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Report of the Regional Dialogue on LGBTI Human Rights and Health in Asia-Pacific

26-27 February 2015
UN Conference Centre, Bangkok



Proposed citation:

UNDP (2015). *Report of the Regional Dialogue on LGBTI Human Rights and Health in Asia-Pacific*. Bangkok.

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Photos: UNDP/Warren Field.

Design: Inis Communication



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The Regional Dialogue on LGBTI Human Rights and Health in Asia-Pacific was made possible with the support of the following partners:



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Acknowledgements

This report documents the presentations and discussions made during the Regional Dialogue on LGBTI Human Rights and Health in Asia-Pacific held from 25–27 February 2015 at the United Nations Conference Centre in Bangkok, Thailand.

Many people were involved in making this dialogue possible. The organizers would like to gratefully acknowledge all participants and resource persons for their valuable participation and viewpoints. A profile of participants is included in the Annex of this report. Thanks are due to Malvika Subba who moderated the dialogue, and to John Godwin who authored the report.

The meeting organizers gratefully acknowledge the efforts of Huey Nhan, Bess Hepworth from Out Leadership (Hong Kong) and Ben Xue from Pink Dot (Singapore) for the outstanding social media outreach.

The meeting organizers would like to acknowledge the outstanding support provided by UNDP country offices to ensure the attendance and vital participation of government and human rights experts, and civil society.

Thanks are extended to Edmund Settle, Nadia Rasheed, Vivek Divan and Emilie Pradichit from UNDP Bangkok Regional Hub, and Andrea Pastorelli, Karen Aiwan Liao, Bharat Man Shrestha and Dennis Curry from UNDP country offices. The meeting organizers gratefully recognize the assistance of session chairs and resource persons for their review and inputs, and Ian Mungall, Andy Quan and Tivea Koam for the final editing of the report.

The meeting organizers would like to recognize Natthinee Rodraks, Pranee Threekul, Nunlada Punyarut, Pinyavi Chaiwongrisuk, Maya Dania, Rebecca Nedelko and Sarah Greenbaum from UNDP Bangkok Regional Hub for their outstanding logistical and administrative support, and UN ESCAP for facilitating the use of the UN Conference Centre.

UNDP supported this dialogue under the Being LGBT in Asia initiative, Multi-Country South Asia Global Fund HIV Programme (MSA-910-G02-H) and ISEAN-Hivos Multi-Country Global Fund HIV Programme (ME1-011-G01-H).

The Being LGBT in Asia initiative is grateful for the support and commitment provided by the Embassy of Sweden in Bangkok and the United States Agency for International Development (USAID) in promoting inclusive development of LGBTI people in Asia.

Acronyms and abbreviations

AIDS	Acquired Immune Deficiency Syndrome
APCOM	Asia Pacific Coalition for Male Sexual Health
APF	Asia Pacific Forum of National Human Rights Institutions
APTN	Asia Pacific Transgender Network
ASEAN	Association of South East Asian Nations
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
ECOSOC	Economic and Social Council
GLSEN	Gay, Lesbian and Straight Education Network
GDP	Gross domestic product
HIV	Human Immunodeficiency Virus
IACHR	Inter-American Commission on Human Rights
ICD	International Classification of Diseases
ILGA	International Lesbian and Gay Association
IGLHRC	International Gay and Lesbian Human Rights Commission
LGBT	Lesbian, gay, bisexual and transgender
LGBTI	Lesbian, gay, bisexual, transgender, intersex
LGBTIQ	Lesbian, gay, bisexual, transgender, intersex and queer
MSM	Men who have sex with men
NHRI	National Human Rights Institution
NGO	Non-governmental organization
OHCHR	Office of the High Commissioner for Human Rights
PFLAG	Parents and Friends of Lesbians and Gays
PILnet	Global Network for Public Interest Law
SOGI	Sexual orientation and gender identity
SOGIE	Sexual orientation, gender identity and gender expression
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
WPATH	World Professional Association for Transgender Health

Executive summary

The Regional Dialogue on LGBTI Rights and Health in Asia-Pacific was held in Bangkok on 26–27 February 2015. It brought together more than 200 representatives of governments, development partners, national human rights institutions, lesbian, gay, bisexual, transgender and intersex (LGBTI) people and other civil society members. The Regional Dialogue discussed achievements in LGBTI rights in key areas such as health, education, employment and social protection and explored avenues to further strengthen the protection of LGBTI human rights across the region.

The Regional Dialogue aimed to identify opportunities, build trust, and promote innovation and action. It also actively encouraged private sector involvement in LGBTI rights and provided a forum for LGBTI community organizations and development partners to forge strategic linkages in order to take their agendas forward. The Regional Dialogue was an important step in building consensus and strengthening the movement for legal and social change to advance the human rights of LGBTI people in Asia and the Pacific.

The following section provides an overview of the key themes captured during the Regional Dialogue.

1. Advocacy

LGBTI communities are calling for protections from violence, police abuses, and stigma and discrimination in employment, health, education, housing, justice and government services. Law reform priorities include decriminalization of homosexual conduct, gender recognition laws, anti-discrimination laws, hate crimes laws, violence protection laws and constitutional rights to equality. A key advocacy theme is that LGBTI rights are not special rights. LGBTI people seek recognition as equal citizens with rights to non-discrimination and equality before the law that must be respected, protected and fulfilled.

A common issue for the LGBTI advocacy agenda is the harmful impact of binary male/female gender roles, which are often promoted by conservative moral and religious frameworks. Binary gender concepts contribute to social alienation and the climate of hostility and violence experienced by many LGBTI people across Asia and the Pacific. Non-binary gender systems, such as official recognition of a third gender or 'other' gender identity, give formal recognition to the diversity of gender expressions and identities. Some South Asian countries are making progress through legal recognition of 'third gender' people for certain purposes.

There have been some notable advocacy successes for gay men and transgender people, e.g. ordinances in some cities of the Philippines and constitutional measures in Fiji that provide protection against discrimination. By comparison, intersex issues are largely misunderstood or ignored. A nascent intersex advocacy movement exists in Australia and China. An advocacy priority for intersex people is stopping surgery performed on children at a young age, which raises human rights issues relating to rights of self-determination and bodily autonomy.

Bisexuals are often invisible, and their issues are either ignored or not taken seriously. This makes advocacy challenging as people do not accept or understand the nature of bisexuality. Lesbian issues are also marginalized given this community's lack of visibility and power in most communities, although the recent emergence of lesbian activism in China was noted.

Civil society leadership: Advocacy is most effective when led by LGBTI communities. Community-led activism increases the visibility of LGBTI people in society and educates the public and governments about the nature of rights violations affecting LGBTI people. Activism is key to challenging harmful attitudes, combating stigma and changing harmful laws, policies and practices. LGBTI activists stressed the importance of linking their advocacy to broader human rights movements, including the rights of ethnic and indigenous minorities, people with disabilities, migrants, youth and the poor.

Litigation: Court decisions in Hong Kong, India and Nepal have been important for advancing transgender rights. In Nepal, the Supreme Court ordered the government to give transgender people citizenship as equals, but the order has not yet been implemented. In India, the lengthy campaign to decriminalize homosexuality was set back by the Supreme Court decision upholding section 377 in 2013. The Supreme Court decision has had ramifications beyond India in other countries with similar laws, such as Malaysia and Singapore.

Legislation and constitutional reform: The law can be either an enabler of, or an obstacle to, the enjoyment of human rights by LGBTI people. Advocates seek the repeal of punitive laws and the enactment of protective laws. However, law reform is a slow process and examples of progress in law reform are rare.

Some jurisdictions appear to be going backwards, for example, Brunei and Aceh province of Indonesia have introduced harmful laws that criminalize and stigmatize LGBTI people. Fiji provides a positive example – its 2013 Constitution prohibits discrimination based on sexual orientation, gender identity and gender expression. Palau decriminalized homosexual conduct in 2014 as a result of a recommendation from the Universal Periodic Review process. Australia is the first country in the region to recognize intersex status separately in law from transgender status and sexual orientation. New Zealand is the first country in the region to legislate for marriage equality. Gender equality laws and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) can provide an entry point for advocacy, particularly for lesbians, bisexual women and transgender people. Advocacy should target the bureaucracy responsible for implementing laws as well as the parliamentarians responsible for legislative reform.

National Human Rights Institutions (NHRIs): NHRIs of Asia and the Pacific are committed to implementing the Yogyakarta Principles, which were adopted in 2006 to guide efforts on LGBTI human rights. NHRIs promote respect for the Yogyakarta Principles by state and non-state actors. Some NHRIs are particularly active on sexual orientation and gender identity (SOGI) issues including Indonesia and the Philippines. In a meeting convened immediately prior to the Regional Dialogue, NHRIs agreed on a Programme of Action and Support to continue and expand this work, and will report on progress in 2016.

International human rights mechanisms: LGBTI rights can be advocated through international mechanisms such as the UN Commission on Human Rights. There is a growing body of legal decisions confirming that LGBTI people are protected by international law. Criminalization of sodomy has been found to be in breach of international law by the UN Human Rights Committee (*Toonen v. Australia*). Sexual orientation and gender identity issues have also been addressed by the special procedures of the Human Rights Council through thematic reports and communications. The Universal Periodic Review process has been important in some cases, for example, for the decriminalization of sodomy in Palau.

Media: Television, press and social media can be useful advocacy tools to influence opinion and change attitudes. A television series called 'Love Patrol' had a huge impact in the Pacific Islands by changing audience understandings about LGBTI people and challenging stigma and discrimination. Sri Lanka has a history of censorship of LGBTI issues but there has been recent progress with the performance of a play based on the true experiences of gay and bisexual men.

2. Health

Priority health issues of LGBTI people include adolescent health, mental health, HIV, sexual and reproductive health, violence protection and response, and transgender people's access to sex reassignment surgery and hormone therapy.

Mental health: Mental health problems are common among LGBTI people. Negative factors impacting mental health include criminalization, pathologization, corrective counselling, intrusive psychological therapies, and religious and cultural transphobia and homophobia. Many LGBTI people experience social isolation, depression, low self-esteem, addictions, low confidence, self-doubt, self-blame and paranoia.

There are high rates of suicide. Mental health services are often uninformed about LGBTI people's needs. In some countries, LGBTI groups provide peer support and counselling in safe places, but most countries have few or no services. Mental health services and support for LGBTI people should be integrated into government social services. Decriminalization, legal recognition of gender identity and legal recognition of same-sex relationships would encourage stable relationships that are good for people's mental and physical health.

Transgender health rights: The health needs of transgender people to access hormone treatment and sex reassignment surgery are poorly addressed in most countries. Transgender people's health is placed at risk where they are only able to access hormone treatment through unregulated sources such as the Internet.

Intersex health rights: Surgery for intersex people is often not necessary and violates human rights to bodily integrity, physical autonomy and self-determination. Surgery imposed on intersex people can reinforce the stigma, secrecy and shame associated with intersex status. There are no guidelines on best practice for intersex health. In 2013, the Australian government initiated a Senate Inquiry that made recommendations for guidelines, multidisciplinary teams and resourcing to ensure effective peer support and involvement in the medical pathways offered to intersex people. It is crucial not to pathologize intersex conditions. Provision of information and support to families of intersex people would help to address the high incidence of suicide among intersex people.

HIV: Criminalization and stigmatization of people because of their sexual orientation or their gender identity makes it harder to engage people in HIV prevention and treatment. Sodomy is still a criminal offence in many countries, particularly Commonwealth countries. Fiji and Palau have removed the sodomy offence from their laws, but otherwise across the region there is a lack of progress on law reform. Criminalization of sex work means that male and transgender sex workers hesitate to take an HIV test or to carry condoms. Young gay men and transgender people are at very high risk of HIV and therefore require targeted, rights-based interventions.

Health care workers: LGBTI issues are not included in the health care curriculum of workers, so most are unaware of how to address the specific needs of LGBTI people. Inclusion of SOGI issues in the professional curricula of health care workers is required. Many medical colleges still treat homosexuality as a disease or a form of moral deviance and there is little professional education available to health care workers on transgender and intersex issues.

3. Economic impacts and private sector roles

Research shows a relationship between economic growth and the protection of LGBTI rights. People who are discriminated against at work or in school are likely to be less productive. Productivity is undermined by depression, suicide and unemployment. Markets recognize that countries that protect rights have more productive workers.

There are economic costs to homophobia and transphobia. Discrimination and abuse from family members impacts people's social capital and life chances including access to education, health care and employment. Economic models can measure the financial cost of social exclusion. There is a significant impact on Gross Domestic Product.

Many transgender people are excluded from workplaces because of their gender expression. Gay men and lesbians face stigma, violence and verbal abuse at work. Companies should have a human resource policy that gives employees the right to express their sexual orientation and gender identity and to choose the gender that they prefer at work.

A more inclusive workplace culture increases productivity, improves corporate image, and increases employment loyalty and satisfaction. Companies should: put LGBTI anti-discrimination policies in their corporate guidelines and codes of conduct; provide training to managers and employees on handling LGBTI issues; provide partner benefits to attract talent; support non-government organizations (NGOs) to provide training to staff members; and create friendly environments for LGBTI subcultures in the

workplace. Companies should also recognize that LGBTI people comprise a significant market for goods and services, and meeting their needs can be profitable, for example the provision of tailored financial products and LGBTI tourism.

4. Personhood and legal gender recognition

Rights to self-defined gender identity and gender expression are basic aspects of self-determination, dignity and freedom. It is profoundly important to transgender people to have the legal right to have their gender of choice officially registered. The right to change gender on documents such as passports and birth certificates has practical implications in terms of accessing health care, employment and rights to travel, but is also of fundamental significance to a person's self-esteem and dignity. The right to change gender registration must not be linked to surgery, sterilization or other types of medical treatment. Young people should have the right to change gender and to attend school as their chosen gender.

Very few countries in the region provide legal gender recognition to transgender people. There is concern about the harmful impact on transgender people of laws that prohibit gender expression such as the law against cross-dressing recently introduced in Brunei Darussalam. Positive legal developments include court decisions supportive of legal gender recognition and third gender status in India, Nepal and Pakistan, government recognition of a third gender in Bangladesh and a supportive court decision from Hong Kong SAR on the right of a transgender woman to marry a man. In addition to identity documents, practical measures to be implemented that respect personhood include pension rights and welfare support to transgender people and access to appropriate bathroom facilities.

The harms caused by lack of legal recognition should be documented to inform policy development and persuade people to take action on the rights to identity and expression. Research is required to understand the adverse impact of the absence of gender recognition laws on the lives of transgender people, the beneficial impacts of the enactment of gender recognition laws, and evidence of strategies that are effective in protecting rights.

5. Education

LGBTI students are more likely to be bullied than other students, including through the internet. Heteronormativity and the male/female gender binary are deeply entrenched in school education systems. Incidents in which teachers witnessed assaults on LGBTI students but took no action were reported from several countries. In Malaysia, guidelines were prepared to guide teachers on how to identify gays and lesbians in schools based on superficial criteria drawn from stereotypes. As a result, schoolboys were identified as gay based on their feminine behaviour and sent to a corrective camp so they could become more masculine. Transgender university students also face discrimination for example in Thailand where universities impose rules that require transgender women to cut their hair, conceal breasts and dress as males.

There is generally no education on intersex issues or support to intersex students in schools. Intersex people advocate for education on intersex issues to be included at all levels of education system including elementary school.

LGBTI people and their allies can change social norms to promote diversity and acceptance in and through education. Governments should consider interventions in the following areas:

Policies: Schools require policies that go beyond a general anti-bullying policy. Comprehensive and inclusive education policies are required that specifically address sexual orientation, gender identity and gender expression. Without a policy, teachers may fear that taking action might affect their own employment.

Teacher support: Ensuring teachers actively support LGBTI people is crucial and teachers need to be supported to play this role. Teachers should be sensitized and given pre-service and in-service education

on SOGI and homophobic bullying. Having a teacher who is affirming and supportive can make a huge difference to LGBTI students in improving their self-esteem and supporting them to stay at school and achieve better educational outcomes. Medical textbooks in China and India still recommend outdated and harmful forms of conversion therapy that have no scientific basis.

Peer support: Support from LGBTI peers and gay–straight alliances inside and outside of schools affect positive change in the school environment.

Inclusive curricula: LGBTI issues can be integrated in the curriculum through sex education, health education or other entry points. Development of a SOGI-inclusive curriculum is important to address bullying, harassment, low enrolments, high drop-out rates, poor mental health and poor performance. In Nepal, sexual orientation and gender identity issues have been introduced in the curriculum. This contrasts with some Indian states where all sex education is banned in schools.

Research: Governments should conduct research to document the harms caused by homophobic and transphobic bullying. Collecting data can provide an evidence base to demonstrate that bullying is a serious problem and to inform changes in policies and programmes.

6. Families

Many LGBTI people struggle for family acceptance. Rejection, violence and abuse in family settings cause many LGBTI people to seek new families from among their LGBTI peers. ‘Family’ are people who love you and who you love, and may include allies, friends, neighbours, and accepting relatives.

Parents often are ill-prepared to accept their LGBTI children due to lack of information and the influence of culture and religion. Parents can cause harm to their children by treating their sexuality or gender identity as a psychiatric condition or immoral conduct. Pressure to marry including arranged marriages can be very harmful and lead to suicide.

It is important to provide safe spaces for young LGBTI people to access peer support. Young LGBTI people can also have a role in educating their parents when coming out, provided their parents are willing to engage and be educated. Educational resources specifically designed for parents and family members are very helpful. Organizations such as Pink Dot in Singapore and Parents and Friends of Lesbians and Gays (PFLAG) in Viet Nam provide recognition to family members who are accepting and supportive of LGBTI people and provide a platform for parents and other family members to demonstrate their support.

Children should be protected from being victimized because they are perceived to be different. Intersex children are often subject to specific violations of involuntary and medically unnecessary surgery and other interventions that call for special protections in response.

The concept of family is continuously evolving and governments must recognize this by adopting inclusive laws and policies. Laws on family violence should protect LGBTI children from violence from their families. Same-sex marriage is legalized in New Zealand, and some Asian countries including Nepal and Viet Nam are beginning to debate possible legal frameworks for the recognition of same-sex relationships.



Opening remarks

Helen Clark, Administrator, UNDP

The reviews conducted as part of Being LGBT in Asia revealed that many countries have laws and policies that directly or indirectly discriminate against or criminalize people on the basis of their sexuality or gender identity. The inclusion of LGBTI people and the fight against homophobia and transphobia are core to the sustainable development agenda and human rights for all. Equal rights are not special rights. The Universal Declaration on Human Rights promised a world that is just and inclusive of all, including LGBTI people.

For generations, many LGBTI people have been subject to institutional and social discrimination, and to violence on the basis of their sexuality, gender identity and gender expression. This hurts all of us. When it comes to human rights, an injury to one is an injury to all. There is also a large economic cost to discrimination and exclusion. The World Bank has found that the cost of homophobia to the Indian economy is at least US\$1.9 billion per annum.

Discriminatory laws that are used to stigmatize, criminalize and punish LGBTI people must be replaced by laws that protect LGBTI people from discrimination on the grounds of sexual orientation, gender identity and gender expression. Public education and access to employment are essential to challenge the negative stereotypes and create greater understanding, and we must not forget the importance of family support to young LGBTI people.

Luc Stevens, UN Resident Coordinator, Thailand

It is inspiring to see more than 200 people from more than 30 countries of Asia and the Pacific in attendance at this Dialogue. It is testimony to the principle that human rights are for everyone, regardless of sexual orientation or gender identity. The individual and collective experiences of participants reflect the diverse histories, cultures and economies of Asia and the Pacific.

Far too often LGBTI people are stigmatized by society, overlooked when seeking employment, and discriminated against in health services, schools, communities and families, and are thereby excluded from development opportunities. Laws and policies that cast LGBTI people as criminals and deviants increase their vulnerability to HIV and create further marginalization.

There are some positive changes led by communities. In many countries, communities are enabling LGBTI people, including young people, to claim their rights and realize their goals. In the Philippines, community groups have worked with local governments to pass anti-discrimination ordinances. In India, the courts have articulated the human rights of transgender people as a result of advocacy efforts of communities and allies. In Bangladesh, *hijra* and transgender communities held their first pride festival in 2014.

The second phase of Being LGBT in Asia was launched this week. This is the first regional UN initiative on LGBTI rights. Over the last two years, Phase One of Being LGBT in Asia has helped to establish a database of information. This Regional Dialogue will help to shape the priorities for Phase Two and to build solidarity and forge new partnerships.

In 2015, we are entering the new era of the UN's Sustainable Development Goals. In order to achieve these goals, there must be greater attention to the people that have been left behind and excluded from development. This requires greater inclusion and the full realization of the rights of all people no matter their sexual orientation, gender identity, gender expression, or sex characteristics. UN Secretary-General Ban Ki Moon has called for action to tackle violence, decriminalize consensual same-sex relationships, ban discrimination and educate the public.

Honourable Oyungerel Tseveddamba, Member of Parliament, Mongolia

This Dialogue will enable me to bring your messages calling for change to the Mongolian Parliament. Sometimes, we create problems for innocent people just because we do not want to hear and acknowledge the truth. The world for LGBTI people could have been much happier if countries were able to accept some truths. This Dialogue will peel off one more layer of ignorance in all of us and especially our governments.

Although I am a human rights advocate, I was prejudiced against LGBTI people until I was invited in 2009 to an exhibition where LGBTI people expressed themselves through photography. I called myself a human rights activist but until, then some of my fellow humans were not on my list of people to be protected, so I was not truly a true human rights activist. The images caused me to re-evaluate my beliefs and question my own prejudices.

The Mongolian LGBTI community changed me, and so I actively started helping their community. Today, I am proud to introduce the leaders of the Mongolian LGBTI community. Our LGBTI community is small and mostly active in the capital Ulan Bator. LGBTI people who live elsewhere still live a secret and torturous life. Our challenges include the highest priority of stopping violence against LGBTI persons, changing social and cultural expressions affecting LGBTI people, and stopping discrimination in the workplace, education, health and the law. We have to change harmful attitudes of police, health care workers and teachers.

People need to listen to each other's truths without judging and harassing one another. Hopefully, one day, Mongolia will also be able to benefit from an open-minded, tolerant dialogue, so we too can have a respectful dialogue in the community and parliament.

Honourable Louisa Wall, Member of Parliament, New Zealand

All human beings are born free and equal in dignity and rights. We need an approach that recognizes LGBTI people as equal human beings and equal citizens within our countries. Governments must govern for everyone, not just the majority or those with the loudest voices. Our first priority must be to eradicate state discrimination, to repeal all laws that discriminate against LGBTI people. Homosexual law reform in the Asia-Pacific region is a collective priority so we are no longer defined as criminals. From this foundation, each of our nations working with LGBTI communities can identify how to best give expression to collective and specific LGBTI rights. Parliaments have a role in protecting the rights and inclusion of LGBTI people including in the provision of goods and services by the state and society as a whole.

New Zealand achieved homosexual law reform in 1986 and marriage equality was achieved in 2013. But we still have challenges, particularly for youth. Issues of youth suicide and physical abuse are too high. There is a petition before parliament urging our government to address the inadequate supply of publicly funded gender reassignment health services. Improving our responses to the intersex community is another area of challenge.

New Zealand's *Marriage Equality Act* defined marriage as a union of two people regardless of their sex, sexual orientation or gender identity. Marriage is a civil and social institution. Only the government can issue marriage licenses to consenting adults. My principal argument in the marriage equality debate was that the state must not discriminate against any of its citizens in its role of issuing marriage licenses. Where, how and who is involved in a marriage is private. However, in advocating freedom from discrimination, we must also recognize the right to freedom of religion. Under our law, celebrants are authorized but not obliged to marry a couple, thereby protecting religious institutions and the practice of their own definition of marriage. This strikes a balance between freedom from discrimination perpetrated by the state and freedom of religion. The realization of human rights can be achieved by mutual respect.

Geena Rocero, Trans Activist and Founder of Gender Proud, USA and the Philippines

Growing up in the Philippines, I would experience pain. When I walked home from school, *tuk tuk* drivers would feel entitled to shout and swear at me. The LGBT community was the first family outside of my blood family that showed me love.

When I was five years old, I wore a t-shirt on my head. My mother would ask me why, and I replied: "This is my hair, I am a girl." This was my first act to self-identify. The pursuit of self-expression is the most powerful gift to the world. When my mother told me my green card had been approved to migrate to the United States of America (USA), she told me that the USA has a law allowing me to change my name and the gender marker on my legal documents. It changed my life to be able to look at my identity card to see it reflect who I really am. It made me finally feel validated and dignified. As a result I followed my dream to become a model in New York in 2005.

When I travelled to Tokyo, immigration officials asked me why my Philippine passport that has a male gender marker did not match my appearance. I was humiliated. I was interrogated. So I asked myself, "What can I do to change this?" In 2014, I decided to launch Gender Proud so that all people could be allowed to fully self-identify. In my role with Gender Proud I have met many different communities including transgender deaf communities courageously living their truth, transgender refugees, people rejected by families, and homeless transgender youth. Many are powerful advocates – people who have spoken truth to power. We have many gender fluid and diverse communities. We need to claim the space of gender fluidity.

At a meeting in India, I was asked, "What is the advantage of being transgender?" I responded, "Despite all the pain, I have a sense of compassion for a world that has been falsely led to believe that gender is binary and all the suffering that comes with that." In the first seven weeks of USA a transgender woman was killed every 29 hours. A transgender teen who recently committed suicide left a note asking that the true meaning of gender should be taught in schools, the earlier the better. Gender is a spectrum of beauty. If you pursue your truth you will never go wrong.

Sophon Shimjinda, LGBT Activist, Thailand

The realities of living as a gay man with a physical disability in Thailand are challenging. The main challenge is overcoming people's negative attitudes. My spinal cord was severed in an accident 12 years ago, and since then I have relied on a wheelchair for mobility. It is often assumed that people with physical disabilities have little capacity to contribute to society. However, since my accident I have dedicated myself to various causes, including raising awareness of the rights of people with different abilities through media work. Although I experienced financial hardship as a result of the accident, I have not been deterred from pursuing an active career, through which I have tried to encourage a more open discussion of sexuality, gender and disability issues in society. People who are gay or do not conform to gender norms are sometimes treated as secondary in society and there is little understanding that people with disabilities are also sexual beings. My sexuality is important to my self-esteem. Fundamentally, people value you for what you achieve. Being an active member of society with a career in the media, I seek to demonstrate that differences of physical disability and sexuality should not affect how you are valued by society.

Professor Douglas Sanders, Mahidol University, Thailand

In 2011, the UN Human Rights Council passed its first resolution supportive of LGBT rights. It recognized equality rights for lesbians, gay and transgender people, but the resolution did not include intersex people. This was significant because the Human Rights Council is a political body at the UN, and takes its instructions from its member states.

UN member states have opposed LGBT organizations gaining consultative status. This status is required to allow organizations to speak and to access government and NGO representatives at official UN meetings. For many years the Economic and Social Council of the UN (ECOSOC) refused to grant consultative status

to LGBT organizations. When the International Lesbian and Gay Association (ILGA) applied to ECOSOC, the Government of Malaysia opposed the application and insisted on having their opposition placed on the record because ILGA in their view promotes immoral behaviour.

The shift that occurred in 2011 arose because LGBT rights were no longer defined as only a Western issue. Latin America had become supportive, as well as South Africa. Asian countries have not been very active in these UN debates although occasionally Japan, the Philippines, the Republic of Korea and Thailand have indicated support.

In 2014, 22 states of the UN Human Rights Council confirmed their commitment to sexual orientation and gender identity rights and instructed the Office of the High Commissioner for Human Rights (OHCHR) to monitor the situation of LGBT people globally. UN Secretary-General Ban Ki-moon has been consistently supportive and willing to criticize the sodomy laws of African governments. Three roads led to acceptance of LGBT rights by the UN and ultimately to this Dialogue in Bangkok: women's rights, equality rights and HIV.

Women's rights: The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) called for attitudes and traditional roles to change. The UN organized four world conferences on women from 1975 to 1995. The first statement from a UN body supportive of lesbian and gay rights was from a Dutch minister at the UN Women's Conference in 1985. The first lesbian or gay organizations to gain official NGO consultative status at the UN were lesbian organizations working at the women's conferences. At the Fourth UN Conference on Women in Beijing in 1995, 33 states wanted wording in the declaration to recognize sexual and gender diversity. The Chair recognized that it was the first time this issue was to be discussed at a UN event. However, the Chair dropped the section because of the strength of opposition.

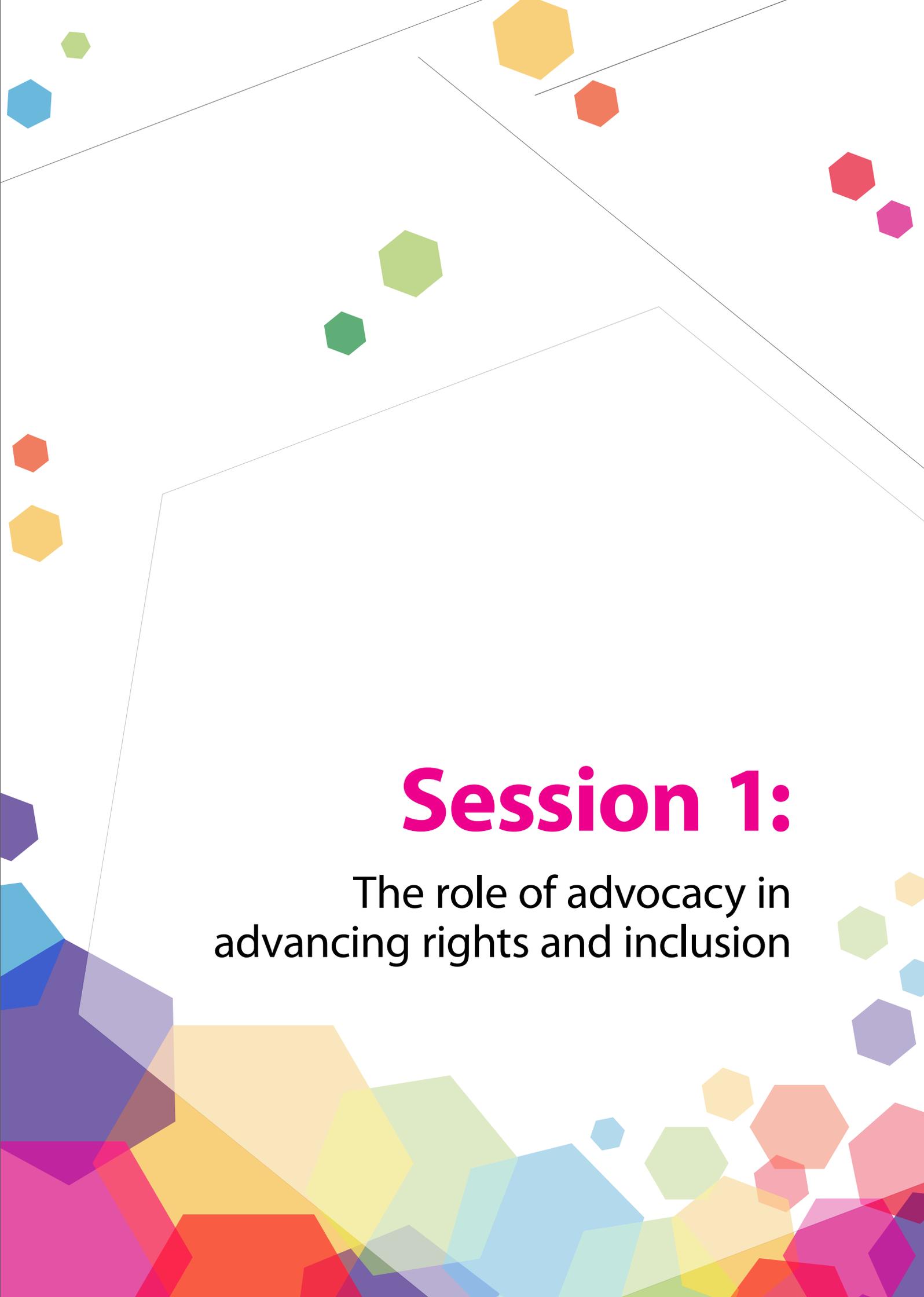
Equality rights: The UN Declaration on Human Rights does not exclude LGBTI people. The UN has a campaign for SOGI rights, titled 'Free and Equal'. The discrimination that was most blatant was the existence of sodomy laws in half of the world that justified police abuses, blackmail and bashings. As a result, many gay people stayed in the closet to protect themselves. France decriminalized homosexuality in the 1800s, and much of Europe followed. However, the British included a sodomy offence in their penal code, which was exported to its colonies. The result is a checkerboard in Asia. Muslim Indonesia had no sodomy prohibition, but Muslim Malaysia had a prohibition. Both Buddhist Cambodia and Myanmar had no prohibitions. Confucian Singapore had a prohibition but mainland China had none. Homosexual criminal laws became the clearest example of ongoing discrimination condemned by the UN Secretary-General and the UN High Commissioner on Human Rights. The first legal victory was the 1994 ruling of the UN Human Rights Committee in the Toonen case. It found that the sodomy offence in Tasmania was a violation of human rights.

The proposed anti-homosexuality law in Uganda has been the most high profile issue in recent times. The controversy over these proposals led to threats of economic sanctions. The reaction to a prosecution of a gay couple in Malawi resulted in donor pressure leading to pardoning of the couple. These events kept the issue of gay rights as an equality issue alive at the UN.

Eastern Europe decriminalized sodomy after the collapse of the Soviet Union in order to support new states to enter the European Union. However, the situation changed with Russia's introduction of the anti-gay propaganda law, which prohibits positive media coverage of homosexuality. This prompted protests at the Winter Olympics. There is now a clear divide between Russian-affiliated countries and African countries on the one side, and the Latin American and Western countries on the other. For Asia, the situation is more mixed. We do not have a regional pattern. LGBTI people do not have the same level of broad support in Asia as is provided by the Western bloc and Latin America. Recent developments include the punitive Aceh law in Indonesia, Brunei's Sharia laws and the prosecution of Anwar Ibrahim for sodomy in Malaysia. There has been decriminalization in Hong Kong by stages and China seems remarkably relaxed on these issues.

HIV and AIDS: AIDS made gay men visible in the West in the 1980s. It became clear that gay men are everywhere. HIV also brought LGBT rights into the agenda of UN agencies, the World Bank, the regional development banks and the Global Fund to fight AIDS, Tuberculosis and Malaria. We became part of the new international health and human rights agenda. Few would have predicted that UNDP would become the lead intergovernmental agency for LGBT rights in Asia. It began with UNDP's work on HIV. In 2012, UNDP creatively managed to link with USAID's LGBT programme to create Being LGBT in Asia. Sweden also came on board. This is a unique achievement. There are no parallel programmes in other regions of the world.



The background features a white space with several thin, light grey lines forming a large, irregular shape. Scattered throughout are various colored hexagons in shades of blue, green, yellow, orange, red, pink, and purple. Some hexagons are solid, while others are semi-transparent, creating a layered effect. The overall aesthetic is modern and geometric.

Session 1:

The role of advocacy in
advancing rights and inclusion

Key messages

- Advocacy priorities include protections from violence, police abuses and stigma and discrimination in employment, health, education, housing, justice and government services.
- Law reform is required for decriminalization of homosexual conduct, gender recognition laws, hate crimes laws, violence protection laws, anti-discrimination laws and constitutional equality rights.
- Binary male/female gender roles contribute to alienation and a climate of hostility and violence. Non-binary approaches, such as legal recognition of 'third gender' people, give formal recognition to the diversity of gender expressions and identities.
- Civil society activism, leadership from the judiciary and supportive parliamentarians have advanced LGBTI rights in some countries. However, conservative religious and political forces remain challenging.

Panel discussion

The role of parliaments in promoting and protecting LGBTI rights, Honourable Tarana Halim, Member of Parliament, Bangladesh

Members of Parliament represent their entire constituencies, including LGBTI people. Parliamentarians are also required to uphold the National Constitution. Our Constitution is inclusive of all citizens and guarantees enjoyment of constitutional rights to food, clothing, shelter, health care, education, non-discrimination and equality.

Issues for LGBTI people in a rights-based approach include the eradication of gender-based violence, recognition of the right to love, and the incorporation of different international human rights instruments. It is important that anti-discrimination laws enable access to health care without discrimination. Political commitment is required to carry out advocacy to remove stigma and discrimination, mobilize resources and to train health care workers.

In Bangladesh, we have recognized *hijra* as a 'third gender' and we have special *hijra* budgets to fund student stipends and rehabilitation programmes for *hijra* communities in 14 districts. Social transformation takes time. We have to work together for this common goal.

LGBTI persons' rights and the role of National Human Rights Institutions (NHRIs), Chris Sidoti, Expert Advisor to the Asia Pacific Forum of NHRIs (APF)

The APF works with the 22 NHRIs in the region, stretching from Palestine to Samoa. Many countries have not established an NHRI. NHRIs are established by law, but are intended to be independent of government and to challenge government when rights are violated.

The Yogyakarta Principles were adopted in 2006 to guide efforts internationally on LGBTI human rights. One of the recommendations from Yogyakarta was directed at NHRIs, stating: "NHRIs (should) promote respect for the Yogyakarta Principles by State and non-State actors, and integrate into their work the promotion and protection of the human rights of persons of diverse sexual orientations or gender identities."

In 2009, an APF workshop was held on implementation of the Yogyakarta Principles. The following year, the APF's Advisory Council of Jurists (eminent jurists from Asia and the Pacific) provided an authoritative legal statement about sexual orientation and gender identity human rights issues and developed recommendations for implementation in Asia and the Pacific in areas such as education, capacity building, monitoring, research and advocacy.

NHRIs met this week in Bangkok and we heard reports from NHRIs of 16 countries about SOGI activities undertaken. Some NHRIs reported expansive activities, whereas others reported limited engagement,

but all indicated that they are prepared to commit to this area of work despite the domestic sensitivity of SOGI issues.

At the end of the two-day meeting, the NHRIs agreed to a Programme of Action and Support to continue and expand this work, with an undertaking to give serious consideration to the agreed action points. To support implementation, APF is preparing a manual on the role of NHRIs in relation to SOGI, and will commence a training programme early next year for NHRIs. Close collaboration with civil society organizations will be a key priority in implementing the Programme of Action and Support. The meeting also made recommendations to UNDP to continue their technical and financial support to NHRIs to address SOGI issues.

To mark the tenth anniversary of the Yogyakarta Principles, Indonesia's Human Rights Commission has offered to host a meeting of NHRIs on SOGI issues in 2016. This will provide an opportunity to assess progress in implementation of the Programme of Action and Support.

Inclusive engagement of LGBTI people: Progress from Fiji, Ashwin Raj, Media Industry Development Authority

Fiji has undergone legal transformation. Fiji's 1997 Constitution prohibited discrimination on the grounds of gender and sexual orientation. The 2013 Constitution went further, with an expanded list of prohibited grounds including sex, gender, sexual orientation, gender identity and gender expression. Both the state and NGOs had an instrumental role to play, and civil society organizations worked tirelessly to achieve these outcomes.

Social change cannot be achieved only with a change in legal infrastructure. The media needs to be educated on these issues too. Hate speech in social media is very prevalent. The state should facilitate minority media so society hears a plurality of voices. We need to explore what it means to have meaningful debate outside the privileged mainstream media, which is dominated by discourses of medicalization and criminalization. Media can be a catalyst for the epistemic shifts in society that are required. The Media Industry Development Authority is beginning to mainstream these issues. In Fiji, you cannot deal with gender or sexual orientation alone; you also need to address related issues of race, so it is a complex problem. It is the role of the media to begin to cultivate consciousness to transform society.

Lessons from Latin America on LGBTI persons' rights, Fanny Gomez, Inter-American Commission on Human Rights (IACHR)

IACHR is one of two regional human rights bodies covering North, Central and South America and the Caribbean. Its members are elected in a personal capacity and do not represent their countries in the Commission. In the past 10 years, there has been increasing recognition of LGBTI rights in countries of the Americas through decisions of courts or actions of parliaments. About three years ago, IACHR created a specific office in charge of LGBTI issues known as the Rapporteurship on LGBTI Rights. IACHR's role is to prepare reports on specific issues such as violence, review and process complaints against member states, develop standards and conduct visits to countries.

The Asia Pacific region has no regional human rights body. The Association of South East Asian Nations (ASEAN) Intergovernmental Commission on Human Rights is constrained compared to IACHR because it is comprised of representatives of member states. Despite our differences, there is still much to learn and we should focus on similarities not differences. In each region the problems are similar, such as violence, killings of transgender women, police abuse, torture, criminalization and suicide.

Progress in addressing these issues has been supported by political will, the institutional backing of IACHR and the strong backing of civil society organizations. Useful strategies have included coordinating with general human rights NGOs, engaging with NHRIs and local governments, and using health as an entry point to LGBTI rights. It can be useful to address the most obvious human rights violations first, such as violence, torture and police abuses. It is also important to remind countries that obligations regarding LGBTI rights arise from the major international human rights treaties, so these rights are not up for negotiation or debate.

Opportunities for advancing rights through international human rights mechanisms, Christian Courtis, Human Rights Officer, Office of the High Commission for Human Rights (OHCHR) Regional Office for South East Asia

Recognition of the rights of LGBTI people is an ongoing struggle. Although enormous progress has been made over the last 10 to 15 years, there is still a long way to go. Human rights mechanisms can be an effective arena for the struggle. Civil society organizations, NHRIs and government officials can bring LGBTI rights issues to international human rights mechanisms such as the UN Commission on Human Rights. This can highlight the issue globally and place pressure on the country concerned to comply with human rights requirements.

SOGI has been an invisible issue because LGBTI people are not specifically referred to in international human rights treaties. Nonetheless, progress has been made by interpreting the spirit of treaties to include SOGI issues. Criminalization of same-sex intimacy was found to be in breach of international law in the Toonen case, in which the UN Human Rights Committee found that the sodomy law of Tasmania (Australia) was contrary to the human rights to privacy and non-discrimination. There is a growing body of legal decisions confirming that LGBTI people are protected by international law under the category of an 'other status'.

SOGI issues have also been addressed by the special procedures of the Human Rights Council through thematic reports and communications. The Universal Periodic Review process has been important in some cases. For example, Palau decriminalized homosexual conduct as a result of a recommendation from the Universal Periodic Review process. In all of these cases, civil society organizations have played a crucial role in documenting violations and bringing cases to the international level framed in human rights language.

OHCHR has also led the UN's 'Free and Equal' campaign to raise public awareness about homophobia and SOGI rights, including a Bollywood video clip that became the most watched UN video in history.

Dialogue

Community perspectives

Hijra from Bangladesh: As a young man, my parents tried to make me more masculine by sending me to do construction work. My parents assumed I only had the skills to be employed as a labourer. I pursued a career in providing support to the *hijra* community at the Bandhu Social Welfare Society. After 15 years, I obtained a masters degree and became an established artist. I use the arts as an advocacy tool to promote the rights of *hijra* people. This has helped to promote broader community acceptance. For example, the police commissioner attended a recent exhibition. A highlight has been supporting the Hijra Pride festival in 2014, attended by 1,000 *hijra*. The event attracted global media coverage. Our strategy has been to focus on how *hijras* are good citizens within communities and families. Despite the conservative religious and cultural context of Bangladesh, we have demonstrated how to build a social movement.

Transgender woman from Vanuatu: Being transgender in Vanuatu is not easy. My early childhood was relatively normal. At school, threats and verbal abuse commenced and when I attended high school, I was brutally bashed by a group of boys. It was a planned attack that involved endless punches and smashing of plates on my head. I thought that I would die. The worst memory was of a teacher who witnessed the incident but allowed the bashing to continue. After this event, I lived with fear and was threatened regularly on the streets. But I did not change how I wanted to dress. In 2009, I became involved in a television series called Love Patrol, in which I played myself as a transgender person. This television show had a huge impact in the Pacific Islands and changed audience views and understandings about LGBT people. It helped challenge stigma and discrimination. I am proud that through this role, I could be a model to young gay men and transgender people. Schools and village communities across my country are beginning to be educated about sexuality, gender and human rights issues.

Transgender man from Nepal: I served in the army from 2003–2006, which was rare for a person born female at that time. However, when they found a female soldier spending time with me, they accused me of having sexual relations and kept me in jail for 60 days. It was damp and cold. They did not inform me of the grounds for my detention. I signed a paper not knowing the legal consequences. This was against my will. I felt discriminated against on the grounds of my gender expression but was unaware of my rights. After my release, I filed a case against the government challenging the legality of my detention; however, this claim did not succeed.

Transgender sex worker from Nepal: The realities of life on the street as a sex worker are harsh in Kathmandu. Police have broad discretion to enforce the public offences law against transgender people by accusing them of creating a nuisance on the street. The Supreme Court ordered the government to give transgender people citizenship as equals, but the order has not yet been implemented. In reality, there is no equal opportunity for transgender people even though many are skilled. I was sacked from my job at a restaurant when the owner discovered I was transgender. Sex workers are at constant risk of violence from police and customers, particularly in the tourist areas where the police are active. Transgender people are often arrested for no apparent reason as they are going about their daily life. Even if we are just shopping, police harass us. I act as a human rights advocate for transgender sex workers, but I also face harassment from police and the risk of imprisonment.

Transgender woman from Indonesia: International Transgender Day in 2013 was the most unforgettable day of my life. I was the Project Officer for a beauty pageant in Southern Sulawesi. The event included a workshop about sexuality, laws, human rights, and HIV for transgender women. Five minutes before we started, people who claimed they came from a religious group ambushed us. A sword was used to threaten us, a wooden chair was thrown, and my fellow transgender friends ran in fear of the threats to kill us.

Transgender sex worker from India: Ethnic communities that have existed in this region extend beyond the labels of LGBTI to include *hijra* and many other specific cultural identities. Governments should expand access to education to create a pathway for the coming generations. A priority should be given to effective dialogue with the bureaucracy as well as the parliamentarians. Preventing violence including killings of transgender women requires urgent attention.

Gay man from India: Section 377 of the Penal Code still criminalizes sex between men as ‘unnatural’. Since the decision of the Supreme Court that found section 377 to be valid, there has been an increase in harassment of LGBT people by police and families. Incidents of blackmail, torture and sexual abuse are reported. This gives rise to physical, mental and emotional harms. Most people in the LGBT community are scared to file cases against the police because they fear that this will lead to disclosure of their identity to their families. Blackmailers and police abuse this law for personal gain. The law and the abuse of the law take away rights and dignity of LGBT people.

Gay man from India: LGBTI people were thankful that the National Human Rights Commission called for the Penal Code to be amended after the 2013 Supreme Court judgement on sodomy. However, until the law is changed the rights of people to lodge complaints with the Commission remain unclear. In 2001, the National Human Rights Commission refused to consider a complaint lodged by a gay man because homosexuality was criminalized. The complaint was about a man who was subject to psychiatric abuse by a mental health practitioner. In the case of complaints against the police, the reality is that it can be very difficult to lodge complaints to police of assault by police.

Bisexual activist from India: Bisexuals are often invisible, and their issues are too often ignored or not taken seriously within society and also within the LGBTI movement. There are few safe spaces for a serious discussion of the experiences and emotional challenges of bisexuality. People wrongly assume that bisexual people are confused or pretending to be gay or straight, are trying to be cool, or are overly sexual. This makes advocacy challenging as people do not accept or understand the nature of bisexuality.

Transgender lesbian from Hong Kong SAR: LGBTI people use media as a tool for advocacy. It is hard to control the media but we can at least try to touch the media with our own stories. We can move and inspire people with our own stories. People ask me why I work in the LGBTI movement. In 2004, my transgender friend committed suicide in her home. Another good friend of mine jumped to her death in 2008. These events motivate me. We need to talk more about our personal stories to let everyone know what is happening. Since 2008, I have advocated publicly through telling my stories through newspapers, magazines, radio and television.

Participant from China: The way we label ourselves can be constraining. The current framework of 'LGBTI' is not sufficiently inclusive and can itself reinforce binary notions of gender. For example, the term transgender may not be sufficiently broad because the dominant normative way of thinking about transgender people is female-to-male or male-to-female, i.e. people who have undergone the full process of transition. This is reflected by rigid laws and also by some approaches within LGBTI advocacy. For some people, surgery or treatments are not affordable. Further, maintaining gender fluidity may be necessary to survival particularly if they are from a poor rural area. Some prefer a unique third gender identity, rather than being either male or female. Our conversation would benefit from looking at non-binary gender systems, such as third gender, so we can push the agenda forward, recognizing a diversity of gender expressions and identities. South Asia appears to be making progress through legal recognition of 'third gender' people for certain purposes such as voting.

Transgender man from the Philippines: Being a female-to-male transgender person can be difficult in the patriarchal society of the Philippines. After a TV documentary aired in which I disclosed being transgender, I received sexual proposals from many gay men curious to know how it feels to have sex with someone with female genitalia. This demonstrates how transgender men are often objectified. Rather than being treated as people, we are reduced to being perceived as a different kind of rare physical experience. This is a form of discrimination within the LGBTI community. We are stronger if we can stand together.

An intersex person from Australia: I belong to an intersex-led support and advocacy group. Intersex issues receive relatively little attention in LGBTI advocacy. Many intersex people do not identify with the LGBTI framework. Intersex is an umbrella term referring to 30 to 40 genetic variations of the body. Human rights issues for intersex people start very early in life. Intersex can be tested prenatally for variations. Rather than being an issue of 'identity', being intersex is about the lived experience of the body, given these genetic variations.

The critical period for many intersex people is when they are an infant or child. This is the period in which surgical pathologization and gender surgery occurs to make intersex people conform to stereotypical gender binaries. These procedures happen at an age when a child cannot consent, so doctors and parents make these decisions. This raises human rights issues relating to the right of bodily autonomy. Inclusion is difficult for intersex people who are silent because they are invisible or because they have been surgically erased.

Australia is the first country to declare intersex status separately in law from transgender status and sexual orientation. This legal recognition has been very useful but how this interacts with policymaking and service provision in the LGBTI context is still in its infancy.

Intersex person from Hong Kong: I was born with Androgen Insensitivity Syndrome. My genitals are different from other men and women. It is a biological issue, not a gender identity issue or a matter of choice. When I was a child, I experienced over 30 painful genital reconstruction surgical procedures without my consent. My family wanted me to be male for cultural reasons. It is a benefit for families to have male children. Intersex people are fighting for the human right to life. Babies are abandoned or killed just because they are born intersex. Children should not be forced to have unnecessary treatment, such as reconstructive surgery. Let us grow up as we are. Give us full information so we have the right to choose to be a man or woman. Let it be our own decision.

Lesbian from Indonesia: I am a self-identified queer person, and a Christian. I have been pressured by other Christians to reject homosexuality. A Christian colleague asked me, “How can you believe in God if you have a relationship with another woman?” Another sent me an article on how God condemns homosexuality. My faith is different; it is my personal spiritual journey and is not defined by family, society or government. God created each of us as unique. Faith and sexuality are inside us as human beings. Religion is too often misinterpreted to justify violence and discrimination. In Indonesia, the Youth Interfaith Forum on Sexuality provides safe spaces for young people to discuss how to integrate faith and sexuality.

Gay man from Malaysia: In 2011, the police banned Seksualiti Merdeka (a sexuality rights festival) on the grounds of it being a threat to religious harmony and national security. Politicians and anonymous bloggers asked that it be shut down, and that the organizers be arrested or stoned to death. In the community debates that followed, it became clear to me that not all LGBT people want the same types of equality. Some self-identified Malaysian gay men prefer that ‘the gay agenda is best served quietly’ and to ‘practise our homosexual activities not in public but in private’. Initially, this frustrated me. It seemed that our freedoms would be reduced to smaller spheres. On reflection, I concluded that the different modes of citizenship – ethno-religious nationalist citizenship, economic citizenship, and international citizenship – formed conflicting political subjectivities among gay men in Malaysia. But we do not have to share the same politics to support each other’s right to exist.

Gay man from the Philippines: I grew up in an indigenous community and I joined their struggle for land and self-determination. But I hid my sexuality. When I came out as gay it was met with ambivalence. It was suggested I should marry a woman and hide my sexuality from the village. I was told that our right to land comes before my right to love. In my struggle for non-discrimination, I found myself as part of a new tribe of LGBT friends. The social divide is strong between the rich and poor. The upper-class LGBT people are less engaged in our struggle for rights, while the larger population of low-income LGBT people struggle for hand-to-mouth survival. The small middle class takes leads in advocacy. But the middle class tends to be stuck within its comfort zone. Our struggle is part of a larger resistance. There needs to be greater focus on the realities faced by a lesbian working in a textile factory, a gay man in the rural countryside, a person living with HIV living in an urban informal settlement or the experiences of a transgender person who is also indigenous. Governments, companies and civil society organizations need to provide safe spaces for LGBT people. We need affirming policies that grant us equal rights, not special rights. Homophobia and transphobia should be regarded as a people’s issue rather than the exclusive domain and burden of the LGBT community.

Gay man from Bhutan: Bhutan is a very religious country but there are not strong feelings against homosexuality in Bhutan, as the issue has largely been ignored. LGBTI rights are not discussed. There is a small underlying transgender community but otherwise homosexuality is non-existent in the culture and religion in Bhutan, so it has neither a bad name nor a good name. I started a Facebook page in 2012 as a platform for discussion of LGBTI issues. I have never faced discrimination and hate crimes are not experienced. However, the people of Bhutan are not well informed about sexuality. There are strong preconceived binary gender roles. Lots of gay people are scared of admitting they are gay. Normal life is defined as being married. No one has come out publicly. We need role models to show what it is to be ‘out’.

Gay man from Sri Lanka: There are people who have attempted to ‘come out’ in the media but this has been censored. Films and plays have been censored for their content because they dealt with LGBTI issues. We use the creative arts to spread the word about the realities of being LGBTI in Sri Lanka. We were threatened with stoning when we sought to perform a play at a state university. There has been some recent progress. Permission has been given to perform the play ‘If You Promise Not to Tell’, with a script based on the real experiences of gay and bisexual men. The script was presented to the Censor Board. The play was given a censor licence to be performed in public, subject to removal of some swear words and on the condition that it is advertised as containing ‘adult-only themes’. Improvement in the lives of LGBTI people is slow in Sri Lanka. LGBTI issues have been sidelined by issues of ethnicity, which have been prioritized during the national conflict. With democracy there is a new sense of hope.

Comments from government experts and NHRIs

National Human Rights Commission of India: The Supreme Court of India has recently recognized that transgender people have equality rights in areas of education and employment. Some state governments are responding with new programmes. For example, Tamil Nadu state has established a specific welfare programme for transgender people.

Human Rights Commission of Australia: NHRIs can play a role as a conduit or point of contact in which community can have engagement with police or other agencies of state. Violence is unacceptable against anyone in society. There is no place for harassment or violence against anyone. The role of the Human Rights Commission is to insert itself as a middle party between the community and police, educate and engage police, and take them on a journey so they can understand why there may be disproportionate harm to certain parts of the community such as LGBTI people and try to fix it. Ensuring NHRIs perform this role is important to ensure that NHRIs are taken seriously by the state.

Government expert from Sri Lanka: Research has recently been published by UNDP, UNFPA and partners on sex workers and violence in Myanmar, Indonesia, Nepal and Sri Lanka. The report demonstrates that problems are very similar across the region. Sri Lanka's NHRI and Ministry of Justice agree that there is a need to find a solution to these problems by changes to the law and awareness programmes to politicians, health care workers and lawyers.

Government expert from Nepal: A landmark decision of the Supreme Court of Nepal in 2007 decriminalized same-sex sexual activities and recognized the third gender in Nepal. However, police conduct remains a widespread concern particularly as it affects sex workers. Sex work is not legalized yet, so law enforcement officials enforce the Anti-Trafficking Law against sex workers. This suggests that maybe the time has come to revise Nepal's Anti-Trafficking Law.

Regional Dialogue on LGBTI Human Rights & Health in Asia-Pacific

25-27 February 2015

#BeingLGBTI



The background features a white space with several thin, light grey lines forming a large, irregular shape. Scattered throughout are numerous hexagons in various colors including blue, green, yellow, orange, red, purple, and pink. Some hexagons are solid, while others are semi-transparent, creating a layered effect. The overall aesthetic is modern and geometric.

Session 2:

LGBTI marginalization:
Addressing health needs and
reducing HIV vulnerabilities

Key messages

- Priority LGBTI health issues include mental health, HIV, sexual and reproductive health, violence, transgender people's access to sex reassignment surgery and hormone therapy, and performance of surgery on intersex infants that is not medically necessary. LGBTI suicides are a concern across the region.
- Criminalization and stigmatization of people because of their sexual orientation, gender identity or gender expression makes it harder for HIV services and other health services to reach LGBTI people.
- Stigma and discrimination can be addressed through education and training of health care workers to ensure homosexuality, transgender status and intersex status are not treated as diseases or forms of moral deviance.

Panel discussion

Government role in promoting access to stigma-free health services for LGBTI persons, Lv Fan, China Center for Disease Control and Prevention, Division of Policy Research and Information

China has made some progress in researching and addressing health issues affecting men who have sex with men (MSM). There is some progress addressing MSM issues at provincial levels and in China's cities. There is an understanding that there is a need to address the clinical needs of LGBT people and to educate government and clinical doctors that LGBT needs exist in areas such as health and employment. Areas that require focus include research on mental health needs and the types of discrimination that are commonly faced to inform the services. International organizations provide funding for many of the MSM and LGBT services. Funding is required to provide more comprehensive services, and government officers and social organizations need to be mobilized in the context of a five-year health plan.

Why the criminalization of behaviours and identities is not good for health, The Hon. Michael Kirby, Former Justice of the High Court of Australia

Lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) rights are part of human rights generally. Whether the struggle is for women's rights, gay rights or indigenous rights, the common enemies are ignorance, lack of science and the unkindness of human beings to one another. We must make common cause.

UNDP organized the Global Commission on HIV and the Law, which concluded that the laws against LGBTI people are extremely bad for health. If you stigmatize people because of their sexual orientation and their identity, you make it harder to reach out to the stigmatized group, especially if they are criminalized. It is much harder to get into people's minds if they are criminalized. This is the AIDS Paradox – you have to reach out with laws that are not unfriendly. If you stigmatize people and push them into a corner you harm them and society. Similarly with sex workers, many are prosecuted on the basis of having condoms in their pockets. This discourages carrying condoms, which is bad for them, for their clients, their clients' sexual partners and for society as a whole.

There have been good court decisions from Bangladesh, India and Pakistan on transgender rights. But for MSM, the Supreme Court of India reversed the wonderful decision of Justice Shah of the Delhi High Court in 2013. The Supreme Court judgement upholding section 377 was inconsistent with the decision of the same Court a few months later on transgender rights. In Singapore, the Court of Appeal declined to intervene to hear a constitutional challenge to that country's sodomy provision partly because of the Indian Supreme Court decision. The courts of Malaysia have upheld the sodomy conviction of the politician Anwar Ibrahim who has been sentenced to jail. So long as the sodomy law exists it will be used for political purposes and to blackmail people.

Many Commonwealth countries still have the section 377 offence against sodomy. There is an association between the criminalization of sodomy and the high levels of HIV in the Commonwealth countries of the Caribbean, as compared to French or Hispanic countries of the Caribbean. Science and rationality must be put in the place of ignorance and prejudice.

In our region, Fiji and Palau have removed the sodomy offence from their laws, but otherwise across the region there is a lack of progress. We need to ask what can we do to break this logjam.

There is overwhelming evidence that stable long-term relationships are good for people's health. The law should be sustaining and respecting of people's health and their equality rights. Marriage equality falls within a citizen's right to equality under the law.

The looming crisis for LGBT youth: Young MSM, transgender people and HIV vulnerabilities, Prof. Frits van Griensven, Senior Advisor for Prevention, HIV Netherlands Australia Thailand Research Collaboration

Data from Asia on young MSM and transgender people show that HIV prevalence has increased over the last decade. Recent data show a frightening picture. The HIV incidence for these groups of people over 25 years old is 15 percent but for 15–21 year olds is much higher, e.g. 30 or 40 percent. Young people are twice as much at risk of acquiring HIV than their older counterparts. This is because young people are more vulnerable. It is how the epidemic develops. The chances of a young person having sexual relations with an older person are greater than with a person the same age or younger. For example, in Thailand there are 60,000 young MSM and 500,000 MSM who are older, so HIV is being transmitted to youth. In Thailand HIV *incidence* is highest in the youngest populations because HIV *prevalence* is higher in the older populations. Older MSM may have a prevalence of 30 percent. In MSM above 40, this rises to 50–60 percent of people who are already infected and who will likely stay alive because of ARVs.

Mental health issues related to gender-based violence, Ging Cristobal, Project Coordinator Asia and the Pacific, International Gay & Lesbian Human Rights Commission (IGLHRC)

Data on LGBT mental health are available from a five-country study involving Japan, Malaysia, Sri Lanka, Pakistan and the Philippines titled 'Violence Through the Lens', and from the Being LGBT in Asia country reports.

If we 'come out' and express ourselves, we may face family abuse, violence, verbal abuse, being thrown out of our homes, and discrimination in work, schools, police and government services. If we do not come out, isolation can kill us. Many of us do not assert our rights because we think we do not deserve them. The position is complicated further if an LGBT person is a person with a disability, is poor, a migrant worker, a young person or an old person, or a member of a cultural, ethnic or indigenous community. Other negative factors include criminalization, pathologization, corrective counselling, intrusive psychological therapies, and religious and cultural transphobia and homophobia.

This combination of factors makes it harder for government to provide services and for LGBT people to seek help. These factors affect how we negotiate personal and sexual relationships and assert our rights. Many of us experience mental health problems including social isolation, depression, low self-esteem, addictions, low confidence, self-doubt, self-blame and paranoia. There are high rates of suicide as people seek to end the suffering. Many have no access to mental health services and services that exist are often uninformed about LGBT people's needs.

In some countries, LGBT groups provide support and counselling. In the Philippines, the Psychological Association is becoming more sensitive to our issues and is providing counselling services to LGBT people. In Viet Nam, PFLAG provides support. However, most countries have few services. Mental health services and support programmes for LGBT people should be integrated into government social services.

Ignored communities: Intersex health and rights priorities, Hiker Chiu, Organization Intersex International

The term 'intersex' is poorly understood but was first applied in the early twentieth century to describe people whose biological sex could not be categorized as clearly either male or female. An intersex person may have biological attributes of both sexes or some of the attributes considered necessary to be defined

as one or the other sex. Intersex is always congenital and can result from genetic, chromosomal or hormonal variations. The term is not applicable to a person who has deliberately altered his or her own anatomical characteristics and is different from transgender status. Intersex people represent 1.9 to 4 percent of the global population. It is a wide biological variation in humans and encompasses a spectrum of physical conditions.

Intersex people can identify as LGBTI or as straight. However, intersex is not an identity as such, it is just what we are. Like LGBT people, we face stigma and discrimination from the binary gender system. Many want us to be either male or female. In most countries, there is still only a male or female box to choose from. Many intersex people would prefer to be themselves, which in itself is a health and human rights issue. Most surgery that we are submitted to is not necessary but is done for cosmetic reasons. Our right to be ourselves is taken away by surgery, often when we are under two years old.

ILGA has held three International Intersex Forums since 2010. These Forums issued statements that provide useful guidelines on the human rights of intersex people to bodily integrity, physical autonomy and self-determination.

Dialogue

Community perspectives

Intersex person from Australia: I was diagnosed as intersex at infancy. It was treated as a medical emergency. My parents were given medical information but were not given any peer support. My parents were not given enough information to look after my best interests.

The surgery imposed on intersex people reinforces the stigma, secrecy and shame associated with intersex status. My gonads were removed when I was 11 years old and I have been on hormone replacement therapy since then. I have been required to do painful vaginal dilation exercises since the age of 13 to prepare for heterosexual sex. In general, doctors and parents do not have malicious intent in choosing the types of surgery or medical pathways to follow, but there are no guidelines about what is best practice for intersex health.

In 2013, the Australian government initiated a Senate Inquiry into the coerced sterilization of intersex people. The submissions from the medical profession confirmed that there is no professional consensus about treatment and surgery for intersex variations and there are no long-term studies to show the benefits and detriments of treatment and surgery. Surgical normalization often happens only for psychosocial reasons such as to reduce parental stress or reduce the stigma that children may experience from society. These are very circular justifications, because you are erasing the intersex body with surgery, which in itself perpetuates stigma. The Senate Inquiry made recommendations for practice guidelines, the use of multidisciplinary teams to provide care and support, and resourcing to ensure effective peer support and involvement in the medical pathways offered to intersex people. There is a lot of education required and intersex peers need to be able to influence policies and guidelines.

Intersex person from China: Government policymakers should listen to intersex people, and educate the general public that intersex is not a disease or disorder. This is needed to combat stigma. It is crucial not to pathologize the condition. It is also very important to provide accurate information and support to families of intersex people. This would help to address the very high incidence of suicide among intersex people.

A young gay man from Indonesia: The issue about the law is not just about decriminalization but also about the laws and policies that control young people's bodies, such as laws relating to parental consent and marital consent as a requirement to access health services. The government controls our bodies by these laws, particularly for adolescents.

In Jakarta, HIV testing and treatment is available in government clinics, however services for other needs such as mental health needs is more difficult to access. We need to consider not just HIV care but all

health needs for LGBT people including those related to mental health and associated with violence and harassment, and these health needs should be covered by the universal health insurance coverage scheme so that unemployed youth can also access services.

Education of young people about SOGI issues happens in LGBTI community settings. We also need to address SOGI issues in schools through comprehensive sex education to reach those who have not come out yet. It is not just a matter of the curriculum. We also need to change the attitudes of teachers and principals towards SOGI.

Participant from Lao PDR: It is difficult to speak up about LGBT human rights in Lao PDR because the government says we already have equal rights, although this does not reflect our reality. Stigma and discrimination affecting LGBT people still exists and affects access to health care. The government listens to us but does not respond. The LGBT community does not know where to go to access health care. There is limited access to peer education and support. Activists cannot say anything directly to government, so we need international support to advocate and inform our government to better understand LGBT issues.

Gay man from China: We consider sex work to be a career. Therefore it is important that we take care of our bodies, because our bodies are our business. Some of my gay and transgender friends in China were diagnosed with late-stage AIDS when they suffered from opportunistic infections, which were too late for treatment and they passed away. Although antiretroviral treatments are free in China, we need to pay for treatment of opportunistic infections which is very expensive, e.g. for TB meningitis. We also need legal protections. Criminalization of sex work in China means that sex workers hesitate to take an HIV test. If we are diagnosed with HIV, the government (Center for Disease Control) keeps a record, and if we are sex workers, it is a criminal offence. Sex workers fear going to the doctor because of this.

In Hong Kong, selling sex is not illegal but organizing sex work is illegal. Sex workers are more willing to attend health services in Hong Kong because selling sex is not illegal. The law in Hong Kong protects people living with HIV from discrimination, but in Mainland China legal protections are weak. Anti-discrimination regulations in China are not working. For example, a teacher who is HIV-positive was prevented from teaching in China. Many people living with HIV lose their jobs because of discrimination.

Participant from China: Mobility can be an obstacle to access health care services. Many MSM and transgender people move within their country to seek work or a new life. However, they may only be entitled to access health care services in their town of origin where they are registered. As a result, many do not attend health care services.

Participant from India: The Indian Psychiatry Association developed a statement a year ago that homosexuality should not be included in the list of mental disorders. The main issue is that LGBTI issues are not included in the curriculum of health care workers. So many are unaware of how to address the needs of LGBTI people. Education is needed for health care providers including through professional curricula.

Participant from India: Health issues of LGBTI people have mostly only been looked at from an HIV perspective in targeted intervention programmes. Other issues are not covered such as access to medicines for fever, adolescent health services, mental health, sexual and reproductive health for young people under 18, and the health needs of transgender people to access hormone treatment and sex reassignment surgery. Many transgender people go to private practitioners, but are not covered by insurance and the costs are prohibitive.

Participant from India: Multiple stigmas are experienced by *kothis*, who are effeminate men who have sex with other men. Many *kothis* are HIV-positive and many are married but do not disclose that they have sex with other men. Even if services are available, many *kothis* fear coming forward to access treatment because of stigma. Many *kothis* are not literate and have low incomes so the cost of health care is also a factor. Many *hijra* in India are also poor and opt for castration rather than sex reassignment surgery.

Gay man from India: Although the law is unhelpful, there is beginning to be some progress within the medical profession. Many health care workers have been educated on LGBT issues through several government and NGO educational projects.

Gay man from India: It is important to address the rights of young people. I do not feel comfortable going to the doctor and speaking about sexual health in India. Many medical colleges still treat homosexuality as a disease. If you challenge this, doctors are not prepared to listen. There is no space to talk about it in an informed way.

Transgender woman from the Philippines: As a transgender woman, I have to take hormones for the rest of my life. Many of my transgender sisters in the Philippines can only access hormones through the Internet in an unregulated way. This is very dangerous. Many die as a result of an overdose when they are self-medicating. It is important to enable safe access to hormones. It may be possible to collect data from small retail outlets about hormone use. We need data on demand to devise a safer system, and to reach some kind of deal to make hormone access more manageable, so that hormones are accessible and safe for transgender people.

Transgender man from the Philippines: We need the full range of health information, services and commodities. This includes for our sexual and reproductive health, mental health and hormone therapies. We need health care providers who understand us as people. The medical sector requires evidence-based clinical guidelines to inform them how to treat us with respect and dignity. As a transgender man, I find that health care providers do not know how to treat me, as it is usually the first time they have come across such a case. We need to ensure communities are part of this process. One of our community-led efforts is to link health services to our peers. We have monthly group consultations. We go to the hospital as a group, so we can all learn health-seeking behaviour. We attend for health care not only as patients but as people with health rights seeking to be treated with dignity.

Gay man from the Philippines: Medicalization of the identity of gay men is an issue in the Philippines. When I attended for an HIV test at a sexual health clinic, health care workers asked me about my last sexual contact. They labelled me as being high risk, as if being gay equates with risk. The reason I attended for a test was because I was coerced to have unprotected sex with my ex-partner. I needed professional counselling but the medical sector was only concerned about my HIV status. Discussing my emotional state, gay love and relationships is as taboo as gay sex. We are not carriers of disease or products of immorality. We are human beings and health care providers should treat us with dignity and respect for our right to self-determination.

Participant from Mongolia: Access to health care is dismal for LGBT people in Mongolia. With the exception of HIV, health care needs of LGBT people are marginalized. Usually only HIV issues are funded and discussed, although HIV prevalence is actually very low. Lesbian and bisexual women do not access sexual and reproductive health services or gynaecological services because services assume they are heterosexual. The first thing they are asked is if they have a boyfriend or husband. There is no hormone therapy available for transgender people.

Participant from Mongolia: HIV prevalence is growing. Mongolia has a national HIV law that addresses HIV-related discrimination, however the law is not implemented and people experience double and triple discrimination because of their sexuality and gender identity as well as their HIV status. It is very tough. There are three NGOs working on HIV issues with LGBT people but the government does not support these groups – they rely on foreign donors exclusively. Transgender women are particularly disadvantaged as they are unable to access services or HIV information and many are unemployed.

Transgender woman from Tonga: Transgender people's health needs are neglected in most Pacific Island countries. There is no access to hormone therapy or treatment, unless it is bought over the counter, in which case there is no counselling or monitoring of health.

LGBT peer educators from Papua New Guinea: The Poro Sapot project implemented by Save the Children works in Papua New Guinea to reduce the negative impact of HIV on LGBT people. The project provides the only clinic in the country with specialist health services for men who have sex with men (MSM) and transgender people. In addition to addressing clinical services for HIV, voluntary HIV testing and counselling, sexual and reproductive health, gender-based violence and family planning, the project also sensitizes police on human rights issues affecting MSM and transgender people and conducts community education. The project started in response to research that found very high HIV rates and

discrimination against MSM and transgender people in schools, health facilities, employment and by police. Since the project was established, access to information and services have improved but resources have not been sufficient to expand to other provinces. Ongoing challenges include punitive criminal laws and the public perception that the project promotes homosexuality. In response, we are trying to sensitize government policymakers, parliamentarians and law enforcement personnel. The project is peer led. Most of the staff and educators are MSM and transgender people.

Lesbian from Papua New Guinea: We were born to be who we are. Lesbians are blocked from accessing health services. The government should give us the services we need. We do not want violence and stigma. Let the community accept us for who we are so we can live freely in society. LGBTI do not access government clinics, they only use the clinic provided by Save the Children. Peer educators ensure LGBTI access the NGO services, but government services are very difficult to access.

Transgender person from India: The HIV epidemic has declined nationally but among transgender people, HIV prevalence is still very high with up to 40 percent of transgender woman living with HIV. Twenty-two percent of *hijra* survive through begging, and 38 percent survive through sex work. Livelihood is a key issue for transgender people. Section 377 remains a source of police harassment for transgender people whose sexual behaviours are still criminalized. Eighty-five percent of family members refuse to accept transgender children. The Supreme Court judgement on transgender rights was an important advance, and the state is required to implement measures within six months. However, the new government of India is reducing funding of health services and has filed a petition challenging transgender rights, so major challenges remain.

Researcher working on gender recognition: The WHO is revising the International Classification of Diseases (ICD) guidelines. Through this process, there is great effort to depathologize issues related to sexual orientation, gender expression and bodily integrity. Several LGBTI issues are still categorized by ICD as mental health disorders. According to the WHO Secretariat, recommendations have been prepared to delete sexual orientation, cross-dressing, and gender identity disorder from the list of disorders. It is proposed that gender identity disorder will be reclassified as gender discordance and moved to a new chapter called 'conditions' related to sexual health, not diseases or disorders. More than 50 intersex conditions are listed in ICD. Governments attending the World Health Assembly in 2017 will vote on the recommendations so it is important to lobby governments to vote in favour of changes at the Assembly.

Comments from government experts and NHRIs

Myanmar National Human Rights Commission: A Human Rights and Gender Working Group was established one year ago to address legal aspects of HIV in Myanmar. The Working Group has monthly meetings. The main focus is to review existing laws and regulations and to propose amendments and new laws to address discrimination. The Working Group is drafting a national HIV law that focuses on stigma and discrimination in access to health care services, employment and education. We are also looking at the need for education, awareness and engagement of key stakeholders including the Ministry of Health, Ministry of Home Affairs, the Attorney General, lawyers, people living with HIV and civil society organizations. We engage with the community through the national MSM network, national sex worker network, and national network of people living with HIV.

National Commission on Violence Against Women, Indonesia: HIV testing of transgender and sex worker target groups for surveillance purposes sometimes occurs without consent. Voluntary counselling and testing should be the preferred approach. CEDAW may provide an important entry point for advocacy.



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Session 3:

LGBTI inclusion, economic implications and the private sector

Key messages

- People who are discriminated against are less productive. There are measurable economic costs to homophobia and transphobia.
- Companies should recognize the right of employees to express their sexual orientation and gender identity, address workplace bullying, and provide benefits to same sex partners. A more inclusive workplace increases productivity.
- LGBTI people comprise a significant market for goods and services. The private sector can provide services tailored to the specific needs of LGBTI people such as financial services.
- Corporate social responsibility programmes can sponsor LGBTI organizations and activities such as 'pride' events and provide support for human rights cases.

Panel discussion

The economic impact of homophobia in emerging countries, Andrew Park, International Programme Director, The Williams Institute, University of California, Los Angeles (UCLA)

Governments are centrally concerned with economic development. Our research looked at 39 countries in the world, two-thirds of which were emerging economies including China, India, Indonesia, Malaysia, Nepal, Pakistan, the Philippines and Thailand. We looked at economic growth as measured by Gross Domestic Product (GDP) per capita and also at whether these countries protected LGBT rights over the last 20 years including through decriminalization, recognition of relationships, protection from hate crimes, and discrimination in parenting and employment.

We found a relationship between economic growth and the protection of rights. Higher-income countries are more likely to have protections for the full range of rights. However, the level of national income did not determine whether a country is able to move forward on a rights agenda. Lower-income and emerging countries adopted rights as much as higher-income countries. The main finding is that rights and growth move together. The assumption that rights are too expensive for an emerging economy is wrong. The protection of each additional right in these countries over these years correlates with an extra US\$340 of GDP per person. We cannot prove causation but there is an association. People who are discriminated against at work or in school are likely to be less productive. Markets pay attention to rights and know that countries that protect rights have more productive workers.

The economic cost of LGBT exclusion and homophobia in India – what does this analysis tell us? Phil Crehan, Nordic Trust Fund Coordinator, The World Bank Group

People on the ground drive progress, such as the groups fighting section 377 of the Penal Code in India. Progress comes from grass-roots activism. Sometimes policymakers shut down human rights arguments so we need to show economic costs of homophobia and transphobia. We need to be able to articulate the economic arguments as another tool to engage policymakers.

Institutionalized discrimination is bad for communities and economies. The World Bank in partnership with the India HIV/AIDS Alliance and Humsafar Trust has been engaged in analysis of the relationship between discrimination and socio-economic status in India. We found that discrimination begins at home. There are high rates of abuse from families and intense pressure to marry. Many people are cut off from family resources. This impacts LGBT people's social capital and life chances including access to education, health care and employment. We see a clear relationship between discrimination and socio-economic status. The burden of homophobia and transphobia falls on the poor. It is harder to shield oneself from harsh impacts of discrimination when you are poor. There is a clear poverty dimension to discrimination. We have developed an economic model to measure the financial cost of social exclusion of sexual and gender minorities in the sectors of health and employment. Productivity is affected by

depression, suicide and unemployment. There is a large impact on Gross Domestic Product. Our model provides a way to measure this when more data is available.

The role of banks in providing LGBTI-friendly services, Saksit Pitipongsoonthorn, Senior Vice President, Standard Chartered Bank (Thailand)

Standard Chartered Bank is committed to a culture of inclusion, diversity and equal opportunity. We looked at LGBT needs and identified that there were unmet needs in relation to financial planning of couples to ensure future financial security, insurance coverage, rights to own a home together including access to mortgage products, and estate planning arrangements when a partner dies. We developed a financial product specifically marketed to LGBT people called 'We+', which allows for joint financial arrangements without the requirement of a marriage certificate. We approached our insurance partner Prudential Insurance to underwrite arrangements. This is the first time such a product has been offered in Thailand. We sold the concept to our company and our partners on the basis that LGBT people are an untapped market. We tested the market and we had positive feedback. The traditional approach to underwriting is very narrow and conservative so it required a willingness to adopt a new approach.

How can law practices support the rights of LGBTI organizations and people, Tze-wei Ng, Hong Kong Director, The Global Network for Public Interest Law (PILnet)

PILnet operates as a matchmaking service for NGOs to receive pro bono legal support from commercial lawyers. Lawyers registered with PILnet either work in large law firms or as in-house counsel in corporations. The interest of our lawyers in LGBTI issues is increasing and we have established an LGBTI taskforce within PILnet. For people located outside of Hong Kong, we can direct inquiries to our global clearinghouse that accepts requests from around the world. In June 2015, we will be conducting a workshop on LGBTI issues jointly organized with UNDP at a pro bono forum to be held in Bangkok.

The areas in which pro bono lawyers are able to assist are broad, e.g. advocacy in individual cases of discrimination, research and analysis of new laws or comparative research, providing legal training to staff or preparing training materials and 'know your rights' pamphlets, and other legal awareness activities. An example of an intervention where we can assist is making representations to banks to request that a person's preferred gender is used in their dealings with the bank. Our lawyers have conducted research for the Hong Kong Equal Opportunity Commission on the approach of different countries to recognition of de facto marriage. NGOs have a variety of organizational legal needs including establishing a legal entity, applying for tax exemptions, trademark protections, and drafting disclaimers for websites.

Employment needs of LGBTI people, Emma Hoo, Former Head of Human Resources for EMI Asia

Company leaders care about profit and revenue. Winning the talent war and having a more sustainable working culture are key to corporate success. Standard Chartered is very inclusive but other companies are less so. The whole umbrella of LGBTI people is a significant component of the market and of workforce talent. There is huge profit potential from LGBTI people, given the population of the Asia-Pacific region. A more inclusive diversified workplace culture increases the productivity of LGBTI people and the rest of the workforce, which benefits from an inclusive culture than can act to boost everyone's performance. LGBTI inclusion is good for recruitment, improves the corporate image, and increases employment loyalty and satisfaction. All US Fortune 100 companies include LGBT equality rights in guidelines and policies. If the richest companies are doing it, why isn't everyone?

Research conducted on 2,000 companies in China and the USA in 2013 found that 66 percent of LGBT people were not open at all to their co-workers and bosses. Male workers tend to feel more pressure than women to remain hidden. The research found that the higher a worker's education level, the less willing they were to come out, which suggests that people are afraid of losing their position. Companies should: put LGBTI anti-discrimination policies in their corporate guidelines and codes of conduct; provide training to line managers, team leaders and employees on handling issues; provide partner benefits to attract talent; support NGOs to provide training to staff members; and create friendly environments for LGBTI subcultures in the workplace.

Dialogue

Community perspectives

Participant from Cambodia: I graduated in Communications from Royal University of Phnom Penh. My ambition was to be a journalist. I gained international experience working for a newspaper in Kolkata. Returning to Cambodia, I found it hard to gain work. I was told I was not selected because my background included working as a journalist on LGBT issues. This was traumatizing for me. I moved to public relations work in the private sector and eventually found work as a marketing manager. As a member of the LGBTI community, I have creativity and skills that are now highly valued by my employer.

Participant from India: The educational barriers that LGBTI people face present barriers to their workforce participation. People who experience bullying in schools find completion of education difficult. Although 38 percent of transgender people in India have completed primary level education, few are able to find formal work because of stigma. We do not see companies working proactively to employ transgender people. Many transgender people are not even allowed to enter company offices because of their gender expression, so they are unable to attend interviews. Gay men also face stigma and derogatory remarks. Companies should have a human resource policy that gives employees the right to choose the gender that they prefer at work.

Transgender man from Hong Kong: My Australian passport identifies my gender as 'x' (not a female), whereas my Hong Kong identity card states that I am female. I have tried to change the way my bank addresses me on the phone and in mail. Usually the bank asks for 'Miss' but when my voice is low they do not accept that I am who say I am. Standard Chartered Bank removed the female title before my name. Citibank gave me the title of 'Mr'. I have also tried to get banks in Hong Kong to provide mortgage products for transgender people. I have applied to my life insurance company to change my gender to male. Insurers do care about gender. After a year, the insurance company agreed to change my gender but I was asked to pay extra for life insurance as a man. I am happy to pay that extra small amount to be recognized as a man. Transgender people can find it difficult to identify the right insurance plan because we have different body parts to be covered. It would be great if insurance companies recognized this.

Gay man from China: I am currently a consultant on workforce diversity at Aibai Culture & Education Center in Beijing. Non-profit organizations should understand how firms are structured in aspects of sponsorship to improve prospects of partnership. There is a challenge in the limited talent pool for LGBTI community organizations in China. In some cases we have access to funds but we do not have the talent to carry out projects. Solutions include broadening the LGBT community by building professional networks to energize LGBT people to participate, as we have done in Shanghai, by expanding the pool of LGBTI talent and allies. We can also engage with LGBT people working in other countries such as India and Singapore to exchange good practice. Corporate actions to support LGBT advancement include:

- i. A supportive corporate employment policy. Multinational firms based in Beijing often have global diversity policies in place to address issues such as LGBT partner benefits but they need to ensure local understanding and enforcement of these policies.
- ii. Corporations should nurture subcultures of LGBT community to exist in the workplace so as to improve the working environment and performance of employees.
- iii. There is a trend towards LGBT-specific commercial activities, including the world's first LGBT investment management company, LGBT Capital, registered in Hong Kong.

Gay man from Mongolia: Mongolia was a socialist country until 1992, when we shifted to a market economy. The concept of corporate social responsibility is very new. In 2014, the LGBT community approached 35 international companies with diversity and non-discrimination policies to request funding for Pride Week. None of these companies gave us money. Companies appear scared of associating their products or brands with the LGBT discourse, even though they could be invisible in their support. We need to find a way to engage with the corporate sector to remind them of their social responsibilities and gain support for our advocacy.

Transgender woman from Thailand: My background is in the tourism industry. LGBT people are a high-spending segment of the tourism market. Few LGBT people have children, so many have a relatively high disposable income to use for tourism. Also, LGBT people are often highly valued as employees because we have a reputation for innovation and creativity. In relation to insurance, when I applied, the insurance company saw that there was a conflict between my appearance and my identity documents, so I was asked to undergo a blood test. I considered this to be discrimination so I refused to apply for insurance.

Participant from Thailand: The implementing rules for the 2012 Social Welfare Act of Thailand included provisions for LGBTI people but these regulations were not implemented and most people have not heard about them. The law required that SOGI rights violation complaints mechanisms be integrated into employment discrimination rights, but nothing has happened. The government is yet to take action to implement these provisions.

Lesbian from Indonesia: Religious values and culture in Indonesia are strongly patriarchal. As a lesbian, I was anxious and feared that no one would accept me because of my gender expression and sexual orientation. Working with an LGBT organization, I had the opportunity to be involved in community empowerment and advocacy activities. One of the cases I documented was of a woman who was forced to quit her job because she appeared masculine and was known to be lesbian. Many companies are not accepting of masculine women.

Gay man from the Philippines: Human rights is not about charity or pity, it is about our entitlements by virtue of our humanity. The state has the primary duty to fulfil and protect human rights, embodied in the international covenants that our countries have signed. LGBTI rights are therefore primarily an issue of state obligations to citizens. The private sector has an important role in supporting LGBTI human rights. However, the state has the primary duty to fulfil all human rights including social, economic and cultural rights in areas such as employment and food. Should the state delegate its duty to fulfil human rights to the private sector? A market approach to LGBTI rights could mean that only those who can afford to pay for services will enjoy their rights. A market approach is not a human rights-based approach.



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Session 4:

Personhood and legal gender recognition

Key messages

- Change of gender on identity documents enables transgender people to enjoy equal rights in accessing health care, employment and travel, and is fundamental to a transgender person's self esteem and dignity. Amendment of gender should be possible through a simple administrative procedure.
- No one should be required to undergo medical procedures as a precondition for legal recognition of their gender identity.
- Transgender people should have the right to choose their sex and marry as a person of that sex, without undergoing surgery or other treatments.
- Laws that prohibit gender expression such as cross-dressing are harmful.
- Legal recognition of third gender in some South Asian countries is a welcome development.

Panel discussion

Legal gender recognition: Why does it matter? Jack Byrne, Former Senior Human Rights Specialist at the New Zealand Human Rights Commission

The third principle of the Yogyakarta Principles is the right to recognition before the law. Self-defined gender identity is a basic aspect of self-determination, dignity and freedom. Sometimes there is an assumption that all intersex people do not identify as male or female. The vast majority of intersex people identify either as male or female, but some identify as third sex. Many transgender people self-define as male (although born female), and others self-define as female (although born male). Some transgender people identify as a third gender, either for cultural reasons or because they think it is the best term for them. Some choose their own terms such as 'gender queer'.

There are many countries where identity documents cannot be changed. In daily activities people have to show identity documents for many purposes, e.g. when crossing borders and in medical emergencies. Not having the right documents means we are denied full citizenship. Even in countries that allow change of gender on documents, there are many exclusions. There are very few countries where young people can change gender identity in documents, even with parental consent. People who are married or have children or want to have children often cannot change their documents.

For some transgender people, the only way to be recognized legally as a male is to undergo sterilization. The World Professional Association for Transgender Health (WPATH) opposes surgery or sterilization as requirements to change legal gender. The WPATH Statement on Legal Recognition of Gender Identity was updated in 2015 and includes a call to recognize the rights of transgender people in detention or institutions. The UN Special Rapporteur on Torture has raised issues of forced sterilization and genital mutilation of intersex people. The leadership of Argentina and Malta in protecting the rights of transgender and intersex people through progressive legislation should be recognized.

The recognition of transgender, *hijra* and third gender in South Asia, Amritananda Chakravorty, Senior Legal Officer, Lawyers Collective (India)

Just a few months after the shocking judgement of the Supreme Court of India upholding section 377, the same Court handed down a landmark judgement recognizing the rights of *hijra* and transgender people. We are left with two contradictory judgements.

Non-binary gender identities and expressions have long existed in South Asian societies. Under the British rule the *Criminal Tribes Act* criminalized the status of *hijras* or 'eunuchs'. This law was repealed in 1952, but the legacy of criminalization and marginalization continued. Although *hijras* have long been part of our society prior to 2014, they had never enjoyed legal recognition of their rights. Until the 2014 Supreme

Court judgement, the legal rights of people were strictly defined by the binary distinction between males and females.

In 2012, the national legal aid service filed public interest litigation on behalf of third gender people. In the court proceedings, the Lawyers Collective argued the importance of the right to self-determination. The court victory was entirely unexpected. The judgement emphasizes rights to freedom and equality and confirms the constitutional right and freedom of citizens to choose their gender and how to express oneself through dress. The court found that the constitutional right to freedom of expression extends to gender expression. Non-recognition or protection in law is a violation of equality rights and people enjoy the right to non-discrimination on the ground of gender identity. *Hijras*, third gender and transgender people now enjoy rights to equality in public employment, health care, education and housing. The judgement is not only about third gender, it is about self-identified gender and therefore applies to *hijras* as well as transgender men and transgender women.

Gender recognition and its progress in Hong Kong, Sam Winter, WPATH, Associate Professor, Curtin University

In a case decided by Hong Kong's Final Court of Appeal in 2013, a transgender woman sought the right to marry her boyfriend. Although she had undergone sex reassignment surgery and held a female identity card, the government argued that she had no legal right to marry because she was still legally male, and the marriage law does not provide for same-sex marriage.

The Court found against the government and said she could marry. The Court noted the importance of granting legal gender recognition in areas of life including and beyond marriage, and that this is important even for transgender people who have not undergone sex reassignment surgery. The Court gave the government one year to draft an appropriate law, and suggested that Hong Kong follow the legislative model of the United Kingdom, which gives legal recognition to transgender people regardless of their surgical status.

The Bill that the government drafted in response (the Marriage Amendment Bill) proposed to make it possible for transgender people to marry only if they had undergone sex reassignment surgery involving full genital reconstruction and sterilization. The Bill also proposed to entrench in the law the existing administrative requirements for the issuing of identity cards only to people who have undergone surgery.

Many people in the transgender community fought hard against the Bill. The argument against the Bill was that linking basic rights to the requirement to undergo surgery undermines a person's ability to give full and free consent to medical procedures, and introduces coercion into the practice of medicine. It is a threat to the integrity of the body and denies the right to self-identify. We drew attention to international developments such as Argentina's progressive law. An article was published in an academic journal in the hope that lawmakers would be educated. A high-level roundtable was held with UNDP support that issued 10 key messages, which were quoted in the Legislative Assembly debate. Ultimately, the Bill that would have made rights dependent on people undergoing medical treatment was defeated. The Court of Appeal decision remains in place, and another case is pending in which a transgender man is challenging the requirement of surgery prior to issuing an identity card.

The need for social protection to improve our lives, Laxmi Narayan Tripathi, trans rights activist and founding member of the Asia Pacific Transgender Network

In the past, sex work and begging were the only sources of income for *hijra*. The conditions of the red light area in Mumbai were very poor. Our people were dying like flies. People were surprised when we became activists and started our own *hijra* organization, as there was an assumption that we could not manage an office.

Targeted HIV intervention projects of the National AIDS Programme were helpful, but the government now is not so supportive of the AIDS programme. HIV gave us a strong platform for advocacy. We were angry because doctors would not touch us because of preconceived notions. HIV gave us a sense of our rights. Then the focus shifted to a broader agenda. We have been able to use the platform of HIV to talk about our other rights. We need housing and food to ensure human dignity. Rights and dignity are our birthright.

The National Legal Services Authority took the transgender case to the Supreme Court, and UNDP convened a series of national and regional workshops on *hijra* and transgender rights. The Chief Justice of India attended and was moved by our stories.

The Ministry of Social Justice approached me. A decision was made to form the Standing Committee on Transgenders, and a report was prepared for the Supreme Court case. The Court said that the Ministry of Social Justice's recommendations should be taken into consideration in developing policies. After the judgement directed the government to protect our rights, the real work started. I participated in the steering committee of the University Grants Commission, which looked at scholarships for *hijra* and transgender students. Some of the biggest abuses happen to adolescents. For example, we pointed out that access to school toilets is a problem. Circulars were issued saying there should be toilets in every college. Pension rights are also being addressed. In 2014, the Indian State of Maharashtra established a Welfare Board for protection of *hijra* and transgender rights. Talking to the bureaucracy made the biggest difference in ensuring implementation.

Dialogue

Community perspectives

Intersex person from Australia: In drafting protective laws, it is important to ensure accurate terms are used so that no one falls through the cracks. When the law to protect people from discrimination was proposed in Australia, the first version included intersex people under the category of gender identity, which was inappropriate. Fortunately we have an organized intersex community who could be mobilized to advocate for the draft to be revised. As a result, the final version of the law clearly defines intersex so it is not confused with gender identity.

Transgender person from Brunei. The Malay Islamic monarchy is the dominant ideology of Brunei and people are forced to conform to social norms. Brunei has always practiced Sharia law but there has been a much stronger emphasis on Sharia as a result of new laws introduced from 2014 including laws against cross-dressing. Transgender people are particularly impacted because the way we dress is obvious, whereas the gay community can still outwardly conform. The police are given very wide powers and can arrest you when they feel like it. If you are going about your daily life shopping for food, police can detain you if you are not dressed in a certain way. Further, government officials have proposed that we be rounded up and kept in a place so they can cure us – it is assumed that we are unwell and in need of help. Under Sharia law, you can get fined, imprisoned or subject to corporal punishment such as whipping. Some transgender people are already changing how they dress, causing deep unhappiness. There is no organization to represent the LGBTI community in Brunei. Public institutions do not acknowledge us. There is an AIDS Council, which provides a platform to reach the LGBTI community, but it is very controlled. We are a small community, and people are scared of government supervision and police action.

Transgender women from Sri Lanka: A major issue we face is our gender as registered on our birth certificate, which must be shown for education and employment purposes. Very few transgender people have been able to get an amended birth certificate. We have to go through full sex reassignment surgery to change the birth certificate, but this is not possible for most transgender people in Sri Lanka. We have been fighting to have a right to change our birth certificates, but the government is silent.

Transgender man from Sri Lanka: Growing up as a transgender man, I behaved like a male since my childhood and as a result my father did not accept me. At school, I was mistaken for a lesbian. My teacher informed them I was having relationships with girls. When I sought treatment and support, the social services did not know how to handle my situation and I was sent to a psychiatric clinic. Nurses refused to give me injections when I was in hospital for my hysterectomy. When I went for an interview for work, I was rejected because I am transgender. I have been attacked several times by men who had heard about my transition, including a taxi driver who attacked me in a field. People have threatened to kill me. I could not complain to the police because I was afraid of their response, as the police are not supportive.

Transgender man from Indonesia: I am a female-to-male transgender from Aceh Province. We are still hidden in the closet, due to the threats from our local government to impose Sharia law and the religious organization called the Movement for Anti-Adultery of Aceh. The movement is very dangerous. Recently, the movement exposed pictures of transgender sex workers on Facebook. The situation led us to move underground. Traditional families in Aceh are very dedicated to Islam and local laws. They are ashamed if they have a transgender person in their family. The shame in families leads to violence. People are afraid to report violence to the police, or the police do not process complaints because of Sharia law. The city government of Banda Aceh plans to criminalize LGBT people. This would impact severely on transgender people because we are easily identified through our physical appearances. In response, we formed Learning Together (LeTo) for Lesbians, Bisexual women and Transgender in Aceh as a community organization. We are looking to international partners to help us create a safe haven for lesbians, bisexuals, and transgender men to express themselves.

Transgender man from Indonesia: Most of my life, I have experienced improper treatment from employers and others in society. It is challenging for me that I live in a Muslim society where same-sex relations are forbidden. In 2006, I joined the LGBT community and started to be open about my status. As a community organizer for a women's human rights group in East Java, I was concerned that the women I worked with in the community would not accept me because they are very religious. Eventually, after they got to know me they accepted me, although they suspected my sexual orientation and gender identity from my appearance. They trusted me as I was working with them on sexual and reproductive health issues and violence against women. I now identify as a transman, although I do not always behave in a totally male way. People who see me think that I am male. If I go to a ladies toilet, women scream at me or stare at me, which is traumatizing. If I choose the men's toilet, I risk violence so I am not comfortable. I prefer to use the disability toilet if it is available. The biggest challenge comes from fundamentalist groups, including harassment and violence. Violent attacks have occurred at several events including a transgender celebration in Jakarta in 2014. Those who were attacked did not know where to go for counselling and did not receive help from the police. These attacks leave psychological trauma. There are limited information resources available for transgender people, as information is usually only in English language.

Lawyer from Nepal: Nepal is advancing in the protection of LGBTI rights. The landmark decision of the Supreme Court of Nepal in 2007 recognized two grounds of illegal discrimination: sexual orientation and gender identity. These were found to fall within the category of 'other status' in the non-discrimination article of the International Covenant on Civil and Political Rights. The court's decision was consistent with the rules emerging from the Yogyakarta Principles. The Court also directed the government to provide appropriate identity documents and to look into the possibility of enacting a same-sex marriage law. The government has examined relevant laws to identify the provisions that conflict with the Supreme Court decision and the government is committed to change several of them. It is proposed that the new Constitution will include sexual orientation and gender identity as grounds of non-discrimination. Recently, there has been another court case through which the government has agreed to introduce a new category in addition to male and female in the passport. The Same-sex Marriage Committee formed in 2010 has provided its recommendations. The Council of Ministers has accepted some of the recommendations and it is expected some provisions will be included in the new Civil and Criminal Codes. The reform process will take some time but progress is occurring. The main reasons for positive changes are the human rights legal framework and the role of civil society. Nepal has ratified international human rights instruments. The advocacy of the Blue Diamond Society, lawyers, doctors and other civil society allies has also been very important.

Lawyer from India: The legislative response to these issues should include both the application of existing laws and the enactment of new laws. Consideration should be given to extending existing laws on gender-based violence, family and domestic violence to ensure that they protect transgender people. New laws that are required include anti-discrimination laws and gender recognition laws. In India, legal redress for MSM and transgender people who are sexually harassed or assaulted by the police requires clarification because the sexual assault law is gender-specific.

Transgender woman from the Philippines: I come from an indigenous minority from a mountainous area. We were treated as lower-level people than those from the lowland cities. I experienced difficulties when my parents sent me to secondary school in the lowlands. I experienced discrimination as a transgender woman and a member of an ethnic minority group. I submitted an application to run as president of the student organization. One of my competitors challenged me, saying I had no right to file my candidacy. This made me feel that I was doomed not to be able to reach my dreams. When I returned to my hometown, I started to organize a support group for transgender women. We partnered with Local Government Units, and we organized a beauty pageant with support from local officials. I told them that the government could not ignore our existence. We are part of the community and have the right to live and work with them in the development of society. The Association of Transgender People of the Philippines has helped us in our advocacy to stop discrimination and pathologization.

Transgender woman from the Philippines: My father physically abused me since I was five years old because I was not masculine. I was placed inside a chicken pen and I was taken to cockfighting to toughen me up. My hair was cut short, and I was prohibited from expressing myself. As a student, I also experienced discrimination from other students. I would wear women's clothes and high-heeled shoes to school. My province on the island of Mindanao introduced an Anti-Discrimination Ordinance to protect LGBT people. I was threatened with being kicked out of school. I challenged the government through the Commission for Higher Education and won my case on the basis that transgender rights are human rights.

Transgender woman from Pakistan: I have experienced discrimination in the workplace. I was sexually harassed and threatened with losing my job and eventually I was fired. In Pakistan, it is possible now to have an identity card for transgender persons but there are no services and benefits from having the card. Stigma and sexual harassment are also problems in education. We demand equality from government, not privileges or exclusive rights.

Transgender man from Viet Nam: There is no provision for changing gender on the identity card in Viet Nam. The identity card is required for many aspects of daily life, such as opening a bank account, obtaining a drivers license or arranging travel. Lack of identity rights means we cannot find a good job to survive. Instead we are only offered demeaning jobs, such as work in a circus. Using a restroom can be a nightmare. Many transgender people have committed suicide. LGBTI activists are seeking to legalize same-sex marriage and transgender people are seeking the right to be themselves and to be able to access appropriate health services including hormone therapy and sex reassignment surgery.

Lawyer from India: Supportive legislation is vital because it educates policymakers and the general public on issues such as rights of gender identity and expression. However, even if we have a good legal framework, personhood is not feasible if people are constantly under the threat of violence. Therefore, policymakers and activists need to address violence as the fundamental obstacle to the enjoyment of rights to exist and to be who we are.

Professor Sam Winter, Curtin University, Australia: We have so many painful stories that constitute the evidence that we need to be able to persuade people to take action on rights to identity and expression. This suggests there is a need for further research including survey research to document experiences. We need research to understand the impact of the absence of gender recognition laws on the lives of transgender people, the impacts of enactment of laws, and evidence of strategies that are effective in protecting rights. The WPATH gender recognition statement is a valuable international resource. WPATH can provide country support to communities seeking to advance transgender health rights, as it has already provided to communities in Malaysia, Hong Kong SAR and the Republic of Korea.

Comments from government experts and NHRIs

National Commission of Human Rights, Indonesia: Human rights are at the core of social development. We have a decentralized democracy, with an emphasis on rule of law. The Yogyakarta Principles provide a fundamental platform to address LGBTI issues. They are promoted as common guidelines for the nation to strengthen social cohesion. We have trained police, law enforcement officials and religious leaders to recognize the Yogyakarta principles as the platform for addressing LGBTI issues.

We have a central office and six provincial offices that have human rights monitoring mechanisms, complaint handling and capacity-building mechanisms. LGBTI issues are a top priority on our agenda. There is legal protection provided by the Human Rights Law of 1999 and the Anti-Discrimination Law of 2008. The Law on Conflict Management and the Law on the Human Rights Court provide frameworks for resolving disputes.

Government expert from Indonesia: The impact of marginalization includes violence, limited access to health services and discrimination in education settings. Many transgender people have to do very menial work including working as sex workers or beggars. It is hoped that the government will improve access to health and social services without discrimination and provide social security services for those without income. Most people including in government are not well informed about the diversity of SOGI, the difference between male-to-female and female-to-male transgender status and the existence of bisexual and intersex people in society. It is difficult to develop a plan of action to address people's needs if there is little or no understanding of the diversity of SOGI. The influence of some aspects of religion and the developments in Aceh are concerning, but with the growth of a human rights movement there will hopefully be progress.

Member of Parliament from Mongolia: In response to the Dialogue, I intend to propose a law on equality and anti-discrimination for LGBTI people. I have been discussing this with LGBT community representatives. I am also eager to educate other parliamentarians from Mongolia. We have ignored these issues for too long. Registration of a change in gender is not difficult under existing law because our law is very vague, such that anyone who has a medical procedure (even a minor procedure) can change their legal sex. However, it is not satisfactory that officials can impose their own interpretations on this requirement and exercise discretion in an unpredictable or capricious way. Therefore, this registration law should be clarified.

Commission on Human Rights of the Philippines: The Commission on Human Rights is supporting a national Anti-Discrimination Bill to address LGBTI issues. The LGBTI community has been leading the push for an Anti-Discrimination Bill for over 20 years. The pressure of community activism has been successful at the local level. Several cities have introduced local Anti-Discrimination Ordinances protecting LGBTI people. It is important for civil society organizations to work with policymakers to build the arguments and push for change. The Supreme Court has decided that transgender people cannot change their sex on their birth certificate even after surgery, although intersex people can. It has been suggested that transgender people have another legal avenue, which is to seek the protection of the women's equality law, known as the Magna Carta of Women. The Commission on Human Rights would be supportive of a legal case to clarify the rights of transgender women under the Magna Carta of Women to change their registration details on their birth certificates.



The background features a white space with several thin, light grey lines forming a large, irregular shape. Scattered throughout are numerous hexagons in various colors including blue, green, yellow, orange, red, purple, and pink. Some hexagons are solid, while others are semi-transparent, creating a layered effect. The overall aesthetic is modern and geometric.

Session 5:

Tackling exclusion in education

Key messages

- Comprehensive and inclusive education policies are required that address sexual orientation, gender identity and gender expression.
- Teachers should be trained on prevention of homophobic and transphobic bullying, and should actively support LGBTI students.
- Education on sexual orientation, gender identity, gender expression and intersex conditions should be integrated into curricula.
- Schools and other educational institutions should recognize the right of transgender students to freedom of gender expression in the school environment.

Panel discussion

A short video produced by UNESCO, entitled “What If...” launched the panel discussion. The film explores the challenge of stigma, discrimination and violence faced by LGBTI youth in school settings in Asia and the Pacific. Drawing on published news articles and study findings throughout the region, it shows visually how LGBTI are affected and promising practices emerging in the region. It will be formally released in 2015 at a follow-up regional consultation on LGBTI exclusion in education planned through the Being LGBT in Asia initiative.

SOGI-based bullying and exclusion in schools: What do we know? Thomas Guadamuz, Assistant Professor of Medical and Health Social Sciences and Deputy Head, Center for Health Policy Studies, Mahidol University

In 2013, we conducted the first national bullying study in Thailand. We found that almost all teachers and school administrators think bullying does not happen. However, when we ask about specific activities, such as being excluded socially, hit, threatened, cyber-bullied or having a hate web page aimed at them, we find that all these incidents are common. Over 50 percent of all students are physically, verbally or socially bullied at some time during their school years. Over 30 percent are sexually bullied online. Compared to other students, LGBT students are two times more likely to be verbally bullied, three times more likely to be physically bullied, three times more likely to be socially bullied, and four times more likely to be sexually bullied and cyber-bullied. This suggests that a culture of violence is accepted as the norm in Thailand’s schools. Among those who are bullied, there is a significant association with clinical depression and illicit drug use. In one case, a boy in junior high school said he had learned to hold his urine in and not pee because if he goes to the bathroom he gets bullied.

Changing school climate and culture: GLSEN’s experience creating LGBTI-friendly schools, Dr. Joe Kosciw, Chief Research and Strategy Officer, Gay, Lesbian & Straight Education Network (GLSEN)

The Gay, Lesbian and Straight Education Network (GLSEN) was founded in the USA 25 years ago by volunteer teachers who wanted to develop responses to LGBTI bullying. When they raised concerns with school authorities and politicians, responses were minimal because cases were considered to be isolated. There was an absence of research to document the widespread nature of bullying, so GLSEN established a research initiative that has become instrumental in our advocacy. The data has helped us to demonstrate the harms caused by bullying and how positive interventions can improve students’ experience of school and educational outcomes.

Since 1999, GLSEN has been studying student populations systematically and repeatedly. Our eighth and most recent study conducted in 2013 showed that 80 percent of LGBT students are frequently harassed at school. Most students are hearing negative remarks about LGBT people such as the derogatory expression “that’s so gay”. Collecting data such as this gives us the ammunition to go to teachers and authorities and argue that bullying is a serious problem.

It is very important to have anti-bullying policies to restrict bullying behaviours targeting LGBT students because it gives permission to teachers to act to prevent this type of bullying. Teachers may fear to act to prevent LGBT bullying unless an official policy exists. Without a policy, teachers may fear that taking action might affect their own employment. Having a teacher who is affirming and supportive can make a huge difference to LGBT students in improving their self-esteem and supporting them to stay at school and achieve better educational outcomes. Peer support is also crucial, including from after-school clubs and gay-straight alliances through which students can work together to affect change in the school environment.

When students learn about LGBT people as part of the curriculum, such as their role in history and events, they feel more connected to their education. It creates an atmosphere in which learning about LGBT people is considered normal, which is good for all students.

We aim to develop advocacy materials based on our research that are accessible and can be used as tools for students and activists and which can be provided to politicians and educational authorities. In addition to our work in the USA, GLSEN can support NGOs in other countries to do similar work.

Developing SOGI-inclusive school curriculum, Nanda Lal Poudel, Under Secretary, Ministry of Education of Nepal

Development of a SOGI-inclusive curriculum is important to address bullying, harassment, low enrolments, high dropout rates, poor mental health and poor performance. The background to changing the curriculum to include SOGI issues was several policy developments. The Government of Nepal is seeking to meet its commitments to provide education to all by 2015 and to end all types of discrimination throughout the country. Further, in 2007 the Supreme Court directed the government to end LGBTI discrimination, recognize the legal status of third gender people and to establish a committee to examine options for same-sex marriage.

A sexual and gender minority taskforce was established in 2009. Civil society organizations including an LGBT NGO, the Blue Diamond Society, made representations to government to address school education issues. Civil society, including young people, helped inform changes to the curriculum. Sexual orientation and gender identity issues have been introduced in the curriculum for grades six to eight. The curriculum covers HIV, adolescent sexual and reproductive health, gender identity and third gender status, sexual orientation, and sexual behaviours. Teacher training is also an important element and the Blue Diamond Society is supporting this work.

Student engagement in making education safer for all, Xu Bin, Director/Founder, Common Language, Board Member of Beijing LGBT Center and Advisory Board Member of the Chinese Lala Alliance

Violence against LGBTI people exists across cultures and takes different forms. Thirty years ago, China hosted the UN Women's Conference in Beijing in 1995. There was a lesbian tent in the NGO section, which gave Chinese people their first exposure to these issues as human rights issues. However, the assumption of the state media was that lesbians were only from foreign countries. Thirty years later, people from the Chinese government are participating in this UN event advocating for LGBTI rights, so nothing is impossible.

I founded Common Language in China 10 years ago. At that time, there was no support to LGBTI students because we were not allowed to exist. There were no role models, no anti-bullying programmes and no curriculum support for LGBTI people. There has been some small-scale research that found 90 percent of students are abused physically or verbally and 30 percent of LGBTI students attempted suicide. Recent research also found more than 50 percent of textbooks still talk about how to convert students to be heterosexual. Such textbooks are based on outdated information including China's outdated classification of homosexuality and bisexuality as psychiatric disorders. Some LGBTI people are sent by their teachers to counsellors, and some teachers report them to parents. It is very common practice for these counsellors to provide conversion therapy to homosexual students. We provide training camps to empower young people to become leaders and allies in advocating for LGBTI issues to be appropriately addressed in schools.

Dialogue

Community perspectives

Participant from Malaysia: Controversial guidelines were prepared to guide teachers on how to identify gays and lesbians in schools. The guidelines were prepared by a consultancy company and included criteria such as boys wearing a tight shirt, wearing bright colours or a V-neck shirt. As a result, 56 school boys were identified based on their feminine behaviour and sent to a corrective camp so they could become masculine. The Education Department of the Federal Territory treats gender confusion as a serious offence for which a student can be suspended from school or taken to court. The LGBTI organization Sexuality Merdeka was banned. A Malay extremist supremacy group, in collaboration with the Parents and Citizens Association, went on a national road tour to spread the message that homosexuality is immoral and deviant. In another case, a lesbian student was kicked out of school for being lesbian. She was unable to complete high school, and as a result could not find employment.

Gay man from Malaysia: It is not easy being LGBTI in Malaysia because heteronormativity and the gender binary are deeply entrenched. I was constantly teased because of being effeminate and the way I expressed myself. I kept my sexual orientation to myself as an adolescent. LGBTI youth are blamed for how they express themselves. Without support and resources around them, they have to deal with it internally, leading to depression and health problems. When I went on an exchange programme to the USA, I spoke to a counsellor and had support from others at the campus, which meant I had a very positive coming out experience. There should be readily available information about sexual orientation, gender identity and expression (SOGIE) for young people in the education system which is particularly important for those who are still figuring out their sexual orientation and gender identity. The general public should also be educated on this to reduce the discrimination towards our community and assist LGBTI youth to accept themselves.

Transgender woman from Fiji: Six students assaulted me when I was 16 years old. They punched me for 20 minutes. Instead of disciplining the assailants, I was suspended for two weeks. I was admitted to hospital. I lodged a complaint with the police and sought redress from Fiji's National Human Rights Commission. They took up my case. I received a letter from the school seeking to reconcile and asking me to drop the case. However, I was determined to take the school to court. In 2003, I won my criminal case against the students who were sentenced to community service and required to undergo counselling. My civil case in the High Court was based on the school's duty of care. Eventually I withdrew the civil case because I was concerned that pursuing it would interfere with my education. A thirty-minute radio play was produced to tell my story and it was played nationwide to inspire young people in schools to speak out.

Fiji has made some progress by including SOGIE rights in the 2013 Constitution but there are still some limitations. We do not have full equality because we cannot get married or adopt children, and there is no legal recognition for transgender people. Young people should not be restricted in accessing services by laws that require parental consent. LGBTI people should have access to legal advice and support including to be represented in court for cases relating to violations of their human rights. It is important that civil society holds governments to account including through the Universal Periodic Review process.

Gay man from Fiji: My parents sent me to an all male boarding school where I was bullied repeatedly. Teachers took no action. Homophobic bullying includes violence, rape and public ridicule. There is a need to strengthen anti-homophobic bullying policies in all learning institutions including primary and secondary schools. In Fiji, there is a behaviour management policy for schools but it needs to be strengthened to include all forms of homophobic bullying. Enforcement and policing of the anti-bullying policy is very weak. There should be policies requiring all complaints to be taken seriously and investigated by school authorities (e.g. 'no drop' policies where cases are not dropped if the complainant does not participate). Disciplinary penalties for perpetrators should be harsh enough to deter recurrence of bullying behaviour. Counselling and peer support should be offered to victims. Students should be able to access the formal justice system if the school response fails. The curriculum on family life education includes reference to SOGI

but the component is weak and should instead be comprehensive. Teachers should be sensitized and given pre-service and in-service education on SOGI and homophobic bullying. Research on homophobic bullying should be conducted to provide evidence to change policies and programmes.

Gay man from the Philippines. I am the founder of Pinoy Deaf Rainbow and I have experienced the double discrimination of being deaf and gay. Classmates and teachers bullied me. My parents were worried that I would not be able to get a job and that I would not be able to support them. At school I complied with policies and expectations. I did not understand why people were angry with me. I believe it is the negative influence of religion and values. At the age of 20 I became aware of the LGBT community and joined in LGBT campaigns. I volunteered for different organizations and was able to express my true identity. Attitudes of my family, friends, classmates and teachers are now much more positive. I am proud to be who I am, deaf and gay.

Gay man from the Philippines. I am the treasurer of Pinoy Deaf Rainbow and a hearing impaired person. My relatives are strongly religious. My uncle and cousins are pastors. When I came out as gay, they scolded me. I resigned as a member of the church. In school, I was a very good student. One of the teachers and some students bullied me. Although I had high grades in maths and science, I was not given any honours. My teacher said this was because I was too gay. I was told there was no access for interpreters to assist me to participate in the vocational training programme as a hearing impaired person. Since leaving school, I have learnt about LGBT activism. I am now advocating for LGBT rights to challenge discrimination.

Lesbian from the Philippines: I am a teacher and am active in the LGBT rights movement. Being active can mean that you are vulnerable to discrimination because you are in the frontline. The Philippines is a strongly Christian country and religious standards are imposed in sectors like education. In the university where I first taught, initially I had the impression that being lesbian would not be an issue provided that I was a good teacher. I received high evaluations from my students. In private universities, you can be assured of your teaching load for the next semester if you get good evaluations from your students. However, my department chair took my teaching load back after the administrators learned that I was featured as a lesbian in a national TV show. It was hard to accept that an educational institution viewed lesbians so negatively. Violence and discrimination against LGBT people still persists in Philippine society. My goal is to be part of the community that will create a curriculum that is gender-sensitive and human rights-based. The education sector is one of the key factors in addressing homophobia and discrimination.

Educator from Viet Nam: I belong to an LGBT community organization that is invited every month to talk about sexuality in schools and universities. There is no history of sexuality issues being taught at school. Five years ago, we would not have believed that it could be possible to be invited to conduct SOGI education in schools and universities. We work with students directly and support them to advocate with their teachers to request that information be provided on SOGI. The teachers then contact us to request we attend to provide an education session. We give a full rehearsal of our presentation in front of school authorities. Although each school reacts differently, often we are welcomed and are recommended to other schools.

Transgender woman from Thailand: I have been advocating for my university to improve its treatment of transgender people. I gathered documents from the World Health Organization and the Medical Council of Thailand, the Code of Conduct from the College of Psychiatry, and medical certificates to confirm the situation for transgender students. I was told that the rules of the university require us to cut our hair, conceal our breasts and dress as males during the graduation ceremony. We complained about the discriminatory rules for wearing male attire. The university replied that people who have already completed their sex change operation can wear female dress, but otherwise we must wear male clothes. I explained that surgery is the end of the process and occurs after a period of living as a woman. Finally, we succeeded and we are now allowed to attend graduation ceremony as women. There are still many issues to be addressed, such as being made to wear male uniforms and being refused access to some classes. If educational institutions can create a supportive study environment then this will motivate transgender people to complete their higher education, so they can hold professional positions in society.

Lesbian from China: The perception of LGBTI people is pathologized. We are seen as people with a mental illness as is still reflected in textbooks, or as immoral. When I enrolled in my master's degree, my male supervisor said gays are disgusting and lesbians are also, but less disgusting. Problems about education include outdated learning materials, and very conservative and homophobic educators. I urge the government to reform learning materials and provide compulsory workshops on SOGI issues for all educators in all fields. In addition, it is important to educate all teachers and school students about intersex from elementary school. Guangzhou University is the only university that offers a course that addresses LGBTI issues under the course title of 'Diversified gender and civil society'. It is not considered acceptable to include LGBTI rights explicitly in the title of the curriculum or as a title on a thesis. However, it is possible to include LGBTI discussions within this course. Teachers of this course are able to invite activists from Guangzhou and Hong Kong to share their experiences with students. This can act as a bridge to LGBTI students.

Woman from Indonesia: I was a teacher at a Catholic high school with a satisfying career. This ended when the headmaster asked if I was a lesbian and I was accused of influencing my students. I was told I would have to resign, and if I did not, my story would be in the local newspaper. I was told that a lesbian could not teach in a Catholic school. I felt this to be double oppression because I did not identify as a lesbian and my teaching skills were being ignored. I left the school and moved to another city, Yogyakarta. I became involved in the local LGBT movement to improve understanding of stigma and discrimination relating to SOGIE. Schools need to have a diversity policy that includes the rights of teachers and LGBTI students. Teachers need to be able to ensure rights to access education and the quality of education to all students. Initiatives on homophobic bullying in schools are coming from LGBT communities, not the government. This is particularly a problem in Aceh. The education authorities should provide teaching materials that are not heteronormative, e.g. positive examples of same-sex parenting.

Intersex representatives from Hong Kong SAR and Taiwan: There is no education on intersex issues or support to intersex students. We are advocating for education on intersex issues to be included at all levels of the education system including elementary school. It is also important to ensure that health care workers are educated about intersex issues so that they can support parents in a positive way. Many intersex babies have been abandoned by their parents, so it is important to educate health care workers to give positive messages to parents.

Gay man from Indonesia: While studying at the University of North Sumatra, I prepared an article on LGBT issues in the college magazine. I encouraged other students to write their papers from a SOGI perspective. The college religious association and others attacked us. It is clear that Indonesia's education system is still patriarchal and hetero-normative. The gender binary dominates and it is taboo to talk about sexuality. There is a need to sensitize the government about SOGI issues and for the educational system to be modified to be more LGBTI-friendly.

Participant from India: Any form of sex education is completely taboo in some Indian states where it is banned. I have been an educator and I could have been arrested for addressing sex and sexuality when teaching in schools. It is important to engage with other governments to exchange experiences in addressing sex education. India and other South Asian nations need to look at the initiative taken by Nepal to include SOGI in the school curriculum.

Gay man from the Philippines: Nothing is more important than being positive about your sexuality. Coming out at school can create social change and acceptance. Schools and colleges in the Philippines are strongly influenced by religion, which makes coming out difficult. I decided to speak publicly about my sexuality at school, and my peers and teachers were actually very supportive. SOGI-inclusive education must be age-appropriate, gender-sensitive and human rights-based.

Comments from government experts and NHRIs

National Commission on Human Rights, Indonesia: The government is committed to spend at least 20 percent of the national budget on education and to address the vulnerability and exclusion of marginalized groups. Government priorities include addressing marginalization through information

technology, training to support entrepreneurial skills, and special financial support through the 'Indonesia smart and healthy' programme. The National Commission on Human Rights will monitor the government to ensure attention to LGBTI people as a marginalized population.

Timor-Leste National Human Rights Institution: As human rights educators, we train police officers, community leaders, teachers and prison guards on issues such as human trafficking and women's rights. We have tried to include some LGBT rights issues but police are not receptive to these messages. These issues are very new for us. In 2014, the Hivos Project Office (ISEAN-Hivos Multi-Country Global Fund Programme) organized a workshop, which was the first time we had heard directly from transgender people and MSM about their experiences and problems including abuses from police and other public entities. Our culture and the dominant Christian religion require consideration. Transgender people are considered by the Church to be living in sin. We hope to work with the community to provide solutions to these problems.

Commission on Human Rights of the Philippines: The Department of Education has issued a circular against bullying in schools. Nonetheless, bullying still exists. We need to address culture and promote acceptance. Teacher training is required to support implementation of the Circular. The Magna Carta for Women is a gender equality law that can be used as an entry point to address discrimination of lesbians, bisexual women and trans women in education. The basic curriculum needs to address SOGI issues. Government agencies are responsible to provide access, including interpreters for deaf gay people.

Member of Parliament from Bangladesh: Our national education policy uses broad terminology in that it guarantees 'education for all' and states that there must be no bullying of any student. Any teacher who bullies a student violates the policy.



The background features a white space with several thin, light grey lines that create a sense of depth and structure. Scattered throughout are numerous hexagons in various colors, including shades of blue, green, yellow, orange, red, purple, and pink. Some hexagons are solid, while others are semi-transparent, creating a layered effect. The overall aesthetic is modern and geometric.

Session 6:

Navigating familial territory

Key messages

- Many LGBTI children are harmed by pressure to fit in with traditional family structures – to marry someone of the opposite sex, have children and adopt accepted roles.
- Services need to respond to the psychological, social, health, security and welfare needs of young LGBTI people who are rejected by, or fear rejection from, their families.
- Parents can cause harm to their children by treating their sexuality or gender identity as a psychiatric condition or immoral conduct. Many intersex children are subject to unnecessary surgery. These issues arise because of prejudice and lack of knowledge. Family members require information and education to help them understand and accept their children.
- The concept of family is continuously evolving and governments can recognize this by adopting inclusive laws and policies that recognize LGBTI relationships.

Panel discussion

How parents, families and friends can support LGBTI persons, Lily Dinh and Teddy Nguyen, PFLAG Association, Viet Nam

Lily Dinh (mother) and Teddy Nguyen (son) described their relationship and the son's coming out experience. After coming to terms with her son's sexual orientation, Lily became a community educator with PFLAG.

Lily Dinh: "I found out my son is gay when he was in Year 11. I read his diary in which he expressed his love for a boy in year 10. I was angry and confused. I did not understand why he behaved so strangely. I thought he had emotional problems so I sent him to psychologists. They said he was normal. I took him to the temple, and the monk recommended a diet to address an imbalance of yin and yang. I prepared the recommended food but this did not change my son at all. This was a tearful process. It was depressing and sad to think my son was not normal. My son wrote to me saying: 'I know if I was disabled you would love and protect me. I was born gay and cannot live differently than being myself.' I listened to my son and realized he was suffering greatly. I attended seminars to learn about sexuality, and I met other parents and children and learnt to accept my son."

Teddy Nguyen: "You cannot choose your family, so it is important for them to know who you are. At the time I came out to my family, Vietnamese society did not accept homosexual people, so initially it was very difficult. I was not accepted so I wrote a letter to my mother saying I would leave home after finishing university in a year. When I live as the person I am, I feel very happy. After my mother accepted me I became very proud and now believe I have the best mother in the world."

Lesbian, bisexual and transgender case documentation as an effort to strengthening women's position in the Constitution of Indonesia, Budi Wahyuni, Interim Chairperson of the National Commission on Violence Against Women

The National Commission on Violence Against Women implements activities to address violence against lesbians, bisexual women and transgender people (LBT) as part of our role. These populations were identified in the Commission's strategy for 2010–2014. Our mandate is the elimination of all forms of violence against women following the framework of CEDAW. We conduct monitoring, case documentation and seek to understand intersecting forms of violence. The Commission is committed to working with LBT community organizations in its role. The Commission has been monitoring LBT cases since 2009. In 2010, cases included the attack on the ILGA Conference, disruption of the national transgender women's meeting organized by the National Human Rights Commission and the attack on the Q Film Festival by the Islamic Defenders group. In 2012, 10 cases were reported including inhuman and degrading treatment of transgender women and lesbians forced into unwanted sexual intercourse. In 2013, there were 49 cases reported, including incidents of sexual violence and sexual abuse involving

family and police. Ninety-five cases of violence and discrimination have been identified from case documentation conducted in the provinces including cases involving 41 male-to-female transgender people, 16 female-to-male transgender people, and 38 cases involving lesbians. We found that sexual violence and corrective rape can lead to suicide or attempted suicide. There are also effects on inclusion in the workplace, as LBT people often do not have safe environments in which to work.

Reaching out to young LGBT people and addressing self-stigma, Ben Xue, Pink Dot Singapore, and co-founder of Young OUT Here (YOH)

Singapore is a multiracial and multireligious society, yet deeply conservative. Pink Dot is an annual event that started in 2009. The Pink Dot message is supporting the freedom to love. It is an event for LGBT community and our allies who support our cause. In 2014, 30–40 percent of participants identified as LGBTI; the rest were straight allies. Pink Dot provides a visible show of support for LGBTI people and their families. In 2009, there were 2,500 people attending, and in 2014 this rose to 26,000 people. The event is reported positively in the media, bringing LGBT issues into the family home. Pink Dot has become a stepping stone to talk about LGBT issues, in that people can ask whether you were at last year's event to find common ground. YOH is Singapore's first support group for LGBT youth aged 16 to 25. It provides a safe space for young LGBT people, in which they can share their coming out stories. We respect that some people may not be ready to come out, but need access to peer support.

Social media – Safe spaces for LGBT youth and resources for families, Laurindo Garcia, Executive Director, B-Change Foundation

It is not just about changing laws and policies; it is also about how to change attitudes. We have created videos to tell the stories of 13 LGBT people in Asia. These include stories of violence, traditional healers being brought in to correct children's sexuality, and stories of people running away. For every story of alienation, there are also stories of resilience and coping. We are trying to share what it is really like to be LGBT in Asia. We chose to do this through social media as an efficient way to get the message out to people. In addition to the videos, we aim to create safer spaces where people can discuss the content of the videos through a web app. The app provides a way for users to connect with peers. Information about coming out is provided in five Asian languages. The app enables peers to ask questions and seek support from each other. The app directs people to local services and community-based organizations. People can use online maps and access online community managers to connect them to services and support groups.

Jeffrey O'Malley, Global Director of Policy and Strategy, UNICEF

In 2014, UNICEF issued a Position Paper on Eliminating Discrimination Against Children and Parents Based on Sexual Orientation and/or Gender Identity. The Convention on the Rights of the Child is the most widely ratified international convention in the world. The legislative frameworks to protect children are also universal. The universality of the understanding of children's rights, in areas such as education and protection from bullying, is an important foundation for UNICEF's work. Our Position Paper acknowledges that violations of children's rights include those children who are victimized because they are perceived to be different, although some may grow up to be heterosexual. The Position Paper also acknowledges that intersex children are often subject to specific violations of involuntary, inappropriate, medically unnecessary surgery and other interventions that call for specific protections.

Dialogue

Community perspectives

Gay activist from India: When I came out to my parents my family took me to a psychiatrist who said I was suffering from a hormonal imbalance or a tumour in my hypothalamus that could be sliced out. I lost my advocacy voice at this point and was left as a terrified person with a terrified family. We should not underestimate how disempowering family can be in such situations. There needs to be openness from the family to engagement, which does not always exist. While groups such as PFLAG do wonderful

work, it is also a legitimate choice to say I want to walk away from my biological family and build my own community of love elsewhere.

We also should recognize that medicine and science are not always objective. Medical resources such as the Diagnostic and Statistical Manual of Mental Disorders can be useful tools for advocacy but we cannot let them set the terms of the debate. The original Delhi High Court judgement on section 377 noted that public morality is constantly changing, but there are certain truths that cannot be taken away, including rights under the constitution to dignity, equality and non-discrimination. Yet this decision was overturned. Our framework for engagement should not rely on the law, medicine or religion for our legitimacy. We should exercise caution in relying on such higher authorities, as these are unreliable institutions. Families should accept us for who we are and not rely on these higher authorities.

Gay man from India: Family are the people who love you and may include allies, friends, neighbours, and accepting relatives. My coming out experience was positive, and my straight male friends were very supportive. It seems to me that Indian society is not that intolerant after all. In refusing to amend the sodomy law, the government refers to people of India as not ready for change, but in my view these are old prejudices. I recorded testimonials from 350 allies coming out in support of LGBT people. In this way, we can let the government of India know that many people are accepting. It is important to provide an Indian voice to support our case.

Transgender woman from Viet Nam: I came out when I was 19 years old. My parents were shocked to see my women's clothes. My father beat me a lot, my mother cried. My father asked a shaman to treat me with charms. My mother took me to hospital, and doctors gave me medicines to 'cure' me. I was isolated, and my family controlled me closely. I had to leave home to not embarrass my family. I dropped out of school. I was looking for work but I failed because of being transgender. Feeling useless, I attempted suicide. I recovered and learned skills in make-up. I saved money for surgery. After many painful surgeries, I am able to be myself, and my family has accepted me. I still have some difficulties. I have not been allowed to change my civil status [gender identification], but otherwise for me everything is better. As a member of the LGBT community, I advocate for equality and hope that Viet Nam will be more welcoming for transgender people.

Lesbian from Nepal: When my parents found out about my sexuality, they beat me. They wanted me to marry a man and gave me no opportunity to go to college. My partner and I took poison to commit suicide. We were hospitalized for five days and survived. We left my home because my parents and community did not accept me. I moved to Kathmandu. I joined the Blue Diamond Society, learned about rights and advocacy and met many other LGBTI people.

Gay man from Singapore: Youth have a role in educating their parents when coming out. There are many educational resources available to show parents and family members. Rather than just demanding they accept us, we can find resources for parents and help to effect change.

Transgender woman from Mongolia: In Mongolian society, most people are conservative and my parents have no information or background about transgender people. I was not accepted initially but I was determined to be recognized by my family. I tried to improve my situation through work to help me to be acknowledged by my family. I participated in a beauty contest to raise awareness about transgender people. It was a success and I became quite famous in Mongolia for this work. My family started to accept me. The main tool to get acceptance from family and society was my occupation as a beautician, as a partner in a makeup studio. I spoke about my story to my clients. My story spread and I attracted more clients. I achieved respect. My immediate family now accepts me, but still not my extended family. I could not influence all of them directly so I decided to change social attitudes, which will help my family to accept me. Previous generations of transgender people usually left Mongolia to seek asylum in Europe or elsewhere. My generation is determined to stay to fight for acceptance.

Transgender woman from the Philippines: As a boy I did not aspire to be a fisherman or farmer. I was more ambitious and wanted to study in the city. I did well in my high school but in second year, I was raped. I thought that being raped was a natural part of growing up. I could not tell my story to my family because I was afraid I would have to go back to my island. Since leaving school, I have become successful.

If you want to be loved, you should start loving yourself first. Three years ago, I became a member of the council of the national Anti-Poverty Commission for the youth and student sector and I use this to gain more support for my LGBT peers. I tried to run for a government seat as well. I now work as a community organizer and mobilizer for the local community, including fishermen and farmers.

Transgender woman from Nepal: I am married with a son. I was married against my will because of pressure from society and family. My father said if I did not marry, he would poison himself. Living with my wife, I feel like I am dying every day. I feel that I am not giving what my wife expects, so I feel sorry for her as well. I made a deal with my wife not to interfere with her personal life if she does the same for me. Even though I receive support from my wife, my family discriminates against me. My father says that he does not care if I die. Sometimes I feel like committing suicide. My son knows that I am transgender and he wants me to send a photo of myself as a woman. I worry about what society will say when my son grows up.

Transgender woman from Tonga: I was the eldest child in a family of eight. The first-born child must provide leadership to her siblings, to be a princess of the family. I ran away from home for a month. I tried many ways to convince parents to accept me as transgender, as a gift from God. One day, we celebrated with my whole extended family. The connection of my parents to my aunty and uncle and grandparents is very strong, so they were included. On this occasion, they accepted me for who I am.

Young gay man from Indonesia: Most people want to have family. We want to expand the concept of the family beyond traditional husband and wife. In 2012, youth activists involved in LGBT rights and sexual and reproductive rights met to discuss the meaning of family. The meeting made the recommendation that the government must adopt laws and policies that recognize a broad concept of families as continuously evolving. The form of the family includes same-sex couples, cohabiting partners, divorced and separated people, foster children, grandparents raising children, couples without children and LGBTI people. Comprehensive sexuality education should include SOGI and human rights education, informal and formal education in school and out of school. Governments should adopt UNESCO's International Technical Guidance on Sexuality Education.

Participant from China: We have been working on a new national law on family violence. We are advocating for this law to be LGBTI inclusive. It is important that this law protects LGBTI children from violence from their families. Ten years ago, only one parent came out publicly to support a gay son. Now there are several hundred parents willing to come out publicly to support their gay and lesbian children. In 2014, one hundred parents signed a petition to the National People's Congress of China calling for same-sex marriage.



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Annexes

Annexes

Agenda

PREPARATORY DAY, Wednesday, 25 February 2015

TIME	TOPIC
8:00 – 9:00am	Registration
9:00am – 4:00pm	Meeting of Civil Society Participants
9:00am – 1:00pm	Meeting of Government Experts

DAY 1 TOWN HALL, Thursday, 26 February 2015

Moderated by Malvika Subba

TIME	TOPIC
7:30 – 8:30am	Registration (con't)
8:30 – 9:00am	OPENING REMARKS <ul style="list-style-type: none"> • Helen Clark, Administrator, UNDP (Video Message) • Luc Stevens, UN Resident Coordinator, Thailand • Honourable Oyungerel Tsedevdamba, Member of Parliament, Mongolia • Honourable Louisa Wall, Member of Parliament, New Zealand • Geena Rocero, trans activist and founder of Gender Proud, Philippines • Sophon Shimjinda, LGBT Thai activist and TV host, Thailand
9:00 – 9:30am	OVERVIEW OF THE REGIONAL DIALOGUE
	OVERVIEW OF LGBTI AND RIGHTS IN ASIA AND THE PACIFIC <ul style="list-style-type: none"> • Prof. Douglas Sanders, Human Rights Law Professor, Mahidol University, Thailand
9:30 – 10:00am	COFFEE BREAK
10:00am – 12:25pm	SESSION 1: THE ROLE OF ADVOCACY IN ADVANCING RIGHTS AND INCLUSION <p>This session will provoke discussion on how law, practices and social attitudes can support the well-being (including human rights to life, non-discrimination, freedom from fear and violence, and living conditions) of LGBTI individuals and communities and multiple streams of advocacy that can be employed to advance human rights and address rights violations.</p>

TIME	TOPIC
10:05 – 10:45am	PANEL DISCUSSION
Moderator:	Clifton Cortez , HIV Manager, HIV, Health and Development Group, UNDP, New York
Panelists:	<ul style="list-style-type: none"> • The role of parliaments in promoting and protecting LGBTI rights Honourable Tarana Halim, Member of Parliament, Bangladesh • LGBTI persons’ rights and the role of National Human Rights Institutions Chris Sidoti, Expert Advisor to APF, former Australian Human Rights Commissioner, Coordinator of Yogyakarta Principles process • Inclusive engagement of LGBTI people: Progress from Fiji Ashwin Raj, Media Industry Development Authority • Lessons from Latin America on LGBTI persons’ rights Fanny Gomez, Rapporteurship for the Rights of Lesbian, Gay, Bisexual, Trans, and Intersex Persons, Inter-American Commission on Human Rights, Organization of American States • Opportunities for advancing rights through international human rights mechanisms Christian Curtis, Human Rights Officer, OHCHR Regional Office for South East Asia
10:45am – 12:25pm	DIALOGUE
12:25 – 1:45pm	GROUP PHOTO AND LUNCH
1:45 – 3:45pm	<p>SESSION 2: LGBTI MARGINALISATION: ADDRESSING HEALTH NEEDS AND REDUCING HIV VULNERABILITIES</p> <p>This session will examine strategies to ensure that the mental and physical health concerns of LGBTI individuals are effectively addressed, including by recognizing the negative consequences of the criminalization and marginalization of LGBTI behaviours, identities and conditions, gender-based violence, inadequate/ insensitive healthcare systems and violations of bodily integrity.</p>
1:50 – 2:30pm	PANEL DISCUSSION
Moderator:	Steve Kraus , Director, UNAIDS Regional Support Team for Asia and the Pacific
Panelists:	<ul style="list-style-type: none"> • Government role in promoting access to stigma-free health services for LGBTI persons Lv Fan, China Center for Disease Control and Prevention, Division of Policy Research and Information • Why the criminalization of behaviours and identities is not good for health The Hon. Michael Kirby, Former Justice of the High Court of Australia

TIME	TOPIC
	<ul style="list-style-type: none"> • The looming crisis for LGBT youth: Young MSM, transgender people and HIV vulnerabilities Prof. Frits van Griensven, Senior Advisor for Prevention, HIV Netherlands Australia Thailand Research Collaboration, Thai Red Cross AIDS Research Center • Mental health issues related to gender-based violence Ging Cristobal, Project Coordinator, International Gay & Lesbian Human Rights Commission • Ignored communities: Intersex health and rights priorities Hiker Chiu, Organization Intersex International – Oii Chinese
2.30 – 3:45pm	DIALOGUE
3:45 – 4:15pm	COFFEE BREAK
4:15 – 6:10pm	<p>SESSION 3: LGBTI INCLUSION, ECONOMIC IMPLICATIONS AND THE PRIVATE SECTOR</p> <p>This session will examine how inclusive approaches to LGBTI individuals and communities can have economic benefits for society at large, and how their marginalization can have deleterious economic effects. It will reflect on steps taken by the private sector to include LGBTI individuals in the workplace as well as to develop LGBTI-friendly policies.</p>
4:20pm – 5:00pm	PANEL DISCUSSION
Moderator:	James Chau , China Central Television News Anchor and UNAIDS Goodwill Ambassador
Panelists:	<ul style="list-style-type: none"> • The economic impact of homophobia in emerging countries Andrew Park, International Programme Director, The Williams Institute, University of California • The economic cost of LGBT exclusion and homophobia in India – what does this analysis tell us? Phil Crehan, Nordic Trust Fund Coordinator, The World Bank • The role of banks in providing LGBTI-friendly services Saksit Pitipongsoonthorn, Senior Vice President and Head of Brand & Marketing, Standard Chartered Bank (Thailand) • How can law practices support the rights of LGBTI organizations and people Tze-wei Ng, Hong Kong Director, PILnet • Employment needs of LGBTI people Emma Hoo, Former Head of Human Resources for EMI Asia
17:00 – 17:50pm	DIALOGUE
17:50 – 6:00pm	<p>Day 1 Wrap-Up</p> <p>John Godwin</p>

DAY 2 TOWN HALL, Friday, 27 February 2015

Moderated by Malvika Subba

TIME	TOPIC
9:00 – 9:10am	WELCOME BACK
9:10 – 11:50am	SESSION 4: PERSONHOOD & LEGAL GENDER RECOGNITION This session will discuss how the law could be a positive tool for change and advance transgender persons' rights, particularly in relation to the very basic right of recognizing their personhood.
9:15 – 10:00am	PANEL DISCUSSION
Moderator:	Geena Rocero , trans activist and founder of Gender Proud, Philippines
Panelists:	<ul style="list-style-type: none"> • Legal gender recognition: Why does it matter? Jack Byrne, Former Senior Human Rights Specialist at the New Zealand Human Rights Commission • The recognition of transgender, <i>hijra</i> and third gender in South Asia Amritananda Chakravorty, Senior Legal Officer, Lawyers Collective (India) • Gender recognition and its progress in Hong Kong Sam Winter, Board of Directors – WPATH; Associate Professor, Curtin University • The need for social protection to improve our lives Laxmi Narayan Tripathi, trans rights activist and founding member of the Asia Pacific Transgender Network
11:50am – 1:00pm	LUNCH
1:00 – 3:20pm	SESSION 5: TACKLING LGBTI EXCLUSION IN EDUCATION This session will consider the various manifestations of phobia, discrimination and violence experienced by LGBTI youth in educational settings, and policy and programmatic responses that can ensure safe spaces for all learners. It will reflect on steps taken to collect data on the issue, to integrate sexual orientation and gender identity/expression into school curriculum, and to engage LGBTI youth and their allies to stand up and speak out against SOGI-based bullying and harassment.
1:05 – 1:45pm	PANEL DISCUSSION
Moderator:	Justine Sass , Regional HIV and AIDS Adviser for Asia and the Pacific, UNESCO Asia-Pacific Regional Bureau for Education

Panelists:	<ul style="list-style-type: none"> • SOGI-based bullying and exclusion in schools: What do we know? Thomas E. Guadamuz, Assistant Professor of Medical and Health Social Sciences and Deputy Head, Center for Health Policy Studies, Mahidol University • Changing school climate and culture: GLSEN’s experience creating LGBTI-friendly schools Dr. Joe Kosciw, Chief Research and Strategy Officer, Gay, Lesbian & Straight Education Network • Developing SOGI-inclusive school curriculum Nanda Lal Poudel, Under Secretary, Ministry of Education of Nepal • Student engagement in making education safer for all Xu Bin, Director/Founder, Common Language, Board Member of Beijing LGBT Center and Advisory Board Member of the Chinese Lala Alliance
1:45 – 3:05pm	DIALOGUE
3:05 – 3:35pm	COFFEE BREAK
3:35 – 5:45pm	<p>SESSION 6: NAVIGATING FAMILIAL TERRITORY</p> <p>This session will identify opportunities to identify and discuss strategies to deal with hostile and challenging familial circumstances that LGBTI people often find themselves in (including phobia, violence and discrimination). Discussion on supportive family interventions that allow LGBTI individuals to live a satisfying life, without fear of being who they are (e.g. PFLAG) will also take place.</p>
3:40 – 4:20pm	PANEL DISCUSSION
Moderator:	Jeffrey O’Malley , Global Director of Policy and Strategy, UNICEF
Panelists:	<ul style="list-style-type: none"> • How parents, families and friends can support LGBTI persons Lily Dinh and Teddy Nguyen, PFLAG Association, Vietnam • Lesbian, bisexual and transgender case documentation as an effort to strengthening women’s position in the Constitution of Indonesia Budi Wahyuni, Interim Chairperson of the National Commission on Violence Against Women (Komnas Perempuan) • Reaching out to young LGBT people and addressing self-stigma Ben Xue, Pink Dot Singapore, and co-founder of Young OUT Here • Social media – safe spaces for LGBT youth and resources for families Laurindo Garcia, Executive Director and founder of B-Change Foundation
4:20 – 5:35pm	DIALOGUE
5:35 – 5:55pm	WHAT’S NEXT FOR LGBTI RIGHTS?

	<ul style="list-style-type: none">• Next Steps: Supporting LGBTI Inclusive Development in Asia Pacific Nadia Rasheed, Team Leader, HIV, Health and Development, UNDP BRH Edmund Settle, Policy Advisor, HIV, Human Rights and Sexual Diversities, UNDP BRH
5:55 – 6:00pm	CLOSING REMARKS

Press release

Asia and Pacific LGBTI advocates call for human rights for all

27 Feb 2015



Participants pose for a group photo at the Regional Dialogue on LGBTI Human Rights and Health in Asia-Pacific. Photo: UNDP/Warren Field.

Bangkok – A landmark regional dialogue convened by the United Nations Development Programme (UNDP) this week in Bangkok provided a unique platform for advancing rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people. The dialogue was supported by the Embassy of Sweden in Bangkok, the United States Agency for International Development (USAID) and other partners.

“Equal rights are not special rights. The UN Universal Declaration of Human Rights promised a world that is just and inclusive of all, including LGBTI people,” said Helen Clark, UNDP Administrator, in opening remarks via video from UN Headquarters in New York. “At UNDP we are committed to reducing inequality and ending exclusion.”

Some 200 participants from over 30 countries gathered for the three-day Regional Dialogue on LGBTI Human Rights and Health in Asia-Pacific at the United Nations Conference Centre, including civil society, people living with disabilities, government and human rights experts, the private sector, and development partners.

Participants reflected on advances achieved in recent years and persistent challenges in regards to LGBTI rights and access to health, education, employment and social protection.

“An active civil society is likely to further the progressive social and legal change that is needed to advance LGBTI peoples’ rights, health and well-being,” said Klas Molin, Swedish Ambassador to Thailand. “All citizens have a right to be treated equally in society, irrespective of their sexual orientation or gender identity.”

“This dialogue presents a great opportunity not only for open discussion but for a country like Bhutan, it is ground breaking. Asian culture and society in general have a very traditional take on issues like this and the discussions we’ve had are exactly what we need,” noted Karma, a community participant from the Kingdom of Bhutan.

LGBTI people suffer from social stigma and marginalization that is often reinforced through repressive legal and policy frameworks in many countries. These frameworks can cast them as criminals or deviants. The dialogue identified an urgent need to tackle discrimination and remove punitive laws to enable access to health and social services. The rapid and devastating spread of HIV among men who have sex

with men and transgender women, particularly in urban areas of Asia and the Pacific, is a stark reminder of the urgency of the situation.

“Far too often, LGBTI people are stigmatized by society and excluded from development opportunities,” said Luc Stevens, UN Resident Coordinator for Thailand. He added, “However, there are positive changes underway in many countries, cities and communities that are enabling people – and increasingly young people – to claim their rights and realize their goals and aspirations.”

The dialogue featured a session on legal gender recognition, which noted progressive advances in India where the courts have clearly articulated the human rights of transgender people as a result of the efforts of communities and allies. In Bangladesh, transgender and *hijra* communities held their first pride event in November 2014 to mark one year since the legal recognition of *hijras* as third gender.

“I believe that among our LGBTI family, some of you are ‘intersex’ like me. After living as a transwoman since I was 3 years old, it’s time to declare to the world that ‘I’m intersex to transwoman’. The power of self-identification belongs to us and shall not be taken away by the state,” said Nada Chaiyakit from Thailand.

The substantial contingent of civil society participants attending the dialogue were chosen through a voluntary submission and review process to ensure a balanced representation of lived experiences from the diverse sexual orientations and gender identities.

Government experts, academia and the private sector provided informed inputs to compliment the community perspectives. Honourable Oyungerel Tseveddamba, a Member of Parliament from Mongolia stated “the experiences of stigma and discrimination shared by LGBTI participants have inspired me to call for the introduction of a protective anti-discrimination bill in the Mongolian parliament.”

“We have a right to exist, we are equal human beings and equal citizens,” said the Honourable Louise Wall, Member of Parliament, New Zealand. “Parliaments, political parties and politicians have a significant role in protecting the rights and inclusion of LGBTI people, and to ensure all aspects of those rights are protected in the provision of all goods and services not only by the state but by society as a whole.”

“We must continue to bring LGBTI issues to the fore of global development—not only to help change attitudes and introduce LGBTI-affirming policies, laws, and programmes, but also to lift LGBTI persons out of extreme poverty, and give them access to democratic processes and social services that are enjoyed by their fellow citizens and are essential for personal well-being and growth,” said Todd Larson, Senior LGBT Coordinator for USAID.

Other issues discussed during the dialogue included the role of advocacy in advancing LGBTI rights and inclusion, addressing the health and employment needs of the LGBTI community, tackling exclusion in education settings and how to create supportive family environments and safe spaces for LGBTI youth. These sessions were also jointly organized with UNESCO, UNICEF, UNAIDS and Out Leadership.

“In China up to 50 percent of lesbian and bisexual women have experienced violence in the family,” said Xu Bin from Common Language, a civil society representative from China. “The family should be a place of love and acceptance. Over the past two days, we have shared the importance of engaging with families and support groups such as PFLAG to protect the rights of LGBTI people and families.”

The Dialogue was supported by the Multi-Country South Asia Global Fund HIV programme and the Being LGBT in Asia initiative—the first regional UN initiative working directly on LGBTI rights and inclusion. Discussions at the dialogue will help to shape priorities for the initiative, which was launched earlier this week in Bangkok.

Contact Information

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Participants

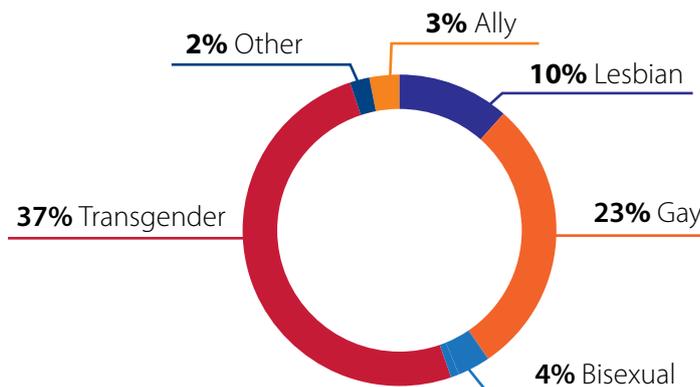
The following data provide a breakdown of the participants who attended the Regional Dialogue on LGBTI Human Rights and Health in Asia-Pacific.

A total of 225 participants attended from 33 countries and territories in Asia and the Pacific and beyond.

Afghanistan	4	Nepal	13
Australia	8	New Zealand	3
Bangladesh	3	Pakistan	3
Bhutan	2	Papua New Guinea	3
Brunei	2	Philippines	18
Cambodia	1	Samoa	1
China	13	Singapore	1
Fiji	5	Sri Lanka	5
Hong Kong Special Administration Region of China	8	Switzerland	2
India	13	Taiwan Province of China	1
Indonesia	21	Thailand	59
Kazakstan	1	Timor-Leste	1
Korea	1	Tonga	2
Lao People's Democratic Republic	1	United States	9
Malaysia	3	Vanuatu	1
Mongolia	8	Viet Nam	8
Myanmar	1		

- 83 LGBTI people were invited through an open submission process
- Representatives of 78 community organizations from 23 countries
- Government and human rights experts from 17 countries
- 15 National Human Rights Institutions and 3 Regional Human Rights Institutions
- 11 regional organizations and 8 global organizations
- 4 UN agencies
- 2 bilateral missions

Identities of the LGBTI people invited to the Regional Dialogue



Social media and communications campaign

A comprehensive communications and social media campaign was organized for the dialogue, consisting of the following components:

- Reaching out to key partners to amplify our campaign through their networks and communications channels. Responsive partners included UNDP Bangkok Regional Hub, UNESCO Asia-Pacific, APCOM, Youth Voices Count and Out Leadership.
- Leveraging participant submission materials to develop a set of 36 'Stories of Being LGBTI' in graphic form (see below). The short stories were aimed to inspire, surprise and even shock readers into advocating for LGBTI rights, and were published on social media in the week leading up to and throughout the dialogue.



- Providing photo friendly props for participants at the dialogue to pose with in photographs, which would be easily shared on social media. Speech bubbles featuring messages participants could relate to and express themselves with, as well as blank ones for people to create their own message, were printed and made available.



- A unique hashtag, #BeingLGBTI, was created and heavily promoted with all communications channels, including social media, 'Stories of Being LGBTI' graphics, speech bubbles, printed displays and videos. See <https://tagboard.com/BeingLGBTI/> to view all instances of the hashtag across Twitter, Facebook and Instagram.



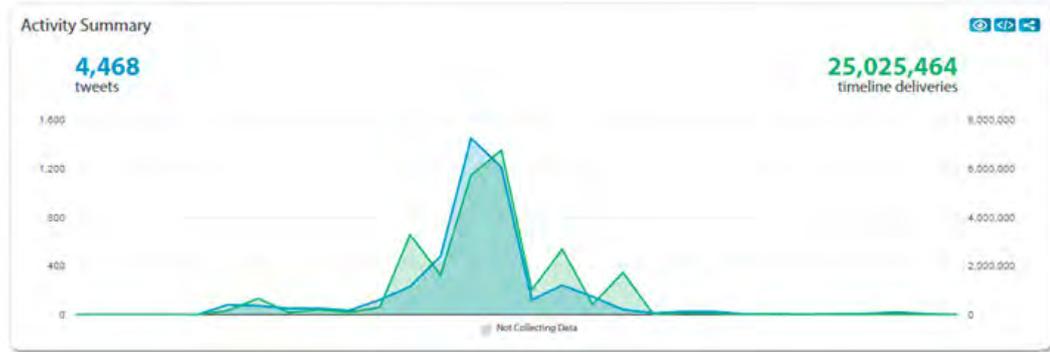
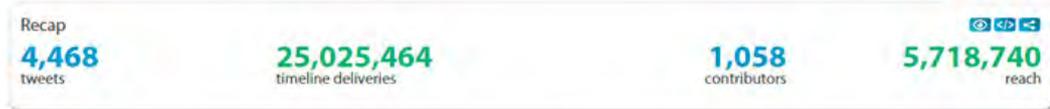
- With the help of Out Leadership and Pink Dot, live tweeting was conducted throughout the three-day event using the hashtag. Tweeting was done from both the @beinglgbti and @OutLeadership accounts. Global LGBTI partners, influencers, organizations and individuals were tagged and mentioned for potential retweets.
- Videos capturing the highlights of the dialogue and opening remarks were produced and widely shared.



- Photographs for the dialogue were published in an album on the Being LGBT in Asia Flickr account.

Social media results

- Posts from the Being LGBT in Asia Facebook page appeared over 70,000 times on Facebook newsfeeds.
- Through our Being LGBT in Asia Twitter following of about 3,000, our tweets reached 300,000 accounts in our Twitter network.
- Most impressively, our hashtag #BeingLGBTI reached almost 6 million unique people on Twitter.





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