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Editorial

People with Different Situations and Needs

Fear of rejection by family members and community plays a significant part in deciding to hide one's sexuality. Expressing one's sexual orientation or identity does not provide comfort either. Though family support might exist, societal systems and facilities may not serve the needs of the "visible" transgender people.

Research shows that transgender people suffer from different forms of discrimination. While there is a growing consciousness about their right to be treated equally and without discrimination, transgender people remain largely marginalized in society.

The impact of this marginalization strikes transgender people at the time they need support the most. Health services in ordinary situations might be effectively kept away from them, while support for basic needs may not be forthcoming during times of crisis such as when disaster strikes.

Limited recognition of the diverse types of transgender people likewise presents a challenge. The diversity of situations and categories of transgender people demands diverse services and materials. Public ignorance of such diversity among transgender people is caused partly by research that tends to focus on transgender people who are young, female, and living in urban areas.

Such failure to recognize diverse situations and categories of transgender people amounts to another form of discrimination.

Lost in Transition: Transgender People, Rights and HIV Vulnerability in the Asia-Pacific Region

Sam Winter

The Asia-Pacific region is home to a large number of transgender (trans*) people; individuals whose gender identity, and/or expression of their gender, differs from social norms related to their gender of birth.¹ Across the region it can be speculated that there are possibly 9-9.5 million trans* people, though existing research is scattered and small-scale, and is largely limited to trans* women.² Asia-Pacific research, again scattered and small-scale, indicates alarming numbers of trans* women who are Human Immuno-Deficiency Virus (HIV) positive, with prevalence rates as high as 49 percent. There appear to be no data at all on HIV rates among trans* men, an emerging identity group. The number of trans* people of either gender who have died of Acquired Immuno-Deficiency Syndrome (AIDS), or what proportion they represent of overall AIDS-related deaths, is unknown.

The regional HIV epidemic among trans* people is strongly linked to stigma and prejudice.

Research on Asia-Pacific trans* people, scattered and often small-scale, has tended to focus on young and urban communities of trans* women, and has neglected the elderly and rural, as well as trans* men.³ That said, the research indicates that stigma

and prejudice are major problems for trans* people, and are rooted in a range of beliefs (either traditional or modern, depending on the culture concerned) about sexuality, gender norms and nonconformity. The stigma and prejudice appear to put large numbers of trans* people onto a slope (a 'stigma-sickness slope'), prompting patterns of discrimination, harassment and abuse (verbal, sexual and physical) in the family, at school, in the workplace, in the provision of services (including health) and in society more broadly (including in the law and law enforcement). Trans* people commonly report dropping out of or being excluded from education, and experiencing difficulty in finding, keeping and advancing in employment. Trans* people become marginalized, both socially and economically. Asia-Pacific legal environments serve to marginalize trans* people further, failing to offer trans* people sufficient protection against discrimination (or indeed against the more serious forms of sexual assault), and discriminating by withholding either practical or legal recognition of self-affirmed gender, criminalizing trans* people's sexual or gendered behaviors, and subjecting trans* people to gender-inappropriate detention or incarceration

practices, as well as contributing to police abuses.

There is good reason to believe, in the absence of much Asia-Pacific research in this area, that these experiences can damage trans* people's psychological and emotional wellbeing, conspiring with other factors such as poverty to tilt them into life situations and patterns of behavior that put them at risk of HIV (as well as risk of other threats to their physical health and well-being). Unsafe sexual practices and engagement in sex work appear common among communities of trans* women.

It is known that Asia-Pacific trans* women commonly engage in unprotected receptive anal intercourse (URAI), but we know little about any safer sex behaviors (other than condom use) in which they engage (either in or out of sex work). Although many trans* women in the region appear quite badly informed about HIV risks, it is clear that many of those who are well-informed nevertheless engage in unsafe sexual practices. There is little research to indicate why. The lack of information on these matters mirrors more general (and global) ignorance on risks associated with neo-vaginal intercourse and lubricants (especially those that are not water-based and developed for

lubrication during sex), and of how trans* women's use of cross-sex hormones, hormone blockers and silicon injections, or their cis-male partners' use of penile implants and drugs for erectile dysfunction might raise trans* people's HIV vulnerability.⁴

Across much of the Asia-Pacific region, many trans* women engage in sex work at some point in their lives. It is likely trans* men also do sex work, providing services as female sex workers (FSWs) or as male sex workers (MSWs). In each case the numbers of trans* sex workers (TSWs) remain uncertain. It is highly likely that sex work raises their HIV risk, though little work has been done in this area, especially to examine the ways in which different reasons for and patterns of sex work might contribute to risk.

Across the region, there are numerous reports documenting problems in healthcare for trans* women - whether for general, transition or sexual health. The challenges facing trans* men remain severely under-researched. Trans* people approaching health services commonly report that providers are uncooperative or hostile with staff addressing or responding to the trans* person in a gender-inappropriate way, adopting a mocking or ridiculing attitude, withholding or refusing healthcare, or even offering 'reparative' treatments. Providers may lack competence in regard to trans* health care. Services are often difficult to access or costly. Costs, especially in regard to transition healthcare, serve to push trans*

people towards sex work. Trans* people often seek out whatever health services there may be, relying on word-of-mouth recommendations. They pay for whatever transition they can afford; gender affirming surgeries, implants and/or high quality silicone injections (for those trans* people that have the money), or (traditional or backyard) castration and/or industrial quality silicone from medically unqualified 'fillers' and 'pumpers' (for those on a budget). Some take care of their own healthcare needs as best they can (e.g., getting hormones wherever and whenever they can and taking them with little or no medical supervision). Those who seek gender affirming surgeries find that they are likely to be the most expensive procedures they ever undergo.

Requirements for psychiatric evaluation before provision of hormones and/or surgery may add to the expense. Public subsidies for gender affirming surgeries are rare. In many countries transition-related surgeries (especially gonadogenital⁵) are simply unavailable or else are prohibitively expensive. For some communities castration has proved to be a cheaper, and more easily available, route to feminization (or more precisely, emasculation).

Trans* people often find that sexual healthcare services are not suited to their needs, focused instead on female and (more recently) on gay men and other MSM. The challenges facing trans* men again remain severely under-researched. Trans* women are likely to be

denied women's services, and even turned away from MSM services. Confidentiality is not always assured, especially in regard to mandatory HIV testing for sex workers. HIV positivity often compounds the problems in accessing appropriate care. Trans* women (perhaps especially TSWs where sex work is stigmatized or illegal) are often reluctant to seek sexual healthcare services, unless and until they experience a symptomatic sexually transmitted infection (STI). Across the region, few trans* people step forward for HIV testing.

The failure to address trans* people's sexual health needs is to some extent symptomatic of a more general failure extending across the broader sexual minority spectrum. However, it is also clear that throughout much of the history of the global HIV response, trans* people have been invisibilized; in that they have seldom been properly recognized as a distinct population for purposes of confronting the HIV pandemic. Trans* women attracted to males have often been subsumed, researched and reported as MSM, or as a subpopulation within that behavioral group. The portrayal of these persons as MSM is often in direct conflict with their own identities as female or third gender. It undermines their frequently voiced claims to be treated as female. It often conflicts with the identities of their partners as heterosexual, or 'real men'. Trans* men again have been completely left out of any kind of reporting; even trans* men who have sex with

men (TSM), a group which (ironically, and unlike trans* women) are best thought of as a sub-group of MSM.

To some extent non-governmental organizations (NGOs) and community-based organizations (CBOs)⁶ have in recent years stepped in to provide sexual health services. However many in trans* communities region-wide remain out of the reach of these services, and the work of these organizations has sometimes been hindered through actions of police and officials who harass both the providers and recipients of these services, detaining outreach workers, confiscating materials, and raiding offices and events.

There is an increasing tendency for trans* people to be seen as communities distinct from MSM. The increasing ability of Asia-Pacific trans* communities, especially trans* feminine communities, to organize themselves for advocacy can only help this process along. In this regard trans* men lag behind their female counterparts.

A research agenda is proposed that can facilitate reduction in future HIV risk for trans* people, as well as promoting better access to treatment, care and support for transgender persons living with HIV in the Asia-Pacific region. Donors may want to bear this agenda in mind when making funds available for research, or assessing individual research proposals. Recommendations are that:

1. Researchers (particularly those involved in HIV-related health and rights research)

should work to end the invisibility of trans* people, researching them in their own right and, when necessary, disaggregating them from other groups in a research study. This will enable the building of a database on trans* people's HIV vulnerabilities and healthcare needs. Research should seek to recognize diversity within trans* communities, and the existence of hitherto under-researched communities of trans* people; in particular the elderly and rural, as well as trans* men, about whose life circumstances and needs little is known.

2. Researchers should avoid letting cisgenderism (a way of thinking that demeans trans* people and privileges those who are not transgender) enter their research work, and note it in other's research, bearing in mind that such practices can reinforce stigma and prejudice, and undermine trans* people's claims for gender rights.

3. Researchers should engage with trans* people as partners, involving them as key members of research teams, paid on an equal-pay-for-equal-work basis alongside their cisgender colleagues. This helps avoid cisgenderism, facilitates more informed and sensitive research, and helps build researcher capacity. Research capacity can also be enhanced by improved access to international research (translated and summarized where necessary).

4. Research is needed that attempts to ascertain or estimate how many trans* people there are across the region, including elderly and rural trans* people, trans* men, and trans* sex

workers (male and female). With good population data for trans* people (including for TSWs), and good HIV prevalence data, it should be easier to plan targeted health services, including HIV prevention programs.

5. Research (especially multidisciplinary) is needed which seeks to understand the HIV vulnerabilities of trans* people, especially key populations like trans* sex workers, the young, the elderly, and the rural. Trans* men, hitherto little studied, are another key population. Among potentially important research studies are those which throw more light on patterns of sexual behavior, and some of the ways in which those patterns of behavior may impact on HIV risk. Another important initiative would be a central database documenting rights violations against trans* people, as well as research which aims to understand more fully the nature of life on the stigma-sickness slope. Multi-disciplinary, comprehensive, large-scale and longitudinal research may be particularly valuable, enabling a more thorough assessment of the effects of stigma, discrimination, harassment, abuse and marginalization upon trans* people's lives, and making possible an examination of the impact of changes in laws and law enforcement.

6. Research is needed that goes beyond risk factors for trans* people and looks instead at protective factors and personal qualities conferring upon trans* people resilience against the effects of stigma and prejudice,

discrimination, harassment and abuse, and consequent marginalization. Research of this sort may facilitate the development of programs that help trans* people avoid slipping down the stigma-sickness slope, as well as countering a view of trans* people as passive victims.

7. Research is needed that examines ways to make trans* CBOs and relevant NGOs more effective in work by and for trans* people. Local, national and regional organizations already serving the trans* communities should be mapped, perhaps building on earlier initiatives. A comprehensive mapping will identify service gaps, and provide a basis for recommendations aimed at extending services, and evaluating improvements in service provision. There is a particular need for research, perhaps longitudinal, examining ways in which the effectiveness of CBOs may be enhanced so as to better meet local needs, including those of underserved populations such as rural communities, elderly trans* people, and trans* men, as well as trans* people in migrant and ethnic/cultural/religious minority groups. While it is difficult to generalize, it is likely that those needs will include any or all of the following four key components, as per the remaining four recommendations.

8. There is a need to document information about innovative and good practice in regard to efforts to help the public (and key social agents such as police, judiciary, health workers,

teachers, and various media, etc.) become better informed regarding trans* people, and more sensitive to their needs. Such research, properly disseminated, may prove useful in helping CBOs to develop more effective (and scaled up) education campaigns.

9. It is important to document the ways in which key conventions, declarations, court judgments and juridical and jurisprudential reports can be used to advance the rights of trans* people across the Asia-Pacific, and to find ways in which transgender communities across the region (and their advocates) can use that information in ways that make sense in the societies in which they live.

10. It is important to document means (both well-established and innovatory) by which trans* communities can effectively get access to important health information. Also useful would be research aimed at identifying ways of getting health information to the hard to reach trans* communities – particularly the elderly and the rural, who may neither be members of community groups nor linked to the internet, and may have limited literacy.

11. Research is needed which documents good practice in the provision of trans* positive, competent, comprehensive and accessible healthcare, that is out there.⁷ Especially useful is research which helps CBOs and other key stakeholders work with healthcare providers to scale up existing services, and to develop new initiatives, adapted to local context but

drawing on what has been learned elsewhere (particularly in relation to behavioral interventions in the field of HIV).

This is the slightly edited version of the executive summary of the report of the same title published by the Asia Pacific Transgender Network (APTN) and the UNDP Asia-Pacific Regional Centre. The whole report can be downloaded at www.undp.org/content/undp/en/home/librarypage/hiv-aids/lost-in-transition--transgender-people--rights-and-hiv-vulnerabi/.

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TransgenderASIA website at www.transgenderASIA.org

Endnotes

1 Following the practice of organizations such as GATE (Global Action for Trans*-Equality) the term trans* people is used as an open-ended social umbrella term, rather than a descriptor of a specific identity or cultural classification acknowledging the wide range of identities, and identity-based communities, within this population and across the Asia-Pacific region.

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Beyond Invisibility: Great East Japan Disaster and LGBT in Northeast Japan

Azusa Yamashita

The Great East Japan Disaster on 11 March 2011 caused death to an incredible number of people with many more still missing,¹ destroyed a huge amount of properties, and displaced numerous communities. On top of this there were gender-insensitive and gender-unequal evacuations, relief and reconstruction processes² that added further damage. But equally shocking was the dearth of information about and voices of different groups of so-called social minorities such as people with disabilities, non-Japanese speaking residents, children, the elderly, and those who are

lesbian, bisexual, gay and transgender (LGBT). Among them, the LGBT people are probably the most invisible. Having been born and raised in Iwate prefecture, one of the prefectures affected by the disaster, I know that my prefecture is not an inclusive place for people of diverse communities. The fact that we hardly hear anything from LGBT survivors in coastal towns in the prefecture even after having established Iwate's first LGBT group is appalling. The disaster highlighted the invisibility of LGBT survivors and the difficulties they have faced in Japan's rural towns.

Invisibility of LGBT Survivors

While Japan does not penalize same-sex relationships or transgenderism,³ the situation faced by LGBT people in Japan has been characterized by invisibility, marginalization, silent prejudice and stigmatization even before the disaster. While Japan's Constitution guarantees fundamental human rights and prohibits discrimination on the basis of "race, sex, social status or family origin," substantive equality is not guaranteed to LGBT people. Japanese laws also do not protect them from discrimination and abuse. The government included "people in a difficult situation because of sexual orientation or living with gender identity disorders" in the latest Basic Plan for Gender Equality and "sexual minorities" in the latest Suicide Prevention Measures; and provided funds to the 24-hour LGBT hotline. But neither the government nor civil society organizations have adequately incorporated LGBT perspectives or issues into their policies.

The disaster made the invisibility, marginalization, silent prejudice and stigmatization suffered by LGBT people visible. "I totally forgot that I was a lesbian for a while after the disaster" - a friend of mine who lives in one of the



Ofunato, one of the disaster-stricken towns in Iwate

coastal towns in northern Tohoku told me over the phone two months after the earthquakes and tsunami. When I asked a gay friend of mine in one of the worst disaster-hit towns in Iwate whether he was facing any difficulty because of who he was, he replied saying "I was never out as gay in my town. I never told anyone that I had a same-sex partner in my community. When we were on a date, we went to another town where nobody would know us. That's what it was like before the disaster. So, I don't face any difficulty for being gay even after 11 March."

The only cases I came to know regarding LGBT survivors were about a transgender woman described as a "cross-dressing deviant fag at an evacuation shelter" by a volunteer, and about a trans-person⁴ having refrained from using a shower at an emergency shelter for privacy reasons. These illustrate how life as LGBT has been difficult in northeast Japan before, on and after the day of the disaster.

It is said that LGBT people account for 4-10% of the population in any community in any country. The level of LGBT visibility depends on how understanding and inclusive a society is. Needless to say, LGBT people, including myself, do live in smaller towns in Tohoku. But since the establishment of Iwate's Rainbow Network about a week after the disaster we have not met any LGBT survivors who spent time at an evacuation shelter, lost their partners, families or job because of the tsunami, or have no option but

to live in temporary housing till today for losing a house. This shows the level of understanding and inclusiveness of our community in the northern part of Japan. LGBT people in smaller towns are more afraid of the consequences of disclosing their sexuality, such as possible rejection by their family and friends, losing a job and place to live, and isolation and exclusion from community. A lot of them have practically no option but to hide an integral part of who they are and whom they love. That must be the reason why we have not met LGBT survivors of the Great East Japan Disaster.

Imagining LGBT Difficulties in the Disaster

After 11 March 2011, fellow LGBT activists from different countries including those who experienced disasters or worked with LGBT communities after the disasters in Haiti, Chile and Bangladesh contacted me. In Haiti, where the earthquake hit in January 2010, an aid non-governmental organization (NGO) faced difficulty in reaching out to LGBT survivors because of prejudice and stigma those people faced. It was more difficult for male same-sex couples to get relief supplies because supplies were distributed to children, the elderly and women first. In Chile, where the earthquake hit in February 2010, a transgendered woman was kicked out of temporary housing because of her gender identity. In Bangladesh where cyclones hit almost every year, LGBT people have been seen as a "shame on the family" and

excluded from their family so that other family members could share more relief supplies. These things could happen in Japan as well if LGBT people and issues became a little more visible.

I discussed LGBT difficulties with LGBT friends and tried to imagine them in disaster situations if LGBT visibility was higher:

(1) Denied access to medical treatment

Disasters such as tsunamis destroy hospitals and transportation facilities. Transgender people on hormone therapy or post-SRS (sex reassignment surgery) treatment or gay or bisexual men with Human Immuno-Deficiency Virus/Acquired Immuno-Deficiency Syndrome (HIV/AIDS) could have their access to medical treatment denied when hospitals are destroyed, doctors are killed, medicine is lost or transportation facilities are demolished. Some trans-people in Tohoku go to clinics in towns other than their own because of fear that their family members, friends, colleagues or neighbors might find out about their gender identity. Losing access to medical treatment would certainly lead to the deterioration of the health of the survivors.

(2) Treated as "suspicious persons" at evacuation shelters

There are different gender-specific services and facilities in our daily lives in Japan such as washrooms, public baths, locker rooms and

women-only train cars in rush hour. One is likely to be seen as a "suspicious person" or denied access to services or facilities if one does not dress or behave in a gender-conforming way. One can imagine how trans-people with a non-gender-conforming look are treated as "suspicious" or denied access when they try to use temporary washrooms or public baths at evacuation shelters. It is possible that their sanitation turns poor in these situations as they may refrain from using the facilities to avoid possible unfair treatment and humiliation. They could face discrimination in accessing specific relief supplies such as underwear and sanitary goods as well.

(3) Not informed of partner's death

In Japan, same-sex couples do not have the right to marry while heterosexual couples are legally recognized as unmarried couples or in de facto marriages. In other words, same-sex partners are total strangers under Japanese law. In heterosexual marriages or de facto marriages, people are informed whenever their spouses are killed by disasters. On the other hand, same-sex partners are not likely to be informed of their partner's death unless their family, friends, colleagues or neighbors knew of the relationship and would kindly inform them of the sad news. Like the gay friend of mine mentioned above, there are few same-sex couples that have disclosed their

relationship to others outside the LGBT community. Even if their same-sex partners were in a critical condition, no one would notify them and they would not be able to see them because they do not have visitation rights at the hospital.

(4) Unable to live with a same-sex partner in temporary housing

People basically live in temporary housing on a household basis. But same-sex partners have no legal recognition as a "couple" or "family" and would not be allowed to live together in the same temporary housing even if they had been together for a few decades. Even outside of a disaster situation, same-sex couples do not usually qualify to live in public housing because most of the municipal governments that decide who are eligible limit contract candidates to "relatives" or "household" that Japanese laws and regulations define.

(5) Refraining from using counseling service

In response to the mental health needs of women in disasters, the Gender Equality Bureau, under the Cabinet Office, launched face-to-face counseling and hotline services for women survivors, in partnership with local women's centers. But LGBT people worry about the counselors in these services. Would they listen to LGBT clients without judgment? Would they be LGBT-sensitive? They worry because they often see LGBT people and topics about them being

mocked in the media or in every-day life. It is hard for them to believe that counseling or hotline services could be LGBT-sensitive. They tend not to access the services even though they need them because they cannot trust them.

Beyond Invisibility

"We've been receiving many calls from women after the disaster, but none of them were from lesbian, bisexual women or trans-people. They must have called us, but they didn't tell us so. I feel that LBT women are forced to stay quiet," - a feminist friend of mine who has been supporting women survivors through the women's hotline told me. After almost eighteen months since the once-in-a-millennium disaster hit Japan, the everyday lives of LGBT people in smaller towns in northeastern Japan have not changed much. As she described, they still live in invisibility, marginalization, silent prejudice and stigmatization. The Tohoku disaster revealed this reality.

Without sounding too optimistic, more inclusive laws and policies such as the Basic Law for Reconstruction from the Great East Japan Disaster,⁵ the Basic Plan for Disaster Prevention,⁶ and the Proposal for Reconstruction⁷ have come out after the disaster, that LGBT groups and allies can utilize for a more inclusive post-disaster community. The number is still small, but more people in civil society organizations and policy makers are keen to incorporate LGBT voices, perspectives and issues in their policies and

activities. Now is high time for LGBT people to lobby the government to raise awareness about them and related issues and break their invisibility. That may sound too simple and vague, but the LGBT difficulties in disasters as experienced in the Tohoku disaster are likely to be repeated in other parts of Japan and elsewhere outside the country in future disasters. We learned that difficulties in everyday life are enhanced in disaster situations. If the community faced inequality in everyday life, it would face greater inequality during a disaster. If the community faced invisibility in everyday life, there would only be silence surrounding them. We, or I at least, do not want this to be repeated anywhere. Living in invisibility, marginalization, silent prejudice and stigmatization deprives LGBTs of their dignity.

Among the 20,000 lives lost on 11 March 2011 and some 343,000 survivors⁸ nationwide, there must be LGBT people whose voices were never heard. In order to not waste their lives, we must learn from LGBT experiences in northeastern Japan and start working with different possible allies for an inclusive society, and prepare for the next disaster we never know when and where will happen.

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Gender Equality, Iwate University as project researcher since 2010 and serving for Rise Together – National Women’s Network for Great East Japan Disaster.

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Endnotes

- 1 5,869 people died while 2,847 are missing as of 29 August 2012 according to the National Police Agency. See www.npa.go.jp/.
- 2 On issues regarding gender equality during the disaster, please visit <http://risetogetherjp.org/>.
- 3 Transgender people who would like their gender identity indicated in the family registry have to meet specific discriminatory conditions under the law for people with Gender Identity Disorder (GID). These conditions form barriers that prevent people from changing their documented gender identity and must be combated by providing appropriate health services, access to information and the guarantee of the right to identity expression.
- 4 Transgender is an umbrella term for people whose gender identity, expression or behavior is different from that typically associated with their assigned sex at birth, including but not limited to transsexuals, travestis, transvestites, transgenderists, cross-dressers, and gender non-conforming people. Transgender people (or trans-people) may be heterosexual, lesbian, gay or bisexual.
- 5 Refer to Article 2(2) of the Basic Law for Reconstruction

from Great East Japan Disaster (Law No. 76 of 24 June 2011.) It says that “opinions of diverse citizens including women, children, people with disabilities and others must be reflected” in the reconstruction work.

- 6 Refer to Chapter 3, Part 1 of the Basic Plan on Disaster reduction. It says “Enhancement of women’s participation in policy making regarding disaster and actual field of disaster reduction and establishment of disaster reduction system with gender equality perspectives are necessary in order to improve disaster reduction skills in local community by implementing disaster reduction measures with diverse perspectives of people in local communities.”
- 7 The Reconstruction Design Council in response to the Great East Japan Earthquake says “In an attempt to reconstruction, attention to those who have difficulty to make their voices heard must be paid in order to establish inclusive society where nobody is excluded” in its proposal “Hope in Misery.” (p. 34 of the proposal by the Reconstruction Design Council in response to the Great East Japan Earthquake on 25 June, 2011. See www.cas.go.jp/jp/fukkou/pdf/kousou12/teigen.pdf)
- 8 According to the Reconstruction Agency as of 8 August 2012.

Resolving the Muslim Rohingya Issue

HURIGHTS OSAKA

In June 2012, riots broke out in Rakhine state in Burma/Myanmar that led to the death of fifty-seven Muslim Rohingyas and thirty-one Rakhine Buddhists, and the destruction of houses and places of worship of both communities.¹ Thousands of Muslim Rohingyas fled their homes for fear of being attacked by the Rakhine Buddhists.

The riots received much international attention as Muslim communities in a number of countries in Asia and international institutions raised alarm at the possible worsening of the situation.² Muslim Indonesians and Malaysians condemned the killing and destruction that occurred but also offered humanitarian assistance to the Muslim Rohingyas.³ President Susilo Bambang Yudhoyono of Indonesia "appointed former vice-president Jusuf Kalla as his special envoy on the issue, [while]...Malaysia hosted international conferences and [would] do more in the future."⁴

The Burmese/Myanmarese government considers the Muslim Rohingyas as illegal migrants from Bangladesh. Buddhist Burmese marched on the streets to show support to the government, specifically President Thein Sein, who called the Muslim Rohingyas Muslim Bengalis. President Thein Sein suggested deporting them or holding them in camps.⁵

The international concern for the welfare of the Muslim Rohingyas led representatives of international organizations and governments visiting the Rakhine State: the Special Advisor to the United Nations Secretary-General (Mr. Vijay Nambiar), the Special Rapporteur on the situation of human rights in Myanmar (Mr. Thomas Ojea Quintana), the Turkish delegation headed by the Minister of Foreign Affairs (Mr. Ahmet Davutoglu), the President of Indonesian Red Cross (Mr. Jusuf Kalla), and the Representative and Assistant Secretary-General of the Organization for Islamic Cooperation (OIC) (Mr. Atta Almanam Bakhit).⁶

The Secretary-General of the OIC, Mr. Ekmeleddin Ihsanoglu, was quoted as saying that⁷

[T]he government in Yangon refuses to recognize Rohingyas, whom, it claims, are not natives and classifies them as illegal migrants, although, the Rohingyas are said to be Muslim descendants of Persian, Turkish, Bengali, and Pathan origin, who migrated to Myanmar as early as the eighth century.

The government of Saudi Arabia reportedly⁸ condemned the riots as part of an "ethnic cleansing campaign and brutal attacks against Myanmar's Muslim Rohingya citizens, as well as violation of human rights by

forcing them to leave their homeland..."

The OIC held an extra-ordinary Executive Committee Meeting on 5 August 2012 on the Rohingya issue, and highlighted the "United Nations Declaration" that the "Rohingya are a linguistic, religious, ethnic minority from western Burma".⁹ It emphasized that

the atrocities committed against Rohingya minority in Myanmar including killing, razing houses, forced eviction, forced labor in harsh conditions, summary executions, rape, torture have approached the crime of genocide and represent a serious threat to international peace and security and regional stability, as clearly demonstrated by the recent violence. It is a serious crime against humanity, and a blatant breach of international law, which needs to receive proper reaction by the international community through bringing Myanmar authorities who are responsible for these heinous acts to justice.

The United Nations High Commissioner for Refugees (UNHCR) has long considered the Muslim Rohingyas as "stateless people" in Burma/Myanmar. Its statistics on the number of stateless persons in the country as of 2012 reached 808,075,¹⁰ almost equal to the estimated total number of Muslim Rohingyas.

Measures to Resolve the Issue

The Burmese/Myanmarese government declared that it "took immediate actions with full restraint to restore law and order and stability in places where riots broke out since the very beginning of violence" and the Office of the President formed a 27-member "Investigation Commission" on 17 August 2012 to find out what happened. The head of the Rakhine Investigation Commission, in a press conference on 17 September 2012, "pledged [that] his team would find a solution to the conflict in Rakhine State that is acceptable to the international community."¹¹

A high-level OIC delegation visited Burma/Myanmar on 5-15 September 2012 with the mandate of making "preliminary observations as to the root causes of the problem and the effect of the violence that took place in the Rakhine State; to explore the conditions and various aspects of a prospective visit by the OIC Secretary-General; and to make the necessary contacts regarding the ways and means for the OIC to carry out humanitarian assistance and relief operations in the Rakhine State." The representatives of the OIC and Burma/Myanmar's Ministry of Borders Affairs also signed a "Memorandum of Cooperation (MoC) ... in an effort to implement a humanitarian program for the benefit of all communities living in the State of Rakhine."¹²

Recognizing the Rohingyas as stateless persons, the UNHCR has already adopted a plan to help "improve the status of the

Muslim residents of northern Rakhine State (NRS)."

It reports that in¹³

NRS, UNHCR assists some 800,000 Muslim residents who do not have citizenship. Members of this group were allowed to vote in the November 2010 elections, using temporary registration cards issued for that purpose by the Government. Initial discussions on replacing the temporary documents with cards denoting full citizenship took place at different administrative levels, but did not yield any concrete results. Indeed, there has been no improvement in the legal status or living conditions of the Muslim residents of NRS.

In July 2012, the ASEAN Secretary-General, Mr. Surin Pitsuwan, said that he expected President Sein to explain the government plan in resolving the issue during his visit to the U.S. for the United Nations General Assembly session in late September 2012.¹⁴ During a forum in New York on September 27, 2012, when the Rohingya question was raised, President Thein Sein asked Lt. General Thein Htay, of the Ministry of Border Affairs to respond to the question.¹⁵ Minister Htay explained that the problem is a communal violence issue, two communities in conflict with each other. He explained that the root causes were "mistrust and misconduct" among the peoples in the two communities. He also explained that poverty - lack of employment opportunities, poor infrastructures - in Rakhine State was also a cause of the problem. He cited the need to

develop human resources as well as change the "constrictive culture" of the people. He mentioned that the government was now providing relief and rehabilitation services and promoting reconciliation and social harmony in the Rakhine State.

Role of ASEAN

The Association of the Southeast Asian Nations (ASEAN) is expected to play a role in resolving the Muslim Rohingya issue. Its ASEAN Charter provides for the maintenance and enhancement of peace and security in the region, and the protection of human rights and fundamental freedoms. The ASEAN Intergovernmental Commission on Human Rights (AICHR) has the purpose of enhancing "regional cooperation with a view to complementing national and international efforts on the promotion and protection of human rights" and upholding international human rights standards. Based on these purposes, the AICHR can "consult, as may be appropriate, with other national, regional and international institutions and entities concerned with the promotion and protection of human rights," and "obtain information from ASEAN Member States on the promotion and protection of human rights."

But will AICHR move to help resolve the Muslim Rohingya issue?

So far, it seems that AICHR has not been heard on this issue. It also seems that it neither has been requested by the ASEAN

secretariat to take action such as gather information on the issue nor make an analysis of the situation from a human rights perspective.

Final Remarks

The Muslim Rohingya issue is an old problem that has eluded resolution. It is tragic that riots had to happen in order to bring the Muslim Rohingya issue back into international limelight.

The reactions of various non-governmental organizations, Asian governments as well as inter-governmental organizations to the riots (including the responses from sections of the Burmese/Myanmarese public) helped stop the violence and destruction, and bring order in the Rakhine State.

Would the government finally heed the plea for recognition of the Muslim Rohingyas as citizens of the country?

The Muslim Rohingya issue constitutes one of the several ethnicity-based problems that have to be fully addressed to make the current political change in Burma/Myanmar a genuine step towards peace, justice and reconciliation in the country.

Endnotes

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Northeast Asia Training Resource Material for Human Rights Education

HURIGHTS OSAKA

In line with its subregional approach to program implementation, HURIGHTS OSAKA organized a meeting of Northeast Asian educators in March 2008 to identify the challenges and opportunities in support of human rights education in the Northeast Asian school systems. This was followed by a 2009 research project on these challenges and opportunities for human rights education in Northeast Asian school systems. A research report was issued in 2010 entitled *The State of Human Rights Education in Northeast Asian School Systems: Obstacles, Challenges, Opportunities*.¹ As a next step, HURIGHTS OSAKA decided to develop a human rights education training resource material based on Northeast Asian experiences and in collaboration with Northeast Asian educators. The material should provide Northeast Asian educators ideas and practical measures that support the growth of human rights education in the school systems in the subregion.

Project Objectives

The development of a training resource material for the Northeast Asian subregion is designed to help in the institutionalization of human

rights education within the school systems in the subregion.

As in the previous projects for Southeast and South Asia,² the training resource material must be

- a) Contextualized in the Northeast Asian subregion,
- b) Composed of some of the best teaching and learning materials for human rights education that are available in Northeast Asia,
- c) Embodying the perspectives and experiences of the human rights educators in the subregion particularly those that relate to the challenges of teaching/learning human rights within the school systems in Northeast Asia,
- d) Promoting the international human rights standards through their concrete application in the education setting as content, teaching/learning processes, school rules and regulations, teachers' guiding principles, issues for parents-teachers associations, and school-community relations,
- e) An appropriate material for teacher-training, and even as teaching/learning material, and
- f) Supporting networking among Northeast Asian

educators through continued exchange of information on the development of human rights education in the different school systems.

The development of a resource training material started with a meeting in September 2011 in Osaka of educators from China, Hong Kong, Japan, Korea, Mongolia and Taiwan. The September 2011 meeting led to an agreement to develop lesson plans based on existing materials in the subregion.

The contributors met for the second time on 1-2 September 2012 to review the lesson plans they had sent previously and to agree on additional contents of the training resource material.

The invited contributors have varied educational roles. They consist of law professors who teach human rights courses as well as heads of human rights centers, professors in education department/university, a consultant on human rights education, two school teachers (primary and secondary levels), and a head of a non-governmental organization that undertakes human rights education.

Current status

The contributors³ agreed to adopt the HURIGHTS OSAKA proposal on the contents of the

training resource material. They consist of the following:

- a. Human Rights: Concepts, Mechanisms and Issues – this is a brief discussion on the basic principles underlying the international human rights standards, list of basic rights, international/regional/national human rights mechanisms, national laws and policies on human rights education, and issues in Northeast Asia that relate to human rights. This section shows the legal support for human rights education at the international and national levels.
- b. Northeast Asian School Systems and Human Rights Education – this is a basic introduction of the school systems in Northeast Asia and the human rights education initiatives that exist.
- c. Human Rights Education Pedagogy – this is a discussion on the pedagogies being employed in the lesson plans in the resource material. It provides pedagogical techniques for human rights education, with a user-friendly description, and a focus on the positive aspects of the pedagogies.
- d. Schools and Human Rights Education – this presents a number of initiatives in schools that support human rights/human rights education. A good example is the School Charter on Human Rights that has been adopted in a number of schools in South Korea. If available, Teachers' Charter



- e. Civil Society Initiatives on Human Rights Education – this highlights a number of non-governmental organization programs that support human rights/human rights education such as the Child Assault Prevention (CAP) in Japan and Korea and the "Erkhulei" – Youth initiative in Mongolia.
- f. Local Government and Human Rights Education – this discusses the role of local governments in supporting human rights/human rights education and presents several examples such as the Kawasaki Child Rights Ordinance (Kawasaki city, Japan), Children's Free Talk (Tsurugashima city, Japan), and the "Human Rights Subway" in Gwangju city, South Korea.
- g. Teachers and Human Rights Education – this highlights the significant role of the teachers and their organization in providing support to human rights education in the school system. The teachers' involvement in surveying the human rights awareness of students, development of teaching materials, and in training teachers on human rights will be included. One example is the organization of teachers on human rights education based in Osaka, Japan and named Furitsu Jinken.
- h. Local Community Participation – this presents initiatives of the community around the school that help the schools in their human rights education program.
- i. Human Rights Curricular Framework – this presents the issues as well as the scope and sequence of the lesson plans covered by the resource material.
- j. Human Rights Lesson Plans – as the major content of the resource material, these lesson plans discuss a number of issues appropriate to each level of

school education – primary, lower secondary and upper secondary.

The training resource material will also have appendices that include basic human rights instruments (Universal Declaration of Human Rights and the Convention on the Rights of the Child) and information on where to get reference materials in Northeast Asia. Online teaching and learning materials in Northeast Asia will be included in the appendices.

The publication is expected to come out in print in March 2013, and its digital file will be made available online through the website of HURIGHTS OSAKA and possibly of other institutions.

For further information, please contact HURIGHTS OSAKA.

Endnote

- 1 Available in pdf file at www.hurights.or.jp/english/publication.html.
- 2 The Southeast Asia project resulted in the publication of the *Human Rights Lesson Plans for Southeast Asian Schools* in 2003 and their versions in a number of Southeast Asian languages (Bahasa Indonesia, Bahasa Melayu [courtesy of the national human rights institution in Malaysia, SUHAKAM], Khmer, and Vietnamese). The South Asia project resulted in the publication of the *South Asian Teachers and Human Rights Education - A Training Resource Material* in New Delhi in 2009. The Southeast Asian publications are all available in pdf file at www.hurights.or.jp/english/publication.html.
- 3 The contributors include the following:
 - a. China - Professor Bai Guimei, Executive Director, Research Center for Human Rights and

- Humanitarian Law, Peking University and Professor Yang Songcai, Executive Director, Guangzhou University Research Center for Human Rights;
- b. Hong Kong - Mr. Law Yuk Kai - Director, Hong Kong Human Rights Monitor
- c. Japan - Mr. Akio Hige, upper secondary school teacher
- d. Korea - Ms. Arah Goh, primary school teacher
- e. Mongolia - Mr. Altangerel Choijoo, Project Coordinator, National Human Rights Commission of Mongolia
- f. Taiwan - Professor Mei Ying Tang, Taipei Municipal University of Education.

Lost in Transition

(Continued from page 5)

- 2 Based upon 2010 United Nations population data for the region, and an estimate that 0.3 percent region wide may fall within the definition for being transgender. See main body of report for more detail.
- 3 Trans* women here are birth-assigned males identifying and/or presenting as female, or (in those cultures in which it is accepted that there are more than two genders) as members of another broadly feminized gender. Trans* men are birth-assigned females identifying and/or presenting as male or as another broadly masculinized gender.

- 4 Cisgender people identify and present in a way that is congruent with their birth-assigned sex. Cis-male refers to birth-assigned male who identifies and presents as male.
- 5 Gonado-genital surgery is 'downstairs' surgery. It can involve (in the case of a birth-assigned male) removal of testicles and penis, and perhaps construction of a vagina, labia and clitoris. In the case of a birth-assigned female it can involve removal of the ovaries and uterus, and perhaps surgery to create a penis.
- 6 CBO as defined here includes non-registered networks and groups, as well as more formal and/or funded organizations.
- 7 Trans* positive here refers to practice that affirms trans* peo-

ple's rights to their gender identities and expression, and support their ability to lead their lives with respect, equality and dignity.

HURIGHTS OSAKA Calendar

HURIGHTS OSAKA is now preparing the second edition of the *Directory of Asia-Pacific Human Rights Centers*. The first edition of the Directory was published in 2008. The second (2013) edition will include many more human rights centers including those in countries that were not included in the first edition.



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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.

FOCUS Asia-Pacific is edited by Osamu Shiraishi, Director of HURIGHTS OSAKA.

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