

# **VIOLENCE**

Through the Lens of Lesbians, Bisexual  
Women and Trans People in Asia

NEW YORK 2014

## **THE INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION**

The International Gay and Lesbian Human Rights Commission (IGLHRC), founded in 1990, is a leading international human rights organization dedicated to improving the lives of people who experience discrimination or abuse on the basis of their sexual orientation, gender identity or gender expression. It is dedicated to strengthening the capacity of LGBT human rights movements worldwide to effectively conduct documentation of LGBT human rights violations and engage in human rights advocacy with partners around the globe.



80, Maiden Lane, Suite 1505 • New York, NY 10038 USA

T: +1-212- 430-6054 • E: [iglhrc@iglhrc.org](mailto:iglhrc@iglhrc.org)

[www.iglhrc.org](http://www.iglhrc.org) • [facebook.com/IGLHRC](https://facebook.com/IGLHRC) • [@iglhrc](https://twitter.com/iglhrc)

*IGLHRC permits free reproduction of this publication, provided that due acknowledgment is given.*

## **CONTENTS**

---

ACKNOWLEDGEMENTS. . . . .	I
RESEARCH PARTNER ORGANIZATIONS . . . . .	III
GLIMPSES OF LBT RESILIENCE . . . . .	V
EXECUTIVE SUMMARY . . . . .	1
UNITED NATIONS ON LGBT RIGHTS. . . . .	4
CROSS COUNTRY ANALYSIS. . . . .	5
RECOMMENDATIONS. . . . .	45
APPENDIX A: RESEARCH METHODOLOGY. . . . .	51
APPENDIX B: COUNTRY CONTEXTS . . . . .	54
APPENDIX C: CURRENT LAWS AFFECTING LBT PEOPLE . . . . .	58
JAPAN: “STRIVING FOR DIGNITY AND RESPECT”. . . . .	67
MALAYSIA: “ON THE RECORD” . . . . .	99
PAKISTAN: “WHERE I CAN BE ME”. . . . .	141
PHILIPPINES: “KWENTONG BEBOT”. . . . .	161
SRI LANKA: “NOT GONNA TAKE IT LYING DOWN”. . . . .	195
PHOTO AND ARTWORK CREDITS . . . . .	236

# ACKNOWLEDGEMENTS

The research, writing, editing, and publication of this report were very much the result of a team effort.

Overarching coordination of the project was provided by Grace Poore, IGLHRC Regional Program Coordinator for Asia and Pacific Islands, while Ging Cristobal, IGLHRC Project Coordinator for Asia and Pacific Islands, provided additional research coordination support.

Each country chapter was researched and written by IGLHRC's research partners:

In Japan, the research was coordinated by Azusa Yamashita, under the auspices of Gay Japan News. The Japan chapter was authored by Azusa Yamashita, Monique Hanako Rose, Tomoko Ohtsuki, and Yukiko Hosomi.

The Malaysia research was coordinated through Knowledge and Rights with Young People Through Safer Spaces (KRYSS).

In Pakistan, the project was coordinated through O. In both Malaysia and Pakistan, the research coordinators and authors asked to remain anonymous for fear of reprisals.

The Philippines research was coordinated by Angie Umbac, under the auspices of the Rainbow Rights Project. The Philippines country chapter was authored by Oscar Atadero, Angie Umbac, and Joy Cruz. Joy Cruz works with the Society of Transsexual Women of the Philippines.

In Sri Lanka, the research was coordinated by Jayanthi Kuru Utumpala, under the auspices of the Women's Support Group. The Sri Lanka chapter was authored by Jayanthi Kuru Utumpala, Marini Fernando, and Shermal Wijewardene.

The regional overview was written by Grace Poore, and edited by Marianne Møllmann, IGLHRC Director of Programs, Roberta Sklar, IGLHRC Director of Communications, and Jessica Stern, IGLHRC Executive Director. We thank Susana Fried, HIV and Health Adviser at the United Nations Development Fund, and Svati P. Shah, Assistant Professor, Department of Social and Cultural Analysis, New York University, for their invaluable comments on the draft. Kristen Thompson proofread final chapters.

An initial research framework and methodology were developed by Bina Fernandez, while Strength in Numbers helped with data analysis tools. The final research process was designed by Grace Poore and Ging Cristobal.

Kathy Mills visually conceptualized, designed and laid out the report.

We are grateful for the generous support from the Arcus Foundation and the Global Fund for Women.

We are deeply indebted to our partners and to the many courageous women and trans persons who shared their testimonies and recommendations with us, and without whom this project could never have moved forward.

# RESEARCH PARTNER ORGANIZATIONS



**The International Gay and Lesbian Human Rights Commission (IGLHRC)**, founded in 1990, is a leading international human rights organization dedicated to improving the lives of people who experience discrimination or abuse on the basis of their sexual orientation, gender identity or gender expression. It is dedicated to strengthening the capacity of the LGBT human rights movements worldwide to effectively conduct documentation of LGBT human rights violations, train activists to carry out evidence-based advocacy, and engage in human rights advocacy with partners around the globe.



**Gay Japan News** was established in 2005. It advocates for LGBT rights, translates LGBT-related news reports from around the world for Japanese LGBTI people and allies, and submits shadow reports on LGBT human rights concerns in Japan to United Nations treaty bodies. Current directors are Hiroshi Mochizuki and Azusa Yamashita.



**KRYSS** is committed to ending discrimination and violence based on sexual orientation and gender identity in Malaysia. It works primarily with young people and those who are non-heteronormative. KRYSS carries out research, training, documentation, litigation advocacy, and uses creative platforms to advocate for non-discrimination and non-violence.



**O** was founded in Lahore, Pakistan in March 2009. It is dedicated to the empowerment of sexual minorities, specifically LGBTQ people. O is committed to resilience, knowledge-making and flourishing of queer communities, sexual minorities and their families and friends, and dedicated to “work by our community for our community.”



**The Rainbow Rights Project (R-Rights) of the Philippines** was established in 2005. It is an LGBT legal advocacy organization, comprised of gay and lesbian lawyers and gender activists. It uses policy research and analysis to advocate for legislative and legal reform, and educates the LGBT community and state institutions about LGBT rights under state law.



**Women's Support Group (WSG)** was established in 1999, and was the first women's organization that worked to protect and promote the rights of lesbians, bisexual women and transgendered (LBT) persons in Sri Lanka. For 15 years, WSG operated a drop-in centre and resource /research center for LBT people. Through women's rights and human rights organizations, WSG advocated for LBT rights inclusion in the national human rights agenda.

# GLIMPSES OF LBT RESILIENCE

## JAPAN

An earthquake and tsunami devastated the island of Hokkaido in Northeast Japan. Azusa Yamashita, the Japan research coordinator's home is in Iwate Province near the epicenter of the earthquake. Although Azusa, her team and their families were not physically injured or made homeless by the disasters, they had to turn their attention to emergency relief efforts.

Azusa shared: "I had to evacuate. My flash drive was in my backpack in my office. [Given how much focus we placed on data security and how difficult it would be to replace lost or damaged interviews it was a big worry that] I had to leave it there for one hour before I was able to retrieve it. Since March 11, there has been limited transportation, especially the bullet train. All documentation has stopped. Things are not back to normal. We have aftershocks daily. More earthquakes are expected. And the nuclear radiation... So people are not comfortable traveling to [other] places right now.

Bringing people to Tokyo for a training, it's unsafe... LBT people face more difficulties in their daily lives after the disasters, even more than before... I live in Iwate province. Ninety-five percent of LBT are not out here because of fear of discrimination and isolation from the local community. So they hide their identities in their daily lives.

When this disaster happened, people had to go live in shelters with strangers and experienced discrimination. Living a double life in such a situation made it even more difficult... LBT people are mostly invisible in Japan – in the workplace, in the family, in friendship circles. Society doesn't even believe LBT people exist ... Five percent of the 150 women tsunami survivors said they are lesbian. So they exist."

*(May 10 2011, November 28, 2012. IGLHRC notes from Skype meeting with research coordinators.)*

## MALAYSIA

An anti-queer protest was held in Kuala Lumpur by a network of thirty or so Malay groups – the first such protest in Malaysia. The Malaysia research coordinator shared, “Religious people were unhappy that SOGI [sexual orientation and gender identity] was included in the report of Suhakam (National Human Rights Commission), which overshadowed the launch. They challenged the Commissioners and accused Suhakam of promoting homosexuality. The Commission said, ‘Discrimination is discrimination and human rights is for everyone’ but later Suhakam went back on this statement it made in public and made a disclaimer... The Ministry

of Education is disseminating guidelines on gender confusion, guidelines to spot symptoms of gays and lesbians... The Ministry of Information and Technology sponsored an anti-LGBT musical called Asmara Songsang (Deviant Love)... The Minister of Education made a statement and gave out leaflets that homosexuality should be eradicated in Malaysia.

*(April 19, 2011, September 18, 2012, July 19, 2011, July 9, 2013. IGLHRC notes from Skype meetings with research coordinators.)*

## PAKISTAN

The governor of Punjab, Salman Taseer, was shot twenty-six times by his personal bodyguard for criticizing the Blasphemy Law in Pakistan. [Section 295 of the Penal Code severely penalizes words, images and actions that are considered by state and religious authorities to be insulting to Islam, Muslim beliefs, the Quran or prophet Muhammad.]

The killer claimed he acted in defense of Islam – earning the support of thousands of supporters. [Six months later] in June 2011, public outrage erupted when the US embassy in Islamabad publicized an LGBT Pride event, upsetting the researchers since it made them feel even more exposed and vulnerable.

Military drone strikes by the US and anti-American protests added to feelings of hyper-vigilance. As the Pakistan team’s coordinators reported, “The political situation is so overt that people feel threatened. There are demonstrations on the streets every day. There’s an air of insecurity so this is on everyone’s minds... people are feeling the emotional impact of interviewing.

They feel numb and emotional.

They did not realize how difficult it would be, especially listening to people’s pain on a regular basis. The issue is, there is no trustworthy and affordable third party psychiatrist ... The US embassy held its Pride in June [2011] and announced it on its website. Jamaat-e-Islami, a right wing Islamist Party, said, ‘We will not tolerate US harboring gays.’ There’s a red zone [at the embassy] which they [anti-American protesters, including Islamists] tried to violate and police beat them up. One week after Pride, the media picked it up [the story that the embassy had organized a gay pride event in Pakistan]. Till now, one and half weeks later, people are still talking about homosexuals. Our group will not speak out publicly because of fears and security concerns. The team is scared [but] also thoughtful.”

*(January 11, 2011, February 1, 2011, July 19, 2011. IGLHRC notes from Skype meetings with research coordinators.)*





## EXECUTIVE SUMMARY

Lesbians, bisexual women and transgender (LBT) individuals in Japan, Malaysia, Pakistan, the Philippines and Sri Lanka face violence and exclusion in every sphere of their lives. This violence is fueled by laws that criminalize same-sex relations and gender non-conformity and encouraged by governments who tolerate, endorse, or directly sponsor the violent clamp-down on those who do not follow prevailing norms on sexual orientation, gender identity and gender expression.

This is the main finding from research coordinated by the International Gay and Lesbian Human Rights Commission (IGLHRC) and conducted over a two-year period by women's rights, sexuality rights and gender rights activists based in Japan, Malaysia, Pakistan, Philippines and Sri Lanka. Interviews were conducted in Japanese, English, Malay, Tamil, Urdu, Tagalog, Cebuano, Ilocano and Sinhala. The researchers uncovered high levels of family violence perpetrated against LBT individuals as well as widespread discrimination in education, health and work sectors.

LBT people faced this frequent violence and daily discrimination without any protection from the state. While many found strength in knowing that they had survived the violence they were subjected to, the quality of survival was affected – even compromised – by the ubiquity of discourses in the public sphere justifying abuse against lesbian and bisexual women. In particular, public discourse sanctioned abuse against gender non-conforming women and men.

While country contexts differed on the basis of culture, religion, legal systems and inherited colonial legacies, there were undergirding realities that LBT people faced in the five Asian countries in some or all of the following ways:

- Homosexuality and gender non-conformity were criminalized directly or indirectly through penal code provisions that specifically targeted lesbian, gay, bisexual and transgender (LGBT) people or through laws concerning public order, vagrancy or impersonation that were implemented disproportionately to punish LGBT people.
- Homosexuality (same-sex relations between women) and gender non-conformity were penalized and condemned under religious laws.
- High-level government officials endorsed intolerance and even actively participated in promoting harmful messages that encouraged abuse or discrimination against LBT individuals. Government-controlled media and state-supported religious leaders perpetuated cultural messaging that preached intolerance against individuals with non-conforming sexual orientation, gender identity and gender expression.
- LBT victims of violence were disadvantaged even before they could seek redress for violence – due to the risk of being criminalized<sup>1</sup> by the state, stigmatized by society, vilified by religious groups, and rejected by family when their identities or explanations of the violence were revealed.
- There was a close correlation between

general gender inequality and the additional oppression of LBT individuals. Where women in general are expected to conform to stringent norms on sexuality, non-conforming LBT people are violently punished.

---

LBT individuals were punished by their families and communities for “betraying” their heritage, religion and culture.

---

The five-country study confirmed the existence of complex layers of intersecting discrimination where violence against LBT individuals was not only motivated by rejection of sexual orientation, gender identity and gender expression but, in many instances, also other identity markers (e.g., race, ethnicity, class, economic status, religion). In this way, LBT individuals were punished by their families and communities for “betraying” their heritage, religion and culture. Those without financial advantage to “get out of” violent situations or who were targeted for violence because they were poor were even more vulnerable because of increased opportunities for violence.

While findings of the studies may not be representative of the experiences of all LBT people in Sri Lanka, Philippines, Pakistan, Malaysia and Japan, they represent experiences that show patterns of violence that require serious attention and redress. At the same time, the focus of the research itself is important because violence against LBT people is under-reported in many Asian countries. As this research shows, one reason for the under-reporting is precisely the “private nature of the violence.” It occurs in the private sphere (of family, home, intimate relationships) while being encouraged by the stigmatization – and in some instances, demonization – of LBT people in the public sphere (by state institutions, government leaders, media, employers, non-governmental organizations, police and people on the streets).

---

1 Worldwide, male homosexuality is prohibited and punishable under anti-sodomy laws in 76 countries [[http://old.ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2013.pdf](http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2013.pdf)] and lesbianism is illegal in about 30 countries [<http://ilga.org/>]. Non-conforming gender behaviors are criminalized under wide-ranging laws, frequently categorized as public order laws or morality laws (i.e., vagrancy laws, anti-cross dressing laws and impersonation laws). The risk of criminalization under state law is compounded by the risk of being sanctioned under state-endorsed religious law, such as provisions in Sharia or Islamic law, which also carry heavy if not heavier penalties.

IGLHRC and the five groups that undertook the research urge comprehensive recommendations to the executive and legislative branches of government, state institutions and civil society groups. The following is a summary:

- The state must take responsibility for ensuring an environment that is supportive of *all* women's rights, not merely the rights of some women.
- The state must exercise due diligence in preventing violence and promoting the safety and dignity of all marginalized and vulnerable populations. These include ethnic and religious minorities, people with disabilities, indigenous communities, and sexual and non-conforming gender minorities.
- The state must not endorse and, in fact, must denounce the misuse of religious discourse to promote intolerance, stigmatization and violence against LBT people.
- The state must comply with international treaties<sup>2</sup> it ratifies and honor international agreements it makes, such as the Beijing Platform for Action,<sup>3</sup> in order to remove obstacles from both the public and private spheres that prevent all women (female bodied, gender variant, lesbian, bisexual) and female-to-male transgender men from enjoying violence-free lives.

---

2 All five of the research countries have ratified the CEDAW Convention. However, it is only since 2010 that LBT groups and women's groups in Malaysia, Sri Lanka, Japan and the Philippines have used the Convention to advocate protections from violence. The impetus for this is most likely Recommendation 28 on the core obligations of states that includes lesbians as a vulnerable group. The research countries have also ratified the Convention On The Rights Of The Child. In addition, Japan, Philippines and Sri Lanka have signed the International Covenant on Civil and Political Rights. These treaties explicitly name sexual orientation (and in some cases gender identity) as a protected category.

3 "Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women," UN Women website, accessed March 8, 2014, <http://www.un.org/womenwatch/daw/beijing/platform/>.

- The state must recognize that violence and discrimination against LBT youth and adults hinders the achievement of the Millennium Development Goals (MDGs) on poverty eradication, gender equality, universal healthcare and universal primary school education. As such, the state must integrate LBT concerns and needs into the MDGs and legal and policy reforms. This includes extending legal protections against violence and discrimination, decriminalizing adult consensual same-sex relations, decriminalizing gender non-conformity, and penalizing violence against LBT people in the public and private spheres by State and non-State violators.

---

The state must not endorse and, in fact, must denounce the misuse of religious discourse to promote intolerance, stigmatization and violence against LBT people.

---

- State actions must be accompanied by stronger community capacity for sustainable and supportive interventions as part of civil society accountability to disadvantaged communities. It should not be the expectation that individual LBT victims be self-reliant and resilient in order to deal with violence on their own while waiting for State action to reduce violence.



“No personal opinion, no religious belief, no matter how deeply held or widely shared, can ever justify depriving another human being of his or her basic rights. And that is what we are discussing here: depriving certain individuals of their human rights – taking away their right to life and security of person, their rights to privacy, to freedom from arbitrary detention, torture and discrimination, to freedom of expression, association and peaceful assembly ... **we should recognize that underlying all of this violence and discrimination is prejudice. We know from experience that you don’t eliminate prejudice by changing the law alone; you must change people’s hearts and minds as well.”**

*UN High Commissioner for Human Rights, Navi Pillay to the Panel on Ending Violence and Discrimination against Individuals on the Basis of their Sexual Orientation and Gender Identity at the Human Rights Council 19th Session, Geneva, March 7, 2012*



**“In many countries, discrimination towards gay and lesbian people is hardwired into the law. This is the case, for example, in some 76 countries where individuals face criminal sanctions just for loving and engaging in private in consensual sexual relations with another adult of the same sex.**

And even where homosexual conduct is not explicitly criminalized, the law may be applied in a discriminatory manner to persecute and punish people perceived as being gay or lesbian as well as those who dress in a manner that challenges gender stereotypes. We also know from experience that discriminatory laws reinforce and lend legitimacy to discriminatory attitudes at a popular level. If the State treats some people as second class, or second rate, or, worse, criminals, because of their sexual

orientation or gender identity, it invites members of the public to do the same. The result is an alarming and deeply entrenched pattern of violence and discrimination directed at people who are or are perceived to be lesbian, gay, bisexual or transgender.”

*Ivan Šimonović - Assistant Secretary-General For Human Rights to the Panel on Ending Violence and Criminal Sanctions Based on Sexual Orientation and Gender Identity, New York, December 8, 2011*



“Under the broad and ill-defined mantle of “culture” States may fail to recognize the diverse voices within their own communities, or may deliberately choose to suppress them. ... **Because of the stigma attached to issues surrounding sexual orientation and gender identity, violence against LGBT persons is frequently unreported, undocumented and goes ultimately unpunished. Rarely does it provoke public debate and outrage. This shameful silence is the ultimate rejection of the fundamental principle of universality of rights. Impunity for crimes of violence against LGBT persons suggests that, in many societies, they are seen as less deserving of the protection of the law.**

In the final analysis, their lives are seen to be worth less, along with the lives of others whom society unjustly rejects because of their faults or flaws, real or imagined. In the face of that reality, the responsibility of the State to extend effective protection is, if anything, heightened.”

*Louise Arbour (of the Office of the United Nations High Commissioner for Human Rights) Presentation to the International Conference on LGBT Human Rights, Montreal, July 26, 2006*

Photos courtesy of the United Nations.