

# LGBT Human Rights in New York and Barcelona

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**11th Metropolis Conference**

Lisbon, 4 October 2006

**Queer Cosmopolitanism and Changing Cities**

# Overview of local human rights

- Traditional, civil rights agencies (CRAs):
  - City Commissions of Human Rights and Human Rights Laws (1940s-, US)
  - Anti-Discrimination Bureaus (1980s-,NL)
  - Offices for Non Discrimination (1998-, E)
- New, different instruments:
  - CEDAW ordinance (1998, US)
  - European Charter for the Safeguarding of Human Rights in the City (2000, European)
  - “Human Rights City” concept (2001, Graz; Edmonton)
  - “Ten Point Plan against Discrimination” (2004, Unesco, world)

# Some CRAs' areas of intervention:

- 1) Treatment of cases of discrimination: investigation, mediation, eventually adjudication (US “law enforcement” v. European “law support”)
- 2) Human rights education (information and training)
- 3) Community Relations
- 4) Tension control
- 5) Research

# Human Rights in NYC and BCN

	<i>New York</i>	<i>Barcelona</i>
<i>Traditional</i>	<p><b>CCHR</b> (1955): “law-enforcement” civil rights agency;  <b>HRL</b> (1965): discrimination in employment, housing, public accommodation, and bias-related harassment.</p>	<p><b>OND</b> (Barcelona, 1998); “law support” civil rights agency, within the <b>City Department for Civil Rights and Women</b> (1997).</p>
<i>New</i>	<p><b>GOAL proposal</b> (New York): analysis and evaluation by city agencies of policies on minorities and women.</p>	<p><b>The European Charter for the Safeguarding of Human Rights in the city</b> (2000): CPR and ESCR declined in respect to city competences and concerns for HR.</p>

# CCHR v. OND

## The CCHR...

- ...is led by 15 Commissioners, included the Chair, who are all appointed by the Mayor
- ...has a staff of human rights specialists and lawyers

## The OND...

- ...has no political leadership, just a director that is a city official
- ...has a staff of psychologists and educators

# Comparing New York and Barcelona

- Differences:
  - Size;
  - Population number;
  - Economy;
  - Different legal and political cultures...
- Similarities:
  - “Liberal” cities;
  - Lively civil society;
  - Diversified population;
  - Cities in (almost) federal countries,
  - Economic transition from manufacturing- to service-based economy...

# LGBT people and associations in NYC and BCN

- NYC: historical capital of the LGBT movement since Stonewall (1969).
- BCN: 30-40 LGBT groups sit at the “LGBT table:” **Col.lectiu Gai de Barcelona**, **Ecogais**, **Infogai**, **Lambda**, the **Front d’Alliberament Gai de Catalunya**, **Joves per l’Alliberament Gai de Catalunya**, **Grup de Lesbianes Feministes**, **Coordinadora Gai Lesbiana**, **Grup d’Amics Gais**, **Acord**, **Gais Possitius**, **Stop Sida**, **Sinvergüenza**, **ATC-Libertad** (**Asociación de Transexuales i Intersexuales de Catalunya**), **Transsexuals Masculins**, **Col.lectiu de Transexuals de Catalunya**, **Aemics**, **Panteres Grogues**...

## We want to find out:

- What are the LGBT rights recognized and protected by the CCHR/HRL and OND?
- Who contributed to their definition and implementation?
- What was the impact that local HR tools have had on LGBT people?
- Similarities and differences between NYC and BCN?



# NYC: what rights?

LGBT issues were included in the HRL through amendments:

- 1986, Sexual orientation
- 2002, Gender identity
- 2005, Partnership status

# NYC: who contributed?

- Sexual orientation: CCHR and LGBT organizations (AIDS pandemic)
- Gender identity: LGBT organizations, with NYAGRA leading (+guidelines)
- Partnership status: coalition of civil rights organizations, included LGBT
  - LGBT and other groups saw the HRL and CCHR as venues for advancing civil rights; the CCHR had LGBT staff and was doing advocacy (now it is more “neutral”...)

# NYC: what impact?

Lack of comprehensive statistics on cases:

- 1986: 15 sexual orientation (out of 81) + 5 multiple jurisdiction (out of 102)
- 2002-2005: a few cases on gender identity

Most cases probably on **employment** (80% of all cases treated by the CCHR are employment discrimination), **housing** (15%) and **public accommodation** (5%). Anecdotal evidence.

# BCN: what rights?

- The OND web site says that the office is **“an orientation service for the defense of the rights of the persons,”** especially groups discriminated on, among others, **“gender (sex and sexual orientation)”**
- Reference to international HR (UDHR, ECHR), EU legislation (Employment Directive), and the Charter

# BCN: who contributed?

The *Col.lectiu Gay* and *Grupo de Lesbianes Feministes* contributed to the drafting of the Charter:

- Article II: “*opció sexual*”
- Article X: “*el respecte a les families, en la diversitat de le seves formes actuals, ées un element esencial de la democràcia local.*”

# BCN: what impact?

- 1999-2002: about 63 sexual orientation cases out of 1060 cases in the four years (6%, average 16 cases per year)
- **Dignity (55,6%), employment, socio-economic benefits, admission (public accommodation), and intimacy (11,1% each)**
  - Collaboration on a case of assault between the OND, LGBT groups and the Office of the Public Prosecutor

# Comparing NYC and BCN:

- CCHR and OND work on LGBT rights (“enforcing” the HRL or “supporting” supra-local legislation)
- There is contribution from LGBT groups in the definition but also implementation levels
- Impact is hard to assess for NYC, but some similarities emerge from the available data (15-20 cases per year on similar areas)