted by Cai Yipping, in the Rio meeting mobilisation on LGBT issues, gender-based violence and marriage laws has rapidly expanded in China in recent years, as an effect of economic growth, higher levels of education and access to Internet, despite State restrictions on political demonstrations. Also examining the Chinese scenario after the 1970's market reforms, Huang Hinging (2013) describes how a renewed sexual politics has been developing around three overlapping areas: sexology, revised gender claims and what she portrays as a "sexual revolution".

Furthermore, as also described by Cai Yiping, flagrant gender and sexual tropes can now be detected in the discourses of high level Chinese authorities. Speaking at the press conference of the Fifth Round of China-US Strategic and Economic Dialogue held in Washington DC, the Vice Premier Wang Yang used the metaphor of a happy marriage to describe the relation between the two countries in the following terms: "We are partners who cannot afford to separate, because our relation is embedded in family responsibilities". Wang Yang went on to say that he and the US Secretary of Treasury Jacob Lew were the "newlyweds", and added: "I do know that same-sex marriage is allowed in US, but this is not what me and Jacob wanted it to mean."<sup>3</sup> On the other hand, it should be noted that sex work is still criminalised in China and quite often it becomes an easy target of State repression. This happened in early 2014, when the police stroke down sexual markets in various cities across the country as part of a national anti-corruption

campaign (CHINA'S..., 2014). Some observers noted that images of these operations revived the memories of moralising campaigns implemented during the Cultural Revolution in the 1960-1970.

**India** – The trajectory of a livable politics around gender and sexuality cannot be circumvented in India either, as it can be tracked back to long standing feminist debates on population control, marriage laws, gender-based violence, prenatal sex selective abortions<sup>4</sup> that began being articulated in the 1970's. This ultimately unfolded into the complex and rich fabric of the 2000's queer politics that, among others, has coalesced around the struggle against Section 377 of the Penal Code, inherited from the colonial times, that criminalised “unnatural sexual acts”, or the practice of sodomy, to use a canonical term (SANDERS, 2009). This mobilisation led to the 2009 Delhi High Court decision on the unconstitutionality of the Section 377 (RAMASSUBBAN, 2007; KIRBY, 2011). Another important feature of the Indian landscape is a vibrant and vocal sex workers rights movement.

The politics of sexuality in India gained wider visibility after the large social mobilising and protests that followed the gang rape of a young woman in Delhi in December 2012, which must be understood within this broader context. One year later, Indian sexual politics was once again on the screens and front pages, when the Supreme Court stroke down the 2009 decision of Delhi High Court. Following this decisions, new protests mushroomed all over India, and also in a number of cities worldwide (KHANNA, 2013). In the Rio discussions in July 2013, both Nitya Vesudevan and Akshay Khana strongly underlined that Indian sexual politics cannot be disconnected from caste and class. Akshay, in particular, observed that Indian sexual politics must also be understood in relation to the emergence of new middle classes and certain constructions of masculinity. These factors must be taken into account when examining the emergence of India as a potential new super power.

**Brazil** – Brazil is another country in which the trajectory of gender and sexuality politics has been extensively documented (DE LA DEHESA, 2010; VIANNA; CARRARA, 2007). In fact the ‘progressive’ features on Brazilian policies in these domains, particularly its responses to HIV/AIDS, have in the past been widely acclaimed. Although no globalised headlines have been registered recently, the last ten to fifteen years have seen the intensification of political skirmishes and battles around gender and sexuality matters (KAOMA; QUEIROZ, 2013; VITAL; LEITE LOPES, 2013). Abortion and same-sex marriage were central topics of the 2010 presidential election and have once again flared up in the 2014 campaign underway as this paper was being finalized (DUARTE, 2014; DUVIVIER, 2014). Since 2010, even though some legal gains have been registered – such as the Supreme Court decision recognising same-sex unions (2011) and granting the right to abortion in the case of anencephaly (2012)– regression prevails, such as prohibitionist legal proposals on abortion, censorship of a number of sexuality and HIV-related educational materials; and, in 2013, a dogmatic evangelical pastor was elected head of the Committee on Human Rights and Minorities of the House of Representatives (DE LA DEHESA, 2010).<sup>5</sup> In May 2014, Pedro Chequer, who directed the National HIV/AIDS Program in the 1990's and early 2000's, classified the

country's current sexual politics as a "Brazilian made Bush era, a belated copy of what happened in the United States during the last decade". According to Chequer, sexual politics is now characterised, in Brazil, by a striking 'subservience' of the Federal Government to conservative groups. In his words: "campaigns and educational materials have been prohibited and official voices are often silent in relation to sexual matters as to 'avoid irritating the conservatives'. Principles of *laïcité* have been waning since the signing of the diplomatic agreement with the Vatican in 2009" (EM ENTREVISTA..., 2014).<sup>6</sup>

**South Africa** – In South Africa, one important feature of gender and sexuality political dynamics is the gap or contrast between laws adopted after the end of the apartheid – internationally acclaimed for their commitment to equality and anti-discrimination in all domains, including in respect to gender and sexuality – and the harsh realities of daily life, where it is not exactly easy for these formal rights to be realised (BERESFORD; SCHNEIDER; SEMBER, 2007). One blatant illustration of this gap is the high incidence of rape, in particular of "corrective" rapes and murders of black lesbians, and the obstacles experienced to investigate, indict and judge perpetrators. Against this backdrop, Dawn Cavenagh, the South African participant in the SPW Rio meeting in July 2013, also noted that the 2006 judgment of Jacob Zuma for rape is indelibly printed in the trajectory of national gender and sexual politics (RATELE, 2006). Cavenagh also noted that sexual communities and their political agendas are inextricably caught by the dynamics propelled by these old and new patterns of inequalities, as illustrated by the bifurcation between gentrified LGBT pride parades, where white participants are the majority, and the popular demonstrations called by the Black queer movement.

**Russia** – Although Russia is not included in the SPW project, in this context of analysis it is also worth recalling that its internal sexual politics has also been for sometime in the front pages of international media, as since the mid 2000's pride parades have been systematically attacked by secular and religious authorities as well as by extreme nationalist and anti-LGBT rights groups in society. Regressions have also been observed in relation to the access to safe abortions. Then in 2013, a legislative reform banning the promotion of homosexuality and of non-traditional forms of family was approved, triggering a trail of international protests, including demonstrations during the 2014 Sochi Winter Games.

### 3 Rising powers as global players on human rights and sexuality in multilateral arenas

Having sketched above the incomplete cartography of domestic politics, this section briefly examines how emerging powers have been performing since 2004, when Ibsa was created, in multilateral arenas where human rights sexuality and gender have been negotiated. Before entering the topic, however, it is important to recall that, for the last twenty years, gender and sexuality matters have been increasingly debated in United Nations arenas, this being one main effect of the 1990's cycle of conferences on social issues, in particular the 1993 Vienna Conference on Human Rights, the 1994 Cairo Conference on Population and Development, the 1995

Beijing IV World Conference on Women and their periodical reviews. In all of these cases, it was never easy to achieve consensus in respect to these matters as they were fraught and traversed by “moral” polemics but also affected by sharp South-North tensions (CORRÊA; PARKER; PETCHESKY, 2008; GIRARD, 2007; SAIZ, 2004).

It is also worth noting that, in the early days of negotiations, Brazil, China, India and South Africa were part of the Group of 77 (G77) and that South Africa, barely emerging from apartheid, was entering for the first time inter-State negotiations. Debates on gender and sexuality were never easy within G77, due both to cultural relativism arguments and to the Vatican’s great influence on many of the group’s States. Because of that, in many critical occasions, agreements were reached within G77, usually pushed by Brazil and India, to the effect that the group should retain its consensus in respect to economic matters, but that members could have individual positions with respect to other policy areas. This mode of functioning was a key factor beneath the consensus reached in the 1990’s negotiations in international conferences (SEN; CORRÊA, 1999). On the other hand, Russian, Eastern European countries and the former Soviet republics of Central Asia were all clustered under what was then called the “countries in transition” group, and were mostly silent on a wide range of issues, including gender and sexuality matters.

While this geopolitical cartography has been substantially transformed in the past decades, tensions in regard to gender, and particularly sexuality, have not exactly receded. By examining more specifically how emerging powers are behaving today, observers –who have been consulted in this regard by this author – by and large consider that Brics and Ibsa do not usually operate cohesively.<sup>7</sup> But, observers also note that the individual positions of these States are today less predictable than in the past.

One of these informants, for example, noted that, at least until mid-2013, no consistent sign of Brics and Ibsa as solid blocks in relation to gender and sexuality was seen neither at the UN Human Rights Council (HRC) nor at the Economic and Social Council (Ecosoc) or at the General Assembly. Even so, there are moments, in New York, when these States position themselves as the “big block” (Brics), and in other occasions, at the HRC, they appear as the “tiny block” (Ibsa). But, in the view of the informant consulted by the author, these moments of ephemeral aggregation do not configure a “pattern of behaviour”, as in most cases emerging powers are not moving alone but in partnership with other countries (predominantly from the Global South, but not always). On the other hand, at the HRC, distinctions are palpable between Russia and China and the other three Ibsa countries. This shall be examined more closely further ahead.

Most observers agree with the view that the main novelty of the last few years is not so much Brics or Ibsa operating as solid blocks, but rather the flagrant and expanding role of Russia, which was almost absent from these arenas until the mid 2000’s. Russia’s conduct has been one of predominant regressive positions on human rights, broadly speaking, and particularly on civil society participation at the HRC, especially in regard to rights related to sexuality (homosexuality tout



court). It has continuously advanced multiple attacks on rights related to gender and sexuality, as strongly illustrated by the resolution on traditional values that the country tabled in 2010.

As for China, the prevailing perception of these privileged informants is that, to a large extent, it keeps doing business as usual. China has always been reluctant in relation to human rights, as illustrated by the many obstacles it created in the 1993 Vienna Conference on Human Rights and in the initial stages of the HRC's institutional development. Furthermore, China has never been particularly vocal on issues of gender, sexuality and reproductive rights, not even in the 1995 Beijing Conference itself. Yet, one observer worryingly noted that there are signs that a 'division of labour' between China and Russia is at work at the HRC in regard to strategies aimed at weakening rules of the UN human rights system: Russia usually attacks the epistemology of human rights and the special procedures mechanisms, while China is devoted to attacking the treaty bodies. Both States often take positions aimed at restricting the overall autonomy of the human rights system and limiting the participation of civil society in Human Rights Council debates. In doing so, China often drags behind itself a number of African States. Though worrying, this emerging pattern of behaviour cannot, however, be portrayed (yet) as a Brics coordinated action.

No strong patterns of cohesion can be identified in the behaviour of the three Ibsa countries either, which seems to be mainly determined by circumstances. As noted by Julie de Rivero from Human Rights Watch in her presentation at the Conectas' 13<sup>th</sup> International Human Rights Colloquium, in September 2013, though India constantly aligns itself with China and Russia to argue for respecting countries' sovereignty, until recently, it had never openly opposed special procedures or NGO participation. However, in the September 2013 Session of HRC, the Indian delegation aligned itself with China and Russia in a resolution aimed at restricting the participation of NGOs in the HRC procedures. Brazil usually abstains from an adamant position on the primacy of sovereignty, but systematically reacts to calls for more substantive human rights positions or interventions by insisting on 'cooperation'. South Africa waivers quite a lot, and this makes it more difficult to grasp its rationales and motivations.

In respect to sexuality matters, with few exceptions, the current behaviour of the Ibsa countries both in New York and Geneva tend to follow past scripts. Brazil remains the most open of the three States in relation to these matters, particularly in relation to LGBT rights, as recognised by member States and civil society organisations. In its support for LGBT rights, Brazilian diplomacy works jointly with Latin American and European countries, as well as with the US, being usually able to move without much difficulty across the North and South divide, sometimes even functioning as a mediator. In hindsight, in the first round of revisions of the Cairo and Beijing conferences (1999 and 2000) and in a few sessions of the Commission on Population and Development, South Africa and India were aligned with the Latin American and Caribbean countries, mainly led by Brazil and Mexico, in fierce resistance against conservative efforts aimed at undoing the previous consensus (SEN; CORRÊA, 1999). But neither China nor Russia have been part of these coalitions.

On the other hand, three recent episodes indicate that the Brazilian current option for aligning with the South, or with fellow emerging powers, appears to be changing this long-standing pattern of clear support to sexual and reproductive rights. In the Rio+20 negotiations in 2012, Brazil did not defend the retention of language on reproductive rights in the final document, a position formally justified by the priority to keep the cohesion of Group 77. This was publicly regretted by well-known voices such as Gro Brutland and Mary Robison, and feminist activists from various countries.

Then, also in September 2013, another inconsistency was detected in Brazil's diplomatic behaviour regarding discrimination against LGBT persons, this time more directly attributable to Brics internal 'solidarity'. On 29 September, in New York, Brazil co-sponsored a joint declaration against human rights violations on the basis of sexual orientation and gender identity. In this occasion, the ambassador made a strong public statement on the subject, which was highly welcome, given the high levels of violence experienced by LGBT persons in Brazil (BRASIL, 2012). Yet in the same month during the Human Rights Council session, in Geneva, Brazil avoided voicing concerns about the exclusion of sexual orientation and gender identity as a basis for discrimination from the text of the resolution proposed by Russia on the Olympics and human rights. Lastly, as this paper was being finalised during the 26<sup>th</sup> Session of the Human Rights Council, in June 2014, the Brazilian delegation abstained in the final voting of a Resolution on the Protection of the Family that failed to include language on the diversity of family formations.

India, for its part, has been historically supportive of gender equality, reproductive and maternal health, HIV/AIDS prevention and treatment, and, to a lesser extent, reproductive rights. It has never openly opposed sexual matters, but it has never been quite vocal either, except in relation to the listing of vulnerable populations affected by HIV. India became more comfortable with the topic of sexuality and LGBT rights after the decision of the High Court of Delhi on Article 377 and it began supporting the inclusion of sexual orientation in UN annual resolutions on extra-judicial executions. According to the same informer, the India trade basket is so wide that quite often it does its best to please almost everyone: from the U.S. to China, from Israel to Iran. Such a breadth of interested bargains makes it very hard to detect more clearly what its positions are in relation to those issues that in the past India had easily led in multilateral arenas, such as gender, maternal mortality, reproductive rights and abortion, or even HIV/AIDS. It is yet to be seen how this behaviour will be affected by recent legal and political developments: the December 2013 Supreme Court decision that re-criminalized same-sex relations and, most importantly, by the landslide election of the Hindu Nationalist Party (BJP) in May, 2014, whose records in what concerns gender and sexuality matters are far from progressive (CORREA; PARKER; PETCHESKY, 2008; APOORVANAND, 2014).

The position of South Africa is considered by many to have been erratic over the years and to remain unclear today. It was very vocal in the 1990s, but regressive and silent in the 2000s. Since 2011, however, it has placed itself once again as a

protagonist in relation to sexual matters, as illustrated by a major step forward it took in tabling a resolution on sexual orientation and gender identity. This move has been correctly interpreted by a wide range of actors as the new chapter in the long saga around sexual orientation and gender identity issues inaugurated by 2003 Brazilian resolution. In March 2013, the country took on a very positive position in a difficult discussion around gender-based violence that took place at the Commission on the Status of Women, in New York, openly championing the inclusion of language on lesbians. Then, in June of the same year, South Africa retreated from tabling the second resolution unfolding from the 2011 text. This retreat was interpreted as a strategic move by South Africa aimed at not losing regional support for its candidacy to a seat in the Security Council. Others say this is not exactly the case, because it would have the seat in any case. This particular move on the part of South Africa must be placed against the wider and much complex politics that involved the resolution debate, including sharp differences of view between Southern and Northern civil society voices in relation to the pace and unevenness of regional consultations around the resolution and, most importantly, on what was the main goal of the resolution (COALITION OF HUMAN RIGHTS DEFENDERS, 2013).<sup>8</sup>

In the case of South Africa and Brazil, one must also analyse their role in their respective regions. The regional preparatory processes regarding the +20 Review of the International Conference on Population and Development (ICPD), which has been underway since 2013, illustrate the importance of their positions in regional negotiations. In the preparatory African Regional Conference, in Addis Ababa, when extremely regressive positions were expressed by both North African and sub-Saharan States, for example, South Africa consistently supported sexual and reproductive rights, including in respect to sexual diversity, or LGBT rights. Brazil, after the regrettable setback on reproductive rights in the Rio +20 conference in 2012, has also played a positive role in the negotiations of the First Latin American Regional Conference on Population and Development (Montevideo, August 2013), which delivered the best final document of the various ICPD + 20 regional rounds. The Montevideo Consensus is consistent with Cairo and Beijing definitions, in fact going further in relation to some aspects, as in the case of LGBT and sex workers' rights (ABRACINSKAS et al., 2014).

The Cairo + 20 process as a whole provides a good illustration of the Brics performance in relation to gender and sexuality matters. Despite the positive outcomes of regional conferences, the negotiations of the 47<sup>th</sup> Session of the UN Commission on Population and Development (CPD), in April 2014, designed as the key moment of the review of implementation of the ICPD policy recommendations at the global level, were extremely difficult, and its outcomes were publicly criticised by feminist organisations (RESURJ..., 2014).<sup>9</sup>

In the negotiations, considered by many as the most difficult in two decades, the African and Arab groups and the Vatican were the key voices sustaining regressive positions. But, once again, neither Brics nor Ibsa behaved cohesively,<sup>10</sup> even though a Brics Inaugural Seminar of Officials and Experts on Population Matters had met in Hazyview, South Africa, in early March, recommended as

thematic areas of potential cooperation, dialogue and collaboration: “Social issues in general and in particular, gender and women’s rights and sexual and reproductive health and reproductive rights” (BRICS, 2014). During the 47<sup>th</sup> CPD session, Russia was very discrete and China remained entirely silent. Brazil and South Africa worked closely on sexual orientation and gender identity, one of the hardest topics of the negotiations, and India expressed support to safe abortion, even if it was not vocal on other difficult matters.

But undercurrents and unexpected movements were also noted. Though discreet, Russia was evidently aligned with the most regressive voices. Furthermore, the adamant and aggressive positions expressed by the African group, in the view of some experienced observers, cannot be fully understood if not properly situated within the context of the expansion of Chinese cooperation and investment in the continent. The close collaboration between South Africa and Brazil inevitably caused tension with the African regional group. Most importantly, perhaps, Brazil, breaking its tradition of engagement in cross-regional groupings as a strategy to overcome deadlocks around gender and sexuality matters, in CPD 2014, declined from participating in the group of likeminded countries led by Argentina as an attempt to surpass difficulties that were blocking the process.

## 4 Conclusion

The pattern of behaviour described in this article resonates with Peter Konijn’s view that the frequent use of the terms ‘Brics’ and ‘Ibsa’ – or even ‘emerging powers’ – contributes to crystallising an image of homogeneity and cohesion among the five member countries, when in fact these formations are comprised by States whose interests do not fully coincide and which, not rarely, compete with each other in a variety of fronts. The contours of this heterogeneity are still more pronounced in relation to sexual and reproductive rights. On the other hand, the novel Brics collaboration on population and development and the undercurrents observed in CPD 2014, indicate, perhaps, that these differences may also be diluted in the medium run, depending both on internal dynamics and on global trends of sexual politics. In any case, nothing suggests that it is wise to bet on emerging powers’ formations as platforms that may easily deliver on an agenda articulating social, gender and erotic justice (KAPUR, 2005).

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## NOTES

1. This project, named *Rising powers, sexuality, politics and human rights*, is supported by Hivos. For developing it, SPW has invited partner institutions, such as Amnesty International (Brazil), Conectas Human Rights (Brazil), Ibase (Brazil), Institute of Development Studies (United Kingdom), Knowing Emerging Powers (The Netherlands), as well as individual activists and researchers. The following participants have attended the first meeting: Alana Kolundj (Sexuality Policy Watch); Cai Yiping (DAWN Executive Committee, China); Dawn Cavanagh (Coalition of African Lesbians and Sexual Rights Initiative, South Africa); Laura Waisbich (Conectas Human Rights, Brazil); Nitya

Vasudevan (Centre for the Study of Culture and Society, India); Mariana Britto (Ibase, Brazil); Mirijam Munsch (Hivos, The Netherlands); Paul Amar (Global Studies Program, University of California, Santa Barbara, US); Peter Konijn (Knowing Emerging Powers, The Netherlands); Rafael de la Dehesa (City University of NY, SPW collaborator); and Sonia Corrêa (Abia, Brazil, and Sexuality Policy Watch).

2. In his own words: "[the] term the human-security state emerged as a node of four intersecting logics of securitisation: moralistic (rooted in culture and values based on evangelical Christian and Islamic

piety discourses); juridical-personal (focused on rights, privatised property, and minority identity); workers (orbiting around new or revived notions of collective and social security and postconsumer notions of participation and citizenship); and paramilitary (a masculinist, police-centred, territorially possessive logic of enforcement)[...] They all explicitly aimed to protect, rescue, and secure certain idealised forms of humanity identified with a particular family of sexuality, morality, and class subjects, and grounded in certain militarised territories" (AMAR, 2013, p. 6).

3. See the detailed report on Southern Weekend, July 20 2013, <<http://www.infzm.com/content/92494>>.

4. The high rates of sex selective abortions that eliminate female fetuses is a highly palpable phenomenon in India, China, Korea and, to a less extent, Vietnam. It results from the perverse intersection between modernisation as manifested in novel medical technologies, in this particular case intra womb ultra sound, and the deep-rooted culture of son preference. The practice results among others in unbalanced sex ratios in the overall population.

5. The huge reaction triggered by the 'wrong findings' of a research conducted by the federal institute of research Ipea on perceptions about sexual violence, which said that 65 percent of people interviewed considered that a woman could be raped depending on what she was dressing, also indicate that sexual matters can not be easily circumvented in Brazilian politics and human rights debates. The figure was wrong as the report inverted the findings (in fact 25 percent of people have that perception and this is still very high). But the first post of Facebook campaign launched to countervail this perception got 11 million hits in 24 hours.

6. With the proclamation of the Republic in 1889 the Brazilian State sharply severed the intimate relation with the Church that had prevailed during the Empire. Since then Brazil has been one of the few Latin American countries that did not sign a formal diplomatic agreement with the Holy See to establish the parameters grounding the relations between the two entities. In 2009 this long established tradition of *laïcité* was left behind when such an agreement was signed that was not subject to the necessary broad based process of democratic deliberation (CUNHA, 2009).

7. The persons who have been heard requested not to be identified. Then in the panel where this

assessment was presented Julie Rivero from Human Rights Watch did present a mapping of the overall Human Rights Council dynamics in which Emerging Powers featured prominently. Some elements of her cartography were also incorporated in this version of the note.

8. The statement in relation to this matter made public by Global South organisations, right before the 2013 June session of the Human Rights Council, reads as follows: "We are concerned that establishing a special mechanism on SOGI [sexual orientation and gender identity] at this point, whether a Special Rapporteur, Independent Expert or Working Group, may render the mechanism ineffective: it is likely to be dismissed and ignored by some States and actively resisted and immobilised by others with serious consequences for the possibilities of change at a national level and increasing focus on name, blame and shame processes; this will in effect reinforce the opposition to the protection of the human rights of LGBTI individuals and set back existing gains as a major international tussle ensues within the Council and elsewhere. We believe that such an intervention will for some time to come strengthen the divides amongst States on this issue and will narrow the range of effective measures to address the violations; it will reduce the possibilities of real change at a local, country/national level" (COALITION OF HUMAN RIGHTS DEFENDERS, 2013).

9. As put by the RESURJ Network, "the Cairo Plus 20 process has failed not only us, but all women and girls. Women's sexuality continues to be stigmatised, oppressed, and considered 'dangerous' to the prevailing patriarchs who are in power. Unsafe abortion is still a leading cause of maternal mortality and morbidity. It is still a social justice demand for billions of mostly poor, young, and disadvantaged women. Access to safe abortion 'where legal' is no longer sufficient. Hundreds of women are being imprisoned in Latin America for terminating their unwanted pregnancies, and their health and lives are at risk. Abortion is not a crime and no woman or girl should be punished for it. The attempt by the few governments that tried to push for this language was quickly dismissed or unsupported by the majority in every region" (RESURJ ..., 2014, p. 1).

10. A number of activists and observers have been heard for this particular assessment: Alessandra Nilo, Beatriz Galli, Gita Sen and Marcelo Ferreyra.



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