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TRANSCRIPT

BUILDING LGBTQ+ INCLUSIVE LEGAL SYSTEMS

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00:00:00, 9:35 A.M.

Hannah Rarick (she/her/hers): Good morning, everyone. My name is Hannah Rarick, and I have the pleasure to welcome you to this symposium. I am the current Live Symposium Editor for Indiana International and Comparative Law Review, and today we are going to present our topic: Building LGBTQ+ Legal Systems. Throughout this event, we are going to be talking with several experts, both legal experts and practitioners and professors in academia on the status of LGBTQ+ rights in areas such as religion, health, displacement, and violence. We will also have a keynote speaker who will focus on the criminalization of LGBTQ+ persons in Uganda. Before we go on, I have a few thank you's. I would first like to thank Morgan Robinson, who is the Executive Publication Editor of the Symposium for our Law Review. Not only has she been assisting me with planning this event but also handling the publication portion of our symposium which will include pieces from a couple of our speakers today. I would also like to like our Editor-in-Chief Timothy Morgan for assisting with this event and running the law review in general. I would like to thank Barbara Beeker and Elizabeth Allington of the Office of External Affairs, for their assistance in planning this throughout the past few months. I would also like to thank our Dean Karen Bravo for supporting us in putting on this timely event and introducing our keynote speaker later today. Finally, I would like to thank all of our panelists, our moderators, and our keynote speaker, for taking their time to prepare their presentations, those who had to do their articles on the side of this and be here today to make this symposium happen. Morgan and I selected this topic with the intention of increasing awareness about the LGBTQ+ community, highlighting the effects of past and current laws on individuals, and exploring how our legal knowledge can contribute to shaping a more empathetic society. So we do kindly request that you approach this discussion with an open mind. And with that, I'd like to turn it over to Morgan Robinson for an intro.

Morgan Robinson (she/her/hers): Good morning, everyone and thank you Hannah for starting us off again. I'm the Executive Publication Editor for our symposium, and I'm very excited to say that three of our speakers will be

publishing articles with us later on. We're very excited to have our authors and all our presenters here with us today and for what will be an educational, eye-opening and incredibly timely symposium. I would also like to thank Hannah; she has managed to extend gratitude to everyone but it's important to me that I mention how hard she has worked on this symposium. Before Hannah and I applied for these positions, she knew what she wanted to do if we got the opportunity, and she's put her best foot forward for the last several months throughout this whole process. It's been impressive to witness, and I'm so glad I got to take part in such a critical discussion but I'm grateful and very proud of what we have put together. Thank you, Hannah for your hard work and dedication. And with that, I will let Timmy take the floor.

Timothy Morgan: Good morning, everyone. My name is Timothy Morgan. I'm the Editor-in-Chief of the Indiana International and Comparative Law Review for Volume 34. Before we dive into today's event, I'd like to express my thanks. Firstly, a big shout out to Hannah Rarick and Morgan Robinson for their exceptional dedication in organizing this symposium. Their hard work is truly commendable and I'm confident you'll all enjoy what they have put together. I also want to extend my thanks to the numerous individuals at McKinney who have played a pivotal role in coordinating this year's event. Without your support this would not be possible, and we genuinely appreciate your contributions. A special appreciation goes out to our panelists and moderators who bring their expertise to vital discussions on queer rights. We're absolutely thrilled to have each of you with us today, and we're grateful for your participation. Now before we kick off there are some essential details I need to share regarding CLE, which is continuing legal education credits. We understand that many of you are here to earn this credit, so please take note of the following. To be eligible for CLE credit we need to track your participation and engagement throughout today's presentation. This means that joining the webinar via a traditional audio phone will not allow you to earn a CLE. Please ensure that you tune in via your computer on the Zoom app or on your smartphone on the Zoom app. To keep track of your engagement, we'll be conducting several polls during the event. When those pop up, please pay attention and participate by answering the poll questions. If you have any questions related to CLE credit, please reach out to Barbara Beaker at the email address provided on your webinar screen. It's bbeaker@iu.edu. During today's presentations we welcome your questions for our speakers. You can engage with them using the Q&A feature at the bottom of your screen. We'll reserve time for Q&A at the end of each session, and our moderators will facilitate this by addressing some of the questions that come in. Now that we've covered these procedural matters, I'm delighted to welcome you all. And without further ado, let's begin with our first session.

RELIGION SESSION, 00:08:50, 9:43 A.M.

Hannah Rarick (she/her/hers): Alright. Thank you, Timmy. Allow me to introduce the Moderator for today's first panel. We have the pleasure of having Professor Robert Katz with us. A member of the IU McKinney faculty since

2001, Professor Katz has written about the Obergefell decision, successfully litigated a challenge to Indiana's same-sex marriage ban and testified on behalf of LGBTQ+ rights before the Indiana General Assembly. His current research focuses on the intersection of law and antisemitism, how law propagates antisemitism, and legal strategies for combating it. He is a Senior Research Fellow at the Anti-Defamation League Center for Anti-Semitism studies. Hello, Professor.

Hannah Rarick (she/her/hers): [Technical difficulties] Well, unfortunately, Professor Katz is having a little bit of technical difficulties, but I have the honor of introducing our first speaker for the Religion Session, Gabriela Larios. Gabriela is a staff attorney at the New York Civil Liberties Union. She works on statewide civil rights and civil liberties, impact litigation and advocacy related to reproductive justice and LGBTQ equality. Please note that this is just a brief glimpse of her remarkably impressive background. I really look forward to talking with you more during the Q&A session, or if Professor Katz is able to then he will do that as well at the end of this panel. With that, Gabriela, the floor is yours.

Gabriella Larios (she/her/hers): Thank you so much Hannah and thank you to everybody for having me this morning. So, like Hannah said, I'm a Staff Attorney at the New York Civil Liberties Union, and we are the New York State affiliate of the American Civil Liberties Union. Our mission is to promote and protect the fundamental rights, principles and values that are embodied in the Bill of Rights of the U.S. Constitution and in the New York State Constitution. As organizations advocate for First Amendment liberties and equal rights for LGBTQ people, the ACLU and its affiliates have a strong interest in the application of proper standards when evaluating constitutional challenges through civil rights laws. This morning, I will explore the likely implications for LGBTQ people of the Supreme Court's recent decision in *303 Creative v. Elenis* which granted a business, open to the public, a constitutional right to refuse to serve members of a protected class for the first time in the court's history. And I will also be exploring the evolving interpretations and uses of the First Amendment and Religious Freedom Restoration Act claims that are brought by religious institutions and actors seeking to discriminate against LGBTQ+ people in the context of schools, employment, health care, and more.

Gabriella Larios (she/her/hers): So, to begin with some background about the current climate we are in. Emboldened by the U.S. Supreme Court, today's religious right are pushing for what amounts to a free being right to discriminate. So today we are seeing US courts be flooded by cases brought by institutions claiming that their right to religious freedom entitles them to refuse to comply with anti-discrimination laws. So, as a sampling for the past decade, the ACLU internally has been tracking cases that invoke a religious right to discriminate and we've never been more alarmed because the sheer number of these cases has exploded recently. So, ten years ago, when we had our first internal report, it was about seven pages. Now, that report of active cases involving the use of religion

to discriminate has ballooned to close to 30 pages and that is just the internal tracking we are doing. The scope of these claims that institutions and individuals are bringing have also mushroomed. So, when we first began this monitoring, most of the claimants thought to restrict women's access to abortion and contraception and to deny wedding services to same-sex couples. And now, in the name of religion, we are seeing businesses assert a right to refuse to hire LGBTQ+ people, public school teachers assert a right to misgender students, and others a right to discriminate against terminally ill patients exploring end of life options. And there's a really straightforward explanation for the surge we are seeing in these religious refusal cases.

In recent years the Supreme Court has found in decision after decision that requiring compliance with anti-discrimination laws injures Christians in particular, even as it blatantly ignores egregious forms of discrimination inflicted on women, racial minorities, and LGBTQ people. So, in a string of cases decided by this conservative supermajority, the court has established this sort of tearing of constitutional rights that elevates religious liberty, for some, free speech and guns above other fundamental rights, such as equality, public health and security, and bodily autonomy. So, the issue of religious refusal and exemptions from anti-discrimination laws will determine a great deal about the scope and limitations of protections for LGBTQ people in the years to come.

Very broadly, religious exemptions are claims by religious individuals and institutions to be treated differently than everyone else subject to those laws. And as religious liberty is core to the Constitution, and needs to be protected in our view, but the claims that we are seeing now can inflict harm on third parties, unlike the exemptions sought in the past where, for example, a member of a minority religion was seeking an accommodation not to work on their holy day. The exemption sought today undeniably interferes with the rights and interests of others, and the goal of these advocates is to embed their religious beliefs in law and society, and roll back decades of progress in extending civil rights to other groups, such as LGBTQ people. So today I'll be going over two different kinds of religious exemptions. First, constitutional exemptions based on the First Amendment, where we see parties arguing some combination of First Amendment rights involving free exercise of religion, freedom from compelled speech, freedom of association, and freedom from religious discrimination, and then statutory exemptions that are written into laws like Title VII or standalone Religious Freedom Restoration acts.

Gabriella Larios (she/her/hers): So to begin, I want to talk about the Supreme Court's *303 Creative v. Elenis* which took place this summer. In this case, Lorie Smith, a website designer wanted to expand her business to include wedding website services but only for heterosexual couples. And she wanted to post a message on her website that made that clear. The statement of those actions were to run afoul of Colorado's public accommodation laws which bars businesses that are open to the public from discriminating against, among many others, LGBTQ people or announcing their intent to do so. And Smith and the Alliance

Defending Freedom, who was representing her, sought a ruling that enforcing the law against her would violate the First Amendment right to freedom of speech. The Supreme Court did not address the religious exercise issue in this case but only took up the speech question.

The Alliance Defending Freedom is a conservative religious liberty organization that is responsible for a significant amount of the anti-LGBTQ litigation and legislation we see across the country right now. In the majority opinion that was written by Justice Neil Gorsuch, the court held that the First Amendment prohibits Colorado from forcing a website designer to create expressive designs speaking messages with which the designer disagrees. The court explained that Colorado cannot force an individual to speak in ways that align with the State's view but defy the individual's conscience by a major significance. And of course, indicated that this decision would provide similar protection to other business owners whose services involve speech such as artists, speech writers, and movie directors. The court explains that if Smith wanted to speak she must choose between following her conscience, which means only creating wedding websites for opposite sex couples and therefore violating Colorado law, or following the law and violating her religious beliefs. The court says under its past cases interpreting the First Amendment, that is more than enough to be an impermissible abridgment of Lorie Smith's First Amendment right to speak freely.

Gorsuch tries to draw a line between discrimination based on status and discrimination based on message, claiming that the First Amendment protects only discrimination based on message. And he concluded that Smith was not discriminating against gay people because of their sexual orientation, she was simply refusing to express a message about sexual orientation with which she does not believe. The court goes on to say that Smith says she will serve gay clients just not those who are getting married. Gorsuch concludes that in some cases it might be difficult for the court to determine what qualifies as expressive activity protected by the First Amendment. But this is not one of the cases where they need to get into that inquiry because in the factual record of the case there are a set of stipulations that both parties agreed to, and both parties agreed that her wedding website would be expressive activity. So that is something that will be litigated in the future.

Gabriella Larios (she/her/hers): The immediate impact of this decision is that only businesses that create custom or tailored speech can violate laws against discrimination. But we are already seeing the effects of this decision emboldened owners who want to declare they won't serve LGBTQ people. The days after this decision came down, there was a hairdresser in Michigan, for example, who said that trans people should go to a pet groomer. So, we see *303 Creative* as a green light for people to engage in what was previously understood as discrimination. The people now, like that hairdresser, feel like they are immune from any consequences or engaging in that kind of violent or bigoted speech even though the decision itself is narrow. Also, under this decision lower courts do not have

a precise definition of expressive activity that would help them decipher the types of businesses that are exempt from adhering to anti-discrimination standards. We expect to see an increase in litigation to expand the category of expressive speech from websites to other creative activities like baking a cake, like photography. There is an active case in New York in the second circuit right now about a photographer, also brought by the Alliance Defending Freedom, and we will see how this plays out. In *303 Creative*, we also see the elevation of each rights over equality without considering the weight or importance of the state's interest in protecting equality rights and there is an abandonment of the usual strict scrutiny analysis that takes place in these types of cases.

I just want to quickly note that in her dissent, Justice Sotomayor really outlines what is at stake in this case and she notes that this is the first time in the court's history that a business open to the public is granted a constitutional right to refuse to serve members of a protected class. This was an issue that was litigated during the Civil Rights movement of the 1960s and repeatedly the Supreme Court found that it could not be discriminated in the context of implications. Justice Sotomayor also points out that Colorado's laws are not aimed at an individual's ideas about sexual orientation like Gorsuch suggests but at how they impose those ideas onto potential customers in the marketplace that the State wishes to remain open to all. Gorsuch says that Smith will still serve gay clients but just not those getting married. Sotomayor responds by pointing out that this logic would be amusing if it weren't so embarrassing, because a racist hotel could argue that black people may still rent rooms for their white friends. You see how it sets up. This system and the immediate symbolic effect of this decision, Sotomayor says, is to mark gays and lesbians for second-class status. The opinion, she says, is quite literally a notice that reads some services may be denied to same-sex couples.

She also predicts that every anti-gay business owner will now recast their discrimination as expression to secure a first amendment right against LGBTQ people. We are already seeing that. It is also clear beyond *303 Creative* that the religious right is thinking creatively about ways to continue weaponizing the First Amendment and we are seeing a variety of different claims in the constitutional exemptions realm, just like the artistic expression claims, and I will move on to the free exercise claims next.

Gabriella Larios (she/her/hers): Under the free exercise claim, a party can bring a claim saying some law or government action prevents them from freely exercising their religion. Since the Supreme Court 1990 decision in *Employment Division v. Smith*, religious practitioners have at least under the First Amendment been expected to abide by all neutral and generally applicable laws. That is laws not passed with the intent to discriminate against religious practice. So, while legislators could not intentionally persecute religion, they did not need to exempt religious petitioners from routine health, labor, anti-discrimination laws and other laws that unintentionally burden their big practices. A lot of this has changed in recent years and were impacted during COVID. So late on a Friday evening, in

April 2021, over a year into the COVID pandemic, the Supreme Court issued a brief opinion in a case called *Tandon v. Newsom* that dramatically transformed constitutional law and it ruled that state and local governments seeking to curb the spread of Coronavirus could not restrict in-person religious gatherings more rigorously than any other type of activity. So according to the Supreme Court, when a law treats any activity more favorably than religious exercise this now constitutes as illicit and unconstitutional as well.

A bit later in *Fulton v. City of Philadelphia* in 2021 the Supreme Court ruled that Philadelphia violated the First Amendment free exercise clause when the city stopped working with a Catholic adoption agency that refused to look at same-sex couples as potential foster parents. This was outlined and used as a mechanism for evaluation of laws that have exemptions in them. So, we are seeing the combination of the COVID cases and *Fulton* really reshape the way free exercise claims are viewed particularly when laws have exemptions in them. Also, briefly to just touch on *Masterpiece Cakeshop v. Colorado*, which is the case from 2018 where the Supreme Court ruled in favor of Jack Phillips, a Colorado baker who refused to make a custom cake. There the court held that although the baker had prevailed, the opinion, which was by Justice Anthony Kennedy, rested largely on the majority's conclusion that the Colorado administrative agency that ruled against Phillips treated him unfairly by being too hostile to his sincere religious belief. So, practitioners are now contending with whether enacting a law or through an administrative agency there has been some finding of religious (*portion omitted due to audio difficulties*). And I'll stop there.

Professor Katz (he/him/his): Thank you so much. That was excellent, excellent! And you're doing the Lord's work over there as we might say in Indiana. So here we have one question, has the State been making your job more difficult?

Gabriella Larios (she/her/hers): So, in New York I think we are in a different position than in a lot of other states. So, for example, right now we have a case that was also brought by Alliance Defending Freedom, *Carpenter v. James*. This is the case on behalf of a Christian wedding photographer who argues that she should not be required under New York's public accommodation laws, to provide wedding photography services to same-sex couples. And here the State of New York is defending New York public accommodation laws. So, I think in New York, we are lucky to have a state that is fighting to continue expanding our anti-discrimination law. I think because we have such strong anti-discrimination law at a state level and at a city level, New York is a place where there is and will be a lot of litigation fighting over those anti-discrimination laws. But at least in the context of the religious right to discriminate we see the State as an ally here. Because they are willing to defend our state's anti-discrimination laws in the context of other LGBTQ rights, that is more of an open question and we are constantly fighting for greater and greater and greater protections for LGBTQ people. Sometimes the State's an ally, sometimes it's not, it really depends on the issue at stake.

Hannah Rarick (she/her/hers): So, moving onto the second question for you, Gabriela. What role do statutory exemptions, such as those in Title VII and Title IX, play in the legal framework concerning religious freedom and LGBTQ rights and what implications do they have for practical implementation?

Gabriella Larios (she/her/hers): I think statutory exemptions like those that are built into Title VII and Title IX reflect a narrow event targeted carve out to address a small number of situations in which lawmakers have decided that religious freedom was implicated. But in our view, these should not be read broadly. You know again, like in the context of conventional claims, we have seen a mushrooming of lawsuits and claims trying to expand the scope of these, of what should be narrow exemptions. So, for example, in the second circuit, right now we are seeing *Kluge v. Brownsburg Community School Corporation*, where the Seventh Circuit held that a school district was not required to accommodate a teacher's refusal to use transgender students preferred names and pronouns based on his religious beliefs. And that is a win there. We are also seeing litigation in the Second Circuit, where you know public school employees didn't want to comply with mandatory anti-discrimination being on religious grounds. So, I think Title VII is the place where we are going to see litigation right now as well.

Professor Katz (he/him/his): So, I had a question. I mean, it just relates to my research, which is, what are the analogies between discrimination against, you know, sexual minorities and discrimination against religious minorities? I'm thinking of cases where Jewish families will go to a Christian adoption agency and will be refused.

Gabriella Larios (she/her/hers): Yeah, I think that in *303 Creative* the court does not say this totally applies to LGBTQ people. So, I think, in the coming years, we're going to see claims meant to use to discriminate against other religious minorities, to discriminate against people of color. And these are the arguments that the ACLU made in its amicus brief, these are the arguments that a number of organizations made because when you are dealing with courts granting any sort of pass to discriminate they're usually not (*portion omitted due to audio difficulties*). These kinds of cases that focus on the context of wedding accommodations are going to apply to a much broader context.

Our public accommodation laws cover hospitals, for example. So, we're going to see hospitals potentially have the ability to turn away LGBTQ people and the same would apply for a hospital trying to turn away somebody who is Jewish or not or religious minority and other kinds of businesses, particularly in places where there are such expansive anti-discrimination protection.

Professor Katz (he/him/his): Thank you so much. We can take just one more question. I'm curious if whether you've noticed biological essentialism play a role in litigation to take away civil rights?

Gabriella Larios (she/her/hers): Absolutely. I think, particularly in the context of sports, for example. Not in New York, but other State affiliates have, and ACLU national that have lot of cases litigating bans on trans participation in sports, and particularly there we see the opponents use bio centralism to argue that trans girls are not real girls, and that basically they can't play sports with the boys. So, in that context in particular as well as in the healthcare context, I think. In the context of the use of religious cases that I've been involved with at least it tends to focus a lot more on wedding accommodations at same sex couples. So, we see less of that in that sphere, but absolutely.

Professor Katz (he/him/his): And lastly, will there be any changes in the way the ACLU will try to handle these claims as looking for alternatives like lobbying?

Gabriella Larios (she/her/hers): In our litigation we are looking to advocate for as narrow of an interpretation of cases like *303 Creative* as possible. And we have tons of advocacy and lobbying going on in every State and federally as well. So, this is an issue that the ACLU will continue working on, and responding to meet the moment whatever the Supreme Court decides.

Professor Katz (he/him/his): Well, thank you so much. This has really been wonderful. Wonderful presentation. Good questions, too. So, thank you. And have a good rest of the conference.

Hannah Rarick (she/her/hers): Thank you, Professor Katz. Thank you, Gabriella. We are going to move on to our Health Session now. We have the pleasure of having Morgan Robinson as our moderator. As previously mentioned, Morgan is a student at IU McKinney, and acts as the Executive Symposium Publication Editor for the Indiana International and Comparative Law Review, and as one of the Presidents of the Second Chance Re-entry Assistance Program. Thank you so much, Morgan.

HEALTH SESSION, 00:34:21, 10:09 A.M.

Morgan Robinson (she/her/hers): Thank you, Hannah. I'm very excited to be here with you all today. It's my pleasure to introduce the two speakers for our Health Session.¹ First up is Mr. Eliot Tracz, who is a faculty fellow at New England Law, Boston, where he teaches courses in property law as well as Sexual Orientation, Gender Identity, and the Law. His research centers on LGBTQ+ legal issues, and he proudly serves on the board of directors of the Bisexual Resource Center. Keep an eye out for his upcoming article in our symposium

1. The Indiana International & Comparative Law Review Live Symposium: Building Inclusive LGBTQ+ Legal Systems had two speakers for its Health Panel. One of those speakers asked not to be included in the publication of the transcript from the event. Because of this, we have omitted their presentation, introduction, and the Q&A for the Health Session.

edition later this year.

Eliot Tracz (he/him/his): Alright, thank you for having me. It is nice, Morgan, to finally be able to put a name with a face. So, I would like to start off with just a quick story from the beginning of my research.

This story comes from the book *Gender Euphoria*. Oliver Jones knew that something wasn't right but couldn't point to what it was. What he did know is he was getting into fights with other students, refusing to participate in classes, yelling at teachers, feeling apathy towards everything. Eventually, a school therapist told Oliver she suspected that he might have gender dysphoria, and after hearing Oliver described that feeling as, "I was the textbook trans guy. I refused to wear dresses. I begged my mom to let me have short hair and buy clothes from the boys' section. I only played with the boys at school. I wanted nothing to do with the girls. I spent my free time playing video games, football, skateboarding, and running around outside. My poor behavior at school was called out by teachers. I told them, I wished I was a boy. This is the only explanation I could give."

The realization that he didn't have to live life as a female wasn't initially a life changing moment and for Oliver transitioning had its challenges. He faced delay in starting hormone therapy as well as bigotry from teachers and students. But still Oliver persevered and began transitioning. Despite the challenges, he was able to experience his first moment of gender euphoria, which is described feeling at ease or happy with the alignments of gender identity and gender expression. And this first moment of gender euphoria happens when Oliver's teachers and classmates voted him prom king.

Eliot Tracz (he/him/his): Now, I share this story because the truth is that many trans youth in the United States will not share Oliver's experience because they will be denied the ability to transition. I share Oliver's story, because that feeling of gender euphoria should be our goal for transgender children rather than government-backed erasure.

So, as I go through my presentation based on my paper today, I want to start off briefly talking about trans youth and how the United States has failed them. Then, I want to take a quick look at gender dysphoria and the Dutch protocol which has been a standard for treating gender dysphoria. Then, I will get to the meat of my paper and my presentation, which deals with backlash against the Dutch protocol both from European and United States perspectives as national medical communities and some various states in the United States have started to push back against standards for treatment and for gender affirming care. And then I want to finish out by asking, the approaches we're taking in the United States, science or are they prejudice?

So, to get started. According to the Williams Institute, there are roughly 1.6 million transgender people ages 13 and up in the United States. It's unclear

whether or not this information is entirely accurate, for the understandable reason that there are some people who are afraid to self-identify. So out of that number about 300,000 fall in the age ranges of 13 to 17. Again, that's an estimate. Another way of looking at that is about 1.4% of minors identify as transgender. As I've already mentioned, exact numbers are impossible to obtain. But out of all of these children and adolescents who identify as transgender, or who are diagnosed with gender dysphoria, not all will choose to transition, but my paper deals with how we provide care for those who will find a transition is necessary for them to live their lives fully, and to deal with gender dysphoria.

Eliot Tracz (he/him/his): As I've mentioned earlier, the government in the United States has failed the trans community at both the state and the federal level. I'm not going to dig deeply into examples at this point for the interest of time. But the Americans Disability Act initially excluded trans individuals from receiving certain types of healthcare. At the state level, I'm sure many of you are familiar with exclusions for bathroom usage, for sports participation, for clothing, and as well in healthcare, which is the purpose of my presentation.

So, first off gender dysphoria has been described as psychological distress that results from an incongruence between one's sex assigned at birth and one's gender identity. In 1998, Dutch Identity Clinic published research identifying a new protocol for gender affirming care in youth. This protocol has become known as the Dutch Approach and one of its unique features was the introduction of puberty blockers earlier on in treatment, as a means of buying time for young people to determine their identity. Among the criteria that were used for determining appropriateness of puberty blockers was the presence of gender dysphoria from early childhood; increased gender dysphoria after the first pubertal changes; absence of psychiatric comorbidity interfering with diagnostic work-up for treatment; adequate psychological and social support during treatment; and a demonstration of knowledge and understanding of the effects of puberty blockers, feminizing and masculinizing hormones, surgery, and social consequences of sex reassignment.

If these criteria are met, treatment may include counseling or puberty blockers. But I think it's important to note that surgery is not considered as a treatment option for youth or adolescents before the age of 18. Since the adoption of the Dutch Protocol, the World Professional Association for Transgender Health, who's published standards for health transgender and gender diverse individuals, has based treatment on the Dutch Protocol.

So, they've issued guidelines with 15 treatment suggestions which include recommending that healthcare professionals working with gender diverse children receive training and develop expertise in autism spectrum disorders and other neurodiversity or collaborate with an expert with relevant expertise when working with autistic or narrow divergent gender diverse children. Also, have recommended that healthcare professionals conduct an assessment with gender diverse children and integrate information from multiple sources as part of the

assessment. They recommend that healthcare professionals consider consultation, psychotherapy, or both, for a diverse child and their family or caregivers, when families and healthcare professionals believe this would benefit the well-being and development and/or family. They recommend that parents, caregivers, and healthcare professionals respond supportively to children who desire to be acknowledged as the gender that matches their internal sense of gender identity. And the last that I'll mention is, they recommend that healthcare professionals discuss potential benefits and risks of a social transition with families who are considering it.

Eliot Tracz (he/him/his): Again, it bears noting that surgery is not considered an option. Recently, there has been backlash against Dutch protocol. In Europe, Finland, Sweden, Norway, France, United Kingdom have each moved away from the Dutch Protocol. Finland in 2020, the Council of Choices for Healthcare released a report called "Medical Treatment Methods for Dysphoria Related to Gender Variants in Minors." They looked at the scope and climate of treatment for adolescents with gender dysphoria and then began making recommendations. Finland report recommended that psychosocial treatment be provided in schools, student healthcare, and by primary healthcare. And furthermore, that those providing healthcare should be competent to do so.

They also recommend that children who have not started puberty and experience persistent severe anxiety related to gender should be sent to multi-professional research clinics at Helsinki University Central Hospital or Tampere University Hospital. If a child is diagnosed prior to the onset of puberty with persistent experience of identifying as the other sex and shows symptoms of gender related anxiety, that child can be guided at the onset of puberty to those research institutions. Based on assessments, puberty suppression may be initiated on a case-by-case basis. But only after careful consideration and appropriate diagnostic examinations. On the other hand, if children have already undergone puberty, they may refer directly to research groups for intensive gender studies. However, the Finland report makes clear that the initiation of hormonal interventions that alter sex characteristics may be considered before the person is 18, only if it can be ascertained that their identity as the other sex is of a permanent nature and causes dysphoria.

Similarly, Sweden has looked into the status of care for adolescents with gender dysphoria. In a very short report titled "Care of Children and Adolescents of Gender Dysphoria," the National Board of Health and Welfare addressed issues related to increasing number of adolescents referred for diagnostic assessment of gender dysphoria. First, they've taken the position that risks of puberty suppressing treatment and gender affirmative hormonal treatment currently outweigh possible benefits. Possible reasons for this conclusion are lack of reliable scientific evidence concerning safety treatments, new knowledge that some young adults de-transition, and uncertainty from the increase in number of care seekers. A common theme throughout each of these individual European countries has been an increase in the number of care seekers. While none really

provide information on why that increase has happened, there's some speculation that it may be not that there are more transgender people, but there are more transgender people feeling safe being out with their identity.

So, while the Sweden report does argue that criteria for gender affirming hormones in Sweden should be more closely linked to those of the Dutch protocol, it takes the position that, so far as young people are concerned, such treatment should only be provided in a research context.

Eliot Tracz (he/him/his): [In the] United States on the other hand, gender affirming care is considered safe, effective, and medically necessary by all the relevant medical communities, including the American Medical Association, the American Academy of Pediatrics, the American Academy of Child and Adolescent Psychiatry, the American Psychological Association, the American Psychiatric Association and the Endocrine Society. But at the same time state governments are still split. On the one hand, you have states like Minnesota and California who have chosen to position themselves as sanctuary states for trans adolescent children seeking treatment. On the other hand, there are states, such as Texas, Idaho, Florida that have sought to limit or bar access to gender affirming care for adolescents and children.

So, I want to briefly take a look at two different approaches. First is the United Kingdom who, in 2022, released an interim report titled Independent Review of Gender Identity Health Services for Children and Young People, which is referred to locally as the Cass Review. So thus far the Cass Review has provided the most thorough and transparent look by any of these European nations that are reviewing their treatment standards. And what stands out about the Cass Review is that it begins by stating its view that every gender questioning child or young person, who seeks help from the National Health Service, must receive the support they need to get on the appropriate pathway for them as an individual. Children and young people with gender incongruence or dysphoria must receive the same standards of clinical care, assessments, and treatment as every other child or young person accessing health services.

So, after thoroughly detailing its processes, which includes speaking to practitioners, the Cass Review offered interim advice on how the National Health Service could provide gender affirming care to adolescents and children. This advice includes a provision of informed local services, rather than the single specialist model that you might see in Finland. Also, they have found that multi-professional review groups are valuable, due to documentary issues, limited evidence of systematic formal mental health and neurodevelopmental assessments being routinely documented, and concern that communications to general practitioners and parents regarding prescribed treatment with puberty blockers can sometimes come from non-medical staff. So, as a result, the Cass Review takes the position that we should be pulling back on puberty blockers.

Then alternatively, I consider Florida. So Florida in March of 2023, the Florida Board of Medicine entered an administrative ruling affecting gender affirming care for minors, which stated that the following therapies and procedures performed for the treatment of gender dysphoria are prohibited- this includes sex reassignment surgeries or any surgical procedures that alter primary or secondary sexual characteristics, puberty blocking hormone or hormone antagonist therapies, and minors being treated with puberty blocking hormone or hormone antagonist therapy prior to the effective date of the rule may continue such therapies.

Then, the Florida Legislature stepped in and a bill was filed in the midst of a spree of anti-LGBTQ legislation which states that sex reassignment prescriptions and procedures are prohibited for patients under the age of 18. Sex reassignment includes prescription and administration of puberty blockers for the purpose of attempting to stop or delay normal puberty, prescription or administration of hormones to affirm a person's perception of his or her sex if that perception is inconsistent with the person's sex as described in another section, and perhaps most troublingly, a fact sheet provided by the Florida Surgeon General further indicates social transitioning should not be used as a form of treatment.

Morgan Robinson (she/her/hers): Excuse me, Eliot. We need to go ahead and move into the Q&A session whenever you are ready to wrap it up.

Eliot Tracz (he/him/his): I will go, I just have one slide left.

Morgan Robinson (she/her/hers): Okay, perfect. Thank you.

Eliot Tracz (he/him/his): Couple of things. I want to point out in my paper. This is not just a partisan conservative issue. If you look at some of the European countries pulling away from the Dutch protocol, there are several that are actually fairly trans friendly or very trans friendly.

Second, when you step aside from the politics, there's perhaps a legitimate basis of concern that we don't have all the medical knowledge we need to determine whether or not use of puberty blockers are safe for adolescents. So, the question is, how should it be addressed? And I would point to Sweden and say that perhaps the correct way we should be addressing this is by continuing treatments in a research capacity, rather than politicizing the issue of gender affirming care. And then finally, most gender affirming care legislation tries to take the position that it is intended to protect children. But the truth of the matter is that politicizing gender affirming care only hurts the very people that are allegedly being protected. And then I will end there, so that I'm not running over time.

Morgan Robinson (she/her/hers): Thank you so much Eliot.

Q&A for the Health Session was omitted.

DISPLACEMENT SESSION, 00:54:09, 10:29 A.M.

Morgan Robinson (she/her/hers): We're now moving onto our Displacement Session. I would like to introduce you all to our moderator for the session, Professor Benjamin Keele. Professor Keele is the Associate Director of the Ruth Lilly Law Library here at McKinney Law School. He joined the library faculty in 2012, and also serves as a lecturer in law. Additionally, he serves as a faculty advisor for the Indiana International and Comparative Law Review. In 2020, he received the American Association of Law Libraries Emerging Leader Award, and he is the chair of the organization's Copyright Committee and edits a book review column in the Law Library Journal. Without further ado, Professor Benjamin Keele.

Professor Keele (he/him/his): Thank you, Morgan. Today I am excited to introduce Jennie Saldaña, who will be speaking to us about displacement within the LGBTQ+ community. Jennie is a coordinator with the Migrant Solidarity Mutual Aid Network, an organization committed to supporting migrants being bussed to Washington, D.C. by Governors Abbott and Ducey. Currently, Jennie is supporting coordination of monthly volunteer-led pro se asylum clinics, and is also working full time for a community-based non-profit working with Black and brown youth on sexual and mental health education. We're very honored to have Jennie here today. So, Jennie, whenever you are ready, you may begin.

Jennie Saldaña (they/them): Yeah, thank you so much. Before I get started, I just want to say I feel really honored to be in this space and to speak on my experience as a community organizer, also a non-lawyer so I'm going to bring a very community-centric perspective. So my presentation is "A community response to supporting migrants in D.C.," and as it was stated, I am an organizer with the Migrant Solidarity Mutual Aid Network in Washington, D.C. What I'm going to talk about is who we are as a group, how we started and where we are now currently, and provide a bit of an overview on the Texas buses to D.C., so everyone sort of gets some information on that situation. And then I'm going to take a really quick look at what mutual aid is, because that's very central to what we do. And then I'll speak on housing and security among migrants specifically in the DMV, and then I'll finish off by discussing our One Roof pro se asylum clinics.

Just some quick notes. Much of my perspective today is based on supporting folks who are very recent arrivals, so people who entered the U.S. within the last year and a half and as I've mentioned many times now, I'll mostly be speaking in a D.C. context, and the DMV, D.C., Maryland, and Virginia at large. And then I also use the term migrants a lot throughout my presentation, because not everyone who comes through our network is necessarily an asylum seeker; but I will be discussing asylum towards the end.

Jennie Saldaña (they/them): So, who are we? Before I get into a bit of that, some really important context: During the Trump administration we saw many exclusionary immigration policies go into effect, including Title 42, and this was used as justification to close the border to people who were seeking asylum, stating that there was a public health emergency to COVID, and this stood in place up until this year. And so in spring of 2022, the Biden administration begins to make attempts to end this Title 42 policy, which then sent Governor Abbott to enact his very public and racist stunt of bussing migrants to D.C. And a lot of the warm welcome that was happening in our city was entirely volunteered. And so the Migrant Solidarity Mutual Aid Network: we first came together in April of last year to respond to these buses being sent. We are a collection of mutual aid groups that were already pre-existing in the city, migrant justice organizers, faith organizations, and advocates from across the DMV. So these are a few of the groups that spearheaded our network and who are really essential to our work, so I definitely want to give them a shout out. Since April of last year, we've had over 200 buses carry over 7,000 people to D.C. And it was, you know, us as mutual aid organizers who are on the ground to receive these people, supporting with food, immediate supplies, and transportation. Many of these people chose to stay in the DMV and to resettle here as their home. Over time we've shifted into supporting people long term in particular helping them navigate the shelter system in D.C., which I will talk about in a second. In our group we don't necessarily believe the bussing to be inherently bad, but the intent and execution of it. From my experience, people would arrive with, you know, hardly having eaten on a 30-hour bus ride, children who did not have diapers, and particularly as we got into the colder months, people arriving in sandals and clothes that were not weather appropriate. For us, it's sort of a matter of how are we going to humanely help these people get to where they need to go. We do know, like at the border, it can be pretty congested. Getting people into the interior of the United States can be helpful in certain instances, people who might already have sponsors here, or know where they want to go. And so in that sense, right, we support people getting to their final destination. And so just to sort of provide a sort of "where are we now:" since Title 42 ended, what we did see was the CBP One mobile application take place or go into effect. And this sort of changed the way people were arriving, particularly to D.C., so the buses began to sort of slow down. There was a point in time where we were getting three to five buses every single day. But now people, especially in the spring of this year, were arriving through their own means to the city and then, additionally, last year, starting in about August and September, they began bussing people to other cities - New York City, Chicago, Denver and Philadelphia. Things have changed a little, once again, just due to the fact that we don't see as many buses as we did in those very early months. But we still receive people all the time.

To just provide a bit more context specifically to our work, I think it's really important to share what mutual aid is. Because our group is a completely volunteer, community-based collective. And so mutual aid is all about meeting each other's basic survival needs, because we know that when the government fails to provide, mutual aid can meet these needs and we can do it together right

now we can come together and organize as a community. And so the principles within mutual aid, and this is true for a lot of mutual aid projects, is that it is decentralized or a horizontal structure. So it's all about building solidarity with people and not charity. And so within our work, we as organizers, we are there to sort of help with the planning, with building infrastructure, but we encourage everybody to chip in to give ideas and to help us in organizing. We are relying on our own communities for what we need. And this quote here at the bottom, I think, speaks a lot to that: "Charity is so vertical, it goes from the top to the bottom. Solidarity is horizontal. It respects the other person, and I have a lot to learn from other people." And that's a really big lesson I've had this year, is learning from others and their lived experience. Most importantly, we like to express solidarity with the unhoused community. The reality is in D.C., we already have a large unhoused community, particularly of Black Washingtonians, so there is overlap in this work. Especially in those early months of greeting people, these buses would arrive at Union Station, which is a sort of known spot for a lot of unhoused folks. Being in that space meant a lot of times people would come up to us requesting resources, so we made this decision that our support would not be earmarked exclusively to migrants, and we share our supplies and our support with anyone in the community and try to always be in solidarity with all unhoused people.

Jennie Saldaña (they/them): To speak a little to specifically housing insecurity; among migrants in D.C., this is sort of my reflection on the last year and a half of receiving buses to D.C. The main needs that we see are these listed here. Starting with employment. Typically, the first sort of question I get from people is, "where do I find work?" And for many of the folks who arrived, especially before the CBP One app was announced, they really have no legal pathway to working. This makes them really vulnerable to things like unsafe work conditions, wage theft, and even trafficking. Next is education. A lot of parents will ask us, "How do I enroll my kid into school? Where can I take English language courses?" So people are ready to establish themselves here. Food and clothes, obviously a very basic need; so we try to provide them with these basic things like hygiene kits, clothes, and cell phones is a big, big need. And that actually ties into employment. It's very hard for them to get work if they do not have a U.S. phone number. And then health. We welcome a lot of small children who are usually sick from the journey, people with disabilities, folks who are HIV positive, who are pregnant, who have suffered injuries on their journey, folks with other chronic health issues. And then, lastly, legal support, which includes anything from, "How do I go and do my ICE check in," questions about applying for asylum, and then general questions on their immigration case. Finally, housing is a big, *big* need and with the added buses, this was a really particular challenge, because folks were arriving in D.C., typically with no one who was here to receive them. They did not have a sponsor in the city or in the area, they were told this is a free bus so therefore, a lot of folks were like, "This is my opportunity to leave." And so people were arriving with basically no plan, and there were very few options in our city for houseless migrants, and specifically none that are designated solely for LGBTQ+ migrants or asylum

seekers. Many folks just found themselves in our regular D.C. shelter system, which were not really prepared to support them in their unique needs; referencing all those things I mentioned previously. Our shelter system was not 100% ready, and especially to the extent of how many people were coming.

To provide some more specific context to D.C., our family shelters were really the only form of housing that was really provided for migrants. If there were two parents, child, then starting September of last year, the D.C. government did contract hotels that would serve as family shelters. If you did not fall into that of two parents and a child or with one person pregnant, then they were not allowed to access the shelter. That left a lot of people out. And then, late April of this year, the welcome center that was eventually established stopped placing people at these hotels. This meant that we started to see an influx of families who were on the street, sleeping in cars, or staying with hosts temporarily; and we do our best to support them. But this has really only exacerbated displacement amongst an already housing-insecure and vulnerable population.

And to provide some more housing challenges for those arriving in D.C., which I think these are challenges that across the U.S. most migrants would face is few affordable options. D.C. is a very expensive city. There's not many options for affordable apartments or rooms, so you do see a lot of folks who end up moving out into Maryland, where there is a large Spanish-speaking population. They are ineligible for most housing assistance because of the fact that they are not U.S. citizens, so they won't be able to provide things like a social security number. They're vulnerable to scams, people who are taking advantage of the fact that they are housing insecure. They will be unable to provide most required information, which is things like credit scores and similarly, pay stubs, and things like that. Language barriers, obviously a lot of the folks we welcome are Spanish speakers, and having to navigate conversations with landlords who don't speak any can be difficult. And then, lastly, safe housing. And this is really a particular issue for LGBTQ+ migrants. We know that in transit and at the border, they typically are facing additional risks when it comes to abuse and discrimination. At the border, they are often placed in jails or jail-like facilities or they will experience negative health consequences. When we talk about the intersection of housing LGBTQ+ migrants, what's really important is that they experience homophobia and transphobia among migrants of their own home countries and outside of that community. They experience isolation and are very disconnected, generally. So safe housing is something that is very essential for them because of that abuse or violence they may face, and other congregate shelters or households even once they are here. And they have other specific health needs, such as HIV treatment or gender affirming health care, and without stable housing it can be really difficult to receive those things, because they're dealing with the strain of being houseless. And then having to add on navigating an entirely new healthcare system can be a lot.

Having stable housing is foundational to anyone experiencing homelessness, and being housing secure means individuals can take steps towards self-sufficiency

without the challenges and traumas of being houseless constantly present. To get to one of the projects that we do towards building self-sufficiency is our One Roof pro se asylum clinics. About half a year into receiving these buses, we knew that without an organized effort, migrants were going to miss their one-year deadline to apply for asylum. By submitting that application, they would also have access in six months to apply for the employment authorization document, and that would be another way for them to stabilize. These pro se asylum clinics are where migrants are paired with volunteers to complete their application and our volunteer lawyers support by leading trainings and reviewing applications before submitting. We have been doing this in partnership with the Georgetown University Immigration Law Student Association. The people we are mostly serving are the folks who arrived on these buses from Texas, or anyone who's arrived to D.C. on their own.

Jennie Saldaña (they/them): Just to provide a glimpse at how we run these: there's sort of five parts to it that I've pulled out which is outreach, contacting folks who have expressed interest or need with support on their asylum application. Then coordination, getting things ready for these clinics, and that looks like volunteer outreach, confirming which attorneys can be there and then the day-of logistics. Then we match people, so something that we always have to do is sort of verify who needs an affirmative or defensive application - basically, who is in removal proceedings and who is not so that the volunteer who is going to work with them understands, is this going to be U.S.C.I.S. online application, or does this person need to go and submit their application directly to their court? And then we have attorneys who will review, but they do not provide consultations, they're not representing anyone, we have specific forms that everybody signs so folks are aware of what is being provided, and also what this is *not* providing. They've also provided the training on how to complete the I-589 and they will answer volunteers' questions. And then we have submission. Once that application has been reviewed, the volunteer will then make any changes, make sure any additional documents that are going to be added have been translated, if needed, and then they will submit that application, or inform the migrant on how to do so on their own. Just because I wanted to really shout out the work that our clinic has been able to do: we've submitted a total of 195 individual applications since last year, and that number is probably a little higher because there are some applications we do outside the clinic that probably were not counted because some of them happen very quickly. We've hosted a total of nine clinics. This is a monthly breakdown of these applications, and just one thing I wanted to point out is from June to September was when we saw a big need. And that's because last year that was also around the time when we were receiving a lot of people like I said three to five buses every day, which is essentially, 100 to 150 people.

And so just to finish off, some of the lessons learned for me in particular, is that throughout all of our mutual aid projects that we do, what we've relied on a lot is community support. And without the hundreds of volunteers who have come through our network, without the local churches and organizations to help by

offering space, supplies, and funds, and particularly without pre-existing mutual aid groups, we would not be able to do what we do. Once again, what we do is 100% volunteer and it's been a really beautiful example of when community comes together to support a vulnerable population. We have shared values as a network and a shared understanding of how we approach supporting migrants and asylum seekers. We honor their autonomy and decision-making and we want to give them tools so that they feel empowered. I feel like that's especially important with LGBTQ+ migrants to honor their autonomy and to not make decisions for them, but to provide the information so that they can make that informed decision. And lastly, we continue to learn and apply that to how we work with migrants, and once again, particularly with LGBTQ+ migrants. That means prioritizing safe housing options, we have had hosts who solely host LGBTQ+ migrants and usually those hosts are LGBTQ+ identifying themselves. We connect them to healthcare resources. We have healthcare professionals in our network who are so awesome and have really done a great job of connecting people right away to the services they need. And then we're generally just always trying to be aware of how to be affirming and express solidarity. Whenever we're in a space with everyone collectively, if a conflict happens, where someone is being homophobic or transphobic, we immediately are separating people and making sure everyone understands that that behavior is not tolerated by our group. That's the end of my presentation, I'm happy to take any questions. Also we have a website and Instagram so you can follow us and learn more. But thank you all so much.

Professor Keele (he/him/his): Great. Thank you, Jennie. That was really eye opening, and educational, and we really appreciate it. We do have some questions, some of which you've touched on, but you know it gives you an opportunity to expand on those. So do LGBTQ+ migrants' identities create more obstacles for them seeking asylum, and what do those obstacles look like?

Jennie Saldaña (they/them): Yeah, definitely, I think. As I mentioned in my presentation, I think one of them is in transit, at the border, and even once they're here, there's another level of abuse and discrimination that they're often facing, and that can be really isolating for them in addition to adding onto the trauma that they are constantly experiencing. I think specifically, when it comes to asylum, a lot of their asylum claims are likely going to be based on the sexual orientation or gender discrimination they face, and particularly like at our asylum clinics people are going to probably share really traumatic experiences, and they may not feel comfortable sharing that or if they do, we have to make that space to make sure that if they need to take a break, we're not pushing too hard on reopening traumatic memories for them. And that's definitely where we see some of those particular challenges for them, in addition to housing like I said. If people within their own community are expressing transphobic or homophobic rhetoric, they don't feel comfortable staying with them. And we've seen that within families, within communities. And having to remove people and you know, find them another space is also a challenge.

Professor Keele (he/him/his): Do you have any suggestions for what the attendees of this webinar can do to support LGBTQ+ migrants?

Jennie Saldaña (they/them): Yeah, I think. Well, being here and learning more about their specific needs and experiences is a great way. We should always be informing ourselves. And on top of that, wherever you are, looking into local organizations that might need volunteer support. I won't necessarily plug our group since we're in DC, I know not everyone is here, but I think if you can find similar work, that's really impactful to get involved locally in your communities. And to take this knowledge you're learning now, and be an active participant and supporting people who are arriving.

Professor Keele (he/him/his): Have the increased wait times for U.S.C.I.S. exacerbated the immigration and work authorization problems? Is there any change that would help with that process?

Jennie Saldaña (they/them): So with that, I would say, we sort of explain to people that with applying for asylum, it is a pretty long timeline, so they have that understanding. And, as far as I know, with E.A.D., we have people who have now since hit that six-month mark and I believe have gone through the process, so there are people who are able to do it. And one thing I didn't mention is a lot of the people we receive are Venezuelans, so the new T.P.S. designation is now another thing where, in the process of considering how we can support people with their T.P.S. applications, and that's obviously another pathway for them.

Professor Keele (he/him/his): Great. What do you think is one critical aspect of the mutual aid model that would be most beneficial to migrant and unhoused communities when applied to other places in the U.S.?

Jennie Saldaña (they/them): I think the fact that we often bring them back into the process. So the asylum clinics is just one project that we do. There's so many things that we do that I obviously didn't have the time to mention, but we tried to have them also be a part of what we do. We have a group of folks who deliver furniture and there are migrants who come and help with that. They are part of our network, and so we see it as more, we are not just serving you guys, but we're building this community together and eventually want you all to also participate in whatever way they would like. Lived experience is the best thing. And so to include the people that you are actively organizing with, I think, is an essential part to mutual aid. We can obviously be very supportive and have great intentions for helping people, but when we have those folks who have that immediate lived experience who are very similar to the people we are helping, it makes a really big difference in the sense of how much people trust us. Maybe there are other things that we didn't realize that they can sort of bring to the table. I think that piece of building solidarity with folks and bringing them into the process is what I think people can do with mutual aid projects anywhere in the U.S. or around the world.

Professor Keele (he/him/his): Great! Thank you. We have time for one more question, so if I didn't get to yours, I apologize, but you can reach out to Jennie separately. Are there any particular policy or social changes that you believe could improve the asylum application process for LGBTQ+ migrants, and if so, what are they?

Jennie Saldaña (they/them): I'll try my best to answer that question.

Professor Keele (he/him/his): It's a big ask, right?

Jennie Saldaña (they/them): Yeah. I think personally, there is a big ask in terms of providing evidence, and as I was saying, I think with the way that we do these there are interviews that the volunteers will do to get that information. And I think ways to sort of mitigate that need to fully expose trauma, I think, is particularly important for LGBTQ+ migrants. From personal experience, having done some of those applications, it is really difficult to have to share your most traumatic experiences with someone that you don't even really know. You know, I don't have a great answer. But I think that's for me something that would be great to address for LGBTQ+ migrants in particular.

Professor Keele (he/him/his): Great. Thank you so much, Jennie, for sharing your experience and expertise with us.

Jennie Saldaña (they/them): Thank you.

Hannah Rarick (she/her/hers): Thank you both. Thank you, Professor Keele. Thank you, Jennie, for that wonderful presentation, and Q&A. And that is the end of our first portion of the symposium. We're going to take a quick five minute break, and we'll all be back shortly to start at 11:30 for the Violence Session.

VIOLENCE SESSION, 01:28:00, 11:03 A.M.

Hannah Rarick (she/her/hers): Alright, everybody. Welcome back! Thank you all for joining us again after our break. I am happy to introduce our Violence Session moderated by Valeri Simmons. Valeri is a third-year law student at McKinney law school. She graduated from Penn State University with a degree in Security and Risk Analysis, Information and Cyber Security. She intends to practice in the data privacy field and is passionate about activism and increasing diverse leadership in the legal field. She currently serves as president of the Lambda Law Society and Feminist Law Society, as well as Vice President of the Accessibility and Equity Student Union.

Valeri Simmons (she/her/hers): Alright, everyone. Hopefully, you can hear me. Thank you for that introduction. Before I introduce our esteemed panelists, I would like to on behalf of McKinney's Lambda Law Society thank the Indiana International and Comparative Law Review for highlighting these issues in your

symposium. To all the panelists today for the work that you do every day and specifically today, providing your expertise and to all of you in the audience, for giving our community your time. With that said I have the pleasure of introducing two presenters for our session on violence. First, we have Florencia Vallino. Florencia is the Executive Director for lawyers for the NOA in Human Rights and Social Studies. She's held this position since February of 2023. She's been a member of this organization since 2010, and before becoming the Executive Director, she was in charge of the children's area from 2012 to 2020. Florencia is also a lawyer for the National University of Tucumán teaching as the Faculty of Law on Human Rights.

Our second speaker for this session is April Carrillo. April is an associate professor of criminal justice with the University of South Dakota, focusing on the LGBTQ+ community and the treatment by the criminal legal system, particularly for trans folks. Their previous research has explored media depictions of murdered trans women of color and trans ICE detainees as well as the lived experiences of trans folks navigating the legal system. April is involved with advocacy through two statewide, two-spirit LGBTQ+ (2SLGBTQ+) centered groups who work to improve the lives of South Dakota through direct action and legislative work.

If you have any questions for either Florencia or April, please feel free to send them through the Q&A Box, and we will get to them after the end of both presentations. If we are unable to get to your questions today, we encourage you to connect with the presenters directly after the session. Florencia, the stage is yours.

Florencia Vallino (she/her/hers): Thank you. Good morning, everyone. I will share my screen. So, good morning, everyone, again. I want to thank Indiana University for the invitation. I'm Florencia Vallino, I'm the Secretary Director of ANDHES (Abogados y Abogadas Del Noroeste Argentino En Derechos Humanos y Estudios Sociales; *Translation*: Lawyers and Lawyers of the NOA in Human Rights and Social Studies). I am from the Northwest of Argentina in Human Rights and Social Studies.

We would like to share our results of our research on these Lesbian privacy and transgender women's access to justice. So we are a nonprofit organization working on human rights in Argentina founded in 2001. Our organization is independent of political parties and religious institutions. Nowadays it includes over 80 professionals and students from different fields, such as education, communication, economics, anthropology, psychology, social work and architecture. We believe in addressing issues in our interdisciplinary, cross-cutting and intersectional manner. We operate in Argentina with a focus that extends from the local to the national and regional and international realm on human rights.

Here only we have three offices located in San Miguel de Tucumán, San Salvador de Jujuy and we are in the process of establishing an office in Salta. Our mission is to work towards the democratization of social relationships through the promotion, education, and defense of human rights. We actually fix to influence public policies, to ensure they respect the rights of all individuals. Our organization focuses on human rights through various systematic themes in the realm of woman and diversity rights, we engage in communicative training, research, human rights communication, and strategic litigation.

Florencia Vallino (she/her/hers): Since 2004, we have had a program called Community Legal Training and Action (CLTA). It empowers a specific group with legal training and tools to defend the rights at the community level. The most recent addition of this program was developed within the framework of the project, Cisgender, Transgender, Transvestite and Lesbian women as victims of violence and Access to Justice in Northwest Argentina: From Diagnosis to Action, which starts from 2022 to 2023. We worked alongside the Latin American Caribbean Committee for the Defense of Women's Rights, and with the support of the UN Trust Fund (UN Trust to End Violence against Women). The project involves representatives from LGBTQ+ organization from poor neighborhoods, indigenous communities, rural areas and migrants. The objective of this project was to contribute to the removal of barriers to the access to justice faced by cisgender, transgender, and Lesbian women in Tucumán and Jujuy. To enhance processes of empowerment and transformation in the position of cisgender, transgender, transvestite and lesbian women in defense of the rights for access to justice. To strengthen cisgender, transgender, transvestite and lesbian women in Tucumán and Jujuy, who engage in community approach to cases of violence against women and gender diversity. To influence society at large and key stakeholders in Tucumán and Jujuy through mechanisms for protecting rights and raising awareness campaigns.

So to achieve this objective, we conducted a series of activities, including a participatory research process to identify obstacles to access to justice for cisgender, transgender, transvestite, and lesbian women who experience violence. A training process based on community legal training, an action to locate community legal guides. Strengthening pedagogical tools for the development of replications, workshops and communities. Engage meetings within State agents at the local and national level. Public advocacy, actions and information dissemination and community campaigns. We have produced several outcomes, including a report on the barriers to access to justice for cisgender, transgender, transvestite and lesbian women experiencing violence in Tucumán and Jujuy; a feminist and dissident booklet with legal tools as a pedagogical tool; a network of empowered and motivated community legal guides committed to working towards eliminating violence against women and LGBTQ+ individuals in the provinces of Tucumán and Jujuy; strengthening the authority of organization and systematization of cases of cisgender, transgender, transvestite, and lesbian women experiencing violence accompanied by community legal guides.

In Argentina, we have a comprehensive legal framework at both the international and national level that recognizes the rights of the LGBTQ+ community. At the national level, beginning in 2006, a specific legal framework was established in response to the demands of LGBTQ+ population. Long comprehensive sex education that provides for comprehensive scientists on high quality sexual education for all students in both base and private education institutions. A law on marriage equality, as Argentina became the first country in Latin America to recognize this right, positioning itself at the forefront in international legislation regarding LGBTQ+ rights.

Florencia Vallino (she/her/hers): A law on gender identity. This law was the result of an historic struggle by a civil society organization, an LGBTQ+ NGO advocating for the inclusion and recognition of the rights of trans people. It marks a significant legislative achievement in terms of gender rights. A law on new gender-based crimes with jurisprudence advantage in line with international trends, Argentina added into law in 2012 that introduced for the first time in Argentina criminal law history, the concept of gender-based crimes as it's limited to homicides and international injuries. This includes two other factors responding to what is colloquially known as hate crimes and femicides. And a law on a transgender employment quota in 2021 which was enacted to ensure access to formal employment for transgender, transvestite, and transsexual people. This law, named after Diana Sacayán and Lohana Berkins in memory of two historic transvestite activists, established a minimum quarter of 1% of positions within the national government for the population.

Despite these legal advances in Argentina, our diagnosis allows us to identify various obstacles to accessing justice for trans and transvestite women. Access to justice that not solely refers to access being at stake, but rather to the right of all individuals, regardless of sex, race, gender, identity, political ideology, or religious beliefs to obtain a satisfactory response to their legal needs. Access to justice encompasses both the relationship between specific groups of people and state intuitions for conflict resolution, and the structural conditions that must be met to access it. There are formal material and symbolic barriers to access to justice, which, when combined with the social, economic, and cultural conditions of the individuals, contribute to a natural state of inequality and discrimination.

Formal obstacles are linked to public institutions and their procedures. Symbolic obstacles are associated with social practice that normalize inequality and discrimination. And material obstacles related to social, economic and cultural conditions.

This image is part of an artistic intervention in tribute to Ayelén Gomez, the victim of transvesticide. Trans and transvestite women continue to be the target of violence driven by discrimination against non-normative gender identities. This discrimination is evident in a structural barrier to access basic rights, such as education, health, employment, access to justice, identity and the right to a life free from violence. As a result of this structural discrimination, the average

lifespan of trans and transvestite women varies between 35 and 40 years in contrast to the general life expectancy in the region which is 75 years. Transphobic and trans-femicidal violence represent the leading cause of death in this population. It is the extreme end of a continuity of violence that begins with family rejection, expulsions from the education system, healthcare, and the labor market, early engagement in sex work, the constant risks of sexually transmitted disease, criminalization, social stigma, partialization, persecution, and police violence. This way of violence characterized their life, from the moment they decide to express their identity as trans and transvestite women.

Florencia Vallino (she/her/hers): The most recent sectors of the State apparatus refused to adopt the criteria to the new paradigm creating a conflict driving the relationship with society to produce in different forms of social inequality and being endorsed by the hegemonic paradigm of heteronormativity. This debate on the right to identity, equality, and no discrimination is strongly linked to the social, political, legal, and religious fields where power is exercised. Consequently, today the study of these sentiments covers the wide range of specific social and legal concerns related to the resistance to the recognition of rights by the State body. Examples include gender-based crimes in their most extreme form, homicide against members of the LGBTQ+ community, and the application of decisions in legal cases. This is public view to heteronormative and binary interpretation of the concept of gender, gender-based violence, and gender identities. We emphasize various obstacles to effective implementation and sometimes leave us with discriminatory proposals.

We wanted to bring to this space some of the obstacles in access to justice that we have identified in particular. One being the existence of a mechanism to report gender-based violence is insufficient, presents shortcomings, and presents inefficiencies, becoming the main obstacle to access to justice for trans women and transvestites who are victims of violence. As a result of this excessive bureaucratization of resolution procedures, redactivization, —, and slow and poorly integrated response, trans women and transvestites end up distancing themselves. Trans and transvestite women are affected by abuse, disability, depersonalization, dissemination, and lack of empathy in the system of public institutions. Some of these bad practices are related to prejudice and ignorance, which is related to the lack of training in gender perspective on the staff. The office that is a means for justice does not have a specific protocol to investigate cases of murder of trans women and transvestites, making it difficult to seek justice and reparations for their families. Furthermore, they also do not have a registry that allows for the reparations for the statistical report on cases of transfemicide and transvesticide.

Valeri Simmons (she/her/hers): Florencia, it is time to move to the next presentation. Do you have a final thought you'd like to share before we come back to you to ask questions?

Florencia Vallino (she/her/hers): Yes, just to conclude, we will like to share some final thoughts for this space. This process has brought about significant transformation within the working team and the participating community legal guides leading to the creation of the network of empowered and motivated community legal guides committed to eliminating violence against women and LGBTQ+ women in the provinces of Tucumán and Jujuy. Additionally, one of the most significant outcomes is the diagnostic report which outlined the obstacles to access to justice for cisgender, transgender, transvestite, and lesbian women who experience violence. Further, the pedagogical products that have a feminist and dissident booklet with legal tools defending those rights. This is the way we implement community and collective care mechanisms to create subconsciousness to overcome the previously mentioned barriers, offering support for accessing justice for those in situations of violence. Thank you very much.

Valeri Simmons (she/her/hers): Thank you so much for that insightful presentation. We will now move on to our second speaker. But before we do that, Florencia, there is a question for you specifically, in the chat in Spanish, if you would like to type an answer to that and then we will now move on to our second speaker. April, whenever you're ready.

April Carrillo (she/they/he): Perfect! It appears I gave myself a promotion, because I must have written associate instead of assistant, which is honestly pretty rad, but you know. I guess that's wishful thinking. Let me get it set up really quick.

Alright. Hello, everyone! My name is April Carrillo. I use they/she/he doesn't really matter to me. Like that rhymed. Anyway, today I'll be talking to you about my presentation State Sanctioned Hatred: Using HB 1080, which is a House Bill 1080 in South Dakota, to discuss Anti-2SLGBTQ+ discrimination and violence. I'm using one bill as a microcosm to kind of tie in a lot of the presentations we've already seen, which is fantastic. We've all been kind of building on each other, which will make this a lot easier to digest, I think.

Okay, so I do want to do land acknowledgements first. So, I am currently, where I am giving this presentation from, I am on the traditional land of the Očhéthi Šakówiŋ people, Yankton, and Umo^ohoⁿ people. I want to acknowledge elders, past and present, and those who will emerge. And although land acknowledgements are not the end all, be all for the decolonization process, it is a start for us to just acknowledge past wrongs and the people whose land we currently occupy.

April Carrillo (she/they/he): Some terminology, we've already ran through some of these, so I'm just going to kind of hit them really quickly. I use the acronym 2SLGBTQ+, it stands for Two-Spirit, lesbian, gay, bisexual, transgender, queer, or questioning folks. I put Two-Spirit first as a promise to decolonizing the academy, and including language where you see that acronym,

you go, “What’s Two-Spirit?” And I go, “Exactly.” And then, you know, that’s exactly how that’s supposed to function.

I use folx with an x to be disruptive purposely, but it is an umbrella term for people with non-normative sexual orientation or identity. Trans is a shorthand that includes transgender, gender non-conforming, gender non-binary, gender fluid; everybody under the trans umbrella.

So anybody who is not cisgender, but it doesn’t have to be a binary trans person. That’s very inclusive.

I will be talking today about House Bill 1080, which passed in February of this year. This is a House Bill in South Dakota, which currently outlaws all trans youth healthcare, and none have been grandfathered in. What that means is, if you’ve been a youth that was on hormones that was given any kind of gender affirming care before this law got passed, it didn’t matter. You had to come off of it starting in July of this year. Even if you had a diagnosis before the law went into effect, doesn’t matter. It’s banned completely in the entire state.

April Carrillo (she/they/he): So, let’s get into more background about HB 1080. So, this does ban minors from accessing all HRT or hormone replacement therapy. They’re unable to undergo medical procedures that could be gender affirming, and it forces youth to go through the wrong puberty. As has already been discussed by another speaker whose name is leaving me, there are medical regimens before youth can even interact with gender affirming care even in the most affirming states, like California or Minnesota. There are still many steps before they can take that. And what that means, wrong puberty if a youth at a very young age has identified that, “I was born male, but that is not who I am. I’m growing into a woman, I’m not growing into a man,” they can take hormones at an age that will ensure that they do not go through the wrong puberty, as it can cause severe psychological distress to be in a body that is not aligned with your internal gender identity. That is completely gone from here. Even, obviously, the more severe cases of any kind of surgical procedures are gone, but even just hormones, which, under doctor care and severe medical scrutiny, is gone as well. You can talk about it in therapy, kind of, but they can’t give you a formal diagnosis for you to be able to get care anywhere else. There are parents within this state already, who, immediately after the law passed, are having to get on waiting lists in other states. There are parents who are driving four and a half, five hours one way- round trip being eight to nine hours, even ten- just so their child can have care. There is a parent that I have worked with, who, their child has taken a sort of long-lasting hormone. Instead of a monthly shot, it just stays in frequently. And then it just provides those sort of hormones. Because they’re terrified that other states that they’re going to are going to fill up again, or they’re not going to be able to have access.

Doctors in South Dakota can be sued. Your medical license can be taken if you provide care, even if you are advising folx, even if you say, “Hey, I can’t do it,

but maybe I can give you a referral to Minnesota. I can give you a referral to Chicago, Colorado, or Kansas City, in the case here.” That’s one of the places folx go to. They can still be sued or, or not disbarred, sorry this is legal, I mean, like the legal framework. But they can go after their license and the medical board.

This was passed against pleas from parents, trans youth, doctors, professionals, psychologists, etc. The hearings for these laws; and this is a very small state, you all are in Indiana, South Dakota has only 900,000 people at the most; but these sessions for these laws in the middle of the day were packed in these committee meetings. They were running over time, they had to have multiple sessions just to see if it would even get out of committee. But it didn’t quite matter. It still passed, anyway. They were arguing for the safety of children, and saying that this prevents any kind of adverse outcomes, as already mentioned by a previous presenter. However, South Dakota, even though having that small population of folx, has the highest rate of 2SLGBTQ+ suicide ideation with upwards of 50 to 60%.

The laws here are extremely discriminatory. There are little to no protections for any queer folx here, youth, adult, or otherwise. And which kind of like leads up to this moment where you have a chance to not do this to youth, but we still do it. So how does that happen? Why?

April Carrillo (she/they/he): I broke this down to three parts, kind of like they are a chain reaction that goes between each other. So for one part of it is social perceptions. Only one in four people know a trans person nationally. Most folks know anybody gay or lesbian, or even bisexual, but very few, only 25% of the U.S. population even knows a trans person, and, as previously mentioned, they only make up about 1.4% of the U.S. population, as a generous estimate. But there’s no concrete data, those are just estimations. There is a lack of formal 2SLGBTQ+ education in schools, as previously discussed, there are many states where what goes hand in hand with not having access to care is the access to education, the access for any students or adults to even engage in content without that being seen as heavily political or identity politics. In Florida, they completely banned the idea of even talking about 2SLGBTQ+ people, as well as the reality of racial inequity, and the history of racial inequity in this country; that replicates throughout the United States, and is also present here.

There are places in South Dakota where a teacher was reprimanded for having a rainbow sticker I believe, on her desk, just to show that she was affirming without saying anything. Even that kind of expression in a public school is still reprimanded. Even engaging with 2SLGBTQ+ issues in a lot of places here as well, is political. It’s seen as, although the identity itself is not political, obviously, but it is perceived as such, because they’re heavily scrutinized about what you can do and where you can go, and what kind of rights you have access to. So even talking about those things when you put it in political and not a humanizing lens, it kind of already changed the conversation.

April Carrillo (she/they/he): Media depictions have not been great, which just reaffirms any kind of social perceptions. So if you don't know a trans person, and then you're not able to get educated about it, and you just kind of like icky, because it's political; then you look to the media. Maybe I can see trans people on the screen. I could try to interact with them or see anything about this community that I probably will never run into. Much literature has focused on how media depictions fixate on trans people's genitalia and sexual behavior as basically sexual deviants. They're dangerous around your children, around your families, they shouldn't be allowed in certain public spaces because of this sexual predation that has been projected onto them. Media depictions in the literature often describe them as deceptive gender benders. They're not to be trusted. Why would a man dress up as a woman? Why would this happen? Why would you forego the gender that you were assigned a birth for a gender that you identify with?

That fundamental misunderstanding allows for a lot of ignorance which then fuels bigotry. Because we fear what we don't understand. Even when trans people are murdered, which has come up in other presentations, media depictions often victim blame them for their occupation, for where they were, for the choice to be a deceptive gender bender. Not in those words. Right? It's a very different framing about, "Why would that person be dressed up as man? You tricked that person." It doesn't mean that you open the door to be stabbed in the chest twenty-six times. And so even at that moment, we can provide nuance. Maybe we could give context to why this happened. That part just goes completely out the window. It's more focused on what did you do to cause yourself to be killed?

April Carrillo (she/they/he): All of those together, very brief, obviously, it creates a nice package of dehumanization. So, combining an already negative perception with depictions that lack nuance successfully leads to a public more than willing to subjugate a group of marginalized folk. People who have never heard the word transgender 10 years ago are now actively talking about children's genitalia, and are actively talking about "Well, I don't want you in my public spaces." "You shouldn't be around children." "Drag shows are indoctrinating kids." That sort of thing, conflating ideas of queerness and who is allowed in public spaces and who isn't, which then opens the door for violence, essentially. So that kind of leads me back to the title of my presentation, which is State Sanctioned Violence. And I have the questions we were given in the program and now we're going to address those with the context of HB 1080 and the brief sort of overview of that dehumanization process. Because they all work together; when you have a government, we'll talk about South Dakota, when you have a state government that actively goes after a certain group, doesn't protect them, even against the advice, the pleas of people here, even against science, even against any other sort of basis in logic or like I said, science; you create a people that is open season for the rest of the public. So why would public be interested in listening about the human rights of a people who

their governor says, “Nah, we don’t need to protect them.” So I have the three questions from the program and I’ll address them, semi-briefly, I see I’m running a little low on time.

So the first one is why are increases in LGBTQ+ legislation and linked with an increase of violence against the LGBTQ+ community? Since 2014, gender-based hate violence that has been tracked by the FBI against trans folk has increased. An average about twenty-five to thirty-five trans people are murdered because of their gender identity; that can be proven every year. It’s about one a month. Doesn’t really have a difference about where it’s happening. But the coverage is usually again lacking the nuance; if they cover that the person is trans at all. These are only people who can be identified, and most of the time through community members. But again, trickle down only works in this instance, which is horrifying, where you have the top layer, saying, “Hey, we don’t care about these people.” And then it kind of functions down to reaffirming the lack of knowledge, lack of education, and the ignorance and the bigotry and the hatred that is maybe rumbling in the public. So again, I said, if the government does not care, why should you? And a lot of folk, a lot of these trans people who experience gender-based hate violence, they’re murdered in particularly brutal ways. They are widely unsolved, not prioritized, and they’re not quite covered. In a study I did of trans women of color who were murdered in 2016, one of the women was covered by a national news organization. As a criminologist, I will tell you the murders of those women were brutal. They were awful to read, they were awful to digest, but the cases that were prioritized in the same news cycles paled in comparison. So then if “if it bleeds it leads” doesn’t apply here, then what is applying? Why is there such a marked difference? And again, demonizing language replicates itself in public forums, anger and hatred resulting in violence. Look at any news article, local or otherwise, that covers trans people and just scroll down to the comments. Only for a little bit. Don’t ruin your mental health, but they are quite terrible. And a lot of those folks take action, or they rile up other people to take action. That’s seen in the Pulse shooting, that’s seen in the Club Q shooting, and it’s seen in individual acts of violence in the workplace, at home, at school, those sorts of things.

April Carrillo (she/they/he): The second question I found really interesting: Can the international legal community reconcile the different but eerily similar fate of members of the LGBTQ+ community and countries like Uganda and the United States? I thought this was particularly interesting, because the reality of homophobia and transphobia across Africa, especially West Africa, has its roots in America.

So when gay marriage was effectually passed, leading up to that, there were a lot of anti-gay marriage, you know, groups and stuff like that, and they didn’t quite know what to do with a lot of this money, or they wanted to kind of fuel it in other places. And so there are a lot of pro conversion therapy groups, anti-gay, hate-filled groups that have tons of money, and they’ve sent them out to other countries. Uganda is a particularly interesting example, especially since we’ll

have the guest speaker later. But Uganda and United States, it was weird to see the comparison, because it was like, “Oh, a country like Uganda having the same thing as United States,” they’re similar for a reason. They’re fueled by the same sort of groups who believe in homophobia and perpetuating these sort of hate based languages. The bills that are written, even the HB 1080, other sort of anti-2SLGBTQ+ bills are written pretty similarly because they’re workshopped in these big organizations and then given out to representatives all across the United States. I’m just able to see it, you know, at this sort of level. So that was a great question. But also they’re the same, because, you know, they come from similar roots, essentially.

April Carrillo (she/they/he): And the last question, if United Nations Independent Expert called for a worldwide ban on conversion therapy, why haven’t more states and countries moved to pass legislation against it? Conversion therapy is the false idea that you can make someone not gay. Just like you cannot turn someone from straight to gay, it doesn’t work the other way. Never has. Don’t know where that came from. But again, taking the Ugandan example, as of 2014, these evangelical and non-government organizations, which have roots in the United States, account for 20% of all nonprofit groups in Uganda. And they are writing these bills. They have roots here also in the United States. Again, going back to that process of dehumanization. They haven’t passed the legislation because it’s not a priority, and it’s not, although we can find it horrifying personally; this protected group: 2SLGBTQ people, trans people, etc., or queer folx in general; they’re not seen as those worthy of protection. We’ve seen that in history, we see that right now, with the targeting of trans folx . And then, in all these cases, with all these bills, even in the United States, particularly, you’ll have experts, you have people with the science, you’ll have, you know, the American Medical Association, and people testifying. But at the end of the day, it doesn’t matter. The truth, any objective truth, any sort of engagement with reality - it’s gone. Because it is a cognitive dissonance with our perception of queer and trans people, and then, what their lived experience, and what their realities are.

Valeri Simmons (she/her/hers): April, thank you.

April Carrillo (she/they/he): Sure!

Valeri Simmons (she/her/hers): Oh, yes, I would like to move to questions so that we have a little bit of time to answer some.

April Carrillo (she/they/he): Yeah totally, go ahead.

Valeri Simmons (she/her/hers): Thank you so much for that informational presentation. We will not be able to get all to all of these wonderful questions live, so please reach out to the presenters to get more information for those of

you whose questions are not asked today. I want to start with ones that I think both of you can answer and speak on, and then we'll see if we have some additional time.

So the first question is, when you're talking about the issue of law enforcement failing to take action, abusing their power or failing to protect the LGBTQ+ community, what are some measures that can be taken to hold law enforcement officials accountable for that inaction or abuse of discretion? If you would like to start April you can do that, and then we'll move back to Florencia.

Valeri Simmons (she/her/hers): The question is essentially if you've seen any abuse of discretion by law enforcement or failure to act to protect the LGBTQ+ community, what do you think can be done to hold law enforcement accountable? For you know, first of all, not abusing their discretion and also to protect the community.

April Carrillo (she/they/he): Oh, perfect. I think I'm going to provide a solution that I think covers a lot of problems with law enforcement. So first, the phrase is called qualified immunity. The police in a lot of states have protections against being prosecuted for stuff that happened on the job because it's seen as part of the job it's not seen as egregious, right, and to meet the level of level of egregiousness most of the time takes public outrage essentially. We saw that with George Floyd. We sort of saw that with Michael Brown, unless people across the United States in the community raise an alarm most of the time police do not have any consequences for discrimination, especially if the person is not dead. For me personally, just accountability period. Any kind of accountability. I'm going to go back to the George Floyd example. The person who murdered George Floyd had severe assault notes in his reports against him every year that he was on the job. And so it's almost like a product and it shouldn't have been a surprise that he committed such an egregious act because he already had a history of violence. But there was no accountability. He never faced any sort of repercussions and that lack of, for any group between the police, especially marginalized communities, that just needs to be addressed first with policing. They face almost no consequences, and even when there is a death, or there's severe injury, maybe, maybe they do, but it is very rare that any consequences are reached. So you have to start there to be completely honest.

Valeri Simmons (she/her/hers): Thank you, excellent points. Florencia, I would love for you to answer the same question. But there was another question. I think you can combine it with this one. Someone asked specifically, how do you think the legal system can better protect women who are sex workers? So if you would like to take it away on that.

Florencia Vallino (she/her/hers): Well, I would like to share my email and contact from ANDHES, so we can maybe do a better response. And I would like

to say, I agree with April on the points she was saying earlier. I think we, as a community, we hold all the parts. We need to think about this issue. I mean, it's complex. There is no simple answer to that question.

Valeri Simmons (she/her/hers): You are not wrong. I think that brings us to our time limit. However, there are so many wonderful questions. In the QA. If both of you have some time to take a look there and respond, that would be wonderful. Thank you so much for your time.

Hannah Rarick (she/her/hers): Hey, Valerie? Sorry we actually have 5 extra minutes for the Q&A just because we have a longer session for violence. So if you can continue just 5 more minutes.

Valeri Simmons (she/her/hers): Okay. So let's see. Let me go back here. So I think this one probably applies to you, Florencia. The question is, what countries have you seen that conduct the most thorough investigations into violent crimes against LGBTQ+ and individuals?

Florencia Vallino (she/her/hers): Can you please repeat the question?

Valeri Simmons (she/her/hers): Sure. The question is, what countries do you see that conduct the most thorough, the most complete investigations into violent crimes against LGBTQ+ individuals? And perhaps maybe an easier question would be, are there any countries that you know of that do a particularly bad job of these investigations?

Florencia Vallino (she/her/hers): We have analyzed our local courts and their practice in Tucumán and Jujuy and Salta, the northwest of Argentina. The obstacles to access to justice well, they are a lot. We think that it's in part due to the lack of information the people in the structure have in where we do this. We have found these different kinds of barriers, the formal ones, the symbolic ones, and the material ones. And they are all together acting like barriers.

Valeri Simmons (she/her/hers): Okay, thank you. I think that leads to a natural follow up question someone asked early on and I think both of you can touch on this. How do you think individuals and organizations in the broader international community can better contribute to supporting LGBTQ+ and two-spirit individuals across the world?

April Carrillo (she/they/he): Sure, I'll go first. Your biggest thing that you can do is your dollars. There are groups like Florencia was talking about. We have the speaker that was before us talking about mutual aid and stuff like that. That is a huge thing that you can personally do. Educating yourself, raising awareness, but then also sending your money to people who are already doing the work. It's not like you're sending money to a big organization, like people who are on the ground doing work in those communities who are from those communities who know the people who know how best to use those funds. That is the best thing

you can do, honestly raising awareness and then providing money to those groups.

Florencia Vallino (she/her/hers): Yeah, totally agree. And I will say that also, we must organize ourselves. That's the way we have fun.

Valeri Simmons (she/her/hers): Okay, I think we've got time, maybe for one more question that is somewhat related. How can these groups that we provide our funding to work with each other in the international community specifically to combat pro conversion therapy initiatives? Florencia if you'd like to go first this time, and then we'll go back to April.

Florencia Vallino (she/her/hers): I'm sorry, I don't understand the question. Could you repeat?

Valeri Simmons (she/her/hers): Sure. So we were just thinking about giving money to advocacy groups. And so the question is, how can those groups help in the international community to fight against pro conversion therapy? So groups who want individuals to have to go to conversion therapy to not be who they wish to be.

So in the United States, for instance. I can tell a bit of a personal story. My wife as a teenager identified herself to her parents as a lesbian, and her parents sent her to conversion therapy to try to convince her that she was not, in fact, a lesbian, and was straight. So they may be called different things in different countries. But that's the type of therapy we're talking about: a false therapy to convince people that they are something else. How would you say that these groups can help fight against that?

Florencia Vallino (she/her/hers): Can I answer in Spanish?

Valeri Simmons (she/her/hers): Certainly.

Florencia Vallino (she/her/hers): Bueno, sin dudas como asientes escapamos de complicidad al relación al planteo, nuestra lectura es sobre todo relación al rol del estado el relación sistemas, y cómo le ve a garantizar el acceso de derecho de las personas en ese sentido. Coloquial nuestra visión siempre busca poner el énfasis en cómo los estados se comprometen a respetar los derechos humanos de las personas y entonces asumen obligaciones en este sentido. En esa misma línea, se ve a traducir en política pública y disponible para todo así todo y todo es para poder, bueno, decidir y decir y acceder a esa política pública necesaria no? That's all.

[*Translation:* Well, without a doubt, as you are aware of complicity in the relation to the approach, our reading is mainly related to the role of the state in relation to systems, and how it seeks to guarantee the access of people's rights in this sense. Colloquially, our vision always seeks to emphasize how states

commit themselves to respect the human rights of people and assume obligations to meeting this goal. In the same line, it is seen to translate into public policy and available for everything and everything is to be able to, well, to decide and say and access this necessary public policy. That's all.]

Valeri Simmons (she/her/hers): Thank you. Unfortunately, I think we've hit our time. So, April, if you would love to answer that question you can do so in the Q&A and we would love to hear what you have to say there.

April Carrillo (she/they/he): All good. Any participants, my information is pretty easy to find. Just April Carrillo so you can totally just email me, more than happy to talk to you all.

Hannah Rarick (she/her/hers): Alright, thank you both. Thanks everybody for sticking with us for this long. We've heard from some incredible speakers, and now we're going end this event with our keynote speaker and Dean Bravo, the Dean of IU McKinney School of Law, will be introducing him. Dean Bravo, take it away!

KEYNOTE SPEAKER, 02:19:15, 11:54 A.M.

Dean Karen Bravo (she/her/hers): Thank you very much, Hannah, and good afternoon, everyone. I'm Karen Bravo, Dean of the IU McKinney School of Law. Thank you for joining us today for the Indiana International & Comparative Law Review's Symposium on building LGBTQ+ inclusive legal systems. We've heard from so many wonderful presenters today who have addressed the importance of inclusivity in the law regarding health, religion, displacement and violence. Let me expressly thank our presenters for their dedication to their work, for their passion and for their generosity, and taking the time today to educate all of us. I'm delighted to have the opportunity now to introduce a symposium Keynote Speaker Pepe Julian Onziema, and I hope I'm not butchering your name.

Mr. Onziema works as the Director of Programs at Sexual Minorities Uganda, an organization focused on monitoring, coordinating, and advocating for the rights of the LGBTQ+ community in Uganda. He is responsible for the coordination and administration of all programs, including the development, organization, and implementation of campaigns, resource mobilization, solidarity initiatives, and advocacy work. He has been a petitioner in various legal battles for marginalized people in Uganda, and is the founder, co-director, and co-producer of a documentary project dedicated to combating homophobia through storytelling. Additionally, he will soon be publishing an article with the Indiana International & Comparative Law Review titled: UBUNTU AND AFRICAN RESTORATIVE JUSTICE MECHANISMS AS BUILDING BLOCKS FOR AN LGBTQI+ INCLUSIVE LEGAL SYSTEM: A focus on the right to housing, legal recognition and corporate accountability for LGBTQI+ Inclusion and this is written with his co-author Ms. Daphine Arinda.

In his “free time,” and I put that in quotes, Mr. Onziema has recently become an entrepreneur, heading Sagittari Investments, which is a young company that brews, cans, and distributes Faya Kombucha. He is currently attending the Mannanova Solutions Kombucha Masterclass to become a certified brewer. His many achievements include—and this is only a sample—a certificate in Community Counseling; he is a 2015 Reagan-Fascell Democracy Fellow, a 2018 Columbia University Human Rights Advocacy Fellow; he is a recipient of the 2012 Global Citizen Award from the Clinton Global Initiative; the Hero of the Year Award from Stonewall-UK in 2014, and the Gay & Lesbian Alliance Against Defamation award for “Outstanding Talk Show Episode” for his appearance on the John Oliver’s Last Week Tonight show. It is with great privilege and honor that I introduce to you, Mr. Pepe Julian Onziema, our wonderful keynote speaker. Thank you, all, and thank you for joining us.

Pepe Onziema (he/him/his): Thank you so much for that elaborate introduction, and for having me. I wasn’t sure that I would be joining you, but I’m so delighted that I managed to clear my schedule and be here with you today. I hope my pictures are not so bad, but I’ll try to be as audible as possible. And I hope that whoever’s on this Webinar today is able to be educated on Uganda in general, but particularly on the laws that are usually passed or you know the way the expansion of criminalization of homosexuality is done in my country. I’m coming to you from Kampala, I’m in the capital just a little bit out of the city. And thanks to the panelists who have spoken. I’m really honored today to be here, and a big shout out to Ugandans in the diaspora who have joined the webinar, but also Ugandans, who are in Uganda and other African countries who have joined this webinar today. I’m going to be speaking not word for word according to my presentation, but I’m speaking on the current homosexuality 2023 law that is in my country among very many provisions which bans me from actually doing this webinar today. But in the spirit of resistance and wanting to change my country, I am speaking to you today. So the title of my presentation is the Anti-Homosexuality 2023 and Expanded Criminalization of LGBTIQ+ Persons in Uganda.

You’ll see a lot of pictures. I’m using them to basically illustrate the feelings, the rhetoric that is out in the public on LGBTIQ+ persons. In these three newspaper articles that I show today, you’ll see from the first round, the Observer, you’ll see it has a person who used to be in the community who became an ex-gay and became a tool for the anti-gender and anti-LGBTIQ communities to rally themselves against the community and eventually enact an expanded version of the anti-homosexuality law. April mentioned earlier that America has a heavy hand in the criminalization of homosexuality in Uganda, which is very accurate. We saw American Evangelicals coming to Uganda in late 1999, and more evidently in the early 2000s. And in the early 2000s was also the time that there were young, young people, young queer people in the country trying to claim our space as citizens, and we went on to form organizations like Freedom and Roam

Uganda and also SMUG, the organization that I work for Sexual Minorities Uganda was born out of the activism that already existed and then SMUG was born into a network for the LGBTIQ organizations in the country.

We saw people like Scott Lively, come to Uganda and influence our Parliament, influence our communities with this heavy anti-LGBT rhetoric, which then radicalized our legislators in 2009 to pass a similar law, which we went on to petition in 2014. And after 6 months, a few months due to the solidarity across the world, but mostly the solidarity that was within the country we saw the courts nullify that law on August 1st, 2014, based on a technicality. The substantial issues that we raised in our petition were not addressed by the courts. So that led, of course, to the communities, you know it kind of gave us a breather as activists, but it did not mean that because the law was off the books that violence was not happening. The religious groups, I don't think they went back to the drawing board, but they continued to mobilize more people to be homophobic and transphobic. You will see this in the second article by the Sunday Monitor talking about the activities that must be criminalized and that was the time when our parliament was just becoming hot and more active on the issue, and they went ahead to pass this law.

Pepe Onziema (he/him/his): As we speak, you know we mention the Americans. But the British in the 1800s colonized Uganda. And at the time they were coming to the country we had a young teenage king called Kabaka Mwanga. You can see him in the picture. It was rumored and this rumor from you know, trying to understand more anthropological evidence, the rumor was started by the British because Mwanga was resistant to the British. In the Buganda Kingdom the king is called "bbaffe". Bbaffe means "our husband" so that goes for male or male identifying persons it cuts across gender, as long as you're Buganda, the King is your husband. So to the British this was alien, you know something they'd never heard of a man calling you know, a man, their husband and yet this was tradition.

They decided to use it as a weapon to weaken his kingdom, but also his power. And that ended up with what today people celebrate. I don't, because for me without tradition, one of our traditions being the Buganda tradition at the time led by King Mwanga, I see them as traitors of a tradition to follow the colonizers, but the Christians, people who practice Christianity celebrate them every third June of the year. I mean, I don't condone the murders, but also when we look at it over the years, the way it has been used against other citizens like myself who are queer I resist that rhetoric. So this is to tell you that in Uganda homosexuality existed. Trans people existed, and in most African cultures you'll find that persons who are different in terms of their gender expression were actually taken as people to revere, people to go to for council, people to go to for blessings. But that was eroded and erased by the British rule which led to a penal code that is on our books today.

One of the sections, section 145, which criminalizes sexual acts against the order of nature, but who defines what order of nature is? And that has gone to be a law that is on our books that criminalizes same-sex relations. And as we speak with the new law, the penal code is still there. So there's this whole huge and expansive, ambiguous criminalization on our books in our laws that are there, but we are challenging it.

We saw part of the ways of persecution based on the law that has been happening in our country and is continuing is the exposure, the first you know, pushing people to either come out or to hide further. Because our media has been a tool that has been used to violate people's privacy and to also embolden the communities to take action, violent actions towards people they suspect, or people who have actually confessed, or say that come out publicly to say that they are LGBTIQ, so these exposes continue to happen. A couple of people who are exposed, the faces that you see in this particular paper have had to flee to safety in other countries. One of my colleagues that we began the movement with, I'm so happy that he's joined the webinar, Victor, it's good to see you here and I hope you are safe because from what April was also talking about the US and what we've been reading, that the US is also not safe. It's not a safe place for trans people. It's not a safe place for LGBTIQ persons. So where do we go when such laws are being enacted across the world, and with a heavy hand of Americans and Russians coming to our countries to make sure that we don't live in our countries, but they're also making the countries that we flee to even more unsafe. Let's move on.

Pepe Onziema (he/him/his): Just maybe to speak a little bit more to the violence. Unlike some countries where rule of law is important and is followed in Uganda it is not the same. During the passing of the Anti-homosexuality Act, bill at the time, now Act 2023 there was no room for debate. There was no public participation. There were few people who were called in, mainly people who are affiliated with the religious groups who were able to give false and unverified, and what do I want to use? They were using basically information that was not correct. They don't have research for it. We've been asking for them to back up whatever they are saying, saying that we are people who wear Pampers. So they basically instill this fear that their children might be sexually abused by same-sex persons or people who identify as homosexual, and they will be wearing Pampers. And in fact, we went to see further, when our budget was being read, or being presented to the Parliament in June this year, people saying they need to increase taxes on Pampers, adult Pampers because it benefits, excuse me, it benefits homosexuals. So you see that the conversation is not just about enacting one law. The targeting is going further into taxation into building a family, jobs, and so on. And recently, we tracked the violations that have happened since the law was brought to Parliament just when it was tabled in conversations that were beginning. We documented violations of up to over 300 violations that have happened ranging from evictions from housing which means that people are being displaced. And in this symposium, of course we are talking about displacement as well. People being kicked out of religious places and

workspaces, and violence. Someone earlier talked about conversion therapy. For us, we take it as conversion violence because it's a violent way of changing who you are, who you believe you are, and basically diminishing your potential to be a human being.

That is also happening. Actually, as I was getting on this webinar, I received a message from someone asking to be rescued from a church where they've taken him for this sort of conversion violence. He's been abandoned there. He has nothing to eat. He's been ridiculed. He's being embarrassed in front of other people, and they're quite enough people there. Someone might ask, why don't you report it to the police? The police are such a huge perpetrator of this, of the violence towards LGBTIQ persons. They are high on extortion and blackmail because from some of the interventions we've been trying to have with international partners, but also within the country, with the officials for them to at least sort of put a stop to issue sort of a directive to the police not to arrest people. Because most of the arrests just based on their perception of what a queer person looks like, it's not based on the law. The government tells us that kind of circular or directive has been given but the police are still doing the same to the community. But we are still documenting this. And as I mentioned that we'll quote, and we will continue to challenge the laws. Some of us have stayed behind to fight this because the work needs faces and unfortunately bodies as well. And the bodies are not safe in the country but we'll keep fighting any form of law that comes to criminalize minority groups not just the queer community but across the board.

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Pepe Onziema (he/him/his): Please go to the other slides about family watch international.

Yeah, we can stay there just sorry before the trigger warning, let's just go back. The provisions of the law. I don't know if the audience is able to see this but the key provisions that we are most worried about in the current Anti-Homosexuality Act is section 3 that speaks about aggravated homosexuality, where the act prescribes a death sentence upon conviction. This particular section goes further to criminalize persons. For instance, if I'm a queer person living with disability in a relationship with someone who has no disability then that person would be classified under aggravated homosexuality because I'm rendered a person who is vulnerable and cannot make decisions for myself, so I cannot be queer and living with disability.

It also goes further in criminalized persons who are living with HIV. If they're in a same sex relationship that means that they are intentionally passing on the virus to someone else and they can also be charged under this with the death penalty. Just briefly on that. And then there's a punishment of child offenders. So any child who is queer is labeled, if they are found, if they are reported, you can be jailed for 3 years, and the irony of this section is that when the law was

being passed it was an outcry to protect children to protect Ugandan children. So what this section is saying is that a child who is suspected be queer is not a Ugandan child, they are not a child. They have to go to jail. The other section is around consent for sexual acts. Yeah, that consent, like I mentioned earlier, that if I'm a person living with disability and I'm in a relationship with someone, my consent does not count. The other person's consent does not count. If we're adults engaging in same-sex acts and we've consented, that is not a defense, we are supposed to go to jail. For premises, it could be a hotel, it could be housing. Earlier on one of the panelists was talking about lack of housing and what that means, you know the disparity in that. So this law also goes on to prescribe a 7-10 year jail sentence for a landlord who is offering housing to a queer person. Anyone who knows and does not report is also liable under this or even a hotel. That means that there's a lot of displacement that is happening and we've been seeing that happening because a lot of queer people are leaving the country, either going to Kenya. Of course Kenya also has a bunch of, 'Sharon Slater's', you know, Family Watch International followers, and there's a law that is also drafted there. But it hasn't yet seen the deal right, but that rhetoric is also there.

And lastly, Section 10, which prohibits the same-sex marriage. Our law already prohibits that, rather the Constitution, which is absurd, that the Constitution would carry such a clause or such a section. So there's already criminalization and this is a recriminalization. A re-prescription in this law that basically, they're emphasizing that since same-sex marriage is prohibited in the country. So those are some of the key sections of the current law that you need to pay attention to when you look at Uganda's legal system around protection or the lack of protection for LGBTIQ persons. So, this trigger warning is because some of the pictures you're going to see are a bit graphic, maybe they're graphic, but also some of the information maybe not used to it and you think some of the people in a different light. This might trigger you. I just wanted to make that warning, because, as a person who has suffered trauma before, I know how important this is.

Pepe Onziema (he/him/his): I've touched a little bit on what the impact has been on the community with this law and the law 10 years ago. We've had different districts coming up with posters and marches. Particularly the Muslim community has been organizing huge marches against homosexuality, and posters with rainbows, posters with "Say No to Homosexuality" have been placed in schools. They've been placed at most public places that has made it very difficult for queer people to access. Because you know, like there's no trigger or trauma warning when you go to a place, maybe you're trying to seek medical attention, and you find this huge poster saying, "no homosexuality", and you already identify yourself as one. It becomes difficult for you to go in such a place. Our Parliament; sometimes I feel strange when I say 'our' because they don't really speak for me and even stand for my rights. But this second picture is over Deputy Speaker of Parliament in, you know, he was saying all this stuff that he received news that Kasese Municipal Council made an attempt to pass a bylaw that recognizes homosexuals and transgender people, which is not accurate, because

under the Global fund eradicating HIV and AIDS, MSM and trans people are a target group. And our government signed documents accepting to take funding and accepting this because Uganda once was a champion against HIV and AIDS and they accept this to take the communities that are most at risk and make them part of the agenda of ending AIDS by 2030 and this is what our speaker was saying. This is part of how different districts have, it's part of their sort of schedules and agendas on how they can fight HIV in their districts, and the issue sort of invitation for awareness raising or testing and treatment that different groups do within the country. So they do this hyper-sensationalization of this letter that they had written and threats to arrest the officials, and so on. But that really materialized and then we saw the first national Student Prayer Altar against LGBT also happening with all these public figures participating in that talk or so-called prayer. Of which I don't see the impact of their prayer because we're still queer, and we're here, and we're going nowhere.

I also mentioned earlier that we did a report so that you can see some of the attacks that have happened. Letters being issued by Parliament, not Parliament, but government institutions, universities, and so on. Stopping any form of research on LGBTIQ issues. So basically suffocating all the advocacy, all the awareness raising for our societies to know that we exist in the country. And this was totally a different kind of event that was happening. The ex-gay that you saw in the Observer earlier on called upon Uganda police and called upon the government to shut down the event which was absolutely unrelated to LGBTIQ activism. So we're definitely seeing people who don't identify with the community or as a LGBTIQ being targeted as well and what we've basically been saying to you, our international partners and friends, is that this law is not about homosexuality. It is about our attempts to democracy that is struggling. So it's about democracy. It's about governance. It's about the society that we live in. It is not just about queer people, and that everyone needs to look at this law as a democracy issue, as a human rights issue, as a government issue, as an economic issue, so that we can speak with one voice to make sure that such laws do not see any other daylight in our history again. Because the only way we can do it is by coming together and writing proper laws, quality laws that protect and help citizens thrive.

Pepe Onziema (he/him/his): We took sort of a listen, or we did social listening where we tracked different emotions and sentiments on social media of how people feel about the topic. And, as you can see from the infographics, it shows that about a [an increase of]132% [in “anger”,] but mostly people are disgusted. People who are joyful, you know the stats are there, but you can see that they're mixed feelings. Not everyone in society shares the Parliament's views on how they decided to legislate.

I mentioned Sharon Slater earlier, and she is there in the picture with the President of Uganda and other leaders from African countries. With her resources she managed to support different parliamentarians from Africa to come for an inter-parliamentary convening in Uganda, it was held in Entebbe, where

they came up with a manifesto of how they can fight homosexuality in Africa. You probably know about Ghana having a similar law, Kenya is also coming up with one. Sir George from Ghana was actually in Uganda, he gave a keynote, and he pledged to make sure that the law passes in Ghana. I've forgotten the name of the legislator from Kenya, he also made a similar pledge to pass a similar law in Kenya. They decided to brand the law in Kenya as a "family protection law" but initially it had the same title, Anti-Homosexuality Bill 2023 of Kenya, but now it has gone through different phrases.

We are aware that Sharon Slater decided to distance herself from the law, but from research we are doing and continuing to do, the documentation that we are doing, we know that she was heavily behind it, because a similar radicalizing convening took place last year in October in Utah, which is in the United States, and we saw some people like Sir George, Thomas Tayebwa from Uganda, our Deputy Speaker, someone from Zambia, and several African leaders or legislators attended the Utah meeting. But also what is coming, not so new, but there is an ongoing petition, against the Intel boss, who happens to be Sharon Slater's husband, and I will share with the professors the name so you can sign it, because their activities across Africa and Eastern Europe and so on, needs to be put to a halt. It needs to be stopped. They need to stop coming to our countries, radicalizing our people, under the guise of helping and understanding what families look like in Africa. In Africa, a family is not a nuclear family. A family is not man, woman, boy child, girl child. In Africa, a family is all of us, we live in communities, and the community aspect of who we are is being eroded by people like Sharon Slater. And I say this without fear of anything, because whatever she is doing, she must be stopped. She works at the UN and other places, and I know that she's threatened to sue people for defamation, and it is evidence of activities in my country, in other African countries.

And to probably back up me saying that I do this without fear, please go back to the quote. One of the people who inspires me and gives me courage is Assata Shakur. She might not be a favorite of most Americans because she was in the Black Panther Movement, and she was accused of killing an FBI agent or policeman and she fled, but her words really resonate with me. They're almost a mantra that, when I'm going to the front line where I know there's battle, it's what I use, it's what I share with my community, that "It is our duty to fight for our freedom. It is our duty to win. We must love each other and support each other. We have nothing to lose but our chains." And I profoundly believe in this, and I know that there's more in the slides, but I feel that I need to stop here so that if there are questions that I can answer, and I hope that this is inspiring or educating to the people who are listening, the people who have joined today.

Once again, thank you so much for listening to me and I hope I have done justice to the keynote today. Thank you so much and back to you.

Hannah Rarick (she/her/hers): Absolutely, Mr. Onziema, you definitely have done justice to our keynote speaker. Thank you so much for that presentation. So

we are going to move on into the Q&A portion and we have quite a few questions for you.

So with our first question. I would like to talk about LGBTQ+ refugees and Kakuma refugee camp. We are experiencing severe homophobia. We are raped, persecuted, discriminated, denied services because of who we are. When it comes to transgenders and women, we are badly persecuted. How could we get support?

Pepe Onziema (he/him/his): I sigh very heavily because I have been to Kakuma twice, and I know firsthand what is happening in the camps. It's sad, it breaks my heart, we've tried as SMUG, a national organization, to work with partners across Africa but also globally and together with the National Gay and Lesbian Human Rights Commission in Kenya, we have been trying to do something. But because being in the camp, it's a government-run camp, there are limitations of how to support people there. We've tried to send basic items that the people there need. But first of all, it is very far from Nairobi and the means to go there, either you take the WFP, World Food Program cargo plane, or you drive for many hours. So even accessing the camp itself is a problem, but what can be done, I think, there needs to be more awareness raised about the impact of homophobia in Uganda that has been carried to camps in Kakuma, but also the homophobia and the violence that is happening within the camps. Lately, there are really no protections for the queer people who are there, the government needs to expedite the resettlement of those who are already in the system and who can be placed in either third or fourth countries, there needs to be some way of expediting that. But I also think some of the limitation that is there is that there is no specific designated case officers on the issue of LGBTIQ asylum seekers or refugees in the camp.

That slows the work down. UNHCR needs to make sure that people in that position are there. Issues of LGBTIQ are taken under "gender" and gender is quite broad. By the time you reach a person who identifies based on their sexuality and their gender identity, it's almost like at the point of crumbs.

So, awareness is very key. We need to reach the UNHCR but also the government of Kenya, the government of Uganda. I know that some of the LGBTIQ people who are in Kakuma are from Rwanda, Burundi, Congo, and also Ethiopia. I think also Chad. Lately I think there are people from Chad there as well. So we need to join our voices and make noise about this, and for those who are able to send some kind of money, I think it is important. There's an organization called Kuchu in the Diaspora led by Victor (*last name omitted due to audio difficulties*), I know he's been very passionate about refugees in Kakuma camp. He's made noise but he's been sort of been like a small voice making that noise. So we need to join him, and also the people who are in Kakuma camp to make sure that this is on the radar of everyone who can support.

Hannah Rarick (she/her/hers): Thank you, Mr. Onziema. Onto our next question: do you think the African Commission Court on Human People's Rights

could provide any legal remedies to attacks on the LGBTQ+ community in Uganda? Are there any other international law remedies that you can think of that could be helpful?

Pepe Onziema (he/him/his): Ideally, it should. Our African charter is quite elaborate on protections of human and people's rights. I already mentioned how we live in communities, so the law is quite clear on protecting every person within the environs of Africa. I've been going to the African Commission, and together with several other activists on the continent, we managed to get the Commission to pass a resolution on protection from violence for persons based on either their imputed or real sexual orientation and gender identity, which is Resolution 275. Some of us have been using that in our countries to educate our police, to educate our judiciary; some of them don't even know that it exists. So ideally, the African Court should be able to protect us. However, the limitation is that we have to exhaust local remedies before we get to that stage. So basically they are saying, it's like they are telling us that we need to see some form of genocide of LGBTIQ persons before we even act, because if my country cannot protect me and I'm coming to you for refugee, and then you tell me "Oh, go back to the homophobic, criminalizing country views and exhaust whatever is there first, before you come to me." You're basically saying, "Go die, we don't care about you." And yet on paper, it says you have jurisdiction to actually protect me. And just to say that, aside from petitioning this law in Uganda, we've also done the same, we've submitted references to the East African Court because that is regional court that is easily accessible to us at the moment.

The international remedies that exist, of course, we've had, for instance, the expert on Sochi, to put out statements that have been made to the UN, but we also know that these spaces, the discussions on human rights based on sexuality and gender identity, have been shrunk by some countries that are very homophobic and don't care about the issue. In addition, in 2012, we brought a lawsuit against Pastor Scott Lively in Springfield, Massachusetts, under the Alien Torts statute, which I think has been changed a little bit, but it's also something that we're looking to, to take homophobia back where it came from.

Hannah Rarick (she/her/hers): Thank you. Moving on to our next question, how can individuals and organizations outside Uganda and the East African region support your advocacy efforts and contribute to the cause of LGBTQ+ rights in the area?

Pepe Onziema (he/him/his): So, keep speaking out. There are some of us who are still in the country and it might be dangerous, but keep speaking out. Keep reaching out to us, find out how we are doing. Sometimes it's just, "Hey, are you okay today?" That's very important.

We need money, most of our work has to be funded. Of course, there are restrictions on funding, but the work has to continue. There are also ways that the funding can reach us. So, fund our work, recommend fellowships for people who

need some form of respite for a few months, sign petitions that we put out, calling on our government and calling on the international community to support, but also speak to our leaders. If you are funding anything in Uganda, if you are having student exchanges and so on, because some of your students might be queer, and they're coming to Uganda not protected, so speak to them about those exchanges because I know that'd be important for the cross learning of students, either with our Mercury or National University and say, Indiana University, speak to them about how you are concerned about this issue.

What I mentioned is that my organization was shut down in August 2022, last year, nevertheless, we are working. We are working, pushing back. This is our country, we are going to make it conducive for people like me to live in this country as full citizens.

Hannah Rarick (she/her/hers): And in a similar vein, are there any readings or resources? An audience member wants to know that you would recommend to get more educated about Uganda and the situations going on.

Pepe Onziema (he/him/his): Sure, unfortunately our website is down, but follow - I'm not so active on X, X is quite a triggering space, so I don't participate there - but look out for Convening for Equality, which is a collective that we established when this law was passed, it's a collective that is trying to fight back. It's a collective that has pre-organizations in other civil society and human rights activists and organizations that came together. So look for Convening for Equality. Look for SMUG, which is SMUG2004 on X and across all social media platforms. Follow my Executive Director, Frank Mugisha, he is quite active, there is information there. But also what I'll do, I will send you some of the reading materials. Google Sylvia Tamale, professor from Makerere, she's written extensively about these issues. And there's a lot of information. I can send you links to some of them, I can send article copies to you and maybe you can share with the students as well.

Hannah Rarick (she/her/hers): Yes, absolutely. We'd love to have those links, and then we'll be able to share with our audience members by the end of this.

I think we have some time for just one more question. So when there is such animus against a path forward that accepts and actively protects LGBTQ+ people, how do you begin to enact change for the better? How can the U.S. take steps to ensure that a law like Uganda's Anti Homosexuality Act doesn't become a part of the country's laws?

Pepe Onziema (he/him/his): Well, I'm going to start with the U.S., what the U.S. can do, because most, actually entirely, what is happening in Uganda is the U.S.'s fault, *[laughter]*. So I know there is freedom of movement, freedom of speech, and so on, but when American citizens like Sharon Slater, her husband, Scott Lively, and other American Evangelists come to Africa, come to my country, and influence my parliamentarians, people that I voted for, to a point

where they don't consider my vote important, America needs to pay attention to that. They need to know what are people going to do in other countries. When we bring it to your attention as Americans, do something about it. Don't punish us because the homophobia is actually not here, and it's purely from external countries like Britain. Britain no longer has the laws, but Britain sowed the seed in the 1800s and now, the United States is coming, basically make it even more pretty or more ugly, if I could say that.

The first part of the question, just remind me a little bit, I think I got so passionate about sending homophobia back to America that I forgot that part. The first part was about . . .

Hannah Rarick (she/her/hers): Yes, the first part was basically about how we can make sure that we're not going to implement something similar to Uganda's Anti Homosexuality Act and how we can enact change.

Pepe Onziema (he/him/his): Yeah, I know that in the U.S. there are also all the anti-trans legislations that are coming up. I think education is really important, I really hope the information here today can be shared with more people so that more Americans know what the other Americans are doing in countries like Uganda, like Ghana, like Kenya, and other places. It's important, education is really, really important. Americans need to educate themselves beyond America, right? Because I find that quite lacking, and I'm really honored that I'm able to give that information here today, the information I've given to you about Uganda.

I mentioned earlier that there's a community in Uganda, right? There is a community that is fighting, and as much as the homophobia is there, what we can do is to continue speaking to our fellow Ugandans, as Ugandans, for them to understand who we are. It's important for us to keep showing who we are, those who are brave enough to do it amidst the violence that is happening; because amidst this current law, the parents were actually accepting their own children. That's not in the media. Also, they fear for themselves to come to the media and show their faces. One of the petitioners on one of the petitions that I'm on is a mother of a transgender child. And she thinks that her voice counts and we know that her voice counts and we know that in the next few years that parents might be the ones who are taking this fight to court, basically fighting such laws in the future.

So the mindset change is really important, but also encouraging other people to pay attention to real issues. Poverty, teenage pregnancies - who's making the teenagers pregnant? It's not homosexuals, it is heterosexuals, and most of them are in power. So those are the real issues. One of the districts, at the time they were enacting this law, some parliamentarians and ministers had stolen iron sheets that were supposed to build houses for people in Karamoja. They were sort of left behind in the agenda. When we make noise about it that these people need these iron sheets because they are homeless, they don't have houses, then it was turned around and that conversation went away. So it is important for us

to encourage our society to pay attention to real issues, and make sure that those real issues are addressed by our government.

Hannah Rarick (she/her/hers): Thank you very much, Mr. Onziema, and thank you so much for your participation, for your answers to those questions. I'm also on the same belief that we definitely need to expand our horizons when it comes to the international scope and the education in America needs to include more of an international perspective. So it's really important that we were able to have you here today. Not only for our law review, but also for the discussion, and highlighting these really important issues. So I want to say thank you very much again. And I also want to say thank you to everybody. Because that does bring us to the end of our symposium. We hope you all really enjoyed it. Your active participation and insightful questions have made this event a valuable platform for the exchange of ideas and perspectives. So we encourage you to continue the discussions and collaborations that have been initiated here as we work collectively toward a more inclusive and equitable world. We look forward to future engagements, and the positive impact that they hopefully will bring. I also want to just give a quick shout out to IU conferences for putting on this event, specifically, Jose, for helping us out today. And then thank you once again to all our wonderful panelists and to our keynote speaker for the contributions and dedication to these important issues we've addressed today. So have a good rest of your Friday.

Pepe Onziema (he/him/his): You too, bye.

03:18:29, 12:53 P.M.