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Editorial

Narrowing Gaps, Linking Rights

Lesbian, gay, bisexual, transgender, intersex and queer persons suffer discrimination and violence at home, in school, at the workplace and in the community.

For those who also have disabilities, the suffering worsens.

Their call for the recognition and protection of their human rights deserves serious attention and appropriate action.

But proper response at various levels - from family and society to government - on their suffering has been weak, if not lacking.

How can their own relatives, friends and co-workers accept and respect them for what they are? How can the gaps between perception and real situation be clarified or at least narrowed? How can others who do not recognize their sexual orientation and gender identity be able to understand them and ultimately respect their human rights?

The international human rights standards cover "everyone" - regardless of "race, colour, sex, language, religion" and other statuses. But the rights that lesbian, gay, bisexual, transgender, intersex and queer persons (even more for those with disabilities also) should enjoy are not widely recognized.

In the discussions and dialogues on the rights of lesbian, gay, bisexual, transgender, intersex and queer persons appropriate understanding of their varied situations is a significant starting point. From there, proper recognition and protection of their rights should follow.

Addressing the Situation of LGBT Children

ASEAN SOGIE Caucus

Filipino children spoke about their experiences, views and rights as lesbian, gay, bisexual and transgender (LGBT) children in a workshop held in 2016. Their discussions in the workshop reveal significant aspects on the issues facing LGBT children.

Domestic Tension and Silence¹

LGBT children are often forced into stressful situations caused likely by a complicated mix of emotional abuse (such as verbal harassment and neglect) and outright violence (such as battery and sexual assault), often perpetrated by parents, siblings, or other relatives.

The children suffer in silence under these situations. They do not talk about the problems in places they frequently go to (such as school) because LGBT issues are not openly discussed there. They also do not seek help from relevant authorities (such as the local police) because they are not sure whether or not their problems will be taken seriously or can be properly addressed.

Consequently, they also refuse to do anything on the problem. In the view of one child, the situation has always been this way and thus the only thing to do is to persevere until the children are able to live independently. Another child

sees the danger of doing something about the situation as it would expose them to greater harm such as when the erring family member seeks retribution. And still another child finds love for the family as too strong to allow it (family) to be embarrassed or put in harm's way. This view is shared by other children. In all three cases, the children cope through other means because the broader culture of silence makes redress impractical or even impossible. Met with silence from others, they turn silent themselves.

There is also the equally difficult issue of dealing with experiences that do not fall under the typical definition of "abuse." A child whose parents

accuse each another of bad parenting as the reason for her (child) being transgender developed feelings of shame, and blamed her "not being normal" as the cause of her parents' conflict. The lack of outright abuse, although a good thing, makes intervention by outside parties difficult to justify.

Rejection and Its Varieties

The experience of rejection by loved ones among LGBT children is insidious, not only because it is a powerful and disruptive experience that has adverse health impact, but because it happens so often. Those who respond to this situation have to calculate their



action carefully. The most obvious form of rejection is that of family members who literally reject a LGBT child with statements such as “wala akong lesbianang anak” (“I have no lesbian child”), as one of the workshop participants reported. But it can also take subtler forms. One participant was told by her parents that “Wala naman sa lahi natin ang lesbiana” (“Being lesbian isn’t in our genes”), which though not directly addressed to her made her think that she was not a “legitimate” member of the family.

Another participant pointed to a related incident of his brother telling him “walang lugar sa mundo ang mga bakla” (“there is no place in the world for gay people”). Again, the statement was not directly addressed to him but it nonetheless constituted an assault on his sense of place in the world. Another child recounted an experience regarding her grandfather who disapproved of her being a lesbian and uttered his wish before dying: “Sabi ng lolo sana bago siya mamatay, maging maayo sa ako” (“Grandfather said that he hoped that I would fix myself before he died.”). It is easy to imagine how this statement could have deeply distressed a child brought up in a culture where family is held in high regard.

Abuse in the Community

The joint submission of civil society organizations on the situation of lesbian, gay, bisexual, transgender, intersex and queer (LGBTQ) for the third cycle (2017) of Universal

Periodic Review (UPR) of the Philippines explains the discussion of the children in the 2016 workshop regarding the situation at the community level:²

A group of self-identified children aged 13 to 17 years old shared during a consultation workshop various incidents of violence faced at the community level. Many reported instances of verbal abuse where they were told the following slurs: “ipako sa krus” (crucify to death), “salot sa lipunan” (disgrace to society); “wala ang bakla sa bible ... anak kayo ng demonyo” (gay people cannot be found in the bible...you are devil’s children). A child reported an incident of extortion. He narrated, “When I was in Grade 7, I was bullied. I was on my way to home from school and someone put an arm over my shoulder and asked for a peso. It did not end there. The next day, a kid pushed me and asked money from me and I said I didn’t have any money! He threatened me with a sharp object [to force me to] give him money. I was relieved [that] there were a lot of people who saw us and he couldn’t hurt me in front of them. I told my parents about it but I haven’t forgotten about it.”

Community Redress Mechanisms

Based on the experiences of the workshop participants, the response of local government to their situation often compounded rather than alleviated their problems. Even

in Quezon City, the only city so far with anti-discrimination ordinance whose implementing rules and regulations were adopted with civil society involvement, action on LGBT children’s issues has not been straightforward. One child who reported her abusive uncle to *barangay* (community) officials was not taken seriously and was told that she was just exaggerating the situation. And while there are responsive local governments, LGBT children are unable to seek redress from them because they either do not know where to go or traveling to these places – located mostly in Metro Manila – is costly.

Major Issues

The participants in a national consultation held by Civil Society Coalition on the Convention on the Rights of the Child (CSC-CRC) with the education sector, civil society organizations, and children in August 2016 agreed that [Sexual Orientation and Gender Identity and Expression] “SOGIE-based bullying is the mixed result of various factors, which include the absence of open discussion on SOGIE or being LGBT at home and in the school, and lack of or poor support systems from parents, teachers, and friends – all of which have huge impacts on LGBT students.” The consultation also revealed that the child protection policy of the Department of Education comprehensively covered the government policies on bullying, included child protection in the comprehensive monitoring of schools (including gathering of data on bullying), and started finding ways of

including SOGIE in the curriculum and tapping gender and development experts to support initiatives at the regional and division levels of the Department.³

Some Concerns

While the rights of LGBT children are getting more attention, there are issues regarding relations between child rights and LGBT rights. There is a perception that the United Nations Convention on the Rights of the Child is not applicable in advancing the rights of LGBT persons. This view is attributed to the lack of engagement of many child rights organizations in addressing LGBT issues. Some activists view child rights advocacy as based on conservative perspective, thus LGBT issues are deemed sensitive to handle. This conservative perspective has to be clarified considering the General Comments issued by the United Nations Committee on the Rights of the Child (CRC) on the protection of the rights of LGBT and intersex children.

CRC General Comment No. 14, which focuses on the best interest of children, defies the notion of children as a homogenous group. It urges governments to recognize the diversity of children when determining their best interests. It states that the “identity of the child includes characteristics such as sex, sexual orientation, national origin, religion and beliefs, cultural identity, personality.” (Article 55)

Articles 34 of the CRC General Comment No. 20 on the

implementation of the rights of the child during adolescence expressly condemns the imposition of the “so-called ‘treatments’ to try to change sexual orientation and forced surgeries or treatments on intersex adolescents.” It urges States to take measures to eliminate bullying, discrimination and violence against LGBT and intersex adolescents through the repeal of criminal laws, the conduct of public awareness-raising, the passage of laws to prohibit discrimination, and adoption of support measures to ensure the safety and security from harm of the children.

Furthermore, CRC General Comment No. 21 on the rights of children in street situations likewise clarifies that children do not belong to a homogenous grouping; children in street situations have diverse identities and contexts such as ethnicity, disability, sexual orientation and gender identity/expression. (Article 6) It clarifies that due to children’s diverse identities they face multiple and intersecting forms of discrimination. General Comment No. 21 also points out the importance of the state obligation towards non-discrimination: such obligation does not only entail prohibition of all forms of discrimination but also taking proactive measures to achieve substantive equality. (See section on National Strategies of General Comment No. 21)

Recommendations

The joint submission of civil society organizations for the third cycle (2017) of Universal Periodic Review (UPR) of the

Philippines has several recommendations pertinent to LGBT children:

1. Legislate a comprehensive anti-discrimination policy which protects all persons from all forms of discrimination on the basis of SOGIE in all settings;
2. Ensure that community-based redress mechanisms, e.g., the *Barangay* (Community) Justice System and the *Barangay* Council for the Protection of Children, are competent to address cases of human rights violations and abuses against LGBT persons;
3. Intensify public education and awareness on SOGIESC (Sexual Orientation, Gender Identity and Expression, and Sex Characteristics) especially among public servants such as by conducting trainings at least twice a year in each government agency/office; and
4. Ensure that educational policies and school curriculums promote the human rights of LGBT persons such as by removing all SOGIESC-based discriminatory content in textbooks and learning materials, providing SOGIESC-inclusive counselling services for students, and providing access to gender-neutral toilets in all schools and educational facilities.

Further recommendations regarding education consist of the following:

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The Rainbow Recast: Queering Non-profits on the Thai-Myanmar Border

Becky Zelikson

In recent years, grassroots non-profit organizations have been receiving requests from international donors to include LGBT (lesbian, gay, bisexual, and transgender) persons as both staff members and participants in their projects. Karen grassroots non-profit organizations along the Thai-Myanmar border, which document human rights violations within Myanmar, have received such requests. In this context, are the attitudes toward homosexuality and gender non-conformity among Karen¹ non-profit organization staff members appropriate? I assess the relationship of these attitudes to the sense of safety, acceptance, and inclusion

experienced by Karen sexual orientation and gender identity and expression (SOGIE) minorities within these organizations. I also propose ways to improve SOGIE minority inclusion within the non-profit sector on the Thai-Myanmar border and elsewhere.

Fieldwork for this study was done in Mae Sot, Thailand, over eleven months during the 2015-2016 period. During this time, I worked for one of the Karen non-profit organizations there, which advocates on behalf of Karen people in rural Myanmar, and provides them with human rights training. In my time with this organization, I observed the behavior of staff members, especially mentions of each other's gender and/or sexuality. At this organization, I also facilitated a participatory workshop on the topic of gender and sexuality, during which participants wrote down their thoughts. In addition to these observation and workshop notes, I base my findings on nine in-depth interviews with Karen staff members from four different non-profit organizations along the Thai-Myanmar border. Of the nine participants, six were SOGIE majority (heterosexual, gender-conforming), whereas three were SOGIE minorities (LGBT or gender non-conforming). I analyzed these interviews to

compare whether or not SOGIE majority and SOGIE minority participants were on the same page when it came to the current and ideal levels of LGBT inclusion in Karen non-profit organizations.

Willingness to Include LGBT Issues

Interviews and observations of non-profit organization staff members revealed significant factors affecting staff members' attitudes toward LGBT issues.

Most non-profit organization staff members subscribed to the international human rights framework, including LGBT rights. However, they relegated "LGBT issues" to the bottom of their priority list; prioritizing the plethora of other human rights issues in the border regions of Myanmar.

Given their own organizations' commitment to human rights, non-LGBT staff members took workplace inclusivity for granted. Non-LGBT staff members expressed the wish to be inclusive of LGBT but lacked expertise to know what policies would benefit LGBT persons. In the absence of any complaints or suggestions from the LGBT staff members, the other staff members felt there was not much to do. Most staff members assumed that the current anti-



harassment policies were sufficient. The experiences of LGBT staff members and others presumed to be LGBT in these organizations, however, contradicted this assumption.

Embodying Queerness: Three Case Studies

Eh Say is a young man who identifies himself as gay. He had worked in a non-profit organization for a couple of years, where he was highly regarded and was not bullied for his sexuality. However, he overheard SOGIE-related comments that left him feeling indirectly judged, and uneasy about his colleagues' attitudes toward LGBT.² He wanted to challenge the perpetrators but had little success doing so. His status as a new employee discouraged him from speaking out: *"He used that word, Achouk [derogatory term for 'gay']... And that was quite disturbing to me, but I was new... and I didn't want to have any clash [with him], so I didn't say anything."*

Eh Say explains that he was unable to intervene because standing up to colleagues requires a superior position within the organization or else he will be seen as insolent. Because of this hierarchy, Eh Say thinks, *"That is why I have to work really hard to become an ideal person, so that I can gain certain respect, so that I can say, 'this is wrong.'"*

Despite the problematic comments, Eh Say shared his sexual orientation with a few colleagues - mainly women. These women accept him as gay, but some suggest that if he

ever wanted to change, he could pray to rid himself of homosexuality. Eh Say is frustrated by this sentiment, but he knows that these women love him and only say these things due to their Christian views.

Naw Ghay, a woman working for another non-profit organization along the border, says that she is likely bisexual. Naw Ghay has not felt a need to disclose her sexual orientation to colleagues but thinks some suspect her to be so. Despite saying that she never felt uncomfortable at work, she describes being teased by her colleagues, who jokingly asked whether her future partner was going to be a boy or a girl. She finds this insulting and unnecessary; although she thinks that the comments have no malicious intent. *"I know that I have a right to be like this, to be crazy [laughs] or whatever I want to do,"* says Naw Ghay, and emphasizes the need to raise awareness in the Karen community about LGBT rights.

Sah Wah is a male staff member of a non-profit organization. His mannerisms are somewhat feminine, but he identifies himself as heterosexual and a man. Nevertheless, Sah Wah experiences persistent teasing about his sexuality from co-workers who insist he is gay. Sah Wah's responses vary, *"Sometimes it's okay because we're close, and other times I feel angry. Sometimes I feel like I don't want to be working with them. Sometimes I show them I'm angry, and I tell them, 'Don't say that, I don't like it.'"* His coworkers made him question his sexuality, but he concludes

that he knows himself best, saying, *"How can you tell me I will have a husband? You don't know me; you just see my behavior."* Sah Wah's experience is noteworthy for illustrating the need for organizations and staff to go beyond being inclusive and avoiding teasing LGBT people. They must also acknowledge and challenge the staff members' behaviors that oppress individual gender expression.

Beyond Protecting LGBT Employees

In the Karen non-profit organization where I conducted my research, I observed ongoing jokes and teasing of several staff members' gendered behaviors. Teasing was especially common when staff members presumed the persons they were teasing were not LGBT but acting in a way that deviates from their assigned gender.³ This was especially common among male staff members, who repeatedly teased other male staff members who act even slightly feminine. Some female staff members participated in this teasing, as well. One staff member became a target of these jokes because of his quiet and shy personality and his gentle mannerisms; while another staff became a target because of his interest in advocating for LGBT rights.

The staff members frame SOGIE-related name-calling as a form of joking that is acceptable and common within the Karen community, and they downplay the impact that the language of this sort can have on its targets. Meanwhile, those on the

receiving end often say that these jokes make them feel angry and hurt. Masculine culture among Karen men dictates that the deviating party, not the perpetrator of gender-based name-calling, is in the wrong. As a result, men who experience SOGIE-based teasing sometimes suppress feminine qualities for which they have been teased. As one of the SOGIE majority male staff members, Saw Myint, put it, *"We can't do anything but we try to act like a man, in a manly manner, so we just try to avoid [being called] that kind of a word [‘gay’]."*

Saw Myint's attempt to change his mannerisms is an example of how teasing regarding people's gender expression serves to preserve society's rigid traditional expectations of gender. These oppressive comments push men to act only masculine and women to act only feminine. Such narrow ideas of acceptable gender expression are restricting not only people who identify as LGBT, but all people: it makes it harder for women to express traditionally masculine traits like assertiveness and strong

opinions, and it makes it harder for men to express gentleness and empathy, for instance. Workplaces, and especially human rights organizations, could benefit from an office culture where staff of all genders are free to express and connect with the full spectrum of human emotions and traits, without the threat of teasing or mocking.

The persistence of SOGIE-based teasing within Karen-led non-profit organization staff members stem from their interpretation of the obligation to protect "LGBT rights." To protect "legitimate" gays and lesbians, i.e., those who look the part and/or are "out", staff members try not to discriminate against LGBT candidates when hiring or delegating work, and ensure that no LGBT staff member is maliciously bullied. Because both LGBT and non-LGBT staff members subscribe to this narrow definition of LGBT rights, they dismiss the insidious and unintentional ways in which staff members "police" each other's gender expression.

These findings suggest that those working to promote gender and sexual equity within non-profit organizations, development projects, and other workplaces should adopt strategies that address broader behaviors that restrict gender expression, whether or not the behaviors are targeting marginalized groups.

Towards Anti-oppressive Non-profits

Based on the results of this limited study, non-profit organizations and their staff members would be able to

better promote LGBT rights through the following proposed actions:

1. Human rights defenders and international development actors must acknowledge that "LGBT" labels and rights-based activism are not universally understood and do not encompass all experiences of SOGIE-based oppression. In the non-profit organizations I studied, teasing and discriminatory behavior in the workplace is taken to constitute LGBT discrimination only if (a) there is malicious intent and (b) if the teased party identifies themselves as LGBT. Workers who are teased, but are not gay, lesbian, and/or transgender, see no avenue for recourse. On the other hand, even LGBT individuals who experience teasing are reluctant to interpret their experiences as "discrimination" because they assume that the behavior is not malicious and they want to speak positively about their employers and colleagues. One way to overcome this reluctance to report uncomfortable experiences is to ask employees the right questions. For example, asking, "Have you ever felt uncomfortable or mistreated at work?" elicits a negative response; but the same staff members would speak at length when asked which comments they do not like,

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Rights of Sexual Minorities in Japan: Policies and Recent Developments

Halim Kim

Japan has been very slow at taking steps toward the full protection and realization of the rights of lesbian, gay, bisexual and transgender (LGBT¹) persons.

In December 2008, Japan joined sixty-five other countries at the 70th Plenary Meeting of the United Nations General Assembly in reaffirming the human rights that should be enjoyed by “all human beings regardless of their sexual orientation or gender identity.”² Japan was also one of twenty-three countries that voted on a Human Rights Council resolution adopted in July 2011 on commissioning a study to document “discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, in all regions of the world.”³ Both national and local governments have been taking actions in order to support and enhance the understanding of LGBT persons. However, the Japanese government has so far failed to come up with comprehensive policies to address the abuse of rights based on sexual orientation and gender identity.

National Government

In 2012, the Cabinet approved the General Principles of

Suicide Prevention Policy which for the first time pointed out the high suicide rate of members of sexual minorities and the urgent need to promote adequate understanding and reduce prejudice against LGBT children among school teachers and other educators. In 2016, the Ministry of Education, Culture, Sports, Science and Technology (MEXT) published the guidelines for school teachers on how to handle kids in relation to their sexual orientation and gender identity (SOGI). In 2017, the Ministry also updated the Basic Policy for the Prevention of Bullying to cover sexual and gender minority students. However, the MEXT’s latest revision of the national school curriculum guidelines does not refer to such students at all.

As for workplace environment, the National Personnel Authority amended its regulation on the prevention of sexual harassment to explicitly include “remarks and behavior based on prejudice regarding sexual orientation or gender identity.” But the regulation, which came into effect in January 2017, does not cover local government offices and the private sectors. In the same month, the Cabinet approved additional changes in the Sexual Harassment Guidelines for Employers prepared by the Ministry of Labor, Health and

Welfare. The guidelines now provide that companies should appropriately address the sexual harassment of LGBT employees, but the specific forms of such harassment have not been clearly stated.

There are also other LGBT-related legal improvements at the national level such as the Act on the Prevention of Spousal Violence and the Protection of Victims (2014) and the Fourth Basic Plan on Gender Equality (2015). But since there is no comprehensive anti-discrimination law that prohibits discrimination against sexual minorities, LGBT persons still face legal difficulties and discrimination in various fields including education, housing, health, workplace, and marriage.

Local Government

Several cities and wards have started the system of issuing certificate of recognition of same-sex union since 2015. In Tokyo, the Shibuya ward office started issuing such certificate in 2015, followed by other ward offices (Setagaya ward in the same year, Bunkyo ward in 2017, and Nakano ward in 2018). Other cities, namely, Takarazuka, Naha, Iga, Sapporo, Fukuoka and Osaka subsequently started issuing such certificate. The issuance of

certificate by local governments is based on their own administrative guidance, rather than on an ordinance (as in the sole case of Shibuya ward). While most local governments that issue the certificate refer to same-sex union, three cities (Sapporo, Fukuoka and Osaka) recognize couples even when only one of the partners is a LGBT person (e.g., a heterosexual couple with one partner being a transgender person).

The certificate of recognition of same-sex union is meant to reduce discrimination against LGBT persons, and is not equivalent to a marriage certificate which remains available only to heterosexual couples.⁴ Yet the certificate is seen as a recognition of the right of same-sex couples to enjoy basic needs in public and private transactions such as allowing them to live as couples in municipal housing facilities, obtaining family discount for mobile phone contracts, allowing one of the partners to access the medical records of the other partner, and making themselves beneficiaries of life insurance schemes they obtain.

As part of the preparation for hosting the Tokyo Olympics and Paralympics in 2020, the Governor of Tokyo, Yuriko Koike, pledged to work for the enactment of an anti-LGBT discrimination ordinance and create as a result a LGBT-friendly region in Japan. On 19 September 2018, the Tokyo Metropolitan Government submitted the first draft of the bill on human rights ordinance that contains provisions restricting hate speech and forbidding discrimination

against LGBT persons. In the meantime, the cities of Tama and Kunitachi in Tokyo integrated the concept of SOGI into existing local ordinances for gender equality.

The local government measures are expected to help increase acceptance and recognition of the rights of LGBT persons, who still face social obstacles in their daily lives.

Strengthening Protection

The major hurdle is the lack of common understanding of the rights of sexual minorities among members of the ruling party (Liberal Democratic Party [LDP]). LDP has failed to take action on the recent comments made by two of its Lower House members, Mio Sugita who described the LGBT persons as “unproductive”, and Tom Tanigawa who opposed same-sex marriage law because he treated same-sex relations as a “hobby.” The 2016 LDP statement on having a society that does not need people to come out with their sexual orientation did not recognize same-sex marriage and called for “careful consideration in introducing the same-sex partnership system.”⁵ This LDP stance not only hinders the steps toward enactment of laws on prohibition and elimination of discrimination based on gender and sexuality but also exacerbates misunderstanding and bigoted views on LGBT persons.

Although the Japanese Constitution provides for equal rights for all, sexual minorities still suffer from lack of protection against discrimination and lack of

recognition of their full and equal enjoyment of human rights in employment, housing, and so on. This situation forces them to suffer in silence.

It is crucial to enact a comprehensive law on all forms of discrimination on the basis of sexual orientation and gender identity. And to ensure that such legislation would have a positive impact on society, the national and local governments should work closely with civil society, private firms and educational institutions.

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For further information, please contact HURIGHTS OSAKA.

Endnotes

- 1 “LGBT” is used in this article instead of LGBTI, LGBTQ+, or LGBTQIA+ because it is commonly used by both national and local governments in Japan.
- 2 See 70th Plenary Meeting, United Nations General Assembly, 18 December 2008, A/63/PV.70, page 30, <https://undocs.org/A/63/PV.70>.
- 3 See “Human rights, sexual orientation and gender identity,” Human Rights Council resolution, A/HRC/RES/17/19.
- 4 Those who changed their assigned sex at birth registration (from male to female, or vice-versa) are qualified to marry as heterosexuals.
- 5 See “The Basic Idea of Our Party to Aim for a Society that Accepts Diversity in Sexual Orientation and Sexual Recognition” [Japanese] (LDP), <https://www.jimin.jp/news/policy/137893.html>.

Disability, SOGIE and Equality in Asia

HURIGHTS OSAKA

People suffer discrimination and other human rights violations or abuses because of their disability or sexual orientation/gender identity. Some people suffer even more when they identify themselves as lesbian, gay, bisexual, transgender (LGBT) persons while also having disabilities.

Very little is heard on regional initiatives (Asian level) that address these issues as joint effort of networks of persons with disabilities (PWDs) and LGBT persons.

How should PWDs deal with their own sexual orientation, gender identity and expression (SOGIE) issues? How should PWD issues be considered by SOGIE groups, and that of SOGIE issues by PWD groups?

Main Problem

The Conference on Disability, SOGIE and Equality in Asia held in Kyoto on 6-7 August 2018 discussed the main problem: the lack of proper response by mainstream society to situations of people with multiple identities particularly the PWDs who identify as LGBT persons.

The conference revealed the need to gather as much data as possible on PWDs who are also LGBT persons to be able to map out possible means of reaching out to them.

Addressing the situations of PWDs who are also LGBT

persons necessitates the consideration of the following issues:

- a. Resistance among people in the disability and SOGIE groups in taking up each other's issues - based on the discussions in the conference, some PWD groups are not yet willing to take up the SOGIE issues of their members, while SOGIE groups hesitate in taking up PWD issues. This situation prevents the adoption of appropriate responses within their respective groups to the needs of PWDs who identify as LGBT persons. The concept of LGBT may not also be widely agreed upon among the LGBT persons (see box below of a case in Japan);
- b. Divided views among members of the United Nations Committee on Rights of Persons with Disabilities on recognizing LGBT persons among PWDs - as seen in the draft General Comment¹ on articles 4.3² and 33.3³ (on participation of PWDs in the drafting, implementation and monitoring of implementation of laws and policies to implement the Convention on the Rights of Persons with Disabilities), references to "LGBTIQ persons or communities" are in brackets, which indicate lack of agreement among Committee members. Failing

to mention "LGBTIQ persons or communities" in the General Comment on articles 4.3 and 33.3 would further strengthen resistance within the disability and SOGIE groups to addressing the two issues together;

- c. People in the community are not always open to discussing SOGIE issues as shown in the backlash from community on SOGIE issues (Mongolia), strong traditional values that stigmatize SOGIE (Vietnam) or rejection of feminist thinking (Indonesia, as far as some Muslims are concerned);
- d. PWDs are hidden at home by their own families (Myanmar);
- e. Lack of professionals who can help the PWDs properly;
- f. Communication problem - difficulty of the PWDs in expressing their situation of conflict or abuse, as well as the difficulty of other people to understand what they (PWDs) are saying.

In response to this situation, some PWD groups were established to cover SOGIE issues along with those of PWDs (such as Tsan Ku Er in Taiwan, which was founded in 2008); other organizations have started working on both issues (as in the case of CREA in India).

Medical Institutions and the Trans Community

Keiko (not her real name) is a transgender who wants to have a “transition” to a lifestyle that suits her situation. She does not think that she has a gender identity disorder (GID) and does not see the need to have a medical treatment to realize her “transition” plan. However, she decided to have a medical treatment (including surgery) in a one of the so-called “gender clinics” in Japan because of the claim of the university-based clinics that they have a comprehensive approach to addressing all the needs of patients. She told the surgeon that she did not just want to have a flat chest but more importantly aimed to improve her physical and mental well-being. She also asked the surgeon about the risks and complications of undergoing “bilateral mastectomy” and was assured that there was no significant risk involved. After surgery, she suffered necrosis (dying of cells) and the clinic was not able to respond to her needs as expected. She decided to sue the clinic to find answers to the failure of the surgery and the lack of comprehensive measures promised her.

Her complaint however was opposed by the transgender community because of fear that it would stop the “legal treatment” of GID. She was bashed by leading personalities of the transgender community based on the idea that a transgender transitions from one gender to another – male to female or vice versa. But she subscribes to the “queer understanding of transition, which embraces the fluidity, multiplicity and non-conformity of gender identity.”

The court ultimately recommended a settlement of the case under certain conditions: 1) acknowledgment by the clinic of some breach of obligation and payment of compensation; 2) the continuation of the development of legal treatment options; 3) the taking of steps to improve the system of caring for the patients including better communication among medical doctors of different specializations; and 4) having a meeting with her to learn about her experience.

Positive Developments

There are some positive developments in terms of laws and programs in some countries that support both the rights of PWDs and LGBT persons.

The presentations in the conference introduced strategies in addressing the issues such as the following:

- a. Care for the sexual needs of PWDs – in Taiwan, a non-governmental organization called Hand Angel provides sex (not transactional sex) service to PWDs to empower them (by promoting stronger will to live);
- b. Use of films on SOGIE – people’s recognition of SOGIE can increase through good commercial movies such as the positive response of the Mongolians to the *Golden Treasure* movie (story of a gay person in a rural community);
- c. Storytelling – in Cambodia, a non-governmental



organization called CamASEAN encourages people to tell their stories in order to empower LGBT persons and in expressing themselves as PWDs through community activities (photo exhibition, storytelling sessions) and the social media (Facebook and other social media platforms);

- d. Support for people who would like to become politicians – CamASEAN supports LGBT persons who would like to advocate the cause of PWDs and SOGIE as politicians.

Several conference participants shared survey results on related

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Context and Training: 18th APTW

Jefferson R. Plantilla

The 18th Asia-Pacific Training Workshop (APTW) of the Asia-Pacific Centre of Education for International Understanding (APCEIU) was held right after South and North Korea took a step toward formally ending the war at the Korean peninsula.

The summit meetings at Panmunjon between the President of South Korea (Jae-in Moon) and the Supreme Leader of North Korea (Jong Un Kim) held on 27 April 2018 and 26 May 2018 and the visit to Pyongyang on 18 September 2018 by President Moon for his third summit meeting with Supreme Leader Kim raised the hope that lasting peace might be realized in this generation.

There is much at stake for both North and South Korea in obtaining lasting peace that cannot be disregarded. The humanitarian consideration in the form of permanent family reunion and economic consideration in terms of business opportunities for both countries are too important to be ignored. And peace in the Korean peninsula would have significant impact on the political dynamics of Northeast Asia.

People in South Korea are likely hopeful yet still gripped with a sense of realism that lasting peace might remain a dream.

Training in Context

The summit meetings of the South and North Korean leaders set an important context in the holding of the 18th APTW. The peace issue, one of the key issues covered by the training workshop, assumed a positive notion with the possibility of formally ending the state of war in the Korean peninsula.

The visit to the demilitarized zone or DMZ (Eul-ji Observatory and the 4th tunnel) in northeast South Korea, a component of the training workshop program, seemed to have a new meaning due to the hope that the DMZ would no longer be the most militarized border in the whole world in the near future.

An equally important context is the call for global citizenship by the United Nations that represents the other side of the coin. People's action on global issues is not new. The environmental movement has long preached on acting local while thinking global. Many other movements have arisen including those on the rights of women, children, and minorities that have impact at both global and national levels. The backlash against certain rights (especially those of women) in some local communities ironically proves the impact of global ideas. The United Nations sees Global Citizenship Education (GCED)

as the main vehicle in promoting people's participation in resolving global issues.

The national educational context is important in integrating GCED into the educational systems of any country (be it the school curriculum, training curriculum of teachers and school administrators and in the non-formal training programs of both governmental and non-governmental organizations).

Finally, in contrast to the still growing movement on human rights and continuing discussions on human rights issues at the regional level, resistance to the idea of human rights among people in government and society remains. Continuing violation of human rights in various forms by government authorities and abuse of such rights by the corporate sector are major concerns.

The APTW in general has to deal with the realities at different levels – from global to local – in promoting GCED as a transformative educational intervention.

Participants

The 18th APTW had participants from twenty-two countries in Asia and the Pacific. They included school teachers, university lecturers,

teacher trainers, heads of college departments, officers (heads) of education offices, and non-governmental organization (NGO) workers.

Training sessions were held in Seoul (APCEIU building) and in the DMZ area (Korea DMZ Peace-Life Valley Training Center) in Inje province.

Human Rights in the 18th APTW

Being anchored on GCED, the APTW program generally covers peace education, human rights education, and other educations.

The 18th APTW program included a session on human rights (“Understanding Human Rights in the context of GCED”) and also on gender equality (“Gender Equality as a Shared Vision of Social Justice”). Other sessions had human rights content as well (“Cultural Diversity & Intercultural Understanding,” “Glocal Justice & Peacebuilding & Education for Local/Global Justice,” and “Democratic Dialogism and Communication”).

As training workshop output, many follow-up action plans of the participants mention human rights. Several participants cite human rights either as single topic of the action plan or coupled with other topics such as mathematics and human rights (understanding human rights through the mathematics lens), cultural diversity and human rights, and human rights and national constitution). A couple more of the follow-up action plans cite gender equality as topic of training.



Learnings

The follow-up action plans of the participants in the 18th APTW provide important considerations in promoting GCED in general and human rights education in particular:

- a. The main premise of most follow-up action plans in the 18th APTW is the lack of familiarity with GCED and thus the need to introduce its concept and components to teachers, teacher trainers, and other educators;
- b. The challenge lies in linking the “new idea” of GCED to the existing curriculums (of schools, teacher training colleges, non-governmental organizations, etc.) that the participants are bound to follow at their own level of work. GCED is not totally different from other existing educations (peace education, education for international understanding, human rights education, etc.) that have previously been promoted at the national level. However, the idea of participation of people (as global citizens) in

resolving not only local but global issues as well provides a rather “new” aspect;

- c. Human rights education is an essential part of GCED particularly based on Sustainable Development Goal 4.7, which aims at acquiring “knowledge and skills needed to promote sustainable development, including among others through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship, and appreciation of cultural diversity and of culture’s contribution to sustainable development.” In this regard, the inclusion of (or focus on) human rights in follow-up action plans on GCED is expected;
- d. The context of a training program on GCED has a more expanded character considering the SDGs. Many issues such as poverty, hunger, health problems, lack of access to education,

gender inequality, lack of water supply and sanitation, unemployment, unsustainable cities, bad consumption patterns, destruction of natural resources have to be seen from a human rights perspective. Thus current issues at both national and subregional levels are important contexts in

making any training program on GCED relevant.

Making people act on local, national and global issues is laudable yet it is fraught with challenges. People's participation under the GCED framework appears as essential element in resolving issues and has less politicized character (not espoused by political

groups), and therefore has less possibility of encountering rejection among educators in the formal education sector.

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For further information, please contact HURIGHTS OSAKA.

Addressing the Situation of LGBT Children

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1. For the Department of Education - integrate discussion on the rights of LGBT children and other excluded groups of children, i.e., children of indigenous peoples (IPs) and children with disabilities, in the school curriculum;
2. For the Department of Education and local government units - consider formulating plans to implement awareness-raising and educational programs to sensitize service providers, adults and children on LGBT rights;
3. For the Council for the Welfare of Children - include programs aimed at preventing and addressing

SOGIE-based bullying in the National Plan of Action for Children and National Plan of Action on Violence against Children.

ASEAN SOGIE Caucus (ASC) is a regional organization of LGBTIQ (lesbian, gay, bisexual, transgender, intersex and queer) human rights defenders, with members in eleven countries in the Southeast Asian subregion. ASC works to empower local groups and activists in doing innovative and diverse advocacy tactics to influence domestic, regional and United Nations human rights mechanisms. ASC applies an intersectional approach in its work by collaborating with fellow civil society actors in shaping an inclusive and transformative ASEAN region. It is a registered non-governmental organization in Manila.

For further information, please contact: ASEAN SOGIE Caucus,

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Endnotes

- 1 The texts here and in the next sections are edited excerpt of the report on the workshop *Bata at Bahaghari – Experiences of LGBT Children in the Philippines*, ASEAN SOGIE Caucus, 2017, Quezon City. The whole report is available at <https://aseansogiecaucus.org/news/asc-news/95-bata-at-bahaghari>.
- 2 ASEAN SOGIE Caucus, *ibid*.
- 3 Based on Joint CSC-CRC UPR Submission, 3rd Cycle – Philippines 27th Session (2017), full document available at https://www.upr-info.org/sites/default/files/document/philippines/session_27_-_may_2017/js6_upr27_phl_e_main.pdf.

The Rainbow Recast: Queering Non-profits on the Thai-Myanmar Border

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or what they wish colleagues would not ask them or joke about. Non-profit organizations striving to promote SOGIE equality

must therefore expand their focus beyond identity politics by challenging the underlying suppression of gender expression and

- sexuality at all levels of their work, including within their own offices;
2. Non-profit organizations wishing to become more inclusive and affirming workplaces must go beyond writing policies and encourage dialogue about gender expression and the ways its suppression occurs in the office. Through compassionate discussion, non-profit staff members will slowly modify behaviors that make their colleagues uncomfortable;
 3. Such organizations should also adopt an anonymous reporting mechanism to expose uncomfortable incidents; not to punish or criticize, but to collaboratively discuss how such behavior should be changed;

4. Further research and advocacy is needed to increase the visibility of Karen SOGIE minorities. In particular, further research should document livelihood and educational challenges experienced by SOGIE minority Karen not employed by non-profit organizations. Similar research from other ethno-cultural and national groups is also needed.

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Endnotes

- 1 The Karen are a culturally and linguistically diverse ethnic

group living primarily in Thailand and Myanmar. See <http://ethnomed.org/culture/karen/karen-cultural-profile>.

- 2 Comments that make marginalized individuals feel excluded and indirectly judged can be described as microaggressions. A microaggression is an indirect or unintentional discrimination towards a member of a minority group. An example of a verbal microaggression is saying 'That's so gay' to convey that something is bad or strange. This indirectly implies that gay people are also bad and strange.
- 3 Where a person's sexuality is not explicit, normative heterosexuality is enforced through microaggressive acts of gender policing. For a discussion on gender policing see Elizabeth Payne and Melissa J. Smith, "Gender policing," in *Critical Concepts in Queer Studies and Education* (Palgrave Macmillan, 2016), pages 127-136.

Disability, SOGIE and Equality in Asia

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issues, which emphasized the importance of data on PWDs and LGBT persons in advocating for their rights.

The Conference on Disability, SOGIE and Equality in Asia held in Kyoto city on 6-7 August 2018 was jointly organized by the Research Center for Ars Vivendi (RCAV), Ritsumeikan University, Japan; Norwegian Centre for Human Rights (NCHR), University of Oslo;

and East-Lake Institute for Social Advancement, China.

For further information, please contact HURIGHTS OSAKA.

Endnotes

- 1 Full document of the Draft General Comment on Articles 4.3 and 33.3 is available at this url: <https://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx>
- 2 Article 4 paragraph three of the CRPD has the following provision:
General obligations
3. In the development and implementation of legislation

and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

- 3 Article 33 paragraph three has this provision:

National implementation and monitoring
3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

HURIGHTS OSAKA Calendar

The file of the eighth volume of *Human Rights Education in Asia-Pacific* and of the individual articles are now available online at the website of HURIGHTS OSAKA. Visit: www.hurights.or.jp/archives/asia-pacific/.



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HURIGHTS OSAKA, inspired by the Charter of the United Nations and the Universal Declaration of Human Rights, formally opened in December 1994. It has the following goals: 1) to promote human rights in the Asia-Pacific region; 2) to convey Asia-Pacific perspectives on human rights to the international community; 3) to ensure inclusion of human rights principles in Japanese international cooperative activities; and 4) to raise human rights awareness among the people in Japan in meeting its growing internationalization. In order to achieve these goals, HURIGHTS OSAKA has activities such as Information Handling, Research and Study, Education and Training, Publications, and Consultancy Services.

FOCUS Asia-Pacific is designed to highlight significant issues and activities relating to human rights in the Asia-Pacific. Relevant information and articles can be sent to HURIGHTS OSAKA for inclusion in the next editions of the newsletter.

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