LGBT Human Rights in New York and Barcelona

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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

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<th><strong>New York</strong></th>
<th><strong>Barcelona</strong></th>
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<td><strong>Traditional</strong></td>
<td>CCHR (1955): “law-enforcement” civil rights agency; HRL (1965): discrimination in employment, housing, public accommodation, and bias-related harassment.</td>
<td>OND (Barcelona, 1998): “law support” civil rights agency, within the City Department for Civil Rights and Women (1997).</td>
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CCHR v. OND

The CCHR... The OND...

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

• …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


- BCN: 30-40 LGBT groups sit at the “LGBT table:” Col.lectiu Gai de Barcelona, Ecogais, Infogai, Lambda, the Front d’Alliberament Gai de Catalunia, Joves per l’Alliberament Gai de Catalunia, Grup de Lesbianes Feministes, Coordinadora Gai Lesbian, 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
The Col·lectiu Gay and Grupo de Lesbianas 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)