

Workshop 1 in the morning is themed progress and challenges of LGBTI rights, with three sub topics to be explored. Group A is decriminalization of homosexuality; group B is anti-discrimination and personal safety of LGBTI people; group C is the challenges of legalizing same-sex marriage. Representatives from different countries are invited to share their experiences based on the topic, and then each group will carry out the discussion of the sharing and assigned topics.

Group A Decriminalization of Homosexuality

✓ Keynote Speech

A-1: Deekshitha GANESAN/ Senior Research Associate, Centre for Law and Policy Research, India

In 2018, homosexuality had finally decriminalized after 20 years of dedication in India.

The movement of decriminalizing homosexuality started in the 1990s, mostly came out of an HIV prevention approach. The focused movement started in 1991 and the first petition to decriminalize homosexuality was filed in the high court.

The case was dismissed in 2004 because there is no academic challenge. India already has legislation toward the topic, but without academic challenge, the high court refused to go into the issue.

The organization which challenges homosexuality went further and approached the Supreme Court of India which reinstates the matter as the issue is in public interest. Back in 2009, it was the first time India had the idea of decriminalization toward homosexuality. The Indian constitution guaranteed fundamental rights to equality, life, and personal liberty.

The situation is similar to other past British colonies. The person who challenges Section 377 knows that it was based on the traditional models of village standards. Section 377 was only been used for the cases of child sexual assault and abuse. However, it was also used by the police as a weapon of extortion and harassment. Ministry of Health had put effort into the issue because it can reduce AIDS, but Home Ministry believe decriminalize homosexuality will encourage the behavior. In the end, the High Court recognizes Section 377 has violated the right of equality because even though the Section is natural, it was commonly used against certain types of people, or, targeting the LGBTI community.

The High Court was challenged in 2009 by individuals because they believe their actions will affect Indian society and family.

In 2013, the Supreme Court came up constitutionally and disagree with the High Court. It said the issue was best left with the legislator and Section 377 affects only a minority of Indians because the LGBT community is quite small.

In 2014, there was a judgment made by the Supreme Court. For the first time, people have the right to self-identify their gender. This is the beginning of the change in India.

Between 2014 and 2018, some litigations were challenging other existed legislations. With these positive changes in 2016, other curative petitions were fought against the 2013 decision of the Supreme Court and all of these are clubbed together and held into 2018.

By the time, we already had amendments, so all forms of non-consensual and non-normalized into course were already accumulated by the Indian Court. Furthermore, we had other legislation preventing child abuse. This means Section 377 could only be used against the LGBTI community.

This is the entire event that should be understood. This is the end for the decriminalization of homosexuality.

The Supreme Court of India recognized that sex should contain sexual orientation, sex stereotypes, and gender identity. Indian constitution gives its citizens the right to equality, identity, and dignity, etc.

Ultimately, Section 377 was read down in India and excludes all consensual sexual relationship between two adults with any sex. Most importantly is that one of the judges aware that the decriminalization of same-sexuality is a necessary first step in the part to guarantee LGBTI individuals' rights.

On the other hand, there are some disappointments. People need to take a medical examination before they can legally identify themselves in their chosen gender; the parliament denies LGBTI couples to have children; sexual assault and harassment toward the LGBTI community are still exist all over India.

In 2019, one of the High Court held a marriage between a trans-woman and a man. The marriage is recognized as a valid marriage under the Indian Marriage Act. This is a huge development but that was only applied in that state instead of whole India, so now the next step will be taking this forward and issue some guidelines.

Hopefully, the 2018 judgment will soon open a door of recognition on marriage, adoption, heritance and social-economic rights of the LGBTI community.

A-2: Shankor PAUL/ Communities and Minorities Expert, Human Rights Programme, United Nations Development Programme (UNDP)

I. Bangladesh Context:

- It is estimated that around 10,000 Hijra (trans-gender) population in Bangladesh
- Bangladesh's society is conservative and drives with religious beliefs, where the LGBT people face diverse discriminations at both family and social spheres
- Many LGBT persons are unable to finish their schooling as they report both physical

and verbal abuse from their classmates and school teachers.

- LGBT who have experienced societal ill treatment do not report their incidents to the police due to a fear of having to reveal their sexual orientation.

- According to the Department of Social Welfare survey, there are around 9,285 Hijras in Bangladesh.

* Constitution of Bangladesh has adopted provisions of UDHR, which are applicable to LGBT citizens:

- On anti-discrimination issues, Bangladesh received 20 UPR recommendations of which only 8 were supported but a big portion of the noted UPR recommendations were on violence and sexual harassment against the LGBTI community

➤ Same sex sexual activity	✗
➤ Recognition of same sex union	✗
➤ Same sex marriage	✗
➤ Adoption by same sex couples	✗
➤ LGB people allowed to serve openly in military?	✗
➤ Anti-discrimination laws concerning sexual orientation	✗
➤ Legal recognition concerning gender identity/expression	✓

II. Challenges on Decriminalizing Homosexuality in Bangladesh:

- Treatment of 'same sex acts are illegal' under the Section-377 of the penal code (by the police); Persecution, exploitation and abuses based on sexual orientation and gender identity;
- Social exclusion and discriminations on the ground of sexual orientation/identity; increasing threats/pressure of religious groups; traditional social norms
- Discrimination with Respect to Employment and Occupation of LGBT community; Isolation and ill-treatment to LGBT people; hostile environment; lack of awareness

III. Bangladesh Government Efforts:

- The Government of Bangladesh **officially recognised the hijra** population as a **'third gender'** on passports and other official government document in 2013. On 16 January 2014 the government issued a Gazette notification to this effect.
- The Election Commission (EC) added "Hijra" as gender identity by amending the **Voter List Act, 2009** and the **Voter List Rules, 2012**.
- On 19 May 2015, the Cabinet committee on Social Safety net has decided to **recruit Hijra population as Traffic Police Officials**.
- Since the 2012, the government has allocated about **\$1.15 million** to the hijra skills development program.

IV. UNDP Efforts

Short-term efforts:

- Community-oriented awareness sessions; sensitisation programmes on gender diversity for state service providers
- Facilitated discussions with the State service providers (National legal aid organization, social welfare ministry) and members of this community to exchange information build mutually understanding and trust
- Para-legal training provided to community volunteers to help with any legal needs this community may have – particularly in surmounting barriers they face in accessing legal protection services

Long-term efforts

- A '**Hijra Shabdokosh**' (glossary)'has been prepared and disseminated in order to standardize the use of terminology, words and phrases used either to describe or interact with the gender diverse communities in Bangladesh.

V. Way Forward for Decriminalizing of Homosexuality in Bangladesh:

- Adopt and enforce the **anti-discrimination law** (by the State) with special focus on discriminations on the grounds of ethnicity, religion, gender identity, sexual orientation and any other status of people in Bangladesh;
- **Effective protection** against discrimination, harassment and violence against sexual minorities in Bangladesh;
- Need **state acknowledgement** on the existence of sexual and gender minorities in the country, and special measures to abolish the section 377 of the Criminal Code for decriminalisation of consensual sexual acts of adults;
- Take necessary measures to **reduce all forms of threats and violence** against LGBTI rights defenders in the country;
- **Mass awareness campaign and rights advocacy** to eliminate all forms of social stigma, violence and discriminations against the LGBTI people;
- Special actions for **changing the mind** set of social, ethnic and religious leaders to uphold the rights and protection for the LGBTI people;
- **More sensitization** on SOGI (sexual orientation and gender identity) issues to reduce the conceptual gaps between general people and LGBTI people in the society.

A-3: Violaine BEIX/ Development Manager, Colors of Rainbow, Myanmar

-same situation as other British colonial country: penal code 377 still exists

-377 is used in rape cases: define strictly rape as “between men and women”; cannot repeal 377 as it’s the only existing law protecting rape cases (amending 375)

How 377 affects LGBTI life:

- Allowing police to discriminate; does not allow LGBTI people to testify or act as witness
- Corrupt police system: does not have access to fair trial; no rights to form assembly and freedom of speech (communication law) → does not empower people's rights
- Constitution: does not protect all fundamental equal rights; hence cannot interpret from SOGIE perspective; reducing its effectiveness as it states the constitution cannot be in direct contradiction to current laws
- Shadow laws: set up to prevent crime during British colonial era, but still exist today to use to specifically target LGBTI minorities (may be taken into custody) → reducing the dignity/freedom for all
- Government have signed various agreements, but still in violation →
- Human rights commission: have an agreement in place, but government does not show willingness to work with LGBTI persons; suicide investigation of LGBTI person who was bullied, the commission finds the person to be "weak mentally", demonstrated unprofessional treatment of human rights

Current situation:

- Legitimize discrimination; Reinforce stereotype; lack of understanding by society at large
- Allowing systematic police violence and abuse; lack of justice and fair trial
- Bullying/ discrimination/ unequal treatment is common in education institution/ workplace
- Religious & social norms are not accepting LGBTI persons (karma)
- Media: mockery and stereotypical, negative images shown

Progress:

- 2018: recognise LGBTI young person
- 5yr plan to reform education curriculum: adopts SOGIE (but teachers received no training)
- Constitution is being amended
- Building LGBT movement: taking roots. 500 -> 16000 people in 5years, 2019 includes 2 public event (government approved)

Strategy:

- Proposing new rape law: render 377 redundant by working with MP & bill community (in regards to amendment of 375) ; dropping shadow law
- Proving legal awareness training to community about their rights

✓ Discussion Summary

A1

Homosexual Discrimination

Country	Law against LGBTI
Palestine	No
Malaysia	Yes, 377a
Sri Lanka	Yes, but hardly use
Cambodia	No
Taiwan	No
Indonesia	No

Former British Colonies has Article 377.

Malaysia:

- Though there is a law against homosexual, it is seldom used.
- The most recent case will be a lawsuit against the former prime minister, Dr. Mahathir.
- There is also Muslim Law which is used against same-sex marriage.

Sri Lanka:

- All candidates who are running for election are pro LGBTI groups recently and promise to improve the situation of the homosexual because they want the vote of LGBTI groups.
- There are still problems in the law aspect, but, fortunately, we have an open mind on the political aspect.

Taiwan:

- Taiwan was colonized by Japan once, and during the period there was no law against LGBTI groups, but discrimination still exists in the cultural aspect.

Palestine:

- There is no law against LGBTI groups but police could arrest people with other excuses and manipulate laws against them as threats.

Indonesia:

- In 2015, Islam Law which is against LGBTI was published and caused panic.

- In 2016, LGBT was thought as a threat toward the country.
- Finally, the 9 top judges always pass the discussion to the parliament which had come up with a new draft toward same-sex marriage. The draft will be signed by the government next year.

Cambodia:

- Marriage Law in Cambodia had mentioned about marriage could only happen between man and woman.
- A same-sex couple can be married in Cambodia, but cannot apply for a marriage certificate.
- The Prime Minister is supportive of same-sex marriage, while the King had said, "Please don't discriminate them, because that's their nature."
- In 1993, the UN Human Rights Declaration is used in Cambodia laws.
- The government had accepted the recommendation from the UN.
- There are dialogues with the government and the community.

A2

A2 Morning

Country	Criminalizing /Illegal	Legal Protection/law by the government	Government position	Achievements	Strategies/Solution
Philippines	No	-Local laws only , not on national level	-Proposed a bill 20years ago -Bill was passed by lower house --> demonstration of progressive -Bill has been stuck in upper house --> leader is traditional and deeply religious	-Anti-discrimination policy introduced at local level -Trans person in lower house	
Bangladesh	Yes	-protection from the Constitution, however not in legislation	-Recognizes Transgender - Does not recognizes LGBTI	-Trans person can vote & run for office -2 trans rights legislation: 2009 & 2012 -Trans woman elected at the local election to be Vice-Chairperson -Government gazette notification	-education of the public on the rights of LGBTI -Advocate for LGBTI rights -engaging civil society & media, HRDs, youth, national instructions -Amendments of 37, penal code; 54, CRPC; 86, DMPF

Bhutan	Yes	None other than in trade policy (stated explicitly that one cannot be discriminated based on gender)	-Society is progressive overall	-Decriminalization is approved by the lower house -Progressive system on LGBTI	-Advocacy: A. Health, HIV B. Media C. Religious groups -Alliance with everyone
Vietnam	No	No	-There are good wills, but lack of capacity to execute	-Removal of civil offense for same-sex wedding -inclusion of Trans rights in the civil code	
Taiwan	No	yes	-Active protection, inclusion & promotion	-same-sex marriage is legalized -Education curriculum includes LGBTI issue -Protection of inter-sec people & children	
Singapore	Yes	Yes, but only in hate crime against violence incident incited by religious/racial hate	-Government claims there is no discrimination (refuse to acknowledge) despite incriminating law	Homeless shelter for trans people can register as charity -protection against violence by racial/religious hate	-Engage with media/ utilize social media -Education: collaboration with LGBTI student groups [in university]

A3

Myanmar, Taiwan, Turkey, Vietnam, Malaysia, Singapore, Pakistan, Philippines

In general

- Government is an important agent in criminalizing homosexuals, particularly with the law enforcement, which is a common characteristic of former British colonies.
 - Sometime government also uses business against LGBT e.g. not allowed to support any related group

In many countries

- Social censorship – LGBT is still being discriminated, even though legal they are allowed. Some laws, although not explicitly banned, are used against LGBTI, which limits the rights of LGBTI people, e.g. Marriage.

Taiwan

- No official discrimination
- Religious anti-LGTBI voices - Public Opinions form Christian Group – well-connected and well-funded group with powerful effects and raises anti-LGBTI sentiment e.g. Cross Rainbow

Pakistan

- LGBQ are not accepted, but Trans and Intersex are accepted.

Intersex

- Legal recognition in Philippines and some other countries as well. There are ongoing discussions on when can they be allowed to decide for themselves their gender.

Strategies and solutions

- How do you change the situation:
 - Challenge existing law
 - Work closely with parliament and MPs
 - Education
 - Publishing public opinions and evidence to provide more resources and support for LGBTI group
 - Training government agencies and partners, creating allies.
 - Focus mainly with people in the middle of the spectrum, and leave

those hard-core anti-LGBTI

- Provide data-based evidence e.g. Vietnam – outdated data was used against LGBTI – therefore we need more data to assist LGBTI groups in their movement

Case studies / examples

- Philippines – a provision passed in July – implementing regulations on online posting, online bullying about LGBTI
- Trans in Pakistan
 - No need for medical procedures – results from long standing movement as 70% are transphobic
 - Transgender act 2018 – allowed to change identity. However, you cannot marry if you are transgender. Transwomen- inheritance rights are the same as women in family. If you are transmen – not allowed to inherit as well.
 - Protection 2018 – Section 6A – allowed to call police to raise a case against them on harassment. Trying to include Transgender in all
 - LGBTQ – no rights to assembly – no protection from government – though they are many social groups trying to help.
 - Sharia Law – does not accept LGBTQ

Group B Anti-Discrimination and Personal Safety of LGBTI People

✓ Keynote Speech

B-1: Manisha DHAKAL/ Executive Director of Blue Diamond Society, Nepal

Discrimination can come from our family, relatives and neighborhood.

Family: For example like intersex baby, hospitals will mutilate these babies when they were born. The transgender people can get a lot of discriminations from their family. The family members expect their children to act in line with their biological gender instead of acting per their nature. If they do not meet the expectations, then they will not allow to stay at home and will get less love from their family. Their property right can even be denied by their family as well. We have received a case like this and we won the case eventually.

Country: As Nepal has never been colonized before, we do not have a criminalization law against homosexuality like other South Eastern Asian, a lot of LGBTQ people come to Nepal to seek asylum.

School: LGBTQ gender identity students may not want to wear the uniform designed for their biological gender so many of them drop out of school. In the school curriculum, they talk only male and female and do not mention other gender

identities. However, recently our Ministry of Education introduces SOGI curriculum into schools but teachers just do not know how to teach students about gender orientation and identity. Many transgender people do not even dare to drink water and go to the toilet because they do not want to be teased by their classmates. LGBTQ group also faces discriminations in the army, police system and workplace as well and is hard for them to find a right insurance policy. Heterosexual people do not need to provide medical prove to register their citizenship but transgender people have to provide it. In Nepal, it is difficult for transgender people to conduct surgeries or take hormones because the lack of hospitals and doctors in this field. Therefore, transgender people have to go to Bangkok or India to find medical support, which costs a lot of money. However, without the surgery, these people cannot get the citizenship according to their choice of gender. Right now, the Nepal government creates an “all category” for transgender people. However, when they travel from one country to another, it causes problems in custom.

Our constitution addresses LGBTQ rights in the Article 12, 18 and 42. In Article 42, it says that LGBTQ people can be in every structure in Nepal. There should be no problems for them to be elected as the president, prime minster and local governmental officials. However, as getting the citizenship can be difficult, their application of election is often denied.

In spite of the policy, the implementation part is very weak. We have to advocate for the implementation part harder. There are some improvements already but still we have to work on it.

B-2: Michelle YESUDAS/ Senior Legal Adviser, Denmark-Myanmar Programme on Rule of Law and Human Rights

Part 1 (Worked on the 377 case both in Malaysia and Myanmar)

Brief background of Malaysia and Myanmar regarding this topic

The report on SOGIE discrimination in Myanmar released by ICG on November 8

Lack of protection of LGBTI in Malaysia and Myanmar

Malaysia

- Sodomy by penal code description: anal sex
- Malaysia’s former Deputy Prime Minister was charged twice for “Unnatural Offenses”
- A lot of people and politicians in Malaysia are homophobic and avoid discussing this topic
- 377 itself is problematic - accusing people of being gay as a political weapon
- Anonymous sex videos of new Prime Minister of Economic Affairs spread on

WhatsApp

- Having an affair is the real problem, not being a gay politician, but people are afraid to talk about it
- Law of carnal intercourse against nature
- 377A: anal or oral sex, regardless of sexual orientation, is a crime in Malaysia

Myanmar

- 377: If you have carnal intercourse against nature, any man, woman or animal shall be punished with imprisonment and penetration is sufficient to constitute that the intercourse actually happened
- LGBTI research (September 2018 to March 2019) findings: not many are actually charged with 377 but police like to use it to extort LGBTI people (similar findings in Malaysia) and make them perform sexual acts/ask for sexual favors - hypocrisy in law and law enforcement
- Section 30 Police Act lead to LGBTI people's lack of trust in police
- Young boy who committed suicide - NHRI

Part 2

Challenges of implementing anti-discrimination law in Malaysia and Myanmar

- Mainstream culture of demonizing LGBTI people
- Any anti-discrimination law did not take into account SOGIE as a legitimate ground

Conclusion

- Need to address it from the root to improve public awareness and knowledge
- Need comprehensive protection and anti-discrimination efforts in place
- Need fundamental change in Malaysia and Myanmar, laws alone are not enough

B-3: Jonta Eliakim SARAGIH/ Program Manager for Rights, Inclusion and Diversity, Hivos

- Improvement in terms of protection and anti-discrimination towards LGBTI people in Asia
- As Malaysia Human Rights Commission mentioned, Indonesia situation seem to move backwards
- No criminalization of LGBTI but the parliament has been trying to pass a law several times that criminalize extramarital sex, including homosexual sex (latest attempt in October)

- Queer identity has been rooted in Indonesian culture since hundreds of years ago
- The culture of Bugis people - South Sulawesi acknowledge five different genders
- Festival of calabai, calalai, bissu banned by the government in 2017 as it's considered as LGBTI culture
- In 2016 negative sentiment toward the Queer community in Indonesia begin to rise
- University of Indonesia LGBTI university student support group got viral - Minister of Higher Education stated that no LGBTIQ is allowed in universities, and other government official followed suit
- Politician/government officials statements echoed by the media and religious groups
- In 2017, there was a criminalization effort at the constitutional court to expand the "no same sex relations with minors" law pushed by Islamic political groups (Love Family Alliance) but failed (4:3)
- Anti-LGBTI laws have passed in certain regions where the Islam population is the majority
- LGBTI people were put into jail in certain regions
- Anti-discrimination law do exist but only limited to ethnicity, religion and race
- According to research, four groups hated most by Indonesians are: Communists, non-Muslims, LGBTI, Indonesian Chinese Society
- "No sex education for people under 18" law, asking for condoms to be banned from convenient stores, lead to huge student demonstration, the law was postponed (not failed)
- No actual action plans to help the LGBTI community - National Crisis Response Mechanism initiated by Civil Society Organization and LGBTIQ Organizations in Indonesia
- In 2020, a secretariat for the National Crisis Response Mechanism will be established
- Emergency Response: evacuation, hospitalization (physical/psychological services) etc.
- Prevention Response: counter narratives with the media/opposing groups

✓ Discussion Summary

B1

A. Discrimination against LGBTI includes:

1. Employment:

- Pre hiring and hiring discrimination

- Bullying in the workplace
- No access for other services

2. Health:

- Limited access to medical services especially for transgender people
- Surgery is required if you want your gender recognition be recognized by the government (Japan)

3. Education

- Violence, bullying, threatens
- High dropout rate for LGBTI students

4. Legal & Politics

- Lack of implementation on existing laws
- Recognition of transgender people

B. Policy Solutions:

1. Legal framework:

- Amending existing laws
- Create a LGBTI anti-discrimination law
- Create a comprehensive anti-discrimination law

2. Education & Training

- Train professional workers about the LGBTI issues
- LGBTI group should know that they have the right to claim

B2

Q1: Existing discrimination

1. Harassment by the police ex. unexpected raids at parties.
2. Police extortion.
3. Lack of gender-neutral facilities.
4. Entrapment by the police.
5. Freedom of movement is limited.
6. Lack of transgender policies. (More coverage for gay men or gay women)
7. LGBTIs banned from education program.
8. Discrimination coming from religious groups.
9. Denial of housing of the LGBTIs.
10. Hate crimes and speeches.

Q2: What are the policies in place? Are they working?

1. Even with laws in place, referendums may pull it back.

2. Gender recognition policies. Ex. In some countries, one needs surgery or some kinds certification or proof to be recognized as certain sex.
3. Need stronger anti-discrimination law for gender minority.
4. Work place anti-discrimination laws.
5. More communication with religious groups. Even though Hindu accepts trans people, there are still many religions do not accept. Ex. Islamic, Christian.
6. Better hate crime legislation, ex. rape. Only women can be victims. But not men or trans.
7. Laws from national levels. Ex. One state may have one law; another may have a different law.
8. There are anti-bullying laws. But interpretation differs.
9. Need legal education. Even with laws, people sometimes still do not understand, even LGBTIs.
10. Sex and sexuality education. Ex. In some countries, speaking about sex to children is prohibited.

Q3 What would you like to see more in the future?

1. SOGIE education in schools.
 2. Non-discriminating housing policies.
 3. Need police engagement in education.
 4. Amend laws. Most countries have anti-discrimination laws. But only for women. Change “women” to “people”. Universal coverage for everyone.
 5. More comprehensive health care policies.
 6. More inclusive policies for trans.
 7. Freedom of movement.
 8. Freedom of access to religion.
 9. More open dialogues.
 10. Don’t just focus on numbers. Focus on real situation.
 11. Awareness and understanding of what a transgender person is low.
 12. Education at local levels.
- More open dialogues within the LGBTI communities. Ex. Phobias within the LGBTI communities, Islam phobia...etc.

B3

1. Serious discrimination against LGBTI people

Taiwan

-Transgenders have problem with employment

- Transgenders do not have freedom of expression
- Education: bullying and dislikes

South Korea

- only binary system identification (those who don't identify as one of either face difficulties)
- education: teachers are not trained

Indonesia

- once you come "out" as LGBTI you will be discriminated (education, workplace, home, etc.)

Thailand

- employment, especially transgender people
- restroom bullying

2. Existing anti-discrimination policies in various countries

Taiwan

- Gender Equity Education Act passed in 2004
- Gender Equity Employment Act passed in 2002
- Same Sex Marriage
- *policies & laws are available but it does not necessarily work

South Korea

- Gender affirming identification in progress
- No existing anti-discrimination law - fighting for progress
- SOGIE Anti-discrimination in regulation but not enforced by law so not powerful enough

Indonesia

- one anti-discrimination policy but only on the basis of ethnicity and religion (do not necessarily work in real situation)

Thailand

- Gender Equality Act (2015) to protect against discrimination
- Gender Recognition Act Draft (2016)
- Civil Partnership Draft in progress

3. Anti-discrimination policy/action plans to be

Taiwan

- increase public awareness (especially training for teachers, parents, business)
- educate religious groups: some religious group spread fake news/info. that mislead the public
- revision on HIV related laws (hospital/dentist use “no appropriate medical device” as excuse)
- artificial reproductive technique, adoption policies

South Korea

- comprehensive anti-discrimination law to be in place
- media policies (in progress)
- increase public awareness in all sectors

Thailand

- improve public awareness (army, entertainment, media, education)
- immigration related policies especially for the trans community
- health care provisions
- surrogacy & adoption policies

Indonesia

- fighting for more comprehensive anti-discrimination policies
- actual implementation of these policies (lack of public awareness, so some laws are not really implement, for example, even if there are legal regulations, ethnic groups are still being discriminated in the society)

Group C Challenges of Legalizing Same-Sex Marriage

✓ Keynote Speech

C-1: Minhee RYU/ Cofounder, Korean Lawyers for Public Interest and Human Rights

● Current Status with South Korea

1. Korean Network for Partnership and Marriage Rights of LGBT is a coalition of LGBT, lawyer’s group, progressive political party.
2. Criminalization of individuals in its military criminal act, including anti-gay and anti-sodomy.
3. The criminalization concerns young male gay people.
4. There’s no recognition of same-sex couple

5. Although some political parties work on petition, no national-level or local-governmental-level recognition.
6. No anti-discrimination law, including sexual orientation or gender identity, which has been debated since 2006.
7. It has act that covers sexual orientation/discrimination, but it has no legal-binding power.
8. The civic law covers marriage, but no definition of marriage.
9. There are a lot of words, such as “husband and wife” in the law, but it might come with gender-neutral interpretation as rights and benefits between husband and wife are similar, so it can leverage for the use of “spouses”.
10. Marriage right is included in Korea’s constitutional law, Article 36, with controversy over its interpretation.
11. To push forward, means like litigation is employed.
12. One de facto marriage case emerged in 2004, but it was dismissed by the court.
13. Activities for corporation policies for same-sex couple, for LGBT organized, but big corporations like SAMSUNG never answered.
14. We are pushing for gender-neutral domestic partnership next year in an ongoing project.
15. Education program for younger generation, including rights for cohabitation.
16. Promising breach for marriage right may be at the judiciary level (constitutional level), although moves are being made on the legislative level as well.
17. Rephrasing the words for campaign into marriage equality.
18. This year we have a mass petition for marriage right and partnership.
19. Gay couple of ambassador from New Zealand to Korea.
20. Last week, same-sex couple of the ambassador was invited to the presidential palace.
21. Moving forward, building sustainable momentum is important.
22. Several priorities are in place, like sodomy in military and anti-discrimination law at the moment.
23. Next, we may focus more on the marriage equality.

C-2: SUZUKI Ken/ Professor, Meiji University, Japan

Japan has an invisible model for LGBTI people, meaning that nothing regulates them.

Usually the trek to protect LGBTI people includes stages, like decriminalization, non-discrimination, and protection of same-sex couples' rights. But it is hard for Japan to initiate the first stage because of the emptiness in the laws. Recently they have tried four pathways to get the idea moving forward:

1. From local to central: Setagaya and Shibuya special wards of Tokyo in 2015 established the registration system of same-sex partnership. -> 27 local governments have introduced this system as of now.
2. Lawsuits related to same-sex couples brought to the court.
3. Request for marriage directly, starting from 14 February this year.
4. Set up national organizations to lobby parliamentarians and promote law enforcement.

On 8 October, 617 same-sex couples have got de facto marriage, though without direct binding effects to the laws. In Japan, there are two kinds of marriage:

1. Marriage under the Civil Code
2. Marriage based on actual conditions of the couple, which acknowledges part of the effect and protection under the laws (de facto marriage). This is what applies to opposite-sex couples, so do same-sex couples.

Enterprises like Uniqlo, Shiseido, and Yahoo launch welfare measures that also cover same-sex couples.

The first lawsuit of a same-sex couple in Japan is a case regarding a Taiwanese person's right of residence. He has lived with his male partner for over 20 years, but was not able to obtain a spousal visa. In the end, the country gave him the visa before the court made a decision, which suggested that the country stepped up to protect their relationship.

The opposition, holding boring and meaningless reasons, mainly comes from the conservative ruling party. It is difficult to have party alternation, so they have tried hard to lobby.

They hope to change the perspectives of the society on LGBTI people to win the lawsuits. A huge impact can be posed on the court and judges through the expansion of partnership system performed by local governments.

C-3: Reese LI/ Executive Secretary, Taiwan LGBT Family Rights Advocacy

Reese LI started with the introduction of the Taiwan LGBT Family Rights Advocacy and the development of Taiwan's same-sex marriage campaign. Chi Chia-wei—a pioneer of Taiwan LGBTI movement—wanted to marry his partner in 1986. However, the Legislative Yuan replied that gays are minority and the same-sex marriage is against the good moral of society. There was also a survey result in 1998 showed that 60% of the Taiwanese thought that LGBTI was a deviation of our custom, from which

we could see that it was very hard to promote gender equality in the past. A study in 2003 pointed out the reason that most of the Taiwanese people cannot accept LGBTI community is mainly because of the traditional familism. However, pro-LGBTI organizations have been dedicating to show the public that this is a false assumption. She also mentioned some ways to have children in a same-sex family and pointed out that the current law has some flaws regarding the adoption method that need to be amended. In May 2019, Taiwan passed the same-sex marriage, and the activists will now focus on showing the public that LGBTI families are not different from straight families and we are all the same. Moreover, for international marriage, currently Taiwan only allows foreigners from countries where same-sex marriage is legalized to be able to do marriage registration with their Taiwanese partner. Therefore, there is actually room to improve.

✓ Discussion Summary

C1

1. South Korea: Military law against gay and sodomy. Currently attempting to call for decriminalization the same-sex relationship in the military law.
2. Brazil: Same-sex marriage is not allowed legally. Young voters are quite of right wing and against the legalization of same-sex marriage.
3. Cambodia: no regulations to legalize same-sex marriage, but open to the international laws, not binding though and subjected to administrative departments. They are going for constitutional reform; also, there are pending researches on how to sway the public opinions. Single parent adoption is allowed.
4. France: The rejection mainly comes from religious forces. The divorce rate of same-sax marriage is roughly the same with that of other forms of marriage. The same-sex spouses enjoy similar benefits like other spouses do, but not exactly the same. Inheritance depends on contracts. The conservative party objects, but fail to come into power, so they have no impact on the same-sex marriage.
5. HK: Hong Kong is against the same-sex marriage. After 1997, it is stipulated in the basic law that only men and wife can enter a marital relationship, so it brings troubles to the same-sex couples. Therefore, through litigations, LBGT groups work hard to turn the tide. For example, a public housing case is ongoing (same-sex cannot apply for it); an appeal was made against the one man and one woman for marital relationship in constitution, but in vain.

6. Mongolia: No civil partnership. Discrimination in labor or else is forbidden. The main rejection comes from the culture, for traditionally people in Mongolia tend to think that man should be strong and powerful and serve as the head of a family. Yet, interestingly, shamanism and the concept of being born as a man with a woman's soul is acceptable.
7. Taiwan: Same-sex marriage bill has been approved. The government is supportive. Yet, the general public is divided. Therefore, the government organize events for all parties to talk with each other to form consensus. Single parent adoption is allowed. Legitimate children from the last marriage is allowed. Nevertheless, for the artificial reproduction, due to the Assisted Reproduction Act, same-sex spouses are forbidden. In the Assisted Reproduction Act, it clearly states that only the husband and wife in marital relationship can have assisted reproduction, which thus brings troubles to the same-sex spouses. Transnational same-sex couples are recognized if the home country of the foreign spouse also recognizes same-sex marriage. For example, if the foreign spouse is from USA, the same-sex marriage is recognized here in Taiwan; if the foreign spouse is from Mongolia, the same-sex marriage is not recognized.

C2

This group discusses approaches like litigation and legislation, and spend much time with Vietnam and Hong Kong experiences.

For years, there have been interests shown in the government in civil union of same-sex marriage.

Vietnam:

- A ban on same-sex marriage, which was overturned afterwards.
➔ Another clause inserted which said same-sex marriage is not recognized.
- General sentiment: legislative process is the way to go.
- No separation of power
➔ Any movement would be deemed as protest against the government.
- Can do certain things but innovative and creative to advance the gender issues because of the nature of regime.

Hong Kong:

- Litigation is more promising because they are not democratic, so legislation is

not a way.

- LGBT can get rights from the court not the government.
- In 1991 they decriminalized sexual behaviors between men.
- Last week, a lesbian couple asked the court to recognize either same-sex marriage or civil partnership.
 - ➔ The basic law in the Constitution did not think about same-sex marriage when set. The judge asked the government to have a comprehensive review on this.
- There is hope that the case will be appealed to the Court of Final Appeal as they have a positive record on LGBT cases.

Thailand added:

- How to keep connection: always be at the center to change
- Absence of legal expertise: to be clear what you want to change or add which clauses from what language
- Strategies decided by the parliament or the court should be discussed
- Ministry of Justice proposed a draft, but the marriage registration is done at the Ministry of Interior (who only wants to be involved with the parts they want)
- Governmental work plan: issue to improve is same-sex marriage equality
- Administrative and legal agencies are all important to be there and support those who are affected

C3

Sharing was basically focused on the current status of same-sex marriage in each country. Group C3 gathered participants from Belgium, France, Cambodia, South Korea, and Taiwan.

Cambodia is a country where the culture accepts all types of marriages. There are no laws governing same-sex marriage. People in Cambodia value family approval more. However, there are times when police officer intervened same-sex marriages due to personal dislike. Overall, Cambodians do not want another new law, but rather amendments in the Constitution.

As for Japan, currently there are no laws governing same sex marriage, and neglecting or denying the existence of same-sex marriages has always been the country's tradition. People in Japan are starting to bring changes from local governments, since the central government is often slow and reluctant to move forward. Progress has been seen in many places in Japan.

In France, there are three levels of partnerships, and marriage is the third and highest level of them. Same-sex marriage has been legalized since 2013. It is possible

to become same-sex couples with foreigners outside France, but legal benefits only apply to the “marriage” level, while the other two levels do not offer any rights and benefits.

As for South Korea, there are currently two paths in promoting the legalization of same-sex marriage: constitutional interpretation (lawsuit) and parliament petition. Most people in South Korea believed that filing lawsuits to inspire constitutional interpretations are more likely to achieve.

In addition, same-sex marriage has been legal since 2003 in Belgium, but a large proportion of people in Belgium prefer partnership over marriage. In addition, EU members admit the effectiveness of same-sex marriages that are approved in other member countries even if same-sex marriage has not been legalized yet in the original country.

Workshop 2 in the afternoon is themed establishing a friendly environment for LGBTI people and eliminating discrimination, with three sub topics to be explored. Group D is the guideline of sex education & social communication; group E is school education on respect for LGBTI rights; group F is social education and media. Representatives from different countries are invited to share their experiences based on the topic, and then each group will carry out the discussion of the sharing and assigned topics.

Group D The Guideline of Sex Education & Social Communication

✓ Keynote Speech

D-1: WANG Li-Ching/ Supervisor of Taiwan Gender Equity Education Association

適齡性教育 has 2 meanings, which are age-appropriate education and age-appropriate sex education.

Gender equality education is included in the curriculum guidelines of 12-year education in Taiwan which will be realized in fall, 2019, for grades 1, 7, and 10. In the guidelines, the gender equality framework is recognized as a domain curriculum guideline. Department of Education encourages teachers and textbook publishers to include gender-related topics into domain and subject curriculum. Hopefully, in the future, we can find more gender issues, sexuality education, body education, and social education. Gender Equality Education Act is used as the foundation.

Gender Equality Education Act is passed by Legislative Yuan in 2004 and is recently included with the topic of sexual bullying and ways to prevent sexual harassment. 12-year curriculum guidelines have mentioned about, “curriculum design should integrate issues of global importance, including gender equality, human rights.....”, and under this guideline, there is GE framework core 1 with the concept of “respect the diversity of gender traits, gender identity, and sexual orientation.” This concept is

opposed by the anti-gay and religious groups. However, we believe young people know this better and hopefully through education, we can let young people educate elders with the idea and create a gender-friendly environment. We also emphasize to put the gender-related concept in curriculum guidelines, such as social science, and hope students can learn “how does the norms related to ethnicity, gender, sexual orientation and handicapped in Taiwan society change with time and space.” We want teachers to start with this idea and encourage students to discuss and find their answers for a more friendly and fairer society. These all count as LGBTI education protected by the curriculum guidelines. The guidelines help teachers to defend themselves if people trying to stop them from teaching LGBTI education in school. Besides the curriculum guidelines, Enforcement Rules for the Gender Equity Education Act, Article 13 is another legal protection toward LGBTI education. However, because of the referendum, the content with “LGBTI education” was changed into “different gender, gender characteristics, gender temperaments, gender identity, and sexual orientation, and prevention and handling of sexual assault, sexual harassment, and sexual bullying.” We can discuss this and see if this new description is better than a simple “LGBTI education” later.

The topic for us now is that we want to bring the concept into life instead of being some sentences in the textbook. We want students to know actual LGBTI people. Under the framework of LGBTI education, we want the students to know gender identity, gender traits, and sexual orientation. This is a difficult task because kids already know how to call other’s names when they are little. After the first stage, we want students to be able to accept others regardless of their sexualities, respect differences and diversity, reflect on heteronormativity, prevent gender discrimination and sexual bullying, and understand the life situation of LGBTI people.

Bullying is a big problem because not only student will bully students, but student can also be bullied by teachers. Therefore, education toward teachers is also important.

In Taiwan, we have the Domestic Violence Prevention Act, Special Same-Sex Marriage Law, and Gender Equality Education Act, but the law does not practice itself. This is why people need to understand the situation of the LGBTI community. We want to tell the story of the LGBTI community but we also want to be careful about how to introduce their situations to students.

Since we talked about the age of appropriate, I also want to introduce the developmental appropriate. We should provide students age and developmental appropriate LGBTI education to meet the requirement. They should have knowledge of LGBTI issues even though they are young. If we do not teach them, they will eventually have to find answers on the internet. Teachers can consider what is of

interest, what is relevant, and what details are needed for a certain age. If we want to fulfill the children's need, it means we need to educate teachers, parents, media, and society first.

D-2: Md. Faridul Islam JONAK/ JR. Officer Program, Banhdu Social Welfare Society, Bangladesh

- Sex education exists only under physical education, no mention of LGBTI awareness
- 2017: ministry appealed, despite renewal of the curriculum, LGBTI-related issues are still absent
- Youth & adolescent: 2017-2013 curriculum, LGBTI-related issues are still absent
- Social communication: government took initiative to introduce awareness on hijra & 3rd gender, however not commonly accepted due to social/ religion concerns → LGBTI communities are still being discriminated/facing everyday stereotype
- People are more tolerant towards the hijra community & 3rd gender, yet there is work still needs to be done due to everyday discrimination
- Movement:
 - need to push for gender awareness and sensitization
 - need to maintain the rights of gender diverse communities
 - protect gender diverse community

D-3: Representative from Turkey

- Great need for sex education: HIV/ AIDS/ STD/ reproductive system/ contraception→ lack of understanding for both sexes (survey results), combined with stereotype and misunderstanding towards the subject
- no comprehensive LGBTI/ sex education curriculum
- Peer education & consulting: for student 18-25, no underage/ under 18yrs old are allowed
- Social pressure in regards to identifying sexuality
- Currently cannot promote sexual education in high school (under 18yrs old)
- Stigma/ignorance towards the discussion of sex/sexual diseases/gender etc.
- NGO: needs to be able to reach the marginalized/vulnerable groups/key minority population

The Importance of Sex Education:

- for transgender student: helps them to cope with the transition
- Teaches tolerance

- Create a safe space for those who are being marginalized in the society
- Combat false info: sex education can lead to early sexual behaviour/ paedophile behaviour
- Encourage proper and responsible sexual behaviours
- Promotes human rights

-Need to have age appropriate materials: friendship/ emotions for younger students, tailored according to age

-there is a need: younger students want to learn/ understand more about sex on a broader skill; e.g. about gender fluidity

-there needs to be discussion/definition on a public level about different type of sex: differentiate sex/gender/sexuality /gender pronouns

✓ Discussion Summary

D1

Taiwan:

- 2019 curriculum guidelines: perform in grade 1, 7, 10

- Teach about social relationships, family relationships, gender stereotypes, intimate relationships.

Vietnam:

- If teachers cannot delivery sex and sexual education freely, students will go to the internet for information which can be wrong.

Indonesia:

- No SCS, but NGOs will hold workshops of sex and sexual education for children and also workshops for sexual education, pleasure, and body exploration for adults.

- NGOs go to schools to delivery sex and sexual educations.

Bhutan:

- The legal marriage age is 16, but the legal age for sex is 18. This causes problems.

- It is a good idea that children teach their parents sex education, but the traditional family concept can make this difficult.

D2

Country	Challenges
Pakistan	<ul style="list-style-type: none">-No rights to assembly, which impacts LGBTI rights-Government does include the definition of Transgender in LGBTI/se education, but not the definition of “sexual orientation”-Topics discussed in sex education are limited to only HIV/safe sex-There is a need to teaching paramedic staff about sex education
Singapore	<ul style="list-style-type: none">-LGBTI still criminalized-school setting: still stigmatized, using a heteronormative and abstinence-based approach towards sexual education-Homophobic & trans-phobic: not tackled on an official level-school curriculum is approved by Christian based NGO service provider: restricted teaching materials-Sexual health: stigma towards STD and abortion
Taiwan	<ul style="list-style-type: none">-Parents/elder generation spreading false information in regards to sexual education on “LINE”-needs effort to collect the correct info and provide counter arguments to false info-even with a comprehensive curriculum on sexual education, it require the competence of a teacher to deliver the material effectively
Nepal	<ul style="list-style-type: none">-introduced comprehensive sex education curriculum, including SOGIE-challenge lies in the teacher’s lack of training on how to teach LGBTI related topics- sensitization of LGBT high school
Cambodia	<ul style="list-style-type: none">-current curriculum: includes sex, gender, what is the prop of man-Next year [2020]: will have curriculum that includes SOGIE-people will have to understand what the curriculum is about, teachers will need to know how to deliver this material-challenge: how to make these people to become the intermediate

Malaysia	-substituting facts with myth & medicine - condom outreach [legal aid with proper knowledge] by companies: in school [university level] -homophobic state: state, education
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Solutions:

1. Use social media as a tool to educate & advocate [Singapore]
2. Teacher training should be provided by the government [Nepal]
3. NGO workers/peer learning [Turkey]
4. Text books for different grades [Taiwan]
5. Engaging with different ministries, especially in regards to health/education
6. UN agencies

D3

Cambodia

Bully in Classes – dropouts due to bully. Mostly Transgender. Teachers quit job.

Development of edu policy. Non-discriminate – but for general not for LGBTI. No one actually taking care of dropouts

Ministry of Education – teaches of Human rights education, sex education, but does not include SOGIE

Solution:

- UNESCO – stop bullying at school
- Public teacher training – sent results to minister – develop official curriculum. LGBT and SOGI – roll out next year. Experts to train country.
- Ran experimenting education campaign/ workshop with teachers which include education of SOGIE. The results were then used by UNESCO and UNFPA and passed on to the Ministry of Education, which is now working towards making this an official workshop to be done in different places of Cambodia.
- Ran social campaigns – ask students who have been bullied to share their experience online through a short video, this is then passed around through social media. Those who saw the video are asked to also share their experience.

The campaign went viral and was later spread to the teachers' community.

Lessons learned: education does not need to be just in schools, we can also utilize the resource of social media and other mediums.

Thailand

Sexual Education – should go beyond schools, it should also be taught at all age levels, hence there was a Campaign done in Thailand - UNFPA healthy happy aging. Sexual education is a lifelong education. Another thing is to bring SOGIE stories into mass media, e.g. story books, comics or develop SOGIE content games, on social media. These are current strategies ongoing in Thailand.

Hong Kong

Three sources of education

- Religious school – angelica, catholic – biological education – reluctant to teach, many came from religious schools as well, so they are very conservative. Also very difficult to change curriculum because they are concerned about PRC's response/ influence.
- Government schools – purely functional – biological education. Similar to religious school.
- Private schools – very inclusive, broad scope of education,

Solution: Teach teachers to be inclusive. And to also utilize the use of decent quality online information which children can go to learn about LGBTI. Another strategy would be diverting – e.g. address bullying and use this as a medium to address issues of LGBTI.

Philippines

Philippines – anti-bullying law discussed based on sexual gender identity will be penalized. However, in the current curriculum, education of SOGIE is not mainstream; it is also not included in CSE. What is currently being taught in sexual education mostly involves only biological characteristics. Challenge here would be how you implement national law when the government and the teachers themselves are not well equipped with the necessary knowledge. In addition, how do we help teachers overcome their personal biases and still teach SOGIE? Another challenge is that there is not much data available to support the LGBTI movement. Only data now available was last updated in 2014.

Current movement – in government schools, it is still very much true that teachers discriminate students based on sexual orientation, for example, they would ask students to match their appearances with their biological gender e.g. long hair vs short hair for boys, uniforms – skirts for girls, etc.

Taiwan

Taiwan – LGBTI movement has been going on for 8 years. But there has been a large opposing force from the religious group, who opposes the idea of including LGBTI in the curriculum sexual education. Moreover, due to the large discrepancy of resources between religious group and LGBTI group, results of the referendum last year was against LGBTI. Hence, we decompressed the term in LGBTI into the more specific group which now exists in Article 13 of Gender Equality Act. The opposing group also started spreading rumors on the effects of including LGBTI in sexual education, saying that this would turn children into gay. In summary, Taiwan LGBTI community is facing an immense amount of pressure from religious group, which makes communicating with the society to be very difficult.

Urban vs Rural awareness in Palestine

Discrepancies of resources between rural and urban areas. In urban areas, there are now wards dedicated to Transgender group who has HIV. Awareness of LGBTI issues are also rising. However, the situation is very different in the rural regions, where awareness and related knowledge is very low. Another issue of raising awareness in rural region is the sustainability of such campaigns, which requires large amount of

human and financial resources.

Group E School Education on Respect for LGBTI Rights

✓ Keynote Speech

E-1: Ryan Silverio/ Regional Coordinator, ASEAN SOGIE Caucus (ASC), Philippines

We did a call to many LGBTI organizations in Southeast Asia for “What can you do in a short period of time?” We got around 160 entries and 60% of those entries report that they want to engage with schools. There is a really strong desire among many organizations to tackle education.

In the Philippines, all university students during their first and second year have to take part in the national service training program/ civic education program. There are universities that incorporate human rights education in the program and one of them get in touch with us and other LGBTI organizations to handle sessions on gender diversity. There are very few universities that are willing to include gender aspect into this program. But SOGIE and LGBTI are not separate topics but they are being framed as part of the civic awareness and civic participation of young people. To be a Pilipino active citizen, you have to be gender sensitive and have a good understanding of gender diversity.

We also did some training with students who are doing community development courses and social work courses. Some universities invite us to talk about SOGIE so that the social workers in training are aware of our issues and are able to handle cases professionally. We also train school guidance counselors. They want to know how to do SOGIE in sensitive counseling programs. The guidance counselors recognize their important role as a front liner in defending their students facing bullying and discrimination in school. Their role is to empower the students in questioning why discrimination is happening and referring them the appropriate services to address their mental health concerns. The guidance counselors themselves recognize the politics of space. Some of them start to put rainbow flags and posters in their offices because they realize that if they put these, LGBTI students can feel at ease in their offices and see the guidance counselors as their allies. They are not somebody who wants to change the students from being LGBTI to being straight.

Potential Entry Points:

- Anti-bullying Act of 2013: Fight against “gender-based Bullying” and “any act that humiliates or excludes a person on the basis of perceived or actual sexual orientation and gender identity (SOGIE)”.
- Department of Education Child Protection Policy, which expands the definition

of discrimination against children on the base of SOGIE

- UN CRC General Comment
- UPR Recommendation

When we think about programs and strategies in the education setting, the students exist in a wider ecosystem so our intervention should not focus only within the campus but outside of the campus as well.

Entry points PRIDE:

P: Policy / Political Will

R: Research (Within the schools and institutions, research is important. But on the other hand, students can also do their own research in this era.)

I: Intersectional and Integrative (Students are not only LGBTI themselves but they also have other identities. We can use their other identities as the entry point.)

D: Diversity of Strategies (for example social media)

E: Engagement of Stakeholders (teachers should have the ability to deal with LGBTI issues better, other NGOs)

E-2: Harish Vishwanath IYER/ Founder, the Jimmy Foundation, India

India recently had a decriminalization of section 377; however, we have not been legalized it yet. Before 2018, the interpretation of the law allowed only penis and vagina sex so that it was difficult for us to go into schools to speak about sexuality. The history of India has a direct effect on our education, sexuality and inclusive education. In 2009, we actually decriminalized homosexuality by our high court; however, we recriminalized sex other than penis and vagina in 2013, which was then decriminalized once again in 2018.

In 2009, we were too young in the LGBTQ movement, and we could have taken the opportunity to introduce the concept to schools during the initial decriminalization period but we did not. The reason was that India formed a law against child sexual abuse in 2012. That law sees child as a child only so it was the first gender-neutral law in India. Before the law, it was considered illegal to speak to children about sex and sexuality. However, it became more problematic after the 2012 law, as exposing body parts was covered under the 2012 law, meaning that if I want to do a presentation about penis and vagina, sex and sexuality, the interpretation of it could lead to a lot of complications.

However, we find a way to navigate things: In India, 54% boys face some sort of sexual abuse in their lives. When we go to schools, we use fear mongering in a good way. We tell them it is important to protect your children because the child sexual

abuse rate is too high. Therefore, in many parts of India, sex education is not called sex education but personal safety education. Different organizations run this kind of safety education themselves. We are speaking about sex without using the word “sex.” We teach children sex so that they have more knowledge about it, which can prevent sexual abuse happening.

India also has high suicide rate for those children who do not identify themselves as heterosexuals. We use fear mongering very structurally as well. We say to the parents that if your child belongs to LGBTQ community, we can give them education to prevent them conducting suicide.

Now we are moving further, many schools start to actively set up LGBT bodies and curriculum. I think it is important that we all understand sexuality, sexual identity and sexual orientation are not something people realize when they become adults.

People actually realize that much younger. And at that age, if the child had received the support and right education, the child can survive and thrive.

E-3: Mika YAKUSHI/ Founder and Head of ReBit, Japan

- Current education and situation of LGBT in Japan
- Mika Yakushi self-introduction & ReBit introduction

- ReBit 3 programs
 - *LGBT education*
 - *LGBT leadership development*
 - *LGBT job support*

- Japan has no anti-discrimination laws and no same sex marriage, there are laws for transgender but surgery is required
- Olympics 2020 puts pressure on Japan to deal with the LGBT issue
- LGBT anti-discrimination law is passed by the Tokyo government in 2018 due to Olympics
- State/local government has been taking action regarding same sex partnership
- 27 cities in Japan has local laws recognizing same sex partnership and 600+ couples have registered
- On Valentine’s Day 2019, the first lawsuit was filed to challenge the decision of rejecting same sex marriage
- 68% LGBT people have experienced bullying of violence at schools
- 58% transgender people have committed suicide
- 85% children in schools have heard the use of discrimination terms (e.g.. homos)
- Only 9% high school students have learned about LGBT at schools

- Progress in Japan
 - 2015 Ministry of Education started to recognize the LGBT issues at schools
 - LGBT related information started to appear in textbooks
 - LGBT included in a few middle schools textbooks starting 2019
 - LGBT to be included in a few elementary school textbooks starting 2020
 - One university has a dorm for all genders (however, most universities still don't support LGBT in schools)

✓ Discussion Summary

E1

A. What we have now?

1. Thailand: LGBTI text books but negative content. (reinforcing stereotype)
2. Bangladesh: Has education policy, but no focus on SOGIE.
3. Malaysia: LGBTI is criminalized.
4. Ignorance on high levels.
5. Taiwan: Education equality law, but still many far right oppositions spreading untruthful ideas.
6. Taiwan: Law suits against teachers who teach LGBTI content (even though it is requested by law.) and textbook makers.
7. With coming election, opposition tried to shift the wind.

B. Entry points?

1. Thailand: Textbooks. And good thing is that the revision is underway. Needs to remove stereotype content.
2. Use "violence against children" as a discussion points.
3. Use "teen pregnancy prevention" to introduce more education on LGBTI.
4. Personal sharing. People being bullied because of the textbook content.
5. Parents-Teacher meeting.
6. By pass government and find other channels.
7. Human rights topics.
8. Taiwan: repackaging/ change phrases. Ex. focus sexuality/ sex education in general, not just LGBTI.
9. Taiwan: Social influencers share stories to raise awareness.
10. General ideas: LGBTI teachers as role models. Teachers who are out can be a good tool to teach children.
11. Use social events. Ex. human right day, women's day, HIV prevention.
12. Through sex and health education.

13. Children's books.

C. What argument to use on the opposition?

1. Make school safe and inclusive for all.
2. Teach organized/ filtered information is better than on-line unfiltered content.
3. This is a human right issue not just about LGBTI.
4. Anti-bully.
5. In-line with local cultures (religious figures)
6. Build self-confident. Be comfortable about who you are.
7. Understand your right.
8. Don't be a victim.

E2

A. Challenges of school education on LGBT rights in each country:

- Korea: Guidelines excludes LGBTI education
- Laos:
 1. Rise in homophobic speech
 2. Limited education on reproductive health & HIV
 3. Fear that it encourages sexual activity
 4. UNFPA trying to push government to offer sexuality education
- Taiwan:
 1. Parents with disapproval backgrounds express their disagreement on LGBTQI education to schools
 2. Age used as an excuse of not teaching gender equality education
- India: Issues of misinformation or porn online and on WhatsApp

B. Achievements in each country:

- Korea: Independent crisis centers and NGOs distribute condoms and talk to LGBTI youth
- Taiwan:
 - Gender Equity Education Act in Taiwan –15 years completed
 - Younger generation are more sensitized on LGBTQ issues
- India: Social media plays an important role
 - New generations are focused on being conscious and good citizens
 - LGBTI sensitization is getting higher

C. Strategies

- International intervention through political dialogue (Laos)
- Involving different stakeholders like doctors, educators etc.
- Intersectional and inter-religious approach
- Community and government intervention focusing on the older generation
- Apply both top down and bottoms up approach

D. Content that can be included in the LGBTQ education in schools:

1. Basic SOGI education
2. Focus on LGBTQI group's life stories and testimonies
3. Leads on call to action in formal and informal settings
4. Address religious beliefs and alternative explanations
5. Address intersex issues
6. Draw on pop culture and role models
7. Encourage gender-neutral pronouns
8. Foster respect for human rights and diversity
9. Promote equality and non-discrimination
10. Teach students to be good citizens

E3

1. Current situation of school education about LGBTI rights
 - 1) Countries that have national curriculum
 - a. Taiwan
 - b. Myanmar have a 5 year plan - slow but in progress
 - 2) Countries that have no curriculum
 - a. France: rather than directing educating children about sexual education (LBGTI or SOGIE), work more on preventing homophobia, but the risk is that without law enforcement (even if there are official instruction), younger generation may obtain information from online resources (such as online pornography) which is not necessarily true/ appropriate
 - 3) Countries that have no instruction nor support from the government
 - a. South Korea: one university tried to promote online education about the LGBTI related education, but forced to remove the curriculum by strong religious group
 - b. Vietnam: no law to protect the LGBTI so there are a lot of bullying and discrimination
 - c. Japan: Discussed about including LGBTI related curriculum in 2017 but did not reach a conclusion (actually similar educational discussion takes place once every 10 years but always no progress)

2. Who should teach LGBTI?

- 1) Some teachers are not qualified, training required
- 2) Official/professional/internationally recognized organizations or experts
- 3) Challenges in some countries: religious group tried to impose their own content which is not LGBTI friendly on campus, this will mislead people who don't understand or have no knowledge about the LGBTI community

3. Good practices/achievement

1) Taiwan:

- a. Elementary/ Middle school: professional counselors from central and regional government will train elementary and middle school teachers
- b. High school: Teaching Resource Center - provide related training documents online for people to download online, teachers who are interested may register/apply online for training

- 2) France: parents are involved, some organization will gather LGBTI parents or parents who have LGBTI children to exchange ideas and form a supporting community

Group F Social Education and Media

- ✓ Keynote Speech

F-1: SIA Ching Sian/ Organizing Committee Member, Pink Dot, Singapore

● Pink Dot in Singapore

1. Pink Dot is an annual gathering of people.
2. In 2009, some people went to a park dressing in pink forming a circle because of law change.
3. Before 2009, protests were forbidden. After the law change, people organized events.
4. "Pinkie", Pink Dot's mascot, is gender-neutral, is friendly, and is fluffy and not threatening.
5. Pink Dot's social media channels include YouTube, Facebook, Instagram, and Twitter.
6. In the early days, YouTube was utilized more, but nowadays, it is Facebook video.
7. Facebook is for trending news.
8. Instagram posting Stories with something trending. Users of Instagram are younger.

9. Twitter is for news sharing, but it is on the decline while still quite a number of users, especially journalists.
10. For YouTube, we create original content.
11. The climate back in 2011 and 2013 was different. It would have been difficult to ask LGBT people to come out back then to share their struggles on screen.
12. Therefore, every year, 6 months before the event, a theme will be brought up and storyline will be arranged.
13. Therefore, in the early days, the videos are storylines, not by real people.
14. For the last 5 years, we shifted the messaging.
15. In 2017, we shot videos about real LGBT people going to coffee shops to approach to uncles and aunties to talk to them, so as to capture moments of more realistic reactions.
16. On Facebook, we exchange and share LGBT resources by other LGBT groups. We also share politicians who want to end discriminate and promote equality.
17. On Instagram, it is visual. Leading up to the campaign, we will share real stories via interactive act, asking people in shopping mall to write something encouraging.
18. KISS, Keep It Super Simple or Keep It Simple and Stupid, is the main strategy. It works.
19. Nobody read law documents online. Instead, you can translate these documents into something simple for digestion.
20. About fake news, LGBT in Singapore face these a lot.
21. "We Are Against Pink Dot" group on Facebook spread fake messages against Pink Dot and LGBT.
22. We try always to be friendly.
23. Bill against fake news just passed in this early October. But, the problem is that it is the Prime Minister who determines which one is fake news.

F-2: HUY Luong/ Director, iSEE Institute, Vietnam

What is social education? versus formal education

--anything you learn outside of the classroom and receive from friends, families,

social network

Advocating LGBTI rights through social education is especially essential to the countries who do not have comprehensive and inclusive education on campus about sexual orientations and gender identity. That is why social education is important because most information we receive is not coming from the formal education.

When searching online for LGBTI related terms (homosexuality, bisexuality or transgender), the first result is always Wikipedia. Everyone can edit it. It is an open source. You can contribute your knowledge.

In 2013, homosexuality in Vietnamese on Wikipedia shows lots of revisions and changes. On that page displays plenty of misleading information. An account removed all information based on science but added controversial sources from religion, saying that LGBTI could be affected. That page remained a few months until a wikipediaian helped us to restore the original content.

As you find, when older generations, in particular, want to know something about LGBTIQ community, they would search for terms online, so spending time for social invasion is important, especially to fight the fake and biased news.

Two months ago, a Hanoi parade took place. Some people left vicious comments on the photos of transgender people or same-sex couples walking on the street.

Thus, I created three kinds of images: homophobic/ mean mean/ mean nice

➔ Top 10 arguments against LGBTI to be expressed and explained in the above three ways. Social media is important as I am not an influencer, but still got 600 shares for this.

Vietnam has 69 million population with high access to Internet

➔ 3 hours per day per person on FB

➔ A lot of efforts and resources spent by my organization on FB publicizing

➔ Videos translated from English or other languages into Vietnamese

➔ Work on giving right information surrounding the most recent research: e.g. the US: "there's no gay gene"

Social media should be flexible, creative, and responsive to what is happening, and to be able to encounter and tackle with social media.

F-3: Gabriel Alves de Faria / Executive Director, Not Only Voices, Portugal

Gabriel is a lawyer and a human rights activist and he advocates for human rights issues such as rights for LGBTI communities. In 2015, he and his friend decided to go to 5 countries in Southeast Asia for three months to make a documentary film. They

were in Thailand, Vietnam, Singapore, Indonesia and Myanmar. They interviewed 40 activists and many minorities' life experiences with an intersexual approach. Their interviewees include a lesbian Muslim, a gay man with HIV, a trans person as a sex worker. In the end of the shooting, they had 250 hours of footage. He and his team hope to help these minorities to speak out for themselves and to give them more visibility. Their films have had 70,000 views from 30 different countries already. During the presentation, Gabriel also showed the audiences clips of these videos to share their results with the audiences.

In the documentary, the protagonists in the film wishes to tell stories using their own perspectives to present their true self to let the western world to see different life experiences in Southeast countries. The team wants to make the films as an advocacy tool through storytelling and film production in order to promote the team's point of views. Besides that, he also mentioned about the challenges that he and his team encountered such as fundraising and hackers. In 2006, the EU passed a code of conduct of countering illegal speech online. Gabriel also pointed out that the Taiwanese government should think about whether or not the government should control the hate speech online.

✓ Discussion Summary

F1

1. Pink Dot in Singapore
 - a. Founded in 2009; Ching Sian SIA joined Pink Dot in 2013 and took on the social media in 2015.
 - b. Indeed, there was some groups oppose LGBT in 2013 and 2014 and even spread false information online.
 - c. The mascot of Pink dot: gender neutral, kind, and friendly.
2. Two groups of media: mainstream and social media
 - Mainstream: TV, movies, books (children books, novels, etc.), newspaper, radio, and billboards.
 - Social media: Different strategies for different platforms
 - a. Censorship has to be taken with care.
 - b. Importance of having allies, such as relationship with journalists.
 - c. Facebook: updates/trending news/ statement
 - d. Twitter: trending news
 - e. Instagram: infographics, visuals, and trending (more powerful/influential than Facebook)
 - f. Podcast: interviews, knowledge content

- g. YouTube: interviews, original content, documentary, short video, etc.
 - h. Keep the message simple, tuned in tones/styles for different platforms.
3. Fake news and false information/misinformation
- a. Ching from Singapore: from personal level, it is quite useful to remind her mother that spreading fake news in Singapore is against the law and might put her in jail, and it works quite well. You can be the one to do Fact check individually. Always to check/verify the source of the forwarded information.
 - b. In Singapore, there is law against fake news. Yet, it is up to the government and Minister if the information is fake or not.
 - c. Censorship cannot be taken by one person, but through collective decision like a committee.
 - d. Fake news vs. censorship vs. freedom of speech
 - e. Education on this regard can be both top-down or bottom-up.
 - f. Older generations tend to believe information online, so they should be educated with regard to fake news.
 - g. National Communications Commission: it regulates mainly broadcasting services like TV channels, radio broadcasting, newspaper, etc. The NCC itself will not do fact check for these services, but will require broadcasting services like TV channels to have a process for fact check, whereas how they do it, it is not limited by the NCC. The NCC comprises 7 commissioners, selected by the Legislative Yuan based on the ratio of the parties in the Legislative Yuan. Regarding the online media, the NCC is not the competent authority and is hard to regulate this part.
 - h. Department of Gender Equality: It is under the Executive Yuan. The Executive Yuan has an umbrella plan for the departments/agencies thereunder. With the umbrella policy and plan, all the departments and agencies will have to implement the principle of gender equality in all the measures in their scope, such as the removal of gender stereotype.

F2

Communicate with different stakeholders and target audience, and think about what channels will affect them.

-demographic

-target message (make sure it is simple or make adjustments for different audience)

-channels: podcast

-engaging with the public through a road show

-apps: line, WhatsApp to reach the public

- traditional teaching materials
- cooperation with business sectors (key stakeholders to amplify your message)
- government should give freedom of expression to NGOs

The method to back check fake news and control

Taiwan:

- Clarify the fake news regarding major policies from the public's feedback
- Not monitoring, but keeping close contact with the civil societies
- Major policies also engage and value the opinions from the civil society
- Hard to strike a balance between the protection of freedom of speech and treatment on fake news
- Important to have a supportive government and share the control

Ministry of Education channels for social education

- Legislative inclusion of family education is important.
- Diversify the channels for promotion of gender education
- Traditional media: radio program, seasonal journal, and booklet for parents and teachers

Vietnam:

- Good to have everyone gather together and keep updating with each other

F3

Sharing was basically focused on the situations of fake news and rumors in each country. Group F3 gathered participants from South Korea, Hong Kong, Portugal, the Philippines, and Taiwan. In particular, a Taiwanese participant was from the country's Ministry of Culture, the supervising authority of publication.

Group members of F3 believed that government agencies should create an environment that is safe for media to develop, rather than control or censor media contents, which could be a violate of the freedom of speech.

As the participant from the Philippines indicated, media is solely victimized for spreading fake news, but media has its benefits as well. The government should reform the media system because mainstream media are financially and politically bound to the government. In addition, organizations in the country is publishing their own magazines to promote public awareness, and printed media is emphasized since people living in the outskirts do not really have access to digital media.

Furthermore, the group also believed that media content should be localized, simple, and strategic to convey necessary and authentic news to people in different regions.

Later, the representative from the Ministry of Culture added that Taiwanese government will not formulate laws to govern the freedom of speech since it does more harm than good. The government's role should be to foster the development of media and organizations so that they can express opinions freely.