

Opening Remark I

Mr. Filip Grzegorzewski/ Director of EETO

Vice President CHEN Chien-jen,
Foreign Minister Joseph WU,
Minister of Justice TSAI Ching-hsiang,
French Ambassador for Human Rights François CROQUETTE,
Colleagues from the Foreign Offices,
Friends from the lesbian, gay, bisexual, transgender and intersex communities,
Distinguished guests,
Ladies and Gentlemen:

Good morning!

As the Representative of the European Union in Taiwan, it is my honour and distinct pleasure to welcome everyone to the 2019 EU-Taiwan LGBTI Human Rights Conference. This conference is co-hosted by the European Economic and Trade Office, together with Taiwan's Gender Equality Department and the Ministry of Foreign Affairs.

I am sure you would all agree that we should start today's conference by congratulating Taiwan on the legalisation of same-sex marriage in May this year, as the first in Asia. It's an achievement which involved the efforts and determination of human rights defenders and activists, many of whom are here with us today. Moreover, it's an achievement that demonstrated the political will, as well as the political courage, from the government and the law makers.

I officially assumed my position in Taiwan about one and half months ago. Since then, I got to meet people, understand more in-depth about Taiwan's culture and civil society. And I found myself being amazed as I see how vibrant, open, free and diverse Taiwan is. It is a true democracy and indeed a like-minded partner of the EU in many ways, most importantly in human rights.

The EU's "Guidelines to Promote and Protect the Enjoyment of all Human Rights by LGBTI People" was adopted in 2013. As stated in the guidelines, the EU strongly supports the position that all individuals, without discrimination, are entitled to enjoy the full range of human rights. The EU is committed to the principle of the universality of human rights, and reaffirms that cultural, traditional or religious values cannot be

invoked to justify any form of discrimination, including the discrimination against LGBTI people.

In this context, the EU remains gravely concerned that gender identity and sexual orientation continue to be used as excuses for serious human rights violations in some parts of the world. You may find it shocking and disturbing, but the fact is, more than 70 countries in the world today still criminalise sexual relations between consenting adults of the same sex, and the punishment includes the death penalty.

In order to defend, protect and promote LGBTI rights, the EU supports a wide range of projects through various instruments. These projects aim at empowering LGBTI organisations, enhancing dialogues with authorities and law makers, as well as providing training, information and legal support to the LGBTI communities, among many others.

Today's conference is part of such projects supported by the EU. Together with Taiwan's Gender Equality Department and the Ministry of Foreign Affairs, we hope that by sharing the successful experience of Taiwan, we can encourage and accelerate the progress of LGBTI rights in other parts of Asia and in the world.

Nevertheless, we are aware that the same-sex marriage legislation in Taiwan still leaves room for improvement, especially regarding the issues of co-adoption and cross-national marriage. Also there are still works to be done on raising public awareness, on workplace equality and on education, just to name a few. I hope in the next two days, by exchanging best practice and experience among experts, NGOs, government officials and law makers from across Asia and Europe, we can together bring new ideas and find ways to strengthen and improve necessary mechanism, for the challenges that are still faced here in Taiwan as well as in other countries.

Throughout this week in Taipei, besides our conference, there are several other seminars and events on promoting LGBTI rights, with topics ranging from parenting and family to the rights of the intersex people. And, of course, on Saturday, there will be the largest Pride in Asia; around 200.000 participants are expected. My Office together with other 15 Foreign Offices in Taiwan will also take part to show our joint support. Even some friends of mine in Poland are coming to Taipei just for the Pride! This is a celebration not just for the LGBTI people, but for the true equality of all human beings.

Before I end my remarks, I would like to take this opportunity to express my admiration and appreciation for all the human rights defenders and activists, including the participants here today. You are the ones that made changes happen, sometimes in places where situation is far more difficult. You stood up and spoke out. You risk being viewed differently so that everyone can be treated equally. Thank you for all that you have done for the LGBTI community and for human rights.

I wish everyone a successful and fruitful discussion today and tomorrow, and a very Happy Pride on Saturday.

Thank you.

Opening Remark II

CHEN Chien-jen / Vice President

Mr. Filip Grzegorzewski, head of European Economic and Trade Office; ambassadors, Mr. Joseph Wu, Minister of Foreign Affairs, members of Gender Equality Committee, distinguished guests, ladies and gentlemen, good morning!

First of all, I want to welcome you to the 2019 EU-Taiwan LGBTI Human Rights Conference as Vice President of Taiwan. My utmost regards and appreciation to all of you.

LGBTI activists in Taiwan have worked tirelessly for over 30 years to be where they are today. We want to pay utmost respect to those who have stepped up, to help raise awareness and let the world know the distance that the LGBTI movement in Taiwan has come, to become the first country in Asia to legalize same-sex marriage.

This particular issue has triggered many debates and discussions over the past few years among family values supporters, those who work with inter-generational interest groups, and the religious communities. The act underwent many discussions, back-and-forth and reviews. The Executive Yuan and the Legislative Yuan at last overcame numerous challenges, and witnessed the passage of the Act for Implementation of Judicial Yuan Interpretation No. 748 on May 17 this year. Taiwan became the first country in Asia to grant legal protections to same-sex marriage, setting a fine example as a mature democracy.

The passage of this particular bill, is a strong testament to Taiwan's strong support for goodness and democracy, respect for alternative lifestyles, and fair treatment of all. By giving legal protections to people of alternative lifestyles, we assure everyone that tolerance and acceptance is our shared value.

By promoting gender justice policy agendas and the enactment of CEDAW, the Taiwan government is actively implementing awareness campaigns that gender equality is part of human rights; in doing so, various government agencies have launched education programs, reviews and legal revisions to better protect women's rights and gender equality. Taiwan, in comparison to other countries in Asia, is much more progressive in gender justice.

Taiwan and the EU have been hard at work promoting gender equality and human rights, and have enjoyed extensive exchange since 2015. In the first "Annual Human Rights Consultations" held in 2018, Taiwan and the EU agreed to set up a "EU-Taiwan Gender Equality and Human Rights Training Course," to be hosted at a 3-year interval. Taiwan would be the coordinating platform, with nations included in Taiwan's South Bound Policy, Japan and South Korea as core, to engage the EU as its mentor and partner, so as to continue an extensive gender quality policy framework development, and experience exchange.

2019 is the initiation year for "EU-Taiwan Gender Equality and Human Rights Training Course." It also happens to be the first year marking the legalization of same-sex marriage in Taiwan. The Executive Yuan has partnered with the European Economic and Trade Office, and invited officials from the EU (including member countries) and Asian countries, representatives from the private sector and experts to launch workshops, with the goal to research LGBTI rights protections and share case studies from the EU, Asia and other international platforms, to align Taiwan's own human rights movement with that of the world.

Our knowledge of the LGBTI community was limited in the past, that we could not relate to the challenges they faced. This lack of understanding resulted in distrust. Other than legalizing same-sex marriage, we would also launch education programs to help raise tolerance and acceptance. We still have a long way to go, and let us make diversity tolerance our goal to eliminate prejudices.

I thank you for your participation in the conference, and may our common goal be our own reward. Thank you!

Keynote Speech I

LO Ping-cheng/ Minister without Portfolio, R.O.C. (Taiwan)

Good morning, I am LO Ping-cheng, Minister without Portfolio at the Executive Yuan and I would like to use this opportunity to share with you how Taiwan protects the human rights of the LGBTI community by implementing international human rights instruments. So I would like to ask the organizer to please switch the screen to my slides. Have you ever been to Taiwan before? I have a question for you now - what kind

of country do you think Taiwan is? Okay, my slide is up, what kind of country do you think Taiwan is? Whether or not you have been to Taiwan, I think everybody has different experiences or imaginations towards Taiwan. I really love Taiwan and I think Taiwan is a democratic country, there's no doubt about it. Taiwan is a rule of law country, it attaches great importance to culture. We're also very proud that Taiwan is a country of Human Rights, now founded upon the principles of Human Rights, Taiwan implements international human rights instruments which I will talk about later on. For many years Taiwan has spared no efforts in promoting human rights and I believe that those efforts have been recognized and international media has said that Asia's freedom of speech can be found in Taiwan or Hong Kong and this year we're able to become the first country in Asia to legalize same-sex marriage and many human rights organizations around the world have seen that Taiwan plays a very important role in promoting human rights. Reporters sans frontieres, when selecting their headquarters in Asia, decided to set it up in Taipei and during this week there are two human rights events. This one on the protection of rights for LGBT community is one of the events, and FDIH, another important human right alliance decided to organize their 40th anniversary event in Taipei. I think this shows again that our efforts in promoting human rights have been recognized by our international friends, but have we done enough? Maybe we really need to have more exchanges with international community in order to learn more to better our practices. So how does Taiwan promote protection of human rights through international human rights instruments? Taiwan is not a member to the UN, even though we wish we were, however we cannot exclude ourselves from the international community because of that. So among the not very important international human rights instruments we have turned five of them into domestic laws, we're not official state party, but we make these five international human rights conventions into domestic law in 2009, we passed the Act for implementing ICCPR and ICESCR, we also adopted CEDAW, CRPD and CRC. How did Taiwan do that? Well, we refer to a UN model and bring up our own localized review mechanism, because we want to follow the international model and therefore, we produce periodic human right reports. The secretariat of the UN wouldn't accept such a report from Taiwan, so we bring the international experts to Taiwan to talk to the government and to talk to the private sectors. This is a way to expand the room of involvement of NGO's and also to facilitate more dialogues between the government and the civil society. As you can see here, these are the conventions we have adopted, these are the 5 international human rights instruments which have become domestic laws and we have A rounds of national reports reviews already, so we have accumulated much experience in state reports review. As shown on the screen, among the AIDS reviews, we have done two or three for CEDAW, so out of the 5 conventions,

CEDAW is the one which goes through the most reviewed processes. This is the reporting cycle which shows how the three parties work together, I mean the international panel, the government and the private sector. So first of all, the government will produce a state report using CEDAW as an example, but the private sector or the civil society also produce their parallel reports and the international panel of experts will produce a list of issues, afterwards the government will need to submit written responses to the list of issues. At the same time, if you look at the blue parts which represents civil society, they can also submit their parallel replies. Then international experts will come to Taiwan, in fact we used this very venue for the review of CEDAW reports, so international experts come here to conduct review meetings, the government and the civil society are both part of the review meeting. In the end, the experts will produce concluding observations and recommendations, which the Taiwan government value a lot. The civil society would also monitor government practices as to whether the government has implemented those recommendations, the government also need to follow up with these recommendations. So this is the reporting cycle, which we have every four years, which we use to promote human rights protection. At the third report of CEDAW, we adopted a very special practice at the time the head of the international panel from Korea said that maybe we don't have to wait for four years, we can conduct interim report review, so CEDAW is the first convention that adopt the interim review, which means that every two years there will be a review. So we are developing such a process right now. Coming back to my topic today, how does Taiwan protect LGBTI rights? Currently in Taiwan, ICCPR, ICESCR and CEDAW are all in place, they share the common values, they all recognize that people regardless of ethnicity, gender, language or other status, shall be entitled to the rights. The other status here include the LGBTI community, so the rights of the LGBTI community have to be protected, which have been confirmed in these conventions. Now I would like to talk about how we implement the protection of LGBTI rights, what achievements we have made and what challenges we are still facing. Now the first perspective LGBTI rights protection is education. We do have a piece of legislation in this regard, that is Gender Equality or Equity Education Act, so when it comes to recruitment of students and the provision of classes activities assessments, rewards and penalties, benefits or services, shall not be provided based upon any discrimination. So there is a gender equality committee at school to investigate any violations against these Act. At elementary and junior high schools, it is necessary to provide at least four hours of gender equality education every semester to teach students to understand and respect people with a different sexual orientation or gender identity to raise awareness of gender equality. I've read these classes were challenged last year, later on I will talk about what those challenges

are. The second perspective in protecting LGBTI community is to prevent gender-based violence toward LGBTI students on campus. Some of these students are bullied because of their gender characteristics, gender traits, sexual orientations or gender identity, they may be ridiculed, attacked or threatened. This is so-called sexual bullying on campus and in 2011, we amended Article 2 of the Gender Equity Education Act by adding a definition of sexual bullying and making a part of preventive work. Moreover, the international review committee for the third CEDAW report was concerned that sexual harassment, assault and bullying continued at schools, in particular against girls or students with disabilities, LGBTI students and foreign students among others, and it is necessary that we change this. The government urged to set up its efforts to prevent sexual harassment and sexual assault and sexual bullying in schools, and we need to continue our work in this regard. The third perspective is health care for LGBTI community. The government has set up 16 LGBTI community centers to care for LGBTI. There is a free online consultation, free health lectures, medical referrals, medical consultations and screening for HIV and so on. In 2016, these health community centers were able to serve about 3,000 people every month, about 250 were conducted over the phone. When LGBTI people go to hospitals, it is important that the medical professionals have awareness of gender equality and know how to respect LGBTI community. In the human right conventions and in the state report, I think you'll point out that such a awareness raising is very important, that's why we plan programs for medical professionals to take in order to be more aware of LGBTI people and their rights. The fourth aspect is the protection of the rights of same-sex couples as mentioned by Vice President CHEN Chien-jen, we have legalized same-sex marriage in May. I want to come to adoption, currently under the law in Taiwan, one party in the marriage can adopt the genetic child of the other party, but if it is not a genetic child, there's no way of adopting him or her just yet. But for person who is single or who want to adopt, they may adopt a child, but the couple may not adopt the child as a couple, so I think in the future it's going to take more dialogues in the society regarding whether or not we'll be able to recognize the rights of the same sex couple to adopt a child who is not biologically related to them. In Taiwan adoption has to be approved by judges, so it is important that the judges have awareness of LGBTI, if they don't they may discriminate against same-sex couples in adoption cases, therefore, judges have to take gender equality programs as well and I think that's an important element in protecting LGBTI rights. The Judicial Yuan now has a very systematic program in order to raise awareness of gender among judges. The fifth aspect is also related to domestic violence. Before this May, same-sex partners were still covered by the domestic violence prevention law, so if the same sex couple live together, these partners are still covered by the Act. But it isn't covered the gay or lesbian couples who didn't live

together, but by 2015 the law was amended so even for a gay or lesbian couples who did not live together, who did not cohabit are still covered by the domestic violence prevention Act. About the legalization of same-sex marriage, let me just be brief here, Taiwan has legalized same-sex marriage but it doesn't come by easily. Starting from 2012, the government conducted research on same-sex marriage system and we adopt the act for implementation of the J.Y. interpretation no. 748, so it has been eight years. In 2017, the judicial yuan stated that Mr. Chi Chia-wei, a gay activist actually involve himself in this work for 30 years in pushing for the passage of same-sex marriage and it took several stages for same-sex marriage to materialize because earlier on, the Kaohsiung government started and become the first among all the local government to allow for a marriage registration of same-sex couples and before 2017, 11 cities or counties allows for registration of same-sex couples, currently there are 18, and such registration is still necessary, so this registration and a marriage or parallel, they both exist after the act for implementation was passed. By August, about 1827 couples same-sex couples got married, among them 605 where gay couples and 1222 couples were lesbian couples, so that's a double the number of gay couples, these are the numbers of same sex marriage in Taiwan now. On the change of sex designation for transgender people, currently the law requires diagnosis from two psychiatrist as well as irreversible sex reassignment surgery before a transgender person can change his or her sex designation. From 1998 to 2016 there about 600 people who change sex designation. Some NGOs are against the surgery as a prerequisite for the transgender people to change sex designation. On that, in the concluding observation for the second state reports for ICCPR and ICCR international experts recommended that government should stipulate in law that transgender has the freedom to identify with a certain sex without unnecessary restrictions such as surgeries. Now for intersex people to avoid premature surgery being performed on intersex children, international experts recommended that the governance study the situation of intersex people and ban the removal of healthy genitalia through medical surgery among other policies. On October 11th, 2018, Ministry of Health and Welfare therefore has promulgated recommended principles for medical corrective surgery on intersex minors and also provided a referral list of hospitals as surgery is banned unless the current condition is dangerous to the health of the intersex person. As I said there are some challenges, in 2018 referendum, the 11th question is that do you agree that at elementary and junior high schools, schools and Ministry of Education should not implement LGBTI education as stipulated by enforcement rules for the Gender Equity Education Act, it turns out that 67% of the voters voted for that, which is a setback for the gender education in Taiwan. It also means that we need to encourage more dialogues in the society and the Ministry of Education need to change its Article or amend Article 13 in

enforcement rules, but it still states that it is necessary to understand and to respect the rights of LGBTI. Due to some information and rumors, LGBTI people's rights have been harmed and the government has the responsibility to disperse that, and to eliminate those information. After legalizing the same sex marriage, what's next? Have we done enough? As I said earlier we have made some achievement but some challenges remain, it is necessary to have more inter agency efforts to continue to promote and protect human rights of LGBTI people. At the beginning of my talk, I asked you what kind of country Taiwan is, Taiwan is a country of rule of law, democracy and freedom, so foreign friends of mine said that Taiwan is a beautiful country, yes it is, the most beautiful part of it is the people, as many people recognized, and I'm very proud of that kind of praise. I think we can even say that the most beautiful part of Taiwan is our people and the rights of people, the human rights, so I think it is mine and our common expectation that the most beautiful part of Taiwan is our human rights, thank you very much.

Adam DEDMAN/ PhD Candidate, University of Melbourne; Director, Institute of South East Asian Affairs (ISEAA) (ISEAA)

Good morning ladies and gentlemen, I'm happy to be here, I'm a PhD candidate at University of Melbourne. First of all, I would like to thank the Executive Yuan, the department of Gender Equality for the invitation. I'm here to share with you my views and understanding of the gay culture in Taiwan and its impact across Asia. Thank you for coming today and for allowing me to share my thoughts about Taiwan and Taiwan's relationship to the rest of the region. My talk today is entitled Taiwan and the struggle for sexual minority rights in Asia. But what I'm not going to do is to give you a laundry list of legal arguments for rights, I come from the field of cultural studies, so what I'm going to try do today is to share with you some of my thoughts about the emergence of Taiwan over the past 20 years or so, as what I believe or what I call a transnational gay space or transnational gay Taipei. So, the alternative title for my talk today is actually transnational gay Taiwan, the warm power impacts of LGBTQI rights in Taiwan. So why transnational gay Taipei? I've spent the past 20 years in Asia, living in Japan, Thailand and Taiwan. I've noticed since the late 1990s that there's been a growing movement in the region around rights for LGBT people, but also in terms of movement, mobility of queer people in the region, of queer media, of ideas, of exchanges, and I believe that all of these converged to give birth to what I called transnational gay Taipei, and that's what I hope to unpack with you today to give you some of my thoughts about how that contributes to Taiwan's warm power, which we often think of perhaps is soft power. The Ministry of Foreign Affairs in particular here has re-coined or renamed their global outreach as warm power, so human to human contact, so I want

to look at that through the prism of lesbian, gay and trans people in Taiwan and the impacts on the region. So civil society, as we all know, put Taiwan on what I call the gay map. Taiwan spent nearly four decades under an authoritarian government, martial law, at the time the longest of any country in the world and Taiwan's example, not just to Asia but to the rest of the world, for successful democratization, for successful civil society engagement with rights, with people's ability to live freely and openly, is unprecedented, particularly in Asia, and I think all of us in this room know that due to geopolitics, Taiwan is marginalized, but I believe that Taiwan's human rights record particularly when it comes to the LGBTQ issues, does a lot for it that often doesn't get enough attention. So how did this all emerge? Thinking back over the past 30+ years, Taiwan, particularly in the 1990s gradually began opening up, both in terms of mobilization of civil society, but also just discourse, people being able to talk freely about their marginalized identities as Tongzhi, the Chinese language version of LGBTQ. On the left here are some photos of some of the earliest people in Taipei who came out on the streets in the mid 1990s to join together with other activists, but at that time they actually put masks on their faces, some of you may be familiar with this. We know today Taipei is a very different space, the pride parade as we all know, is the largest in the region, and people here no longer have to wear masks obviously, but I think it's important to remember where Taiwan came from and in my research I pinpoint the 1990s as a pivotal point for the emergence of more visibility for gay culture in Taiwan. However, I believe it's really been the past 20 years that seeing the emergence of what I call transnational gay Taipei, when I say transnational gay Taipei, yes I'm focusing on city of Taipei, but I'm also thinking Taiwan more broadly. I look at the past 20 years in two different periods, from the late 1990s until about 10 years ago, I call this the beginning of visibility within Asia of Taiwan's gay space and I link that to three - what I think are fundamental changes that happened around that time. In the late 1990s, Tongzhi hotline, we have some of their representatives here today, although there were civil society groups and women's groups that predated Tongzhi hotline. Tongzhi hotline in 1998 was the first officially registered NGO dealing with LGBTQ rights and I think that puts Taiwan's gay space on the map in a more substantive way. A couple of years later, perhaps many of you know the story of an English who is called Rose boy, he unfortunately was found dead in the bathroom of his high school in 2000, and this galvanized the LGBT community in Taiwan to push for change, particularly gender equality education, which we just heard about, and so I think that symbolically, his death had vast impacts on the community here. And then a couple of years later, the beginning of Taipei Pride, which this year we are celebrating the 17th version of. So these three events combined, and of course there are other factors, I'm just giving you a few of the big ones and my opinion began what I think of as visibility

of transnational gay Taipei. However, it's really only been the past decade, since about 2009, that we've seen the emergence of what I term the hyper-visibility of transnational gay Taipei. And I link that to two particular factors, one is technological or digital and one is political. On the technological side, the emergence of the smart phone, of the iPhone, it came out in 2009, particularly for gay men but also other queer people, mobile apps like Grindr, there are other apps as well, that revolutionized the way gay people meet each other, interact, the way that it flattened space, the way that transnational mobility became intensified through the use of technology, and so I believe that beginning in 2009 really inaugurated a new space for Taipei and in the same year, probably the most important in my opinion, LGBT organization particularly in terms of securing legal rights for Taiwan TAPCPR, we have Victoria Hsu here in the audience today, there were other groups before TAPCPR, but it wasn't until 2009 that TAPCPR brought together a group of savvy Taiwanese lawyers who wanted to forge a strategy, a legal strategy to bring about rights and we have TAPCPR to thank in the large part, for winning the same-sex marriage legislation case in 2017, and for pushing through over the past two years to see this to fruition, and I believe that is not incidental to the emergence of Taiwan's transnational space. The impacts of same-sex marriage, the impacts of legal groups like TAPCPR fighting for rights are vast throughout the region, we know that activists in Thailand, activists in Japan, activists in China, all over the region look to Taiwan, even come to Taiwan for training, and see Taiwan as a leader in this movement. So these are, I think some important points of where Taipei's trans-nationalized gay space came from. This is a quote from an article that came out a few years ago, which looks at the changing nature of how gay men in Bangkok and particularly interact with other Asian men around the region and there is a quote I found quite important in the article and it says Taipei has become a new front runner and regional gay tourism, this has led to a subsequent desirability of Taiwanese partners and sub cultural influence. You can unpack that on many levels but I think that sub cultural influence really speaks to the warm power or the soft power of Taiwan's gay movement for other people throughout Asia. So, I position, unfortunately I don't think you can see all my slides there, but I position Taipei in conversation with other what I've called gay cities in Asia. So historically over the past 30, 40 years, Bangkok has emerged as the imagined gay capital of Asia, this is not new to I think anyone, that Thailand has often been imagined as a gay paradise, even though that's largely the fantasy of tourists. Thailand, hopefully when the next month, as we'll find out later from our experts here, will pass some form of partnership. But my research juxtaposes Bangkok, Taipei and Tokyo. Why Tokyo? Tokyo Japan and Taipei Taiwan, as we all know, have a close political and social cultural connection. This here is a map of the three cities I'm looking at in my research, and on just a very basic level, Taipei

obviously is in the center geographically of these three cities. But I see Taipei over the past 20, and as I said really, the past decade, as superseding or rivaling, if we can use that kind of language, Bangkok as an alternative, more liberal, when it comes to legal rights place for queer people in the region. Bangkok is still a wonderful place to visit, it's highly popular for day tourists, but it doesn't have the same kinds of legal protections that Taiwan does. Taiwan has a vibrant democracy, as our speakers today have already reminded us. Thailand, unfortunately as we know, is not in the same political situation as Taiwan. But I also think that it's not just the gay community alone, there are political macro level impacts on what's happening, so my research questions try to connect the current government's new southbound policy of further engagement with southeast Asia, as I said Taiwan's political affinities with Japan, to unpack the warm power projection on sexual minorities throughout the region. Now obviously there are many permutations of this, there are people from China, from South Korea, from Nepal, India, Singapore, Hong Kong that come here, obviously I can't cover every permutation, so my research is looking at the case study of Japanese and Thai sexual minorities who come to Taiwan both as tourists, but also those who look to Taiwan as sort of a political leader and what they want their countries to hopefully become. And I believe that the political dynamics of free speech, a robust democracy, a legal protections as I've talked about, affect the image of and support for Taiwan, but we tend to think of warm power or soft power largely in macro geopolitical terms, you know Taiwan trying to defend itself against aggression from its big neighbor across the strait, military connections to geopolitical allies with the EU, the United States, other like-minded partners, but we tend to overlook the mundane, the everyday forms of human to human connection that impact Taiwan, its place in the world and in particular in my research, the connection with the community of sexual minorities. Now, my last question, which unfortunately is covered up there, is about the influence or the impact of transnational gay media on Taiwan. So, Taiwan over the past decade has also become a bastion of queer media production and I want to share some of that with you because it's quite unique what's happening in Taiwan and the way that these forms of media are being consumed by people throughout the region. This here is Jay Lin, he might be familiar to some of you, he's the CEO of a Taiwanese media company called Portico Media. Portico Media was set up in 2010 to begin to promote queer related content, both on TV, but more recently through what's called GagaoLala, lovely name, this is Asia's queer Netflix, it started three years ago and there are now somewhere around a quarter million paid subscribers to this service. I think it's quite remarkable what Portico Media and Jay Lin have been able to do with GagaoLala and the projection of soft power from Taiwan warm power throughout the region. Beginning last year, like Netflix, they began to produce original content, they now have

many documentaries about Vietnam, Japan, Hong Kong, Philippines, there are more in the works. Taiwan is the only country in the region with this level of sophistication around queer media production. It's not the only country producing queer media of course, but the level of sophistication and the ability to project that is unique in Taiwan. Line TV some of you may be familiar with this line is be most popular messaging app in Taiwan and in Japan and Thailand so it's perfect for my research but LINE TV, some of you may be familiar with this, LINE is the most popular messenger app in Taiwan, and in Japan and in Thailand, so it's perfect for my research. But LINE TV is only available in Taiwan and Thailand, and Line TV, launched four years ago, has become an unexpected space for the production of gay media content in the region, kind of like Netflix, it also produces original films, people watch them on their mobile phones, and the circulation of this throughout the region is being translated beyond Chinese, beyond Thai, into multiple languages across the region, and I believe the impacts should not be overlooked. Tokyo and Taipei, every year, including this year, more and more Japanese come to Taipei Pride, probably the largest number of non Taiwanese at the Pride Parade in Taipei every year are from Japan. This year, in fact, I found out yesterday that there is a Japanese corporate sponsorship now for Taipei Pride, this is rather unusual in the region, many Taiwanese as well go to Tokyo Pride, so the connection back and forth, at the level of political activism, is very important, but at the level also of human to human interaction I think, does go a long way for what Taiwan is trying to do in terms of it's warm power projection. Another example of this, every year there is a large event of Japanese and Taiwanese gay men that happens here in Taipei, it brings hundreds of men from Tokyo to Taipei for cultural exchange around gay issues up, and this is not happening in the same way in other parts of Asia, so I think it's very unique to Taiwan's broader political goals, even though it's not overtly political on the surface. Japanese media call Taiwan the closest, hottest gay spot, and although these examples are focusing on gay men, they're not exclusive to gay men, there are also lesbians and trans people who are involved in these, you can see some photos here on the left from last year...two years ago that the event happened and these flows are becoming more and more, not just increasing the number of people, but also in frequency, and what happened in Taiwan this past May, I believe, will continue that trajectory. As well as I said, LGBTQI forums and trainings, this is a photo of us from yesterday that brought, TAPCPR brought activists from all over the region, from Nepal, Japan, Hong Kong, Korea. We, I believe that what Taiwan is doing, because of its robust democracy, because of freedom of speech, it creates this unique dynamic on multiple levels that is developing this transnational gay space in Taiwan. Taiwan Pride every October, I chose the photo here of Christian pastors who support queer people because we know all too well that most of the anti same-sex

marriage movement in this country was led by a particular group of largely Christians who see gay people in a certain light, but thankfully not everyone who is Christian feels that way and I think that this is also an important example of Taiwan's transnationalizing gay space. So I wanted to leave you with this quote from President Tsai Ing-wen, who is fond of saying that we should respect what Taiwan has always had, a diverse island culture. We know that, yes, Taiwan is a settler society, the vast majority of people here are ethnically Han from China, but Taiwan's culture is much more than just that. Taiwan has a vibrant Aboriginal culture, Taiwan has a vibrant LGBT culture, as we all know. And the respect for diversity and democracy really defines Taiwan's warm power. As president Tsai Ing-wen said last year, Taiwan can help Asia and Asia can help Taiwan and I believe that that is particularly happening in very important ways here in transnational gay Taipei, so thank you.

Keynote Speech II

YU Mei-nu/ Legislator, Legislative Yuan, R.O.C. (Taiwan)

Hello everybody, good morning honorable guests, I will speak Mandarin so please put on your ear phone. First of all, I would like to welcome guests from around to Taiwan to talk and to share about why Taiwan is able to legalize same-sex marriage and be the first in Asia. This is the first year which we have legalized same-sex marriage in Taiwan and on Saturday there will be the Taipei Pride Parade, you are very welcome to join. People may ask, why can Taiwan be the first to legalize same-sex marriage? I think there are several factors, first, Taiwan's historical and political background, second, Taiwan's feminist movement, third, LGBT movement in Taiwan, and fourth, legislation, interpretation of Justice and Referendum. Let's take a look at Taiwan's historical and political background. Taiwan has been an immigrant society, many of our ancestors immigrated from Mainland China, our ancestors cross the Taiwan Strait to come to Taiwan, they were very adventurous, and as an immigrant society, Taiwan is diverse and inclusive. Taiwan is also a society with colonial background because the Dutch Empire, Spain, the Chin Dynasty, and then Japan, had come to Taiwan in turn, so the people in Taiwan need to adapt themselves very quickly in order to survive. Also, from 1949 to 1987, martial law had been implemented and the law was only lifted in 1987, before that, people here didn't enjoy constitutional rights, there was no freedom of assembly, freedom of speech and so on. There were the 228 incident, the White Terror, the Formosa incident and so on, all of which were human rights violations, but that was also why people started to advocate for advancement of human rights. In the process of democratization, there were other movements, for example, Farmers Movement, Women's Movement, Children's Movement, Consumers' Movement and so on, all of those social movements were in parallel to the democratization of Taiwan

and I myself joined feminist movements. I think those movements have become nourishing grounds for the late LGBT movement. So when it comes to Feminist Movements, Awakening Magazine was published in 1982, there was no freedom of speech but people still tried to write about what they wanted to advocate. Awakening Magazine tried to discuss what the Chinese traditions from 5000 years ago are doing to the modern women. By 1987, there was the Dr. Sun Yat-Sen Memorial Hall Incident, so when women go to work on the first day they have to put in writing that they would resign if they become pregnant and also if they reach 30 years of age. Those kind of requirement drives women to gather at the Dr. Sun Yat-Sen Memorial Hall to protest. Those were not reasonable requirements and there were no laws in place to protect women's rights and that's when NGO started to learn how to submit their version of the legislation proposal to the Legislative Yuan. After the submission, maybe no legislators will respond to us, so we have to learn how to advocate. So starting from the Awakening Magazine to the incident to the passage of law. By then, we needed someone to monitor the implementation of the law, and that's why the Committee of a Women's Rights Promotion was created, and this Committee has been reorganized into the Committee of Gender Equality so the Premier at other Ministries, as well as women feminists gather together to discuss women's policy, which were implemented to help promote the right of women and then Taiwan also signed CEDAW. Taiwan is not a member to UN and but we still signed it, and we make domestic law and invited international experts to come to review the state report of CEDAW, as well as the NGO shadow reports. Every four years, there is the review of the state report under CEDAW. What we're saying is that we may become more aware of their rights and that the laws have been implemented and that we started to also join International Community in passing the international human rights conventions. Let's move on to LGBT movement, while in fact many lesbians took part in the Feminist Movement, during that time the martial law was not a lifted, and all those women didn't come out from the closet, so back in 1990s, there was a lesbian magazine called "Wemen zhi jian" which means "between us". By 1998, Taiwan Tongzhi Hotline Association was created. This Association is the organizer of the Pride Parade this week. By 2000, Yeh Yong-zhi died, he was more timid, more feminine and therefore bullied by the classmates. He didn't dare to go to the toilet during the break, he had to sneak out from class to use the toilet and that he ended dead in the toilet. No one knew exactly what happened, and after some investigation, it was discovered that he was bullied for a long time but the school simply ignored that fact. So the death of Yeh Yong-zhi drove the women's group and LGBT group together to pass a Gender Equity Education Act, requiring that elementary and junior high schools have to give at least four hours of Gender Equity Education every semester. By 2009, Taiwan Alliance to Promote Civil Partnership Rights

was created and by 2016 Marriage Equality Coalition Taiwan was created. In this process, you may see that women's and LGBT movements are the reason we were able to pass the legislation of same-sex marriage. So when people ask, how come Taiwan can move so fast, it all went back to 1958 when a lesbian couple asked the court whether it was possible for them to get married, the answer was no. In 1986, a gay representative, Mr. Chi Chia-wei went to the court and demand for legal marriage but he was denied. He initiated a legislation and also went to the Examination Yuan and the Presidential Office, but wherever he went, he was denied. In 2001, that was the first rotation of political parties on the DPP, the Democratic Progressive Party took office for the first time in 2001 and the Executive Yuan wanted to pass the human rights basic law, but didn't succeed. By 2006, legislator Bi-Khim Hsiao introduced Same-sex Marriage Act but it didn't pass the procedure of committee due to the boycott of the nationalist party. In 2012, that was the first time I become a legislator, representing DPP and a gay couple at that time lived together for more than 10 years wanted to register marriage at the house of registration administration, they were denied and they initiated a lawsuits and the court decided to send this case to the Judicial Yuan for Constitutional Interpretation, but the grand judge at that time was a more conservative panel, therefore there were many press conferences that were organized, and during that conference I proposed an amendment of civil code, because the civil code stated that a marriage can be decided between a man and a woman and I changed it to between the two parties. It passed the procedure of committee, it went into the judicial committee, so in 2012, that was the first time that such a proposal was discussed in the legislature, it was part of the official documents. In 2013, civil society created the Taiwan Alliance to promote civil partnership rights. They proposed their version of the proposal, they changed husband and wife to spouses, they want to change mother and father into a parent in the law. Some people from the society opposed to that but these proposal was still delivered to the legislator. In 2013, we discussed these at the legislature but the anti-gay groups gather their power together, they asked the Nationalist Party to boycott the discussion and in 2016, all the proposals that didn't pass had to start from zero. So the attempted proposal to amend the civil code didn't generate any fruitful result. But hen after a few years, the DPP had majority in the legislature and that's when we thought it was possible to finally legalize same-sex marriage in 2016. But before 2016, DPP already have people out there to join the Pride Parade and the President said before that, I am Tsai Ing-wen and I support marriage equality. But in 2016, Professor Jacques Picoux, originally from France, had a partner from Taiwan, they lived together for 35 years but his partner died because of illness. Before he died, Professor Picoux was not able to sign anything in the hospital on behalf of his partner and he was not able to keep the house they used to live in

together. Professor Picoux was very frustrated and upset and therefore killed himself, which became a sensational news, that happened in October and was also when the Pride Parade was organized. So the DPP organized a press conference and stated that we wanted to pass the amendment of the civil code. On the same day, the National Party and the New Power Party all sent out their versions of the amendment. By 2017, the Judicial Yuan made the interpretation of the no. 748 in December, more than 250 thousand people gathered in front of the Presidential Office in support of marriage equality. So we wanted to make sure that we could make the bill work. In 2017 in May, the Constitutional Court produced Interpretation no. 748, it stipulated that the Civil Code does not allow two persons of the same sex to create a permanent union of intimate and exclusive nature of for the purpose of leaving a common life is not constitutional, and the right to decide who to live with, who to marry, is protected in our constitution. The Constitutional Court also stated that if a heterosexual couple got married but didn't have children is probably because they don't want to have a children or they're not able to have a children and out of our constitution, it doesn't say that their marriage is invalid, so having a child is important to a marriage but it should not be a prerequisite to getting married and therefore being able to have children should not be the ground to discriminate LGBTI people and forbid them from getting married. And some people say that to allow that LGBT people to get married is against the order of nature, however the Constitutional Court stated that heterosexual couple or gay couple want to get married because they love each other and therefore they should be allowed to be married as long as they also comply with some other requirements, such as why she will not be able to marry a close relative and so on, and therefore, sexual orientation should not be the ground to support discrimination, that's why the grand justice stated that the authorities had to change the law in 2 years. But it's legislator's power to decide whether to amend the civil code or to create a new piece of legislation. But of course, it is a very controversial issue. It is possible that within 2 years, the legislator is not able to think of a proposal but the Constitutional Court believed that it was a very important right for the LGBTI community, so by the end of two years, if the legislator could not pass an amendment to a new piece of legislation then any gay couple could simply register their marriage at the household of administration. But luckily the law then was passed. But if you look at the referendum at the end of 2018, among the 16 questions, more than half of them are about Gender Equity Education and same-sex marriage and number 10 is: Do you agree that marriage defined in the Civil Code should be restricted to the union between one man and one woman? Number 12: Do you agree to the protection of the right of same-sex couples in cohabitation on a permanent basis in ways other than changing of the Civil Code? Number 14: Do you agree to the protection of same-sex

marital rights with marriage as defined in the Civil Code? It turns out that most of the voters believed that Civil Code excluded gay couples and there should be a special legislation and the Executive Yuan needed to propose a new law, therefore in 3 months. So in February 2019, the Executive Yuan drafted the Enforcement Act of the Judicial Yuan Interpretation No. 748. You may wonder why the title is not same-sex marriage and instead Interpretation No. 748 was used. Well, the result of the referendum was very frustrating to the LGBTI community and the anti-gay groups denied any possibility of using the wording such as same-sex marriage in the title of the legislation and that's why the Executive Yuan came up with this creative approach by using Judicial Yuan Interpretation No. 748 in this piece of legislation. The anti-gay groups even surrounded the agencies and the offices of the legislators who support same-sex marriage, so the wording of gay couples and lesbian couples were not used, and that's why the wording in the 748 Interpretation Enforcement Act is two persons of the same sex may form a permanent union of intimate and exclusive nature for the purpose of living a common life. And in Article 4, marriage registration is allowed, but anti-gay groups say that, oh you can't use marriage in the legislation but then the Constitutional Court allowed such a concept or wording, the word marriage can be used and that's why you see the wording of marriage. However, the adoption is very restricted, because the adoption was only possible if the child is a genetic child of the other party. So in May this year, on the very day, people were able to register their marriage, you can see many happy couples gathered together and more than 205,000 couples got married. So why can Taiwan be the first in Asia in legalizing same-sex marriage? Because we knew how to adapt due to our historical background and also thanks to the Feminist Movement before. Also because of the majority seat of the DPP in the legislature and seven Liberal Grand Justices were nominated by President Tsai Ing-wen, so that composition of the Grand Justice was very important, without that interpretation legalizing same-sex marriage would not be possible. And if they did not stipulate that in 2 years new legislation has to be passed or old legislation has to be amended, we wouldn't be able to see the legalization of same-sex marriage. So, thanks to the Grand Justice, thanks to our historical background, we are seeing marriage equality in Taiwan now. Even though same-sex marriage has been legalized, joint adoption for foreign partners are still not eligible for the same-sex marriage and we need to continue our work in further promoting the equal rights for LGBT rights.

Erwann BINET/ Former Member of Parliament, France

Ladies and gentlemen, I'm very honored to be here in Taiwan and very happy to represent my country France and thank you for invitation. Six years ago in France, we had a huge debate on same-sex marriage, it has been a difficult and sometimes painful

exercise but we have succeeded and the question we have asked ourselves afterwards is what effect could this unique debate in the history of our country have on the situation of LGBTI people and their access to their rights. So I suggest to tell you my strategy on these very tense debate, in which every single French citizen was requested to have an opinion about same-sex marriage. I will also discuss the situation with you today, the debate was violent and we are indelibly marked but the most important thing is that we won the fight, today there is no political leader to call for the repeal of the same-sex marriage and the opposition is weekly mobilized in the current debate on the opening of the medically assisted procreation to women couples, which makes me say that the debate 6 years ago has been positive and fruitful. So just a few words to introduce myself. I am an elected member of the County Council of Isère, in the southeast of France. I was a member of a French Parliament from 2012 to 2017, as a member of the National Assembly Slocum ETA, I was entrusted with the bill presented by the government to open marriage to same-sex couples called “Mariage pour tous”, which means “Marriage for all”. Before we get into the issue at hand, it seems important to me to set the scene. Here are some important dates in history of LGBTI rights in France. I could have gone further but things have accelerated in the 1980s starting with the decision to take homosexuality off the list of mental illnesses. In 1982, the discrimination have gave the sexual maturity to 15 years old to other sexual, and 21 years old to homosexual was ended, which abolishes all criminalization of homosexual relations in 1999, finally the Parliament Instituted the Civil partnership called “PACS”, opened to all couples. This bill provoked a very strong opposition, mainly from the Catholics. Every year in France, 200,000 PACS are signed, that is to say roughly the same number as wedding celebrations and 95% of them involve heterosexual couples. In a 2004, the law significantly strengthened sentences against homophobic expression and LGBTI discrimination. Since then, homophobic remarks are punished in France in the same way as racist, anti-semitic and xenophobic comments. In 2013, after a debate that lasted more than 6 months, my urge and adoption for same-sex couples are incorporated in our civil code. To this day, we have celebrated approximately 50,000 same-sex marriages in France. In 2016, I introduced in the civil code and the amendment that allows gender change at identity without medical justification. The parliaments is now discussing a bio-ethical bill that includes the excess of medically assisted procreation for women couple and for single women. This debate provokes much less opposition as I will refer to later. Finally, challenges await us, such as the situation of intersex children and the fight against discrimination of homophobia. All these evolution have not been made without opposition. As you can see, French people like demonstrations, this is a traditional form of citizen expression. This was the case in 1999, as I told you for the Civil partnership, this was especially the

case in 2012 and 2013 for the same-sex marriage appeal, we had very violent protest with several hundred thousand people mobilized and very organized. We also organized demonstrations in support of LGBTI rights, unfortunately these events mobilized a fewer people, even though the participants were often younger with more positive messages. Regarding the bio-ethical bill currently discussed in Parliament, a demonstration of opponents was organized two weeks ago with 75 thousand participants. It sounds a lot but it's very low compared to the mobilization against same-sex marriage. So, I'm going to focus on the wide debate on same-sex marriage in 2012 and 2013. In response to this huge mobilization, it was important to build a strategy for the Parliamentary debate, a strategy to convince outside Parliament, whoever needed convincing. First, have a look to the recipe for a broad debate, indeed we can ask why such a subject that concern gay and lesbian people, very few people can mobilize so widely? In my opinion, there are three reasons. The first is that the subject of marriage is an understandable subject for everyone, everyone, every family understand this subject, this is not a technical issue, this is not complex legal or budgetary problem, this is a central question to the daily life of all of us. The second reason is linked to the personality of our opponents. Actually opponents against same-sex marriage came largely from Catholics or religious circles, so they are extremely structured and extremely organized. Their mobilization was all the easier as the opposition organization was massive and structured. Finally, the French social and legal traditions, our civil code establishes rights for model of family, and tradition that puts the married couple and biological parentage at the center. Our civil code is still built on a model that has become a myth and no longer corresponds to the reality of French families, however, many traditional catholic families are deeply attached to that model, they consider themselves as a model of family to which the entire society must continue to refer to. Same-sex marriage made them realize that the model they are proud of and to which all those refer belongs to the past. Many of them were mobilized because they considered we were withdrawing this privileged status, they experienced it as a symbolic attack. An understandable subject and organized opposition strongly committed on assembly issue here is the recipe for a very broad debate. As a reporter of the bill, I realized early that we needed a strategy for parliamentary discussions to consider these three elements. So the organization of the parliamentary debate can help answer three objections that were opposed to us from the beginning of the debate by our opponents. The first objection was that parliamentarians are at no legitimacy to change the law on marriage and that the debate should be a citizen debate. This is a fairly common argument among Catholics, some of them consider themselves wisest among the average citizens. So I took the decision with the speaker of the National Assembly to make public and transparent all the Parliamentary work

and especially the commission's hearings. The second argument of our opponents were that this bill would create homosexual families. Indeed, I quickly realized that a large majority of French people were not aware about homosexual families reality. I hold LGBT movements to reveal the existence of their families and their situation in the media. My first request was to see them speak publicly, out of the shadow, that is the reason why I decided to devote to commission's hearing to homo parental families. Finally, we were confronted with an opposition considering that the minority could not impose its use on the majority against this specious arguments, we decided to show how vast and diverse is the majority supporting the bill. Here are some of the elements of the strategy we adapted for the Parliamentary debate. First we decided to cite many testimonies of homo parental families. To bring them out of the shadow, I asked them to appear in press interviews and I organized an official all committees hearing for same-sex couples' children. I wanted them to be able to address the whole country, so no one could say that we were going to create homo sexual families, it was clear from there that they exist and that they were numerous. I was clear that, it was clear that LGBTI couples do not need any authorization of society to build the families but on the other hand, that they urgently needed to be protected by law. We have also decided with the speaker to make public all the hearings of the all committee that I presided for 7 weeks between November and the end of December 2012, I auditioned more than 120 people. These public hearings were extremely watched on television and commented on social networks. They were also highly commented by journalists. The reason I wanted very long hearings was to allow all French people to know what is at stake on this bill. The existence of a message for families and understand the need to protect them. I therefore summoned to the National Assembly the greatest French specialist having an opinion on the question, sociologists, anthropologists, psychologists, child psychiatrists, representatives of major religion, lawyers, family associations and of course LGBTI organizations. At the same time, in all the country, hundreds of citizen debates have been organized, sometimes by opponents, sometimes by elected representatives, sometimes by LGBTI movements, to demonstrate that same-sex marriage was not a claim asked only by LGBTI people, we also put famous people at the center of the scene who advocated marriage for same-sex couples without being directly concerned. This debate lasted six months and occupied all the conversations in all the cells of the French society. Every day, for 6 months, newspaper reports the evolution of parliamentary debate. In all families, in all cafes and restaurants, in all the places, the subject of same-sex marriage was omnipresent. These discussions literally invited the public space. What makes me say that French citizens have lived a coming out in this entourage in this community, a general coming out. When in the family or in the group of friends, a person declares

his homosexuality, people react, most of time, with kindness. Sometimes negatively, there can also be violence. Imagine now 65 million people living at the same time are coming out in their entourage. Imagine 65 people reacting to a topic that the majority of them have never faced, so it was a massive debate, stunning but also violent. As a reporter of the bill, I was at the center of this violence, I received death threats, people came to prevent me from speaking at conferences, in which I participate and the first gay marriage has being celebrated under the police protection. All that has quickly come down and finally, today, the question of repelling this law does not even arise in the public debate. The question we are asking ourselves today is whether the violence and the importance of this debate left its marks 6 years later and especially if it has blocked or stopped all future developments for LGBT rights. I would just like to approach this point from three angles. What is the present level of homophobia after it strongly increased in 2012-2013? Six years later, what is the impact of the law on the acceptance of LGBT families and same-sex marriage? And finally, I would return to the current debate in our country on the opening of medically assisted procreation. You can see on this graph the evolution from 1994 to 2018 of the number of reports of homophobic acts recorded by the famous organization called SOS homophobie on its anonymous hotline. This rate is considered in France as a very serious barometer for measuring the importance of homophobia. As you can see with a very high peak during the same-sex marriage debate and many young homosexuals felt assaulted within their family. We have also seen many physical attacks. Fortunately, the tension has then weakened to a level lower than the one we had known before these events, but today the reports of homophobic acts increased. The number of cases of physical aggression reporting to homophobie increased from 139 in 2017 to 231 in 2018, which represents a 66% increase. This increase in the homophobia act can be explained in two ways. First of all, the victims are less hesitant than before to point out the rejection of the discrimination and violence they suffer. On the other hand, acceptance by society is more important and homophobic people radicalized at the same time the number decreases. In other words, the more tolerant society is, the more intolerant people are violent in their behavior. Moreover, SOS homophobie finds each year an increase in the number of homophobic acts on social networks. For several years now, internet, mainly social networks, remains the main contact of LGBTI phobia, now they are part of the reports. In a much more positive way, the acceptance of same-sex marriage and same-sex families has steadily increased in French society, as you can see on this chart, 72% of French people think that a child can flourish in same way in the family with two mothers and 68% in the family with two father, in view of the clear evolution of the opposition on this subject, plus 16% from 2013 compared to the period of the debates on the same sex, it seems that the formalization of homosexual

couples by the 2013 law has made evolving representations of same-sex couple. The greater representation of same-sex families in the media has indubitably helped to normalize the image of the homosexual couples. They are still pockets of public opinion that are very reluctant towards homosexuality, judging by the proportion of French people who believe that homosexual should not be able to raise children, 30% on average. Finally, this third paragraph shows that the rate of consent to the extension of access of medically assisted procreation for lesbian couples and single women. You can see that the evolution concerning lesbian couples is much more positive since the debate and the adoption of the law in 2013. Therefore, we can say with almost certainty that the general coming out in all the cells of society has had favorable effects in the reputation French people have regarding LGBT issues and homo parental families. The bill about MAP access currently under discussions does not move major opposition, as I said a single demonstration was organized in Paris two weeks ago by the opponents, the same as those who mobilized in 2013 against same-sex marriage, they were only 75 thousand demonstrators in the streets against several hundred thousand six years ago. Similarly in Parliament, the debates are much more peaceful today than it was six years ago, so no one in today's political arena called for the repeal of same sex marriage and a very large majority agrees on the need to expand other MAP for women couples. The bill will be adopted in early 2020 without much opposition. In conclusion, I just want to share with you four observations that I drew six years after this debate. The first year that the debate within the Parliament affected directly the citizens. The Parliamentary debate must lead to the adoption of the bill, it goes without saying it is the main goal of course, but it must also provide the population with keys and information that can strengthen their knowledge of the situation of LGBTI. LGBTI people are a minority, the media exposure of the debate about their rights and their situation should be an opportunity to raise the awareness of a wider population. And even if the subject is simple and accessible to everybody, the information addressed to the greatest number is in session. Another demonstrated fact is that homophobia remains important and reported acts are increasing, this is positive in the way that these acts are considered more and more intolerable and encourages victims to report to justice. What is more negative on the other hand is the increasing severity of violent acts. Finally, an element of the opposition to same-sex marriage as being strong and massive, but six years later, we see that the opposition are decreased considerably and I bet here it will become totally marginal in the coming years, thank you.

EUAN PLATT, Director of the International Gay and Lesbian Youth Organization Network

Good morning everyone, it's a pleasure to be here, so many thanks to the organizers of this important conference. Today, I've been asked to present LGBTQI Inclusive Education Project in Europe, before I do so, it's necessary to explain why such projects are needed and outline the scale of the problem that we are facing. It is no exaggeration to see the schools across the world are still unsafe for many, if not most, lesbian, gay, bisexual, transgender, queer and intersex people and the consequences for them individually under society at large are serious and long-lasting. This is Alex, he is 14 years old, lives in Sweden and is transgender. Despite Sweden being ranked as having the most LGBTQI inclusive school system and IGLYO's European education index, when asked about his experience of school, he told us this, "I used to hate myself for being trans and I've tried not to be. I shy away and try not to speak to not get attention." In Mexico, Antonio's teacher told his mother that she thought he was troubled simply because she suspected he was gay. In Nepal, Amar, who is intersex, experienced social isolation at school with his classmates showing reluctance to sit with him or be near him. And in Russia, Nikita, a trans man was regularly told by his classmates that he didn't have the right to live. According to UNESCO's 2017 report, it is estimated that 246 million children and adolescents experienced school violence and bullying in some form of the year. Although this form of violence is motivated by many different factors, such as gender, religion, ethnicity or body size, that out in the open, global reports released in 2016 shows that learners who are or perceived to be LGBTQI are between three and five times more likely to experience bullying than their non LGBTQI peers. Furthermore, UNESCO's FROM INSULTS TO INCLUSION Asia Pacific report on school bullying, violence and discrimination based on sexual orientation and gender identity from 2015 revealed that the majority of LGBT students in the region have experienced bullying, violence or discrimination and that such violence is often highly gendered, with gay and bisexual men and transgender students reporting higher levels of victimization and bullying. The report also highlights the institutional discrimination and exclusion are common, including misrepresentation in textbooks and curriculum, and an absence of gender appropriate regulations in facilities. The most concerning however, is that many of those targeted by violence do not seek at schools of insufficient support or response mechanisms to deal with the issues. Extensive research on this topic also reveals that violence and bullying based on actual or perceived sexual orientation gender identity or expression and variations in sex characteristics often has an impact on mental health, such as depression or low self-esteem, concentration and academic achievements, levels of attendance and school dropout on learner's opportunities to enter higher education and employment. Students are also often obliged to use gendered spaces or wear school uniforms in consistent with the gender with which they identify. I may not be given the possibility

to choose their own name or gender marker at school. Violence and invisibility faced by intersex young people can also lead to health and educational problems. At the same time, educational professionals interviewed by the fundamental rights agency in 2016 refuted many countries still lacked school policies and guidelines, backed up by training, to support LGBTQI learners. Teachers report a lack of objective information about sexual orientation, gender identity and expression and variations in sex characteristics, which often leads to low levels of awareness among professionals and lack of confidence to deal with these issues. This ever-growing body of research continues to underline the fact that school bullying is one of the most pressing problems taking place in our educational institutions and LGBTQI learners are some of the most acutely affected. The Universal Declaration of Human Rights, the UNESCO convention against discrimination on education and the Convention on the rights of the child are just a few international instruments which stress that everyone has the fundamental right to education. Until bullying based on sexual orientation, gender identity and expression and variations in sex characteristics is extensively tackled, many LGBTQI learners will continue to be denied this fundamental right. More recently, the UN sustainable development goals set out 17 priorities to ensure that no one was left behind. If countries are to meet the 2030 target, LGBTQI inclusion within schools needs to be an integral part of their plans. For the most significant goals for LGBTQI young people are a good health and well-being as studies show that LGBT students are between 2 and 5 times more likely to think about or attempt suicide than their non LGBT peers. Quality Education, as bullying reduces learners' participation in class and often results in the missing classes or dropping out of school altogether. Gender Equality, and by this I mean fully inclusive policies and action plans which recognized that both gender and sex are spectrums, so that trans, non-binary and intersex students also benefit from such measures. And finally Reduced Inequalities, as many LGBTQI students not only achieve less well at school, but the longer term impacts of bullying can have an adverse effect when trying to get employment or progress their careers. Homophobia, transphobia, the exclusion of LGBTQI identities from education both within teaching materials and the school environment and the lack of LGBTQI role models within schools, all prevent LGBTQI learners from reaching their potential and can have long lasting negative impacts on their lives. This is clear. Thankfully, many solutions and also numerous examples of good practices already exist. Having set out the problems in some detail, I'd now like to tell you that IGLYO, the international LGBTQI youth student organization and our journey to tackling homophobic and transphobic bullying, and more recently, working with European governments to ensure that National Education systems are fully inclusive of LGBTQI learners. IGLYO is the largest LGBTQI youth network in Europe with 96 member organizations in 40

countries. Our aims are to build the confidence and skills of young people to become leaders within the LGBTQI movement, to ensure that young people are present and heard within decision making spaces, to make schools safe and inclusive for all learners, and to develop our international network of members. Working directly with LGBTQI young people on the topic of Education, I'm more specifically tackling homophobic biphobic, transphobic and interphobic bullying in schools has always been a key focus of our work. For many years, we worked directly with young people, teachers, youth organizations, academics and governments, to better understand the causes of bullying, its impact on learners and possible solutions. This work led to the creation of numerous resources, trainings and events, and while each activity played a part in tackling the issue, overall they still weren't having enough impact. We understood the problems well, we knew a lot of solutions, but the information and resources just weren't reaching the right people. So to effectively improve LGBTQI learners' experience of school, we realized that a comprehensive overview of the situation within each European country was still needed. We decided to create a series of resources drawing on the knowledge from National Civil Society organizations and education experts to measure the level of LGBTQI inclusions within schools and provide clear guidance for governments and education ministries. The result is that LGBTQI Inclusive Education Report Index and website. The project began in 2016 with the creation of a student group of education experts with representatives from UNESCO, the European Commission, Academia, National Governments and Civil Society organizations. Their task was to build a set of indicators which were comparable between European member states. These would be the basis on which each country was assessed in terms of having inclusive education system for LGBTQI learners. The student group led by IGLYO agrees on ten indicators. Once the indicators were set, a survey was then drafted and tested in 7 countries. The final questionnaire was then refined and sent to all of IGLYO's member organizations and other relevant Civil Society organizations and education experts. We received completed questionnaires from 43 of the 49 countries. Best data was extensively reviewed by IGLYO's own researcher and a group of international lawyers, as well as verifying the existing data, great attempts to find any gaps in the information. A preview of the research was then presented at the European Parliament in January 2018 and was subsequently sent to all governments, this was a way to stage the process to allow them to contest any of the data or provide further information before the final edition was launched. It also allowed IGLYO to start a dialogue directly with National Governments. IGLYO received responses from 16 governments but we anticipate that this involvement will increase with the launch of future editions of the resources. The first and most substantial resource is the report, it provides an in-depth account of the

current situation on LGBTQI inclusive education in each CoE Member State. Divided into 49 country files, it provides qualitative data under each of the ten indicators, as well as highlights good practice examples. The report is intended to be a resource for government and civil society organizations to evaluate the current levels of inclusion within their own country, learn from good practice examples elsewhere and build international commitment on the issue. Accompanying it is the LGBTQI inclusive education index and map. This resource is the table of countries and the ten indicators to easily illustrate the extent to which each member state has developed inclusive laws, policies and practices. It also provides an overview of the general trends across Europe to help governments and civil society organizations identify the areas for improvement which would require the greatest attention. One of the important elements of the index is that the information is segregated by sexual orientation, gender identity and expressions and variations in sex characteristics to ensure that all learners within the LGBTQI spectrum are included. Countries can only receive full points for each indicator if they can prove that it covers all three characteristics. Finally the LGBTQI inclusive education website compiles all the data from the report and the index using an interactive map to illustrate the progress each country has made. When you click on an individual country, an in-depth detail from the report is to be displayed below the map. To better explain how these resources work, I'll now briefly present each of the 10 indicators. I'll start by explaining why they're necessary and where possible, I've tried to highlight how Taiwan made score based on some very limited space research. So I will apologize in advance for any errors or gaps. But I've included this to encourage discussion on this topic over the next 2 days. The first indicator focuses on anti-discrimination laws applicable to education. First and foremost, a legal framework is necessary to ensure the effective enjoyment of the right of education for all learners. This involves explicitly tackling discrimination on the grounds of sexual orientation, gender identity and expression and sex characteristics. As we heard earlier, Taiwan's Equity Education Act from 2004 will therefore qualify under this indicator, as it aims to eliminate discrimination including that based on gender or sexual orientation. Following on from the legislation is policies and action plans. National or Regional policies which promote a safe and inclusive environment for all learners are crucial for outlining the necessary process and actions that all schools should follow to tackle homophobia and transphobia and provide teachers and other school staff with the framework in which to tackle discrimination with confidence and support. Taiwan's National anti-bullying plan would be relevant for this indicator but to score points in the index would need to explicitly mention sexual orientation, gender identity and expression and sex characteristics. Third is inclusive national curricula. The general invisibility and lack of positive representation of LGBTQI people in schools have

negative consequences for all students. The inclusion of LGBTQI identities across curricula and learning materials ensures that teachers have many opportunities to discuss diversity. The UNESCO from insult to inclusion report highlights that Taiwan already has taken steps to include issues related to sexual orientation and gender identity in national curricula, such as gender equality related courses in both senior and junior high schools. According to this data, Taiwan would therefore be likely to score high for this indicator. Teacher training on LGBTQI awareness. Many teachers state that they still lack the confidence and knowledge to discuss LGBTQI identities or support Learners who are LGBTQI. A national mandatory teacher training program is therefore necessary for teachers and other school staff on LGBTQI awareness, and this is essential to translate policies into reality. Again the UNESCO report highlighted that some civil society organizations are already providing gender education workshop for teachers, which includes LGBTQI issues. But to score full points, such workshop would need to be provided to all teachers with adequate support from the government to make this possible. Five, the right to choose gender. In order to meet the needs of transgender non-binary and gender variant and intersex students, all learners should have the right to choose their own name and gender marker at school. This process should not require forced sterilization, be dependent upon the individual undergoing surgery, nor require medical professional approval. Instead, the process should be based on self-determination and this is especially important for people under 18. Taiwan's plans to introduce a third gender marker in 2020 is a positive development for gender recognition. With further progress on the plans to remove the requirement of surgery would be needed to meet this indicator. National original data collection for bullying and harassment. Monitoring the nature, prevalence and impact of violence at school is necessary to plan effective interventions to tackle homophobic and transphobic bullying. Bullying based on their perceived or actual sexual orientation, gender identity or expression or sex characteristics must be recorded as such to build up an accurate record on the issue. Seven, support systems. At times, LGBTQI students may require additional support or guidance, so school staff should be trained and ready to deal with any requests. Links to relevant LGBTQI youth services and groups should also be established for signposting and referrals. For the more specific support, for students affected by homophobic and transphobic violence should be provided. With the civil society organizations such as Tongzhi Hotline Association provide such support to LGBTQI young people and their families, so high score again is likely for this indicator. Eight, information and guidelines. Learners should have access to information and support regarding sexual orientation, gender identity and expression and sex characteristics. Information should be provided in different formats and should be on display in both public and more private areas of the school, and again,

Taiwan will likely score high on this indicator as a result of the work carried out by civil society organizations. Nine is Partnerships between governments and civil society. Partnerships between the education sector, civil society organizations and other relevant service providers ensures that schools have access to the most up to date information and guidance on LGBTQI inclusion. In order to do so, LGBTQI organizations need adequate funding and resources, as well as governmental backing to carry out such work across all sectors. Hearing from the government this morning, it seems like strong partnerships already exist in Taiwan but the level of direct support for schools work will need to be researched further. And finally, international commitment. Homophobic and transphobic bullying remains a global issue that requires attention beyond local and national levels. The signing or support for international treaties relating to tackling bullying and LGBTQI rights from government is therefore used to measure this indicator. Taiwan's 2018 report on the progress towards the sustainable development goals would be one such example for commitment in this area. I was going to tell you about some of the results in Europe but I think my time is running late. So what impact has this work had so far, as well as providing the first comprehensive account of LGBTQI inclusion within education across Europe, the projects main achievement has been to start dialogues with national governments and provide clear guidance and how they can improve. And while a small but significant number of governments in Europe remain opposed to LGBTQI rights, the vast majority have shown a willingness to acknowledge the issues faced by LGBTQI learners and explore what steps can be taken. This year, IGLYO has worked directly with two national governments to support them in developing action plans and work with the further two governments in 2020. And while much is still to be achieved and changes in policy and practice will take time to translate into real life improvements for LGBTQI learners, there is no greater hope. Governments have detailed national reports which highlights the improvements still needed. They have access to good practice examples from other countries they can utilize and adapt, and they have IGLYO and national NGOs to provide guidance and feedback on this ongoing work. Another strength of the project is that it can be easily adapted for outside of Europe. This year, IGLYO was visited by the Unit Chief for the Ministry of Education Culture Sports Science and Technology from Japan to discuss the project and is recently presented the resource at the International Forum on Inclusion and Equity in Education in Colombia. And while IGLYO is currently limited to working in Europe, we're very keen to share our learning more internationally and discuss our experiences with other countries. I hope to do more of this over the next two days with you while I'm here. Together we can end LGBTQI discrimination in our societies, but to effectively do so, we must start with education. Thank you.

Taiwan LGBT Pride

Du, Sih-Cheng/ Director of Policy Advocacy/Taiwan Tongzhi (LGBTQ+) Hotline Association

Hello, all of my LGBT activist friends. Thank you for the Department of Gender Equality to have this opportunity for us to introduce the Pride. On Saturday, October 26th, we will host our Taiwan LGBT Pride. At 12:00, we will open our rainbow market. We will start in the front of the Taipei City Hall Plaza and there will be more than 100 booths with NGOs and corporates to celebrate. And you are very welcome to join our Pride and the parade will start at 1:30 so you don't need to register. You can just come and go with everyone. And we will end at Ketagalan Boulevard, which is in front of our presidential hall. So you're very welcome to join us. Last year there were like 140,000 people coming and this year we expect that there will be 200,000 people together.

And the second event is that we will also organize our first Trans March just the day before the Taiwan Pride, so it will be on the Friday evening. It starts at 7 p.m. in the Ximen area, which is also the gay area. Because it is our first Trans March so we welcome everyone to join us very much. Besides these two marches and Pride, actually there are many different events like exhibitions and other events. We just use this QR code to share more information so you are welcome to use this QR code to find out more events. Thank you.

Panel: The Policies of Same-sex Marriage and the Protection of Human Rights for LGBTI People

Moderator:

FAN Yun/ Ambassador-at-Large, R.O.C (Taiwan)

Panelists:

Vitit MUNTARBHORN/ Professor Emeritus of law at the Chulalongkorn University, Thailand

How are you today? I come from Bangkok. I'm a professor at the Chulalongkorn University. I am very happy to meet you here. I learned those words when I was studying Chinese with a Chinese diplomat at Oxford so it's very transnational. Let's start with a quiz: what's the difference between sex and gender? Because you'll have to teach this to your children. What's the difference between sex and gender? We have to be able to teach this to children. Anybody? Yes. That's a very good one—gender is in your mind—a very good one. All right, give him a hand.

Sex in all this is about biological being. Gender is about you mind, is about how you

feel about yourself. It might not be the same as sex at birth. So this morning I heard this terminology, which now has to be changed. In the past we talked about sex reassignment surgery, you heard that this morning, right? No longer, it's not valid as a term. What should it be? You got to change this time in Taiwan, too. What should it be? Gender reaffirming surgery. The word is changing, language is changing, teach your children the more responsive/respective kind of terms. When transgender people have an operation, they are reaffirming what they are. They are not being reassigned so this is changing and even the UN gets it wrong. You look at the lectures in the past and it was wrong and now it has to be changed.

Secondly or thirdly, who doesn't know what intersex is? Hands up. Be honest. You see, we spent the whole day talked about intersex and we have all these hands going up. Who doesn't know what intersex is? Don't worry, relax, you're in Taiwan, we learn together, right? Democracy! Men, women, all day, whatever. Intersex is the situation, is the sense of being where a person is born without typical sex characteristics, may be male and female together in the same person; maybe genitalia, vagina, male-female together. That is the intersex situation. So now you know, right?

Everybody who knows what gays are? Yes, hands send up. You don't know who gays are? Just joking. Lesbian, yes? Bi? You know who bi people are, transgender, and now you know who intersex people are. They are whom we have to respect and protect because very sadly intersex children often operated upon from birth and lose that organs and then lose their identity and then have lots of problems later in terms of the violation of human rights. So educational quiz all done. Please enjoy the rest.

In 2016, the United Nations set up a monitor and inspector on sexual orientation and gender identity. Who doesn't know what sexual orientation is? Hands up. The hand up at the back. We haven't even expanded it. Sexual orientation is how you feel towards somebody else in terms of sexual relations if you like. It can be heterogeneous or homogeneous or homo or hetero. It's how you having a relationship with someone. I'm gay, supposedly, having a relation, sexual orientation with somebody else—relationships like that. Gender identity is what? It's how you feel about yourself, which could be different from the biological sex allocated to you or me or they at birth. Born a man but don't feel like a man. I want a transition to be a woman or something else, that's gender identity. And sometimes you have both in terms of issues but when we use language and please translate them well into Chinese. Please make sure ordinary people like myself understand what we are talking about. Otherwise many will go away from here, not understanding at all what we are talking about. And that will be a shame because we are in a democratic space, which should cover gender identity and sexual orientation.

Government issues for the United Nations:

1. Please don't forget nearly 70 countries still criminalize same-sex relationship consensually. Taiwan, wonderful! What about the countries that execute gays who have a relationship? Quite a lot of them but we have good examples of change. Botswana recently changed its law to decriminalize same-sex relations. India, the constitutional court came in to help on that front—decriminalization. Very important to decriminalize consensual same-sex relations as important as marriage, I must advocate. Please don't forget that we are not the only ones here that many others for whom we have to work to.

2. The effective anti-discrimination measures. We heard some from Taiwan today. You can take cases to court, hopefully, if you are discriminated against as a gay or as a transgender or as a lesbian or whatever. Let's build anti-discrimination measures—law and more.

3. Recognition of gender identity. In Taiwan as we heard this morning, you can change your gender, you can reaffirm your gender but subject to operation right and counseling with psychologists, right? I'm not wrong. In Europe, the European Court of Human Rights stated three or four years ago that people can change their gender without operation but counseling issue is not totally settled. So what is the path for Taiwan next on gender identity, which is as important as marriage? You need to operate or not? The preferred way now being shown by Europe and international is no need for surgery; and if we talk about surgery it would be gender reaffirming surgery not sex reassignment anymore. Okay? Please.

4. Gays usually classified by the World Health Organization as mentally ill. That is what we call pathologization. Gays are not mentally ill and the World Health Organization has said so also since the 1990s. But in many countries, you still have governments that classify gays and lesbians and trans as mentally ill. How do you look at transgender people in Taiwan? You look at them as mentally ill or not? I hope not. Depathologize, please. LGBTI people are just ordinary people, they're not medical cases. Of course, they want medical access like everybody else. We are not medical cases. Depathologize, please.

5. Social-cultural and economic-political inclusion. Pride is political intrusion. And if you look at the UN independent experts report for the general assembly just last month, it's about inclusion so have a look at that—including economic inclusion, access to employment without discrimination.

6. Finally education with empathy. All the bullying that we heard about, we want education that emphasizes not to bully people but respect people as they are in an understanding of gender diversity.

So those are issues, which we please should not forget as we move towards the issue of the day, which is marriage or civil union, civil partnership quickly.

The progression in Thailand is not on marriage between same-sex yet but it's civil partnership or civil union, which was referred to in the French context this morning. In fact half copied from French/English/European experience. Basically a civil partnership or civil union law, for which there is now a draft legislation, is a contract between two parties to love and care for each other. It is not a marriage law. And there is no religious connotation. Doesn't deal with religious ceremonies and so on, whereas if you deal with marriage, very often you have to deal with religious groups and religious ceremony as well. But the Thai situation is not marriage yet but civil union, which is basically a contract to love each. Currently, the law as drafted just gone through the cabinet and will come back to the cabinet/the government soon and will then go to the Parliament. Not finished yet, it's only a draft law. The Parliament still has to look at it. There are about five or six parts in the draft law:

- Age 17 or over can enter into civil union. 17 is the age. What's the age of marriage in Taiwan? 20. You see, in Thailand, this law says 17. I think it's too low actually but the current law generally is 17 for marriage in Thailand. The current law generally for male and female is 17 in Thailand.
- Section 3 says it's only between same-sex. Man-man, woman-woman only, not heterosexual. Civil union as drafted says same-sex only, not heterosexual. This is different from France. France is for anyone. And you heard this morning that in France 95% of civil union are between heterosexuals. You heard this morning. So in Thailand at the moment the draft law is only same-sex, not for heterosexuals. So there is a debate on this as well.
- Thirdly, the law is about registration between two Thai nationals or one Thai and one foreigner. Two Thais or one Thai and one foreigner, not two foreigners in Thailand for civil registration. It is possible to register outside Thailand at the Thailand consulate between two Thais and a Thai and a foreigner. And in the draft law, it's based on consent. It's a relationship between partners to care for each other.
- And as an interesting provision in Article 19, which is to apply the provisions of the civil code on rights and duties of spouses to civil unions. Many provisions apply, for example to care for each other there, to be able to sign at hospital. Somebody raised this morning the case of this Frenchman who is married to a Taiwanese and couldn't sign at hospital. This law would imply possible signature by the partner in Thailand. But not adoption as a couple under this law, and not marriage under this law.
- On property: there is a division between personal property before civil union and property generated after civil union. Each share in the later—that's the usual law—whatever you had before marriage were yours but afterwards it's for both.
- On Nullification of civil union: a civil union can be nullified and terminated if it is void from the start; for example, when the person is classified as mentally ill and many

other possibilities. And on the other hand, you can terminate and end the civil union when permitted by court like a divorce. And it may subject to the situations if the person is under 18 years of age, particularly under 17 years of age, for which we consider this to be voidable meaning you can go to court and terminate it. And when the person has a serious infectious disease, you can go to court and terminate it.

- And finally on inheritance, part 6 applies the civil code. You can inherit as the partner. But this is not a marriage.

And there is also an accompanying law: to amend the civil and commercial code but not to the extent of being a marriage. The amendment under this draft law includes two areas: 1. The civil code's provisions on bigamy apply also to partners. In other words, when you are registered partners, you cannot have more than your partner. 2. Adultery can also be a ground for terminating the civil union so if one of the two has an extra relationship outside of the civil union then it can be a ground for termination. So these are slight amendments of the civil code that are already attached to this civil partnership or civil union draft code.

Key issues and challenges:

1. Is the age proposed 17 too low? Because for marriage internationally, what is the age? 18 under the convention CEDAW so this is a bit low. This is an old Thai law, which is now being transferred into the civil union. I think it's a bit low. We're still debating on this.
2. The civil union law applies only to same-sex relations unlike French law which applies to heterosexuals and English law originally applied to same-sex but it's now amended to apply to heterosexuals, different sexes. So where do we go? Still a big debate. But the current draft is same-sex only because it's presumed that heterosexuals can use general civil code to get married.
3. And the application of the civil code via the civil union law as Article 19 that I already referred to allows provisions of the civil code to apply for situations like one partner can give consent to the other partner at hospital. Not like the Frenchman-Taiwan situation we heard this morning. It needs to be tested.
4. Under this draft law, there is no access to tax deduction as a couple.
5. There is no access to State Welfare as a couple under the civil partnership or civil union law.
6. There is no provision on adoption as a couple so if you wish to adopt you have to go through general adoption laws, which is quite difficult for a person to adopt child particularly if he or she is gay.
7. There is no citizenship eligibility as a couple
8. And the proposed civil unit law or civil partnership law takes a step-by-step approach, which may need further reforms. And I will just round off in a few minutes

as follows. Should we jump to a same-sex marriage law like in Taiwan or not? There's a bit of a debate in Thailand now. One sector of society says step-by-step approach, starting with civil union law. Another sector wants an immediate same-sex marriage law like Taiwan. But to have that we would need to reform the civil code. And the current civil code says in Section 1448—a marriage can take place only between a man and a woman so the terms will have to be reformed to “persons.” But this is the current civil code of Thailand. It says only man and woman can be married so if you really want to deal with marriage you have to reform this provision together with others that use similar language such as the section below.

So let me end with positive developments in regard to those challenges:

1. We have a recent public hearing to improve text.
2. Political parties is generally favorable to same-sex relations across the board: non-partisan agenda is very important. It is not the agenda valid for only one party, it is across all parties and this is visible in Thailand across parties.
3. Several MPs are transgender people.
4. It is a wait-and-see situation as to what happen to the draft text that will now come back to the cabinet and then go to the parliament. This is a civil union/civil partnership law. Or when it goes to the parliament, maybe some political parties can take up the issue of marriage. It doesn't stop here; parliamentarians can still propose another law or both maybe.

So there we are. This is the current initiative in Thailand and we also have a new initiative to have a gender recognition law, which I do not forget because transgender people suffer a lot. We have no law against gays and lesbians but we still don't have a law to recognize transgender people in Thailand as in many countries; and even Taiwan you need operation right? So please don't forget our friends—transgender people.

And there is now, already gender equality law, which covers gender expression in terms of how you dress. And many cases are to do with transgender people claiming discrimination particular for university graduation uniforms because transgender women want to dress as women when they receive university degrees. And many gender expression cases are in regard to universities under this Gender Equality Act that we have. And let me round off by welcoming the positive steps in Taiwan and other places, we look forward constructively to the future to recognize love and friendship without barriers and please enjoy your beautiful rainbow this coming weekend. Thank you, Taiwan.

Aritha WICKRAMASINGHE/ Director and Founding Trustee, iProbono & Think Equal

Thank you very much. I know I have a very complicated long surname. It's pronounced as “wickramasinghe.” But actually I have six names on my passport and so you can

imagine when I have to fill out a form. And Sri Lankan names are a bit like Thai names that are really long so there is never space for it and no one can ever pronounce it.

Thank you very much for having me. I am today representing iProbono. We are a legal organization. And what we do is that we provide access to justice to people who are denied from it. I know, most of the time, lawyers have a very bad reputation. We are also known for taking money and doing little work for it. But today, iProbono, we have 80,000 lawyers on our platform in 39 countries doing free legal work for people who need it. So we are not all bad. There are 80,000 of us who are kind of good.

I want to speak today about the situation for LGBT persons in Sri Lanka. As you know today we spoke of countries that criminalize homosexuality and he mentioned that about 70 countries in the world continue to criminalize same sex consensual relations. Unfortunately my country, Sri Lanka, happens to be one of that 70. So I am quite privileged to be here speaking about the experiences of Sri Lanka and being an out gay person in Sri Lanka. I also work for the government of Sri Lanka so you can imagine the kind of attacks I sometimes get for being a gay man. But I want to have a discussion with you what does Sri Lankan law say about same sex consensual relations and how in these restrictive legal environment, which you know 70 countries in the world are in, can we come up with more innovative ways to reinforce LGBT rights. And some of the successful legal interventions we have conducted in Sri Lanka. And those lessons we've learned from them.

Now who amongst here is coming from a country that was part of the British Empire? Okay lots of former colonies here. Hi, colonial friends! So we are all subjects of an Empire, right? And unfortunately we were all given the same set of laws—the penal code. So one of them is this prohibition of unnatural sex—in Sri Lanka, it's section 365; in India it was 377. Different numbers across the world but they actually say pretty much the same thing so don't be fooled by the different numbers. So the law actually, you know, we say the prohibition of homosexuality but when you really look at what the law says, it actually isn't like that. Actually it prohibits carnal intercourse against the order of nature with man, woman or animal. I mean what the hell is carnal intercourse against the order of nature, right?

And there's another law. India actually doesn't have this law because they were the first country to get the penal code but all the other countries unfortunately also got stuck with the second law, which is the prohibition of gross indecency. That is any person who, in public or private, commits, or is a party to the commission of, or procures the commission of an act of gross indecency with another person. Again, what is an active gross indecency, right? There is such a weird piece of legislation. As you can see in both of those laws, the genders of the parties are neutral. It does not say that it has to be an act between two men or two women. It's an act of unnatural

sex, carnal intercourse against the order of nature between man, woman and animals so it is quite gender-neutral and animal-neutral as well. We can then presume that this also includes heterosexual conduct and not just homosexual conduct. And the case law actually is very supportive of that. So I'm just going to go through some of the cases, which we've had across the region. Now in Sri Lanka until recently, we had very limited case law on sexual orientation and gender identity. But we have, around the region from India, Bangladesh, Singapore, Pakistan and a bit in Sri Lanka, some very interesting cases on what is unnatural sex.

So the next part of my discussion, I'm actually going to talk about sex with all of you. And you know sometimes it's quite a fun conversation. So the first one is the prohibition of anal sex. Now we know that was the original intention of the drafters of this legislation. It was the prohibition of the act of sodomy. So there are a lot of cases that make it very clear that if you have anal sex that is against Section 365 or the similar legislation. Then it's getting a bit more interesting when it moves away from same-sex access sodomy—when we have the prohibition of oral sex. So the courts actually sort started to think that actually it is not just anal sex that this law prohibits, it also prohibits oral sex. And the interesting thing is actually a lot of the case law was built on cases filed by ex-wives against their husbands, saying my husband made me give him oral sex and the court said yes that is carnal intercourse against the order of nature. So the court started to realize that lots of heterosexual people are having oral sex. Everyone likes a blowjob once in a week and including I'm sure the judges. And so they said actually you know what oral sex is okay if it leads to vagina sex after. So if you stopped after getting a blowjob and if you come too early and that's it. You have committed a criminal offense. But if you can go again and then proceed to vagina sex then of course you're okay. And you need all, the court said. The only reason why people have sex is for the reproductive purpose so if you are having sex for a purpose that is not for reproduction then actually you committed a criminal offense. Technically, with these observed interpretations by judges of what people are doing in the privacy of their homes, using something like a condom or the contraceptive pill is also criminal offense because you're clearly not having sex for reproduction when you are using contraception. So you can see there are cases that become really absurd and target at heterosexual people as well as homosexual people.

Then of course, the court has become a bit more absurd to prohibit the “thigh sex.” If you put your penis between the thighs of someone else's, you have also committed carnal intercourse against the order of nature because you found some kind of cavity between the thighs. Mutual masturbation also became prohibited because the courts said that when you do this—masturbating someone—you create a cavity and when the penis goes in; that's intercourse. And obviously you cannot reproduce if you are

putting a penis between someone's fingers; and therefore, its carnal intercourse against the order of nature. So should we give a round of applause for these wonderful judgments? Please.

So indeed very rotten judgments and very imaginative judges as well. I'll just touch on what gross indecency means because it's really absurd. I mean, basically the words gross indecency is what is grossly indecent. That's it. It can be anything outside of intercourse that the courts think is not a nice thing to do. So again in Sri Lanka the act of gross indecency is not specific to two men. Now across a lot of the colonial countries it was put against two men. And in Sri Lanka, it was between two men originally but we changed in 1995 to mean between anyone. So pretty much if you look at what gross indecency means, that actually also means that heterosexual people can't even kiss or hold hands or do a lot of things because they are also equally included in this legislation. But why we say that what happens in the end is that: although we know that these laws are applicable to both heterosexual and homosexual conduct, why we still say it is an affect of criminalization of homosexuality? It is because the majority of the time, this legislation is used against homosexual persons. Because the police and courts know that when two men or two women are having sex, they are not doing it to reproduce. And because of that, they become an easy target. So in fact, it's a criminalization of homosexuality; although, by legislation itself, it's not.

No we've had some very interesting developments in Sri Lanka since these ancient prehistoric cases. And one of the major developments we had was in 2014 when the government declared that actually discrimination against persons based on sexual orientation and gender identity was unconstitutional. There was a huge statement for them to make. The reason why we haven't had cases challenging these archaic laws in our courts is because Sri Lanka's constitution doesn't allow for judicial review of unconstitutional law. So in our constitution, parliament is supreme and parliament can do whatever it wants. And when parliament has done what it wants, you cannot challenge the constitutionality of that decision in court, so it's very much based on the British Westminster system of parliamentary—supremacy and sovereignty. And even though we do have a constitution, a written one with a written set of fundamental rights, once parliament has passed a law which violates those rights, you can never challenge it. So the fundamental right chapter is not worth the paper it's written on because parliament can always outdo it whenever it wants to.

But we have a right to equality in our constitution, which is a general provision that everyone is equal before the law. And we have a non-discrimination provision in our constitution, which protects sex, race, religion and other such grounds. So our attorney general and our government said actually LGBT people are protected under the right to equality and the end other such grounds of non-discrimination provision implicitly

include sexual orientation and gender identity. And that is the same rationale that courts in the United States, the European Court of Human Rights use to implicitly include SOGIE. So this is a major step and also the attorney general said that actually this law is not that criminalized on homosexual conduct, which we have seen with case law. And he said that these laws must not be used in a manner which discriminates against LGBT people.

Then in 2016 following that we had the gender recognition in Sri Lanka. This is also done in a very innovative manner. It didn't go to the parliament. Our politicians are unfortunately not as brave as the ones here in Taiwan or in many other countries to deal with these issues in parliament. But we did it in a very innovative method that was through government circulars—administrative function. The secretary of the ministry at the Department of Persons and the secretary to the Ministry of Health came together and decided to issue administrative circulars on recognition of gender. And set out the procedure for recognizing someone's gender transition. So unlike in Taiwan and some countries, you don't need to go through a surgical intervention to affirm your gender identity, it is enough to see a doctor. The government has set up gender recognition officers in certain hospitals. And actually if anyone wants to do gender reaffirmation surgery, it is done free of charge by the state now. And what these seculars do is that they would recognize your gender based on the confirmation of a medical doctor and psychologist. And then based on that confirmation, the Department of Persons has to change your birth certificate to show your new gender and then change your national ID card and your passport. It was a very progressive circular and had very little opposition and very little media attention because it was not done through a parliamentary process that would have given rise to attacks on the proposal. Because it was down through the administrative process, it just passed through without much opposition.

Then we had a very interesting gay sex case, which came to the Supreme Court in 2016. This case was really fascinating because actually one of the people who were convicted of a gay sex offense with a police officer. This case went all the way to the Supreme Court and actually these two people were caught having sex in a public car park. And it was one of these police officer's colleagues from the same station who caught them up. It was very very interesting and actually the people who were charged for this offence denied that they actually had gay sex even though there was evidence that they did. And it went to the court and it went to the Supreme Court. And the Supreme Court really questioned about it. You know, in 2016, should we have laws that govern what people are doing privately (even though this was happening at a public car park)? And what the court said was that with the contemporary thinking, it was consensual sex between adults so it should not be policed by the state. And the courts were

considering that as these two people consented to the act, they don't deserve a custodial sentence. Now the court consider the law itself is unconstitutional because it doesn't have the power to do so. But the court does have the power of sentencing so the court said that the police can arrest people now for same-sex sexual activity but we've made a judgment that this action is not guilty. You will not get a custodial sentence for that anymore. So it kind of made the law unimportant because there's no point in arresting someone or charging someone under this offense if there's no sentence. But at the same time, the court kind of forgot that this is actually an issue of having sex in public instead of in their private world. Technically, the court may have said that to people in Sri Lanka that you can have gay sex in public and you can get away with it as long as you can consent to it.

So we also have some very successful legal interventions in Sri Lanka following these attorney general decisions. So employment discrimination was something we worked on. Here was a part-time employee, he was working for a major hotel. He was dismissed from his employment because he had sex inside the hotel that he was working in but it was actually out of contract hours and it was when he was a guest. So he was actually not an employee doing that period. Unfortunately, the employee was locked in a room, filmed making a confession and told to get out. And the hotel said to him that the hotel did not need his homosexuality there. Now, this case came to us, we intervened. We informed the hotel that these are your legal obligations. This is what the attorney general has done and actually to lock someone up in a room and record them confessing their sexual orientation is also criminal confinement. The hotel has committed a criminal offence there. The hotel sort of felt very deeply disturbed by what their manager had done there and apologized by giving the individual back his employment and actually decided to have a sensitization program across the entire chain on LGBT persons and issues. And we've conducted a lot of these programs with a number of large corporates ranging from having 50 to 20,000 people on sensitizing the entire workforce on LGBT persons in the workplace and adopting equal opportunity policy, which expressly includes sexual orientation and gender identity. So those have been hugely successful programs.

We also acted on a transgender case and this was a female to male transgender man. He had done with every legal thing she was required to do. He has got his new birth certificate and he has had his new national identity card and then he actually went and married his girlfriend of many years. But he was, unfortunately, arrested by the police because his wife's parents complained about him. And he was subjected to really horrific treatment to the extent that he was sent to a medical examination where the doctor inserted his fingers into his private parts and asking whether it hurts. And he was doing that apparently to check whether this female-to-male trans man had been

participating unnatural sex. It's like a virginity test almost. It was quite disgusting. Even more disturbing was that this particular police station, which arrested this man, had been specifically trained on transgender issues. So despite the training, they still sent this person to this sort of treatment and then filed the case against him. So we represented him in court, and the court was very progressive. The magistrate dismissed the case. Accepted the gender recognition certificate and actually more importantly accepted that the marriage that the transgender man had with his wife was a legal and valid marriage. So we said to the public in Sri Lanka that a trans man or a trans woman can now enter into a legal and valid marriage with someone of the opposite gender.

We are now actually acting on a gay sex case. Here is an 18 year old was arrested for consenting sex with someone who is 17. Unfortunately he had recorded it on his phone and then he showed it to someone else and then that man went to show it to the uncle of that 17 year old who then went to complain to the police. So please do not record what you do on your phone. So this person was arrested and charged. And what we're doing now is actually just filed a complaint to the attorney general, saying that I'm sorry but you are going around and saying that LGBT persons must not be discriminated for the sexual orientation and you cannot enforce this law in such a manner. However, this is what your police officers are doing and you are pursuing these cases in small courts—directly questioning the attorney general on their position on it. We will let you know what their responses are and hopefully the case will be thrown out of courts.

We've had a lot of very successful parliamentary interventions. So one of the cases we went to Parliament with is a case of an army major. He was dismissed from the army from being gay just 6 months short of his pension. And he filed 20 complaints with the Human Rights Commission but had no success there. He went to the court of appeal. Finally, there is a committee in Parliament call the public petition's committee. You can reach out to them for particular matter and to seek redress. So he filed submissions the committee and they gave us the hearing. It was very positive so we're waiting to hear back on that hearing. And we mention each time about the attorney general and the government's official position on discrimination and the army should also be subject to these non-discrimination obligations.

There is a gender subcommittee in our Parliament who we successfully lobbied with their LGBT activists to include sexual orientation and gender identity as part of the gender definition. And then there was a fundamental rights commission because Sri Lanka is going through a constitutional reform program. And what we've done in this is to successfully intervene again so that SOGIE is included expressly in our new fundamental rights chapter.

An alternative of access to justice program is for LGBT organizations that are denied the access to justice because of the existence of these archaic laws. So we tell them that when they have disputes, especially amongst each other or employment disputes, they can set up an alternative dispute resolution forum where LGBT organizations can see private redressers in person for their problems and have those decisions recognized by courts even in Sri Lanka. There are some of the alternative methods and legal interventions we've successfully tried out in a restrictive legal environment in Sri Lanka. And even within the environment, we've seen so much progress. So I hope examples that I have discussed about really helps especially my colleagues who are working in repressive environments as well—for them to seek inspirations, to challenge their systems little by little and to look at alternative ways which we can push the boundaries until we finally come to decriminalization. And hopefully one day like Taiwan, we can also have equal marriage. Thank you.

TSAI Ching-hsiang/ Minister of Justice, R.O.C. (Taiwan)

Moderator, speakers and distinguished guests, it is my great honor and pleasure to participate in this conference. Allow me to speak Mandarin for my following presentation. I would like to share with you how Taiwan became the first country in Asia to legalize same-sex marriage. I would like to divide the process into three stages. First of all, I will explain how Taiwan has been promoting the rights of the homosexual community and how the laws came into being chronologically. I will also highlight the efforts made by our lawmakers in this area and I will also explain the process by which my Ministry enacts the ACT. Local audience may already know the process very well so I would like to take this opportunity to explain the process in detail for our friends from abroad.

So as I said, here's the timeline. In the year 2000, the first LGBT rights organization was registered with the government and that was the LGBT Hotline Association. And then in 2003, the first Taiwan Pride Parade took place. In 2006, four legislators proposed same-sex marriage bill. Unfortunately it didn't get passed. And then in 2012 and 2013, more lawmakers proposed to revise the Civil Code. And then in 2016, the Amendment to the Civil Code was passed in the first reading; however there was no follow-up Amendment to the Civil Code after that. In May 2017, the Judicial Yuan finally released the Interpretation Number 748; and then in May this year, the Legislative Yuan passed the Enforcement Act for the Judicial Yuan Interpretation Number 748. The same-sex marriage is officially passed and came into force. So that's the chronology.

Next I would like to explain that before the Constitutional Court Justices offered their explanations, the Ministry of Justice already began to collect a lot of information in relation to legislations in other countries; for example, legislations in the Netherlands,

Belgium, Spain and Canada. There are a total of 26 countries whose legislations have been a source of reference for us. We also commissioned universities to conduct research. For example in 2011, we commissioned the National Taipei University to conduct a study on the legal recognition of same-sex relationships in Canada, Germany and France. In Taiwan Society, we are deeply influenced by the Confucius thinking so some traditional family values are held very dearly by many people in our society. So we also conducted a study to look into the social impact assessment and legislative suggestions on Taiwan Civil Partnership Act by National Tsing Hua University. In addition, the Ministry of Justice in 2016 also sent suggestions to the Ministry. And you can see over the years, we have been thinking about how we can draw lessons from other countries because the general society was less receptive to the idea of same-sex marriage yet. In 2013, we also commissioned the Association of Chinese Police Research to study legalization of same-sex marriage and the conclusion was that maybe it is better to seek social consensus first. And opinions were very divided among: There should be a special law to protect same-sex couples? Or it should remain the status quo as it is? So there was a lot of division among public opinion in relation to this issue.

So before the Judicial Yuan Interpretation, we have done a lot of preparations. And then on May 24th 2017, the Judicial Yuan released its Interpretation Number 748 and it was a watershed moment. I'm sure you are all familiar with the contents of the Interpretation so I'll briefly explain the Interpretation Number 748. Basically people of the same sex decide to share their life together, they shall enjoy the equal protection of the same freedom of marriage under the Constitution. However it is within the discretion of the authorities concerned to determine the formality for achieving this goal. On one hand, we want to protect marriage equality and the permanent union between two people, allowing them to be properly protected by law so the Judicial Yuan and the Council of Grand Justices commended the authorities to make necessary amendments and changes. However, in the wake of the Interpretation Number 748, the society was still very divided on this issue. That is why in the last year there was a referendum with two propositions related to same-sex marriage. Proposition 10: Do you agree that marriage defined in the Civil Code should be restricted to the union between one man and one woman? And most Taiwanese people said yes. As for the proposition 12: Do you agree to the protection of the rights of same-sex couples in co-habitation on a permanent basis in ways other than changing of the Civil Code? Again most people said yes. That means most people in Taiwan would like to see a special law enacted to protect the rights of same-sex couples. So we decided we must respect the will of the people as shown in the referendum; but on the other hand, we must

follow the command and the instructions given by the Grand Justices to make necessary enactments. Thus, we began to look into the preparatory work for the special law; for example, a number of public hearings were organized where people either for or against the proposed special law were at presence. So those were opportunities for people of different opinions to hear each other out. The Ministry of Justice must remain neutral and independent as well as impartial that is why we would like to take stock of different opinions in our society first. And then we learned that in Australia, Germany and Malta, similar regulations were passed so we can draw lessons from their experiences.

Before the referendum or before the Interpretation Number 748, we also expressed the Ministry's stance in the debate. We are the authority overseeing the implementation of the Civil Code so we offered our explanations about the background for the enactment of the Civil Code many years ago. We did not pick a particular stance on same-sex marriage. Basically, we presented a debate to offer our legal perspectives on the existing Civil Code. After the referendum, we continue to communicate with different sectors of our society and we also decided that more controversial provisions could be put on the back burner for now. We try to seek consensus among most people in our society when we drafted the text; for example, how do we name the law so as to avoid unnecessary controversy? And very fortunately when we decided to implement two International Human Rights Treaties as well as the CRC, CDPR, we already had the experience of enacting the so-called "Enforcement Act" for different conventions. Therefore, we thought it would be proper to name the Act as the Enforcement Act for the Judicial Yuan Interpretation Number 748 and we are glad that there's little opposition to the name of the Act. Of course in terms of the substance of the special law, I know there is still room for improvement. Many people find it insufficient or less than adequate. And of course we are all ears to hear suggestions and recommendations for further improvements. But basically, the Enforcement Act is very much based on the Interpretation Number 748 so that's the process of enacting the Enforcement Act—the same sex marriage act. And thanks to the collaboration, cooperation and understanding from different sectors of our society. We are able to see Taiwan being the first one in Asia to legalize same-sex marriage.

I know many countries envy us. We look forward to building the foundation and making even greater progress. Of course, there are still different voices in our society and we do respect different opinions but at least the opposition is not as strong as it used to be. In Taiwan, we hope to build a harmonious and inclusive society. I'm sure there's something we all aspire to have. So that concludes my presentation. I hope all of you can share with my feelings that we are really grateful that we can see the birth of this law. And we will continue to improve it for going forward. Thank you for your

attention.

Q1 Professor Raja Nadeem, Pakistan:

Good evening now. I am Professor Raja Nadeem from Pakistan. And we are working in an organization named Wajood. I am an administration manager there as well as a teacher there. I have just two small comments: One for Mr. Muntarbhorn who spoke first. I would like to tell the participants here that the government of Pakistan has approved a transgender law bill in 2018, which has been the result of the continual struggle of the transgender community in Pakistan. The highlight of the whole bill is that we don't have to go through the gender reassignment surgery. And we have the gender identification law passed. Anyone who claims to be a man a woman can have their ID cards make like that and their passports make like that. And they can work and they can survive like that so they don't have to go through any kind of medical surgery. They have rights to gender identity, which is a landmark in the history of Pakistan. Secondly, the bill also gives them equal rights for inheritance, jobs and education. There are many transgender people who are seeking education but the problem remains between the regional communities and the new transgender community—the gap that we have and we are trying to work on it. Most of you are not aware of the culture with the region that connects to India, Pakistan and Bangladesh but that is one of the realities that we have in our country.

My second comment to Mr. Wickramasinghe: I think Sri Lanka and Pakistan share a very good relationship and I remember your name because of the cricket teams they keep on wrestling on each other. You mentioned about the trans marriage bill. In Pakistan, we've had examples of, not the same sex marriage, but marriage between a trans man and a trans woman. I know at least three, four marriages that have taken place because of course one was a trans man and the other was a trans woman. They had different gender identities and different sexual orientations also. Because of that, one had a male ID card and one had a female ID card and they got married under the identities. So we've had marriages but I don't see the same-sex marriages coming up in Pakistan in anytime because of the religious that we have. So I was struggling that the LGBTI community has to be under the umbrella of transgender community or taking the name of GSMS. We're striving and we are working hard on that. Thank you.

Q2 The Garden of Hope Foundation:

Hello, I am from the Garden of Hope. I heard the examples from Sri Lanka and Pakistan, I know now that surgery is not required for gender reaffirmation. But it seems that Taiwan hasn't allow for it yet. And many transgender people in order to change the identity on their ID card, they have to work hard to make enough money to go through

the surgery. And it's a very long process, there are also some circumstances or side effects from the surgery. So my question is for Minister of Justice because this is a human rights issue. I hope that we'll be able to make some progress on this as soon as possible.

Q3 Manisha Dhakal, Nepal:

Hello my name is Manisha Dhakal from Nepal. My question is for professor Vitit Muntarbhorn. As you mentioned that the civil union Section 3 only talks about the same-sex union that means a man-and-man and woman-and-woman. So what about the transgender rights for the marriage equality for the transgender people in Thailand? Is there any room to advocate in the civil union for the transgender people?

A1 Vitit MUNTARBHORN:

Thank you very much for those very good questions. Please let me to elaborate generally a little bit and then respond to that question. The situation concerning LGBTI is not the same in every country. So it's important not to generalize. Thailand has no law against gays, no law against lesbians, very free, but no law to recognize gender identity. So transgender men and women who have been through surgery are still stuck with the sex at birth and I advocate very strongly that we need a gender identity law in Thailand. And we are now coming back to raise this issue again but we still stuck also with the premise that one draft law still imposes surgery. So this comes back to the question about surgery and also civil union. If the civil union law passes in Thailand, it is between the same-sex meaning the same-sex at birth. So the transgender person can enjoy the civil union law but would still be classified according to the gender at birth. Because we have no transgender identity recognition law in Thailand yet, for me it is very important not to forget our friends from the transgender community who are very sadly disadvantaged in my humble country. While Thailand has very open society that generally everyone respects sex and gender, it's sad that we still have this loophole. Of course, we welcome gays and lesbians and so on, there hasn't been a law against practices for a long time.

FAN Yun:

Thank you. Is that fair to say it's liberal in Thailand but not legally protected?

Vitit MUNTARBHORN:

It's liberal in practice but there is no legal protection in real terms on some fronts. But we have a gender equality law now that can be used regarding gender expression. If you dress in certain way and you are discriminated, you can get readdressed there. But

it doesn't mean that you could go and ask for an ID in accordance with your preferred gender. It's slightly different.

Q4 Professor Raja Nadeem, Pakistan:

I have a comment here. You mentioned intersex people. According to the research, the number of intersex people in the world is very minimum, not even 0.02%. It's out of a million. If out of a million, you go to see 0.02% intersex person who is a born intersex. So is Taiwan working on the same law as the transgender law as my friend from Nepal asked? Or for the intersex people, is there any ambiguity in between or something positive is going to happen for that law so the other states can also follow?

A2 TSAI Ching-hsiang:

I'm from the Ministry of Justice and I'm not from the Ministry of Health and Welfare. But I know that the Ministry of Health and Ministry of the Interior are having some discussions. Sex reassignment surgery is a medical practice so we leave that decision to doctors. And if a person can get an ID with a different gender then of course we'll protect this person's rights under this gender accordingly. But thank you very much for a remarks and I will relay your remarks to the Ministry of Health and the Ministry of the Interior. Thank you.

Aritha WICKRAMASINGHE:

On the gender transition law, actually my advice is that: if anything comment directs to the minister today, I think you should push your government to change your current practice because it is actually very inhumane to force someone to undergo very painful and difficult surgery just to recognize their true gender identity. I think in the 21st century, that kind of forced surgical intervention is an inhumane practice, which we must not have. And you have a very enlightened government here and you have done an incredible work so you should also extend that justice to transgender persons. It's the right thing to do.

TSAI Ching-hsiang:

Maybe I didn't hear the question very clearly. But I think you also misunderstood my talk. We didn't force people to go over the surgery to change the gender.

Du, Sih-Cheng:

Yes, Minister. You have to go through the surgery if you want to change your gender.

TSAI Ching-hsiang:

But it's a medical process, right? It sounds like that people are forced to take the surgery. So if we talk about force, it means that this person doesn't voluntarily go through the surgery.

FAN Yun:

No, Minister. Some countries allow for the change of gender without surgery.

TSAI Ching-hsiang:

If it is forced, I think you shouldn't be allowed by law. Because I used to be a prosecutor, I'm very familiar with our Penal Code. If you force some people to do something, I think it really is a great concern.

Du, Sih-Cheng:

I think maybe you were thinking about forcing someone to go through surgeries. But nowadays if a transgender person wants to change the gender or the sex on the ID, this person has to go over the surgery. And this person has to get the diagnosis from the psychiatrist first. But in many other countries, such surgery is not a prerequisite for the change of the gender. So this is what we're discussing. Can we allow the transgender people to change their gender without having to go over the surgery? I think that's the question.

TSAI Ching-hsiang:

This is probably not within the scope of the Ministry of Justice. I think it falls into the hands of the Ministry of the Interior because it is about changing the sex on the National ID.

FAN Yun:

People can understand that in Taiwan, we have a very progressive civil society. But it's really hard to say that we really have a very progressive government. Sorry to say that. So I think it is very difficult for our Minister to say something that he cannot promise to us.

Sorry, because the time is really running up. We have three wonderful presentations today and from their presentations we can understand that even in Asia the development of LGBT rights have been quite even. You can see that Taiwan is kind of in-between. We have a very liberal civil society in Thailand. Will you agree that? And Sri Lanka used to be a very conservative country. And Taiwan is kind of in-between. Each country has its unique history; however, today we witness our shared solidarity for fighting a battle war for LGBTI community because we all share the same belief. As

a feminist, I think that women's rights are part of the human rights. But today we have to say that LGBT rights are also part of the human rights. And in this global struggle, Taiwan will not be absent. As an Ambassador-at-large for Taiwan, I want to say that Taiwan can help to create a better world. Thank you for your wonderful contributions to this fascinating panel.

Moderator:

**Victoria HSU/ Commissioner of Gender Equality Committee, Executive Yuan, R.O.C.
(Taiwan)**

Panelists:

Mr. Bruno DE LILLE/ a former regional Secretary of State, former deputy Mayor of Brussels and former member of the Brussels Regional Parliament

Good afternoon. I'm Bruno De Lille. I'm very happy to be here. when I was 19 I came out of the closet after a whole day of waiting for the right moment which never came, of course. I told my mother just before going to bed, "Mom I'm gay", and she looked at me and she said, "I had always feared that". I did not find that so funny at that time because basically that was our whole conversation. My father took it a little bit better. "So, you're gay?" I said, "Yes, I'm gay." "You know condoms?" I said, "Yes I know condoms. "Use them and don't get AIDS."

It won't surprise you when I say that it wasn't the welcome I had hoped for. Belgium had, at the time, not a very LGBTI- friendly reputation. We were not really a LGBTI-friendly country. We were not allowed to get married, or not protected against discrimination. The idea of LGBTI persons raising children was horrifying for most people, and trans people were seen and treated as freaks. Fortunately things have changed since then. Two weeks ago I was with my parents and jokingly I said to my father, "sometimes I get the impression that you love my husband more than me", and he replied, "It's not an impression. It's true". Yeah he was also joking, I hope. If you have told me all of this in the 90s, if you have told me that our son would end up being my parents' favorite grandchild, and that Belgium would be the second in the Europe rainbow ranking today, I wouldn't have believed you. And nobody would. And yet that's how it is. So I'm going to take you on a short trip through the recent LGBTI history of Belgium, and then we'll have a look at the challenges I have others because they are big. And I have three points for you to consider.

First, be ready for the dead chickens. Two, you cannot kiss the groom. And three we may be dancing on the volcano. But first the dead chickens. For almost 50 years, we have a government dominating in Belgium by the Christian Democrats, and well, they were not really open for LGBT rights. Man with man, woman with woman. It was not forbidden, but it was something you did in the bedroom. And that's how it was until

under pressure from a growing LGBTI movement. Some progressive cities symbolically organized a same-sex marriage. It was symbolic, but it did trigger a major social and political discussion. And all of a sudden they decided that we could get a civil partnership, of course with limited right, but a civil partnership. "Hooray", we said, but it's not enough. We want to get married. Dream on. The government said you'll never get more. And then there were the dead chickens. The chickens appeared to have died from a dioxin poisoning. And it wasn't just one chicken. A lot of chickens made the same fate. Eventually 7 million chickens were slaughtered. No more eggs could be sold, and almost 2,000 farms were blocked for months and months. As a result, the Christian Democrats lost the elections, and we got a new progressive government of liberal socialists and ecologists, a government that wanted to distinguish itself from the Christian Democrats above all in the matter of ethics, and then things started moving rather quickly.

In February 2003, we got an anti-discrimination law that also prohibited discrimination on the grounds of gender and sexual orientation. In June 2003, the option of marriage was open to same-sex couples. In April 2006, same-sex couples were allowed to adopt children, and in May 2007, the first okay, imperfect but the first transgender law was passed which made it possible to change your legal gender. In 4 years' time, there was a total change on the legal level. How did it come about?

Well I see two main reasons. One, there was a whole movement behind these questions. These questions weren't initiated by a few dare devils who led the wave, no. The Belgian LGBTI movement unanimously raised this question. That sounds simple, but it wasn't because for example, within the LGBTI movement itself, there are tendencies that see marriage as a symbol of a patriarchal society. And therefore they wanted to abolish marriage instead of opening up. But after a lot of discussions, we agreed and every facet of the movement supported equal rights even though for some, it was under the motto, marriage is stupid, but hey, LGBTI couples must also be allowed to do stupid things. This kind of unity was the power the movement needed.

And two, moreover, the LGBTI movement had done its homework. We knew how the law had to be changed. We had done our lobbying with members of parliament from all parties, and also the civil society, and very importantly we had also succeeded in convincing a lot of people that we weren't working for something specific to that small LGBTI group. No, we were working on freedom, towards freedom. We were questioning the extent to which a government can restrict people's freedom. If I do something that in no way restricts somebody else's freedom, well why shouldn't I? And that's how we also got through to, for example, the more conservative liberal party. So because our homework was done so well, we didn't lose any precious time after the death of the chickens, and things could move on very quickly. And of course the

fight for full equal rights continues even today. In 2015, we had the automatic recognition of the second mother, and in 2017, we have the new and improved transgender law. However, the main differences have been eliminated.

And then we saw that these new laws also have an impact on the general mentality of the Belgians. Some figures: when we talked about approving same-sex marriage, we did some research just before the law was voted. And we saw that only 35% of the Belgians supported the idea of having the same sex marriage. 35%, one on three. So that means 65% said, "No we don't want that". Politicians did it. And after the law was passed, you see that it raises now to almost 78%. When we talked about adoption by two women, just before the law was passed, 46.6% of approval, and 72.1% in 2015, 9 years after law. When we talked about adoption by two men, very tricky because everybody knows that men cannot raise children. In 2006 we had 41%, and now we are at 64.7%. As you can see, politics has been at the forefront here. Neither the legalization of same-sex marriage nor the adoption by LGBTI couples were supported by the majority of the public when the law went for a vote. But since the adoption of the law, you can see the support for it has been growing enormously. Is it because the non LGBTI people noticed that all those doomsday scenarios about the end of civilizations didn't come through after all? Or is it because they discovered that it didn't change their own situation in any way? I don't know, but I draw two conclusions from this.

One, opinions can change, very important. And two, courageous leadership can ensure an open attitude in the society. But, there's always a but, at the same time, research shows that gender stereotypes, so the conventional ideas of what masculinity and femininity stand for, that's the gender stereotypes, are still very much alive in Belgium. According to a study in 2017, no less than 35% think that homosexuals should not make so much fuss about the sexual preference if they would like to be treated like everyone else. 28% find it offensive, not only disturbing but offensive, when two men kiss in public. So sorry, yes, you may marry, but no, you may not kiss the groom. If you are to ask Belgian LGBTI people if they feel like living in a rainbow paradise, the answer would not be unanimously positive. Yes we may marry. Yes, we may have children. But walking on the streets and hands in hands, or kissing each other in public is something we rarely do. Most of the LGBTI couples I know, and I can also speak for myself and my husband, are self-censored because we don't feel safe. Sometimes there's physical aggression or physical violence. Such incidents are rare, and when you have to deal with real physical aggression, that's understanding, and the police is ready to help you. But more often than that, it's about faulty looks, it's about being laughed at or having swear words thrown at you. This violence is less recognized, but can be even more painful. Unfortunately we continue to be told way too often, "Don't listen to this",

“Don't worry about it”, “It's nothing”. But it's not nothing that we don't dare to show affection. If you ask a straight man to only kiss or cuddle his wife but first checking that there was no one around who could react angrily. He would understand immediately how this could kill all intimacy and how this is indeed unacceptable violence.

Moreover, this feeling of “we still don't belong” does not exist only on the streets. Research has shown that a lot of LGBTI persons don't dare to express their sexual orientation at work because they are afraid of being bullied or denied career opportunities. Trans persons experience this even more intensely and regularly. This feeling of not being accepted can lead to extreme decisions. And if you look at suicide figures, we see no less than 17% to 22% of LGBTI people in Belgium have already attempted suicide at least once in Belgium. And this is even higher for Trans person where we see the figures rising from 22% and even 38% according to the study. These are very dark figures for Belgium, the country that stands second on the beautiful rainbow index. So it's clear that changing the law alone is not enough to change the society to make our fellow citizens completely LGBTI friendly. Changing mentality is as we all know a long-term task, but what is encouraging is that it is possible as we have already seen from the acceptance rate of marriage and adoption. The question is, of course, how to bring about this change. Of course I don't have miracle solutions, but I do see three important conditions that need to be set in order to get minds moving. One, the government must consistently take the lead. It must protect and uphold our rights, and its actions and discourses must constantly emphasize that LGBTI people are part of the society in a self-evident way. That's why I'm so happy to be here in Taipei that I see the vice president of the country opens a conference like this. That is a very very important sign, so I think that on that level you're on the good way.

Two, we need all kinds of role models, people who are openly gay, people who are openly lesbian, trans, bisexual, intersex, from actors, singers, politicians, and CEOs to the local grocery store owners. It's very important because it establishes everything we have in common, and it leads to mutual respect. Moreover, if we don't defend our own rights, who will do it for us? But of course this requires courage and often involves some risks, so network is necessary in case things go wrong. And three, education, education. In schools, in huge class, and also at home, we have to tackle and to get rid of gender stereotypes. Men and women are equal and have the right to express themselves as they feel they are. And we have seen it work. Now we must be persevere. The good news is, of course, that we, as LGBTI people, have never had it so good. Never before, have there been so many countries where we have the rights to live together, to marry, and to adopt? Never before, have there been so many countries where we are protected by anti-discrimination laws, and never before, have so many people accepted us for who we are. So let's be happy. Let's celebrate. Throw a party, no? Yes?

Yes.

But, there's always a but, we should know that we are dancing on a volcano. The attacks on our new rights are becoming more and more violent, and actually this makes sense. In the past, our opponents didn't have to fight to make life difficult for us. We weren't allowed to do anything. Their vision was the prevailing conviction and most LGBTI people were sitting in the closet with very very very big lock on it. There was no one who dared to get out. We were marginalized. The fact that the anti-LGBTI lobbying now has to shout so loudly in order to be heard is solid proof that we are winning. The danger is that we might underestimate the counter movements, that we might take our victories for granted. Never forget what's done can also be overturned. In Russia, there is an anti-homo propaganda law. In the US, there are constant attempts to introduce legislation to allow discrimination against LGBTI people on religious grounds. In European countries, such as Poland and Hungary, the regime is actively campaigning against LGBTI people, and the list goes on, goes on, and goes on. What makes this even more difficult and more dangerous is that it isn't always about being LGBTI. Attacking our rights is often a symbol of resistance against external interference of the rejection of so-called decadent or western values. And although Putin, the American churches, and rulers of Poland and Hungary have very little in common, they find each other, they learn from each other, and strengthen each other, so a lot of money is at their disposal. We must not let them win again. As you can also see from the Belgian figures, acceptance is still fragile. If we want to prevent the volcano from erupting, well we have to take action. So we need to unite. We need to unite even more strongly than we have done so far. And we have to look beyond just LGBTI groups. LGBTI people are the canary in a coal mine, but there are a lot of other groups that also tend to be targeted. Women, you have people with different cultural backgrounds, you have people on the run, and all those who don't fit in the nationalistic and gender stereotype boxes, they are all in danger. As I have said already before, unity creates power, so let us take an intersectional approach to our struggle. And just as our opponents are broadening their battles, so must we. It's not only about equal rights for those 10% LGBTI people. It's about the right to self-determination. It's about freedom. More people will be involved. More people will feel involved. And if you stand up for more than just your own interest, you will also be stronger in the public debate. We have to evolve from being LGBTI activists to becoming freedom fighters. Dear friends, my message may not sound entirely positive, but it is a message of hope. I'm grateful that I could experience the positive changes in LGBTI rights so that I can now live with my husband and with my son in the city I love. As an openly gay man, I have served as a respected Deputy Mayor and Secretary of States, and I'm happy to see the same changes taking shape all over the world. I believe that we have

the strength to successfully counter the toxic attacks that we are seen today. I want to thank you, and say, keep up the good work. Thank you.

Fern Ngai/ CEO of Community Business

Good afternoon. It's both an honor and a pleasure to be here in Taiwan to participate in this very important forum. I would like to thank the organizer for creating this great platform for learning. It brings together such diverse speakers and delegates from all over the world, especially on this very exciting Pride weekend. Thank you, Taiwan for leading and inspiring the rest of Asia on LGBT+ rights. Earlier Sean talked about Pride over 200,000 people expected. Wow that's mind-boggling. I think the only time I've seen more people in one place are at the Hong Kong protest. Sorry we just have to make a joke sometimes. Thank you. It is not an easy situation, but yeah sometimes it is a bit like a heart attack. Relief is required. So I'm actually joined by my colleague Adrian. Where are you Adrian? Ah there she is. Okay so she's responsible for driving our LGBT+ work. So the tough questions go to Adrian today.

So I'm going to talk about our LGBT+ work, our journey, our campaign, specifically our index, impact that had in Hong Kong, and what's next for the rest of Hong Kong and the rest of Asia. OK, a bit about the Community Business. We work with companies. We are a nonprofit organization based in Hong Kong. We work with businesses to advance responsible and inclusive business practices. So we have four pillars of our work. The first one is building responsible leadership, so we work with managers all the way from middle managers to the board level on issues related to responsive and inclusive business and tackling workplace inequality. This is the biggest pillar of our work, and this is all of our diversity and inclusion work. We don't just do LGBT. We also cover women, women on boards, Asian talent, disability, culture, race, multi-generations, etc. So we cover a lot, but I must say that our LGBT+ work is the most vibrant, and I would say, in demand. Ensuring employee well-being and also promoting social inclusion that's really around enhancing the employment opportunities for marginalized groups.

So we are an Asian organization. We base in Hong Kong. 25 people around the world; four of them based in Bangalore, India; one in the UK. The key markets we try to cover are China, Hong Kong, India, Japan, Singapore, Philippines, and of course looking to expand that.

Okay so part of this is a bit of outskirts, but this is our journey. So we've been working on this area for over a decade. We started off way way back in 2008, and that's before I joined the organization. I've been there for seven years now. At that time, understanding of an adoption of diversity and inclusion was at a very very early stage. And sexual orientation and gender identity were topics that were seen as taboo, so we

really talked about in society in general that's lone in the workplace. So we launched our creative and inclusive work places for LGBT employees campaign in 2009, and then developed theories of employer guides for Hong Kong, China, and India. In 2011, we conducted a groundbreaking study on LGBT+ climate in workplaces in Hong Kong, and we looked at the working population attitudes towards LGBT+ employees as well as the first time their experiences of LGBT+ employees. Our study showed that there was a lot of discrimination in the workplace, but employees, the working population, expected companies to do much more. We also found that the lack of acceptance in the workplace led to a lower part of creativity, and it inhibited the companies operating in Hong Kong to attract and retain the best talents. So the study provided a compelling business case for companies to adopt LGBT+ inclusion in their diversity and inclusion strategies.

So at the beginning of 2014, we believe that the dialogue on LGBT+ inclusion had matured to a level where we should introduce an index. As a former banker, I love measurements, benchmark, and indexes, so we embarked on that. As of today, we have run the index three times every two years, and we also introduce our awards which run every year. You can see, in the last eleven, twelve years, it's been a lot of progress, and we are planning the next phases, which I'll talk about later. There's been progress not just because of our work and our campaign, but companies that we partnered with, community groups, advocacy groups, and of course the legal sector in Hong Kong. There's still much much more work to be done. In our campaign, these are the major components, our index, our awards, and we run a series of workshops for companies, provide training and consulting services, and research. We support community campaigns around LGBT inclusion. For example, Hong Kong Marriage Equality is a fairly new group that started recently. We also have a number of global and regional partnerships. So we work with these organizations from all over Asia and around the world with the objective of learning and also sharing our experience.

Our index was introduced way back in 2014. It is Asia's first benchmark for workplace policies and practices for LGBT+ employees. We run that every two years. It provides companies with a credible and robust tool to assess progress and communicate their LGBT+ efforts. What we do with the indexes is we rank the companies. It's seen as providing motivation for them to act because companies tend to be quite competitive, and it helps to capture the attention of the media and various stakeholders. We combined learning from global agencies. We talked to the folks at HRC in the US, Stonewall, also Pride and Diversity to develop an approach for Hong Kong. Every year we run the index. We raise the bar. So the index is not exactly the same, and by doing that, we are driving progress. The guiding principles of the index are that it must be achievable but credible, so not too easy but not too difficult, straight forward to

complete, and we aim to celebrate successes, not aim at shame. In the last decade, there's been a really a lot of different indexes and benchmarks that have developed all around the world, and different approaches that are appropriate for those markets. So the purpose of the Hong Kong index to be a driver and catalyst for the option of best practice on LGBT+ workplace inclusion in Hong Kong to provide organizations with a credible and robust benchmarking tool. We want to identify and rank the top performers, and we believe in harnessing the power of business to drive social change in Hong Kong. We believe that businesses can be a tremendous force for good, and when businesses influence, they have a lot of power and resources to influence, they can influence a wider society.

What is it, what's in it for organizations who participate in the index? They have a robust framework to assess how they're doing. It helps them to engage key stakeholders, and benchmark their performance against other key players in the market to raise the profile of their commitment to LGBT+ inclusion and enhance their brand as an LGBT+ friendly employer and also company.

So you're not going to be able to see this, but this is really just a summary of the index and the structure. We have nine categories. I'll just read them out. Strategy & Leadership Accountability, Policies & Guidelines, so equal opportunity policy, anti-harassment or anti-bullying policies, Training, Diversity Structure, so your organization structure that facilitates the LGBT+ inclusion, employee Benefits, your Corporate Culture, your Market Positioning, Measurements, and Community & Advocacy. We have 30 questions across those nine categories. And two years ago, or 3 years ago now in 2015, we introduced an SME index, so this is designed for small and medium-sized enterprises, really smaller companies. You don't have to be big and multinational in order to understand about LGBT+ inclusion and to implement best practices.

This year we had 60 participating organizations. So you can see they're very diverse. A lot of financial institutions, but so we also have other organizations, like international law firms, insurance companies, etc. This looks very different from the first few times. We're getting much more diversity. And in terms of the sizes of companies, they are diverse as well. The majority are large companies. However, it's been quite a struggle for us to get more and more SMEs on the index, but we continue to try. There's an option to participate anonymously, so if you're kind of shy about, you know, how you are doing, and maybe you want to participate in the index and learn before you want to go public with your results. Then you can be anonymous. We know who you are, but we will not declare, and we won't show your logo.

So these were the result, the top 10 companies on the index this year. On the left, you have the big corporates, international companies; on the right you have the SMEs. So the interesting thing this year was that half of the companies were financial

institutions, financial services, many banks and investment banks. We have also organizations like Linklaters, Herbert Smith Freehills, Eversheds Sutherland who are an international law firm, and Thomson Reuters, and EY. So we have quite a diverse group in the top 10. In 2017, we had all financial institutions, and at that time we had top 12. And we also assign gold, silver and bronze standard to companies. This year we had 17 gold standard companies, 11 silver, and 12 bronze. It's really encouraging to see that the percentage of gold standard companies is increasing each year, so we have 33% this year compared to 30% last time. And for the gold standard companies, we see that they have continued to make good progress.

So all of the findings of index of consulted findings, you can find in this report, which is available on our website if you want to download. It really summarizes the key trends, and highlights best practices. And although this is for Hong Kong, I think there's a lot of good learning for any market, really. Every year we announced our result in our LGBT+ inclusion gala dinner. It's held each May, mid-May to commemorate Idaho. We introduced the index, and we also introduced awards five years ago. We run the awards every year, and the index every two years. We use this gala to do fundraising for our organization, but also to announce the awards in the index result. So it's very prestigious event. Here are some more photos, some of the winners. This has become known as the Gay Oscars in Hong Kong. We're very proud of that. Some of the winners. So the awards are all sponsored by corporates, and once in a while, we have a special award. So this year we have advancing LGBT+ equality award, and that was awarded to Michael Vegeler. Where's Michael? If you're around, over there. As you've probably heard, Michael is a huge champion through the work that he's doing. He's a human rights lawyer, and he's been involved in a number for landmark LGBT+ inclusion cases. We feel that our index has been a game changer in Hong Kong. It has encouraged and facilitated more open and public debate, and we, along with a number of parties, are calling for anti-discrimination legislation to protect the rights of the LGBT+ community. We do not have that yet. There's been much more advocacy by the corporate sector who in the past has been shy when it comes to advocating for causes. We believe that our work has broadened the attitudes of the general public, and hopefully is leading to changes in legislation. We definitely believe that the index is driving change in the corporate sector, and you know, we get a lot of feedback from the companies that we work with. They really do appreciate the work, the hard work that my team and I put into this. And generally the topic of LGBT+ inclusion, sexual orientation, and gender identity, we believe it's no longer as taboo subject as it once was. This is not just because of the work of Community Business, but also the civil society and other advocacy groups. But when you do work together and really have that collective impact, it really does impact change.

So even with all that progress, there's still much more work to be done. As I mentioned, the legal framework is still not there. Same-sex marriage and relationships are not fully recognized. This topic is not on the radar of many local companies. We will continue to work with multinational sector, and of course the SME across all Industries and sizes of companies. Yeah I mean, we really see that they could be a tremendous force to influence wider society. And although we have a small team cuz we have 25 people, we don't have too many people working on this topic. They're working other things. We're happy to share experience, our experiences, our model, and our resources with other organizations around Asia. I don't think we can come and implement our index for you, but if you want to do it, we'll be happy to support you.

What's next? We've got our 2020 Awards which are going to open for submission very soon, and our 2021 index of just around the corner next year, around the same time next year, we will be having companies submitting for the next iteration of the index. At the regional level, as you all know, a year ago in September, on September 6th in India, we had the Supreme Court in India reading down section 377. Yeah it was a hard-fought battle, and we were elated because we've got a team there, and we work with companies very closely. We believe the ruling is really going to open the door to continue the advancement of LGBT rights. We've been working with a number of leading companies there who have had this topic on their D&I agenda for some time, but many other companies have been quite reticent about doing anything related to LGBT+ inclusion because of section 377. So now we see a great appetite to start doing something in the space. About a month or so ago, on the one-year anniversary, we launched this publication. In fact, we developed an employer's guide in 2012, but we rewrote it because some of all the content has changed, and we relaunched this a few weeks ago. That's available on our website if you're interested as well. A road map for India is to leverage the learning and experience from Hong Kong, to drive change in India. We plan to bring our index to India, so we will partner with companies to conduct a Pre-Index Benchmarking Exercise which is really about self-assessment. We'll be conducting our workshop series on various categories of the index, and we will be looking to introduce our LGBT+ inclusion index in about a year's time. That's really really exciting for us.

We are big on social media, so do please follow, and we would love to hear your feedback as well on the work that we do. Thank you.

Dato' Seri Mohd Hishamuddin/ Commissioner, Human Rights Commission of Malaysia

Distinguish audience, ladies and gentlemen, first and foremost, I would like to thank the Department of Gender Equality (DGE), Executive Yuan, and the European

Economic and Trade Office for having invited me to present a paper on the situation of LGBT people in Malaysia, a human rights perspective. It's indeed an honor to be so invited. Let me begin by gaining some picture of the LGBT scenario in my country.

In Malaysia, LGBTI community is often regarded as a taboo. Strict community to the traditional binary classification of gender is male and female, which resulted in discrimination against LGBT community that led to many violations of the human rights. This classification is deeply rooted in laws, policies, cultural, and spiritual believes. The LGBT community calls for equal rights. Calls for equal rights are often demonized in the mainstream media, and this contributed to the negative portrayal of the community. Reports often perpetuate stereotypes, stigmatize the community, and expose them to security risk. The existence of the LGBT community itself has been sectionalized, and are regarded as a "threat" to society for the alienating the group. It could be argued that the LGBT community face lack of acceptance in mainstream Malaysia. Indeed their lives in Malaysia have become a challenge, and hence it would be appropriate to categorize them as a marginalized group.

Next I move on to the issue of LGBT and same-sex marriage. Malaysia prohibits oral sex, oral and anal sex as being against the order of nature. This, I think it's the inheritance of the colonial laws that still exist. The Human Rights Commission of Malaysia is also known as SUHAKAM. It's in our view that LGBT group should not be excluded in terms of protection of the human rights. Actions were taken to address, to ensure that LGBT are better protected, and are able to live their lives like other human beings. Laws that affected their rights should be reviewed as it is found to be against the LGBT community. SUHAKAM experts deeply regret over the ill treatment and arrest and discrimination against the LGBT in areas, such as the right of employment as well as access to healthcare. SUHAKAM takes the Islamic position on the subject as well as cultural values in addressing LGBT. The commission is deeply concerned about frequent complaints that human rights of the LGBT group have been violated. At least, there are bullying, degrading, and irritating due to their sexual orientation. The commission stands firm that the human rights and fundamental liberty must be upheld and respected at all times. There can be no justification in harming them, no matter how different they are, or how unacceptable their LGBT-related actions are to the majority. They're entitled to enjoy the human rights, like all human beings. Brutality and violation of their rights can never ever be justified.

Next, I'll touch on the issue of LGBT and same-sex marriages. SUHAKAM does not support same-sex marriages in Malaysia. While SUHAKAM believes and subscribe to the universe human rights, SUHAKAM does not feel to take into account in Malaysia in the same context as special values and the religious values. However, SUHAKAM is steadfast in position that no one has the right to discriminate or treat them with hate

or violence. The government cannot allow the situation where personal religious beliefs, coupled with government in action, and political homophobia become a license for violence against LGBT. SUHAKAM stands firm that human rights and fundamental liberty must be upheld and respected at all times. There can be no justification in harming them, no matter how different they are, or how unacceptable their LGBT-related actions are to the majority. In Malaysia, human rights of LGBT are protected by the Constitution, in particular Article 5 that says no person shall be deprived of his life or liberty in accordance with the law. Then we have Article 8 of The Constitution that provides that all persons are equal before the law, and entitled to equal protection of the law, and there should be no discrimination against citizens on the ground only of religion, race, descent, place of birth, or gender.

Now I move on to current situation/ cases in Malaysia. According to transgender rights group, they're concerned over the rights in case of violence and crimes against LGBT persons in Malaysia. It was important that at least there were three cases of murder between November 2018 and January 2019. And at least two other cases of physical attacks, humiliation and torture against persons were documented between 2017 and 2018. In August, September this year, there was an intimidation and harassment towards the LGBT community by the Islamic State Department and conservative groups in Semporna, the state of Sabah. It was claimed that there were a series of raids by the Islamic State Department and NGOs at employed trans women. This came following the participation of transgender women at a beauty pageant, at a beauty pageant event that was held at a wedding ceremony organized by the local community. In 2018, the Islamic Court, Islamic High Court in the state of Terengganu sentenced two women to caning and a fine for engaging in same-sex sexual activity. This was criticized by SUHAKAM as contrary to the practice of a cultural, civilized, moderate, and progressive society. Initially SUHAKAM observed such a punishment was not intended to educate but to humiliate, injure the reputation of the women and their families. SUHAKAM after this event immediately issued a press statement to the effect at court. The Human Rights Commission of Malaysia SUHAKAM denounces the decision of the Terengganu Syariah Court on 12th August 2018 to sentence two women to 6 strokes of caning, and 3300 fine for attempted homosexual lesbian relationship because such punishment is humiliating, demeaning and an attempt to publicly embarrass the women and their families, which is against the fundamental notion of human dignity, not the similar to the commitment to dignity which is imbued in all religions.

In August 2018, the national government came and destroyed criticism for ordering the removal of two LGBT activist portraits from an exhibition, which companions leveling it as an attack on the dignity of the gay community. The portraits showed a

transgender woman holding the national flag and a gay man with the national flag right over his shoulder. People holding the rainbow gay pride flag were taken down from display at an art festival, and asked to leave through the government order. In September 2018, the Prime Minister Dr. Mahathir stated that the country cannot accept LGBT culture or rights, such as same-sex marriage, dismissing them as western values. This was in response to the recognition by the country by SUHAKAM to repeal laws that discriminate against the LGBT community. In July, SUHAKAM urged the government to stand up for all Malaysians, including LGBT persons, while firmly holding the principles of equality and non-discrimination in accordance with the Federal Constitution. The statement came, following the resignation of Minister Mr. Syed Saddiq to the Youth and Sports Ministry and the backlash of the foremost LGBT activism. Sexual “madeca” movement, madeca means freedom, sexual freedom movement, the annual festival to promote sexuality rights that began 2008 was banned by the police in 2011 after the Muslim groups alleged that it promoted homosexuality and sexual promiscuity. Sexual madeca argued that the ban was an unnecessary and disproportionate response. It has organized the event annually since its inception in 2008 without triggering any part of disorder or incidents.

Now I move on to court cases involving LGBTI. First, it is a case of Muhammad Juzaili bin Mohd. Khamis and Kerajaan Negeri Sembilan. The case has got an extensive public attention where judicial review was brought to the Court to declare the State Islamic Department in the state of Negeri Sembilan prohibiting cross-dressing by Muslim man is unconstitutional. The judge of the Court of Appeal ruled in favor of the transgender woman, and declared that the state law was discriminatory against those who are suffering from gender identity disorder (GID). Hence, it was wrong to criminalize cross-dressing. The following day after that the judgment of my panel, many criticisms, especially from the Islamic religious groups, were over their decision. The Deputy Prime Minister issued a statement that the state of Negeri Sembilan should immediately file an appeal to the Federal court against that decision. So this case was appealed to the Federal Court, and was wrongly overturned by the Federal Court on the technical issue that a legal challenge on the constitutionality of law. Should we meet directly to the Federal Court as a matter involved the Federal Constitution? However, recently the Malaysian Federal Court comprising of nine judges ruled that the early decision of the Federal Court in the case of Muhammad Juzaili was wrong in law. The Federal Court used the term, the judgement was “per incuriam”, thus indicating the decision of the Court of Appeal.

Next it’s the case of Tan Poi Yee against the Director-general of the National Registration Department. In July 2016, an application filed by a trans man to change his name and gender on his identity card was granted by the High Court of Kuala

Lumpur, presented by Justice Nantabellum. In this decision, the judge stated that the applicant has a precious constitutional right to life under Article 5 + 1 of the Federal Constitution, and the concept of life under Article 5 + 1 must necessarily encompass the person's right to live with dignity as a man, and be legally according to judicial recognition as a male. Unfortunately, the decision was overturned by the Court of Appeal filed by the National Registration Apartment.

The last case is the case of Aleesha Farhana against the Director-general of National Registration Department. In 2011, an application was filed by Aleesha Farhana, a trans woman who has undergone a sex reassignment surgery, to the Kuala Lumpur and the Terengganu High Court for an order to change her name and gender on her identity card. Her application unfortunately was rejected by the judge of the High Court. Aleesha died, 12 weeks later, of a heart attack, which doctor said was brought in most part by depression due to the decision.

Next I move on to the cases of cross-dressing. Cross-dressing is an offense under Islamic Law in Malaysia, but the laws of the states differ from one to another. Some states they deem cross-dressing as an offense. You can cross dress at all, and if you do, you'll be arrested. But the majority of states do not deem cross-dressing as an offense. It's only an offense if it is for an immoral purpose, or it is done without any reasonable cause. That's implying if a person with a reasonable cause, for example, a person cross dresses because he's a transgender, then it is not an offense. Some states deem cross-dressing an offense only if the cross dresser is a male Muslim, while some states prohibit most males and females from crossdressing. Under Islamic Law, the prohibition against cross-dressing does not apply to Muslim males only but applies to both male and female Muslims.

Next I'll touch on SUHAKAM's work on LGBT. Over the years, SUHAKAM has received complaints from lesbian, gay, bisexual, and transgender communities on human rights violations, including harassment and ill-treatment, bullying, sexual assault, violence, intimidation, denial of employment, and education opposition as well as medical treatment solely because of their sexual orientation and gender identity. Since 2010, the Commission has taken up several issues on the LGBT community. Upon crossing all years, and the sensitivities of discussing issues pertaining LGBT openly, the Commission chose to be discreet in the approach to ensure the engagement with stakeholders in closed-door discussions. This activity includes meetings with Islamic groups, LGBT groups as well as individuals working and advocating for LGBT rights. This was followed by a meeting with representatives of non-Muslim groups in February 2011.

The Commission also co-organized a roundtable discussion on gender equality and address women's rights issue with the Solano County Community Awareness in 2011.

Aside from that, in 2014, the Commission met with Human Rights Watch Asia Division to discuss the findings of the report regarding the human rights of transgender group in Malaysia. In January 2015, the Commission met Justice for Sisters to discuss the trial involving Muslim transgender women in Negeri Sembilan in 1992. During the 2015 meeting with Justice for Sisters, the activist group suggested that the Commission conducted a public inquiry into the violation of human rights of the LGBT community. However, to take into consideration the Commission's limited resources, the Commission has instead decided to embark on the study to identify the types of discrimination, faced specifically by transgender person based in Kuala Lumpur and Solanco, and understand how their basic rights have been violated. The Commission decided to focus on transgender persons due to their gender expression, exposing them to a greater number of discriminatory practices.

Ladies and gentlemen, in conclusion, I would just say that I hope my brief presentation has contributed to a better understanding of the situation of LGBTI people in Malaysia. Perhaps the picture of LGBTI rights in Malaysia that I have given in this presentation may not be that bright. Be that as it may, SUHAKAM will continue to fight for the rights of LGBTI people in Malaysia, and we shall persevere. It's part of the odds. We need to change public mindset as well as the government mindset, and I'm optimistic that we are moving ahead, although slowly towards a more liberal and a caring society thank you.

Q1 Aritha Wickramasinghe from Sri Lanka:

Hi I have question for Dr. Mohd Hishamuddin. You said that Section 377 of Malaysia Penal Code is not enforced. However, your Deputy Minister Anwar Ibrahim was imprisoned for sodomy charges under Section 377. It's quite humiliating case against him. Now that he's out from jail, and you have a new government, do you see a movement, within the government, to appeal this legislation which has been historically used against LGBT people, or people perceived to be LGBT?

Q2 Vincent Huang:

Ladies and gentlemen, I'm a person with the disability. I'm also gay, and I'm also a head of a gay organization in Taiwan. After listening to so many speeches and presentations, I'm really impressed that for gay people with disabilities, even though there has been a lot of progress in the gay rights movement, our plight is very often overlooked. In the interest of time, I would like to ask Bruno a question. I think now in Taiwan, many people with severe disabilities, they need to be looked after by their parents. They cannot go outside home. But many of them are unable to say publicly what their sexual orientations are. They may talk to their friends on the Internet, but there are no other

outlets. But there are also people with disabilities who do not live with their parents, yet they also have a big problem because now in Taiwan, we have been emphasizing empowering people with disabilities. There may be assistance assigned to help these people. However, for gay people with disabilities, if there is an assistant who is heterosexual, then this person with disabilities may refuse to reveal his sexual identification again. So they have you encountered similar situations in Belgium?

Q3 Ryan, Indonesian LGBT Federation:

I'm Ryan from Indonesian LGBT Federation. First of all I will give appreciation to SUHAKAM that SUHAKAM can come here and present the conditions of Malaysian LGBT people. I quite understand we have similar backgrounds that it's very hard to talking about same-sex marriage in both Indonesia and Malaysia because it's become a moral panics. Some people believe that same-sex marriage become a weapon to attack LGBT people, and that if the government passed any of the bills that protect LGBT people, it will lead to the same-sex marriage, and it's a nightmare for Indonesian and Malaysian society. So my question is the anti-LGBT Indonesians Malaysians are having a collaboration to promote Sharia law between Indonesia and Malaysia. Some of the preferences in Indonesia imply the implementation of the same Sharia law in Malaysia. So is there any chance that we can collaborate? Because we Indonesia also have the national Commission of Human Rights, and it's quite open that they are supporting LGBT people. So we can find each other, but is there any chance? Thank you.

Q3 Victoria Hsu:

I want to use the privilege of a moderator. I have a question for Fern. A lot of enterprises in Taiwan, they think that they are gay friendly, but they don't know how to do the first step. Would you please give us some simple, clear advice?

A1 Dato' Seri Mohd Hishamuddin:

To answer that question, as a rule I would say, Section 377A, that provision was never enforced. The case of Anwar Ibrahim, our Deputy Prime Minister, was the only one time an exception. Many people believe that the prosecution was politically motivated. I followed the trials keenly, and then a lot of intercessors were done, procedures were not followed, and evidence was weak in both cases. He was prosecuted twice. In both cases he was, sadly, found guilty. No in the first case, he was found guilty at the High Court and Court of Appeal, but he was found not guilty by the Federal Court. In the second case, he was found not guilty by the High Court, but was found guilty by the Court of Appeal and by the Federal Court. I think, as I said earlier, that case was against

honor, and Anwar Ibrahim was unfortunate. It is motivated by politics rather than the rule of law.

Aritha Wickramasinghe:

If I just add to that, Commissioner. Clearly that law was used against one of the most privileged people in Malaysia, your Deputy Prime Minister. If such law can be used against most privileged amongst your people, don't you think repealing of that law will benefit the far less privileged in the vast majority of your people?

Dato' Seri Mohd Hishamuddin:

Personally I believe. I am a viewer of such a law, a thing, like Sri Lanka, that's inherited from British time. Such a law should be removed from the state's book. But SUHAKAM hasn't done any official attempts on this yet, but when I go back, I will express my view that homosexuality act should be really decriminalized in line with many other countries in the world.

A2 Mr. Bruno DE LILLE:

I will be as short as possible. I think, first of all the sexuality of people with disabilities is too often seen as problematic, even if they are straight. I think when I look at the Belgian situation, it is seen as problematic. Caretakers do not know how to handle with people with disabilities who have sexual needs, and that is of course a very bad thing, and I think we have to work on that. We have to work on the education of the caretakers, and we have to open the society in such a matter that those people also have the right of their sexuality.

The question of do we need LGBTI caretakers to give you the opportunity to people with disabilities to express who are LGBTI their demands for their sexuality, I cannot totally agree with. I think in short term, that can be a solution and it's going to help a lot of people. But I think in the long distance, we need to work on society so that it does not matter to whom you talk. They have to be open to your sexuality, and if you want to change the society so that the society is LGBTI friendly as a whole, then we must not take too much of those initiatives of, let's isolate that problem, let's do it on her own because we know that's.. You can also only change the society if you have often enough a confrontation because if we organize it on our own, that means that the heterosexual people, they don't have to worry because they will never have to be confronted with that, and it's their responsibility to be open also. Thank you.

A3 Fern Ngai:

I think a lot of companies are starting from different places. Some of them don't know

even the first step, or some of them maybe has a grassroots movement within the organization amongst young people, or they might want to start a private network for example. I would recommend that people look to resources, not just our resources, but there are great resources from NGOs around the world about LGBT+ workplace inclusion. We have our nine categories. In a lot of places, companies start with training. We run a workshop with senior leaders, the executive team where we take them through: what is LGBT+ inclusion, and why is it important to business? We talk about the definitions, the social, legal, cultural context around LGBT inclusion in that market. I think companies should think about what's their business case because a lot of people say just do it, there is a moral case, it's just the right thing to do. But I think for businesses, there will be people in your organization that are not so for doing this. They might say, oh it's just a small community, no more than 10%, let's work on issues around women instead, or you could do that and do those things in parallel. Some kind of business case is that you are aligning this initiative with your business goals, and you can explain to all your stakeholders why this is important to address for your company. There are tons of things that people can do. If you look at our resources, they don't cost a lot of money, like looking at your equal opportunity policies, anti-discrimination, anti-bullying, starting off with implementing some employee policies and benefits for your employees, and same-sex benefits and so on. This could be very basic things, and it's always a journey even those companies that are very sophisticated, they've been doing it for 10 years. They could contact me or my colleagues.