

Holding Leaders Accountable



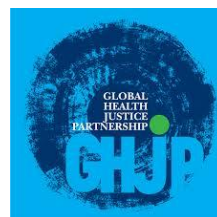
Challenging Criminalization Globally (CCG)

Inter-disciplinary and intersectional dialogue on un-
Policing identity, morality, sexuality and bodily
autonomy.

16-17 April 2018
Yale University
New Haven, Connecticut, USA

In partnership, with

CREA and Global Health Justice Partnership, Yale University



Funded by



Background

Across the globe and perhaps more disproportionately in the Global South, courts, parliaments and law enforcement agencies have become avid proponents of using the coercive power of the law to police, control and punish a variety of behaviours which they considered as contributing to 'moral decay'. In the global north, sometimes in highly punitive forms, criminalization of issues such as the transmission of HIV, hepatitis and tuberculosis have been accepted or are in the pipeline. The activities that come under this rubric include consensual sexual relations between persons of the same sex, sodomy, abortion, sex work, adultery, possession or publication of materials considered obscene, pornography, drug use, among others. Beyond the criminalization of behaviours, increasing the law is being used to penalise communities and subject them to systematic profiling and police harassment based on race, choice of work, other status especially with a desire to impose an idea of collective morality. In these countries, vague, ambiguous, deliberately open-ended criminal provisions have been deployed to achieve these goals. Penal provisions on vagrancy, loitering, public indecency, public nuisance, and HIV transmission, for instance, continue to be applied subjectively and with extremely wide discretion for the police to impose subjective notions of "unacceptable" identity, morality, sexuality and bodily autonomy.

The State's penchant for imposing a homogeneity of behaviour defies the very logic of humanity – the diversity of human experience. This increasing securitisation of the private (i.e. the use of "protecting public safety" as an excuse to infringe on individuals' rights – especially to their rights to privacy and their freedom of movement, expression and association) and the legislating of issues which could more appropriately be addressed by shifting the collective conscious, must be challenged. They must be challenged in order to ensure accountability to the most vulnerable and those most-at-risk of intersectional discriminations.

Two global commitments compel a closer discourse on the overarching use of criminal laws to curtails personal liberties and diverse expressions of identity, morality, sexuality and bodily autonomy, and these are:

1. the global commitment to end AIDS as an epidemic by 2030 and the Agenda 2030's mandate to "leave no one behind"; and
2. the achievement of the sustainable development goals [SDGs], particularly Goals 3 [good health and wellbeing], 5 [gender equality], 16 [peace, justice and strong institutions]

Countries in the global South bear the greatest burden of the HIV pandemic. They also face often crushing challenges to achieve sustainable development -- eradicating extreme poverty and hunger, ensuring universal education and health care, a cleaner global environment, gender empowerment and the elimination of economic inequalities. Despite these pressing issues, a major implication of States' preoccupation with policing of identity, morality, sexuality and bodily autonomy is the undermining of the fundamental rights of people to live lives of dignity and achieve self-actualisation. In short, this means the ability to exercise their full range of human rights and fundamental freedoms

is strongly impeded and equitable and sustainable development is hampered. It is therefore important to hold States accountable to their global commitments by highlighting the impact these criminal provisions and their application will have on the successful attainment of these global ideals by 2030.

It is acknowledged that neither of these issues, ending AIDS or achieving sustainable development, are conceptually value-neutral or silver bullets. However, they present a frame for mobilising civil society across the globe to explore deeper issues of inequality and pervasive social injustices using nomenclature that is familiar and perhaps attractive to the primary duty bearer, the State. Like the public health lens, the development narrative by itself is laden with assumptions that potentially undermine the idea of the universality of rights, or at the very least distort the necessity for this to drive State action towards achieving public health or development imperatives. However, AAI seeks to use the opportunities provided by the global solidarity among States to end AIDS as an epidemic and to achieve the sustainable development goals, to draw attention to the impact of criminal laws that impinge on identity, morality, sexuality and bodily autonomy, especially in the Global South, to raise awareness among civil society groups and mobilize action to challenge criminalisation in these areas.

2018 CCG Experts Meeting

Building on the work done at the 2016 AAI and Ford Foundation Challenging Criminalisation Globally Pre-Conference that focussed on gender & sexuality (de)criminalization, AAI will be joining with CREA, and the Yale University Global Health Justice Partnership (GHJP) to gather advocates and policy experts on criminalisation and a range of related field for an innovative discussion that highlights the linkages across issues and movements and focuses on “What next?”

AAI, in partnership with CREA and GHJP, aims to mobilise a critical movement of diverse stakeholders (including activists, academics, policymakers, media practitioners, economists, development agencies, multilateral institutions and the private sector) to advance a global discourse on how criminal provisions on sexuality, identity, and bodily integrity restrict the successful achievement of the end of AIDS and the achievement of the SDGs particularly in the global South. In order to advance this conversation, our collective efforts will focus on creating spaces for civil society to engage with the issue and network with new allies to building our collective analysis and advocacy capacity.¹

This global gathering will bring together diverse stakeholders to engage innovatively with the underlying causes of expanding criminalisation (especially bloating securitisation); to engage with new partners; and to rethink and undo existing as well as pending punitive, retributive ‘solutions’.² The

¹ Following this convening, the global discourse will continue at the 2nd Challenging Global Criminalisation pre-conference at AIDS2018, the International AIDS Conference [IAC] in Amsterdam. The pre-conference will provide an opportunity for stakeholders to take stock of the progress since the first Challenging Global Criminalisation pre-conference at AIDS2016 in Durban, South Africa, including the impact and achievements of this project.

² AAI will publish a compendium of analyses presented at the April convening. The compendium will focus on penal provisions that curtail non-hegemonic expression of identity, morality, sexuality and bodily autonomy in Africa, South-East Asia and the Latin America and Caribbean (the three regions of

convening will be held 17-18 April 2018 at Yale University. The purpose of the convening is to stimulate an inter-disciplinary and intersectional dialogue on un-Policing identity, morality, sexuality and bodily autonomy. Drawing upon experts who will be participating in the 51st session of the UN Commission on Population and Development (9-13 April, New York), this meeting will focus on accountability of states to the global commitments to ending AIDS by 2030 and the achieving the sustainable development goals. Some of the specific objectives of the experts meeting will be to:

1. Facilitate discussions among participants about underlying causes of expanding criminalisation, and securitisation³ and identify areas/projects for potential collaboration and re-examine existing, pending punitive and retributive 'solutions', including with the input of "unusual suspects" like business, tech and data experts and the media.
2. Organise presentations by some participants on "discussion briefs" (commissioned in advance by AAI) that analyse various penal provisions curtailing non-hegemonic expression of identity, morality, sexuality and bodily autonomy in the three regions that are the focus of this project -- Africa, South-East Asia and the Latin America and Caribbean -- and their implications for achieving the global, as well as regional development goals and commitments to end AIDS as an epidemic by 2030. Feedback on these briefs will be provided in the meeting and incorporated into a next draft of the briefs. (See more below).
3. Conduct stakeholder mapping on work on challenging criminalization, identification of opportunities for collaboration and cross-movement work sharing. This is aimed at providing a better understanding of current on-going work on criminalisation globally.

About the briefs and compendium:

Select participants will be invited to present discussion briefs which (after feedback in April meeting, and editing with AAI) will be included into a compendium/report to be launched next year.

These discussion briefs will be presented at the April convening, and will cover the work done by several partners on challenging criminal laws that impinge on identity, morality, sexuality and bodily autonomy. The brief can cover but is not limited to the following issues:

- Conceptualize the problem of the criminal law
- What does reform on challenging criminalization look like with country/region? (including reflection on what challenging criminal law would look like).
- Call to action (How to mobilize other social justice actors)/recommendations

Note: A detailed request for discussion briefs will be sent out to specific participants in due course.

AAI's project) and their implications for achieving the global and regional development goals, human rights obligations and commitments to end AIDS as an epidemic by 2030.

³ By securitisation AAI refers to the greater extension of the governments mandate to monitor, control and infringe on the freedoms of people within their state's borders, using the rationale of public safety. Terrorism, migration and climate change have all been contributing factors to increased securitisation in the past decade. Although more research has been done on this issue in the global north, it is also a considerable problem in the global south, and has led to the extension of criminalisation of behaviours that never existed before.

Dates and Venue

The experts consultative meeting is scheduled to be held from 17th to 18th April in New Haven, Connecticut, USA. The exact venue of the meeting will be communicated in due course. On 19 April, the group will meet with donors, colleagues and other stakeholders for a ½ meeting in New York.

Participants

It is anticipated that the experts meeting will bring together a total of 30 - 40 participants. The following criteria has been used to identify participants:

- Participation in the Durban CCG Preconference in 2016.
- Diverse selection of stakeholders including activists, academics, policymakers, media practitioners, economists, development agencies, multilateral institutions and the private sector.
- Selection of stakeholders from the global South engaged on work which is currently focused on criminal laws policing identity, morality, sexuality and bodily autonomy, and challenging criminalisation.

Logistics and Language

The AIDS Accountability International will cover the meeting costs including (meals and stationary) related to the experts meeting. In addition, AAI and CREA will provide travel support related to accommodation, air tickets and/or train associated with their respective representatives to the meeting (mainly participants from the global South). Where applicable, all participants are requested to obtain their visa from the embassy of the United States of America in their respective countries. A refund to AAI and CREA funded participants will be provided for the visa application. Due to logistical limitations, the meeting will only be conducted in English. One AAI staff member speaks French and Spanish and can be of limited assistance on clarifications but is not an interpreter.

Contact Details

Bob Mwiinga Munyati, MPH

Senior Researcher

AIDS Accountability International

102 Greenmarket Place, 54 Shortmarket Street

Cape Town 8000

South Africa

Tel: +27 (0)21 424 2057

Mobile: +27 (0)73 313 6779

Email: bob@aidaccountability.org

Website: www.aidaccountability.org

Phillipa Tucker

Director of Research and Communications

AIDS Accountability International

Rue l'Arbre Benit 44

Bruxelles

Belgium

1050

Tel: +32 (0)4 73 71 82 16

Twitter: @PhillipaTucker

Skype: Phillipa Tucker AAI

Email: phillipa@aidaccountability.org

Website: www.aidaccountability.org

Susana Fried

Senior Fellow

Global Health Justice Partnership, Yale University

susana.fried@gmail.com

+17187916863

Participants Lists

No.	Name	Organization
1.	Bob Mwiinga Munyati	AIDS Accountability International
2.	Phillipa Tucker	AIDS Accountability International
3.	Brook Kelly-Green	Ford Foundation
4.	Kenyon FARROW	Treatment Action Group, USA
5.	Daughtie Ogutu	African Sex Workers Alliance, Africa
6.	David Patterson	International Development Law Organization, Latin America
7.	Kiran Deshmukh	VAMP, India
8.	Meena Saraswathi Seshu	SANGRAM
9.	Tashwill Esterhuizen	Southern African Litigation Centre.
10.	ZHEN Li	CIDA, China
11.	Jide MCCAULEY	House of Rainbow, Nigeria
12.	Alejandro BRITO	Letra S, Mexico
13.	Arnetta Rodgers	Positive Women's Network
14.	Ricky Nathanson	Zimbabwe Sexual Rights Centre/Board member AmSHER/International Reference Group of Trans Women
15.	Megan MCLEMORE	Human Rights Watch, USA
16.	Sonia CORREA	Associada da ABIA; Associação Brasileira Interdisciplinar de AIDS; Política/Sexuality Policy Watch, Latin America
17.	Susana Fried	Global Health Justice Partnership

18.	Kene Esom	UNDP
19.	Lucinda O'Hanlon	Office of the High Commissioner for Human Rights
20.	Jaime Todd-Gher	Amnesty International
21.	Luisa Cabal	UNAIDS
22.	Benjamin Djoudalbaye	African Union Commission
23.	Edna Soomre	Spider Sweden
24.	Edwin J Bernard	HIV Justice
25.	Geeta Misra	CREA
26.	Michaela Clayton or Felicita Hikuam	ARASA
27.	Sivananthi Thanenthiran	ARROW
28.	Stewart Halford	Sexual Rights Initiative [SRI] (Geneva)
29.	Susana Rostagnol	Department of Social Anthropology, Universidad de la República Uruguay
30.	Guy Ryder	International Labour Organisation (Geneva)
31.	Dona Da Costa Martinez	Caribbean Vulnerable Communities Coalition [CVC]
32.	Gregg Gonsalves/Alice Miller/Amy Kapczynski	Global Health Justice Partnership
33.	Nancy Wildfeir-Field	Global Business Coalition Health
34.	Tomas Chang Pico	HIVOS
35.	Alice Nah	Protection International
36.	Alix Dunn	The Engine Room

37.	Mandeep Tiwana	Civicus
38.	Shareen Gokal	AWID
39.	Marisa Viana	RESURJ
40.	Sinara Gumierl	RESURJ
41.	Ruth Morgan-Thomas	NSWP
42.	Emily Keehn	Harvard law
43.	TBC	African Commission on Human and Peoples' Rights
44.	Andrea Parra	CREA
45.	Sara Hossain	Supreme Court of Bangladesh and an honorary executive director of Bangladesh Legal Aid and Services Trust