

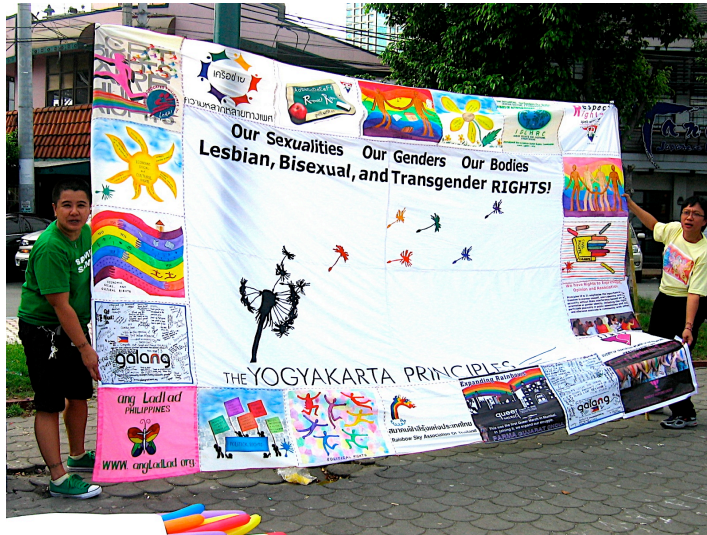


I G L H R C

**HUMAN RIGHTS FOR EVERYONE.
EVERYWHERE.**

***Violence On the Basis of Sexual
Orientation, Gender Identity
and Gender Expression
Against Non-Heteronormative
Women in Asia***

SUMMARY REPORT



Yogyakarta Principles banner to mark 16 Days of Activism to End Gender Violence, Manila, Philippines. December 2008. Photo credit: Grace Poore

Lesbians, bisexual women and transgender (LBT) people in Asia experience forced institutionalization in mental rehabilitation clinics, electro shock treatment as aversion therapy, sexual harassment in school and at work, threats of rape to make you straight, school expulsions, eviction by landlords, police kidnapping, family violence, and media stigmatization. Lesbians face discrimination in the workplace because of their gender and

their sexual orientation. Employment and job promotions are denied if women look too masculine. Male coworkers stalk and sexually harass lesbians who cannot report for fear of backlash and retaliation. Transgender/gender variant people are marginalized in their jobs, and are targeted for blackmail, harassment, and sexual violence from the community or people in positions of authority like the police. Activists who defend the rights of LBT people experience threats to their safety, in some cases, harassment, attacks, even torture and abuse, with police participating in or doing nothing to stop these violations.

Frequently, LBT people in Asia face violence in the “private” sphere—by members of immediate and extended family, community and religious groups. This violence includes beatings, home confinement, ostracism, mental and psychological abuse, verbal abuse, forced marriage, corrective rape and in some cases killings to restore family honor. The fear of family and community violence is often exacerbated by police complicity, when police officers join forces with family members to break up lesbian couples by arresting, detaining and intimidating them. In some cases, charges of kidnapping, trafficking or child abuse are brought against one of the partners. Police officers also charge lesbians under sodomy laws even if the law does not explicitly include lesbianism. Compounding the situation is the state’s lack of due diligence in applying existing laws that penalize domestic violence and sexual violence to LBT people who are victimized, thus denying them access to complaint mechanisms and opportunities for redress. Victims themselves don’t turn to these laws for protection because they lead double lives, and exposing the violence invites disapproval, rejection, discrimination and further violence. Such a vicious cycle allows violence to go unreported, unrecognized, and unchecked. In some instances, media does report on suicide pacts or foiled same sex marriages but the coverage does not name what happened as abuse or suppression of rights. Instead, the media publicity reinforces the stigma against LBT people and makes them the object of ridicule and shame.

Many humanitarian organizations and women’s rights NGOs fail to understand the severity of violence and discrimination based on sexual orientation and gender identity. Government reports to treaty monitoring bodies as well as shadow/alternative reports by women’s rights NGOs make no reference to violence against LBT groups and individuals for the most part

because sexual rights for women, beyond reproductive rights, are rarely a priority for the women's human rights movement, and the demand for women's sexual autonomy is treated as incidental or an inferior right compared to the other rights. At the same time, when LBT activists lobby their governments or treaty bodies like CEDAW or their national human rights institutions, they often lack the data and documentation to support their claims of violence and discrimination, which contributes to the under-recognition of the problem.

In 2007 and 2008, the **International Gay and Lesbian Human Rights Commission (IGLHRC)** met with grassroots and national LGBT groups in Asia to identify their key priorities and needs. From women's groups, IGLHRC heard that homophobic and transphobic violence against women was their number one issue—even if some of the groups lacked the capacity and resources to make this issue their priority. To bring visibility to the issue, some groups conducted local studies in their service vicinity, but these were limited in scope. Regional level data gathering on violence against lesbians, bisexual women and transgender (LBT) people in Asia has not yet been carried out.

In response to what we heard, IGLHRC convened a Strategy Workshop in Quezon City, Philippines, May 27-30, 2009 to start a cross-country dialogue among activists from countries in Asia. Their reports confirm that homophobic and transphobic violence against non-heteronormative women in the region is under-reported, under-documented, and consequently eclipsed by other concerns in the region. This lack of data contributes significantly to lack of funding for services and lack of legislator attention. Few government efforts to end violence against women involve LBT groups. LBT people are often denied protections from and remedies for violence that other people, including heterosexual women receive from anti-discrimination laws, domestic violence legislation and rape laws. In countries with minimal or poor state responses to violence against women, LBT people are even more marginalized because of the double or triple jeopardy that renders their suffering less visible. Benefits won by women's rights movements often does not extend to LBT individuals, although many are part of these movements in their countries. Despite these inconsistencies, LBT activists are working to raise awareness about violence at state and non-state levels in many parts of Asia.



Grace Poore and Sass Sasot at Strategy Workshop for Ending Violence Against Lesbian, Bisexual Women and Transgender Persons, May 2009. Photo Credit: Ging Cristobal

The following country summaries are based on the cross-country exchange convened by IGLHRC in May 2009. They are a prelude to the two-year in-depth qualitative and collaborative research and documentation project that will be undertaken in June 2010 by IGLHRC and LBT partners in Asia, and which will culminate in local advocacy initiatives to stem violence against women on the basis of their sexual orientation, gender identity and gender expression. Some of these

activities will be linked to existing national, regional and/or international public awareness and violence prevention campaigns such as 16 Days of Activism to End Violence Against Women, the UN Secretary General’s Campaign to End Violence Against Women, International Day Against Homophobia, International Women’s Day, Campaign to Just Say No to Violence and Impunity, etc.

In **China**, where there is currently no law against domestic violence, the LBT group, Common Language worked on a two-year domestic violence study, funded by the Anti Domestic Violence Network of China Law Society, a government supported organization with the largest network of programs on domestic violence in the country. Based on 400 survey respondents, 500 Internet responses, 13 case studies, Common Language found that 50 percent of lesbians faced family violence and 90 percent above age 25 were forced to marry. Lesbians in China face the same kind of violence as heterosexual women—physical, psychological, verbal, economic and sexual violence. In addition, lesbians experience revenge rape by boyfriends and husbands to punish them when their sexual orientation is discovered or revealed. Both husbands of lesbians in heterosexual marriages and parents of lesbians rationalize the use of physical violence to “pull lesbians back to normal track.” Malicious public exposure of sexual orientation is a tactic used by husbands and boyfriends to inflict public humiliation and discrimination on lesbians and bisexual women—effective because of China’s culturally conservative society. According to Common Language, women facing violence from family and husbands are afraid of divorce for fear of losing child custody rights. They are also reluctant to use the law prohibiting forced marriage to protect themselves, especially against parents. Surviving violence usually involves seeking help from lesbian friendship networks. Common Language reports that there are too few places for LBT victims to call or go for help because LBT groups lack resources and capacity to deal with domestic violence while government funding is limited for services designed exclusively for LBT women experiencing domestic violence. Many mental health practitioners are unaware that homosexuality has been declassified as a disorder, which seriously hinders effective counseling for LBT people seeking help.



Members of LesBiT, an Indian group based in Bangalore which partners with Sahayatrika, 2007. Photo credit: Grace Poore

In **India**, violence experienced by heterosexual women parallels violence experienced by LBT individuals, especially in the family and marriage, with the main difference being that violence is also directed against LBT sexual identities and practices. According to Sahayatrika, an LBT group based in the South Indian state of Kerala, the impact of violence is different because there is no social recognition of lesbian identities and relationships or changed gender, and in much of India same sex is criminalized. Forms of violence include forced marriage and punishment by family members for exercising sexual choice. Types of

punishment include home confinement, family expulsion, denial of economic and material resources, forced psychiatric treatment, and forced termination of education. Lesbians are

also vulnerable to being evicted by landlords and to police violence, which sometimes occurs in collusion with family violators. Staying in the violent home often means curtailed physical mobility by husbands and family members and social isolation. Sahayatrika provides LBT victims of violence peer support, legal advocacy from supportive lawyers, financial assistance or relocation to shelter out of state. They get limited support from other women's groups, and point out that the overall climate of sex phobia, moral policing, lack of legal redress, denial of women's right to sexual choice, lack of social acceptance for un-married women leaving their families, community harassment and threats against single women living alone or women living together as a couple, rejection of women transgressing gender norms (female to male)—all contribute to lack of options for queer women in India experiencing violence in the home. Also daunting are the language and cultural differences in India, even from one state to another, which often poses scary challenges for those already grappling with safety issues. India's Domestic Violence Act does not extend protections to same sex couples. A law prohibiting forced marriage could be an option for LBT people but they risk having to reveal sexual orientation or gender identity outside the family, and possible loss of material resources and community when uprooted from family.

In **Indonesia**, an LBT youth group, notes, “Violence against women is marginalized in general, violence against LBT is further under-recognized, and violence against young LBT is invisible.” Consequently, the subordination and marginalization of young women goes unchecked. Instances of violence involve forced marriage, forced institutionalization in psychiatric or religious facilities and physical violence. According to Indonesian LBT activists, perpetrators are usually parents or members of religious groups. In addition, young LBT people experience verbal abuse and bullying in schools by students or teachers, street harassment, and harassment and intimidation by police. Corrective rape also occurs where women are “forced to have sex with a man to cure them” of their non-conforming sexuality or gender identity. Victims find ways to survive by seeking support through Internet chat rooms and telephone SMS with other young lesbians who belong to private E-lists. Violence intervention and prevention are difficult, particularly for young LBT people, where age, economic dependence, lack of agency, and lack of mobility keep LBT youth trapped. Seeking protection from the state is unlikely since several laws criminalize homosexuality—including the pornography law that lists homosexuality as deviance, the anti-prostitution law, vagrancy law and public order law. In some provinces, syariah (Islamic) law is used to penalize homosexuality. LBT women (including female to male) fear being targeted by religious groups who incite community violence against anyone who does not conform to religious norms for acceptable sexuality and gender expression. Negative portrayals by media and popular culture including the message that lesbians should be killed spread anxiety. Intense social and cultural disapproval in some parts of Indonesia fuels under-reporting of violence against young lesbians and female to male transgenders. Internalized perceptions that lesbianism is sinful and immoral further isolates LBT people experiencing violence and discourages them from seeking help.



Indonesian LBT activists during International Day Against Homophobia, in Jakarta, 2008. Photo Credit: Ardhanary Institute

Within the larger gay men's and waria (male to female) communities LBT (female to male) youth lack visibility, which curtails their access to public spaces and limits opportunities to gather freely and openly. They struggle to have their voices heard.

In **Japan**, although domestic violence is widely acknowledged as the “most recognized form of violence against women” it only applies to heterosexual women. LBT people experience all the same forms of physical, psychological, verbal and sexual harm as heterosexual women and men but their violators come from a wider spectrum—husbands, boyfriends, same sex partners, immediate and extended family members, homophobic friends, teachers and public authorities. According to local activists, silences around sexuality in general and homosexuality in particular prevent disclosure of violence for fear that the reasons for violence will be revealed. LBT people also lack information about violence experienced by LBT, which contributes to their lack of empowerment. Fear of being mistreated police or service organizations, including women's organizations, and lack of safe spaces add to the isolation. Most shelters for women who experience domestic violence will not take LBT people. In October 2009, Japan's Ministry of Health, Labor and Welfare sponsored a hotline project for victims of sexual violence. Launched by National Women's Shelter Network, the hotline is open to LGBT victims once a week.



Asuza Yamashita, GayJapanNews, at launch of IGLHRC's CEDAW Guide, New York. Photo Credit: Hossein Alizadeh

In **Malaysia**, the Domestic Violence Act offers women redress for and protection from violence only within heterosexual marriage. For LBT people, there is the added jeopardy of criminal sanctions against same sex. According to Knowledge & Rights For Youth for Safe Spaces (KRYSS), perpetrators of violence against LBT people are mostly family members. Violence is also perpetrated or ordered by religious authorities and members of religious groups, “particularly against transsexuals who have had gender-reassignment surgery, where the state's legislation of Islamic beliefs via syariah becomes justification for violence and discrimination.” LBT migrant workers in Malaysia face violence motivated by racism and anti-immigrant sentiment from the community and police. Data for this violence is scarce because people are afraid to report. One concern among Malaysian LBT activists is that the overall environment in Malaysia (even among women's rights groups and human rights groups) is hostile to open dialogue on sexuality. LGBT groups are not permitted to register, which denies them access to public funding available to other groups, and curtails their activism around sexuality rights, which in turn contributes to lack of a unified strategy and approach to sexuality rights.

In **Nepal**, the Supreme Court ordered parliament to enact legislation that will protect LGBT people from violence and discrimination by the state. However, the national domestic violence law excludes protections for LBT people. According to lesbian activists in Blue Diamond Society (BDS), violence experienced by LBT people includes verbal humiliation and torment, physical assault, forced marriage, forced reparative therapy to “correct” sexual orientation and gender expression, murder and rape including corrective rape. Violators are usually husbands, immediate or extended family members. LBT youth experience “derogatory name calling by principals in schools because they do not fit societal standards.” Police violence is a particular problem for metis (feminine men, cross dressing men) or third gender people, including transgender men. Lesbians and female to male transgender people in the army face particular risks for violence and discrimination by peers and those in positions of authority, including kidnapping, confinement, psychological harassment, verbal humiliation, threats and intimidation. While LGBT groups provide emergency assistance in the form of family interventions for violence and emotional support to victims, staff lack training to deal with domestic violence and are limited in the assistance they can provide. They also lack training in documenting violence, doing police advocacy and media advocacy. Police officers lack training and information to assist LBT victims of violence.



Members of Mitini, a Nepalese LBT group that partners with Blue Diamond Society, 2007.
Photo Credit: Grace Poore

In **Pakistan**, LBT activists report that national laws do not recognize the forms or reasons for violence that LBT people experience. Most violence against sexually and gender non-conforming women is committed by family members. According to the Organization for Protection & Propagation of Rights of Sexual Minorities (OPPRSM), family-based violence usually involves forced home confinement, mental and psychological abuse that causes shame and self-hatred, pressure to marry, expulsion from family events, silent treatment by the family, and childhood sexual abuse. In some instances, there are honor killings by the family. Lesbians in heterosexual marriages also experience violence from their male partners, which includes physical and verbal abuse and public outing of their sexual or gender orientation, which leads to further risk of abuse by the community. Psychiatrists perpetrate violence by forcing LBT people to undergo psychiatric treatment including hormone tests. LBT activists in one group observe, “There is no queer movement per se, and the women’s rights movement is not openly supportive and often cautious” which limits avenues for relief and safety from violence. One group’s preliminary research shows that violence against LBT people in Pakistan is rarely visible or publicized compared to violence against gay men.

In the **Philippines**, Rainbow Rights and Lesbian Advocates Philippines (LeAP) report a “unique kind of gender-based violence, not only because LBT people are women but also because they are third sex and defy the dictates of society. Through the efforts of the women’s movement, there is widespread acknowledgment that violence against women is related to women’s subordinate status in society and patriarchy.” But lesbians are seen as women “wanting to be more than what they really are and deserve to be put in place with violence,” which includes physical battery, sexual abuse, psychological and emotional



Members of Rainbow Rights at Manila Pride, Philippines, 2008. Photo Credit: Ging Cristobal

violence, verbal abuse, intimidation, and public ridicule. Perpetrators are usually family members. Other perpetrators include church leaders, students, teachers, employers and co-workers. Young lesbians also experience physical punishment from parents, corrective rape organized by a family member to “cure” them, forced psychiatric treatment for mental illness, and “pray-overs” by religious groups to “convert” them to heterosexuality—which sometimes leads to suicides. Transgender people are denied access to public places

because of their outward appearance and forced to follow gender-proscribed dress

code. LBT activists list several barriers to violence intervention and prevention—homophobic, unsympathetic or insensitive attitudes and practices of barangay (district) officials, police officers, health professionals and social workers; mishandling of complaints by barangay officials and police; police corruption; and judicial discrimination by homophobic judges who penalize lesbians for their sexual orientation by not penalizing the violence. In 2004, LeAP produced a report about 10 lesbians and bisexual women in an effort to push the Philippines Congress to pass the anti-discrimination bill. “It was to prove the existence of violence and discrimination against lesbians and bisexual women in the Philippines.” The bill is still pending.

In **Sri Lanka**, the Domestic Violence Act addresses co-habiting people and technically can apply to same sex couples but they may have to hide the relationship, according to the Women’s Support Group (WSG) because Sri Lanka criminalizes same sex relations. To date there is no information on who might have used the law for protection from domestic violence. Most violence against LBT people occurs when immediate and extended family members discover the sexual orientation or gender identity. Penalties include family expulsion, forced home confinement, and denial of any communication with non-family members. Lesbians in heterosexual marriages experience violence from their husbands and in-laws, as do lesbians in same-sex relationships. In some cases, family members of lovers who object to the relationship frame LBT people for kidnapping. Outside the home, violence towards LBT people involves property destruction, harassment, monetary and sexual extortion, blackmail, and threats of physical abuse and rape, which can include public incitement to rape lesbians. Perpetrators tend to be neighbors, friends, co-workers, employers, police and military personnel. Some medical and legal professionals use confidential information about LBT patients or clients to blackmail them. Intra group conflicts sometimes lead to forced outing of other members of the group. Some lesbians enter relationships with men to conceal their identity from family and to avoid violent family objections. For others, heterosexual marriage is a way to escape family violence and continue being in (clandestine) same sex relationships. Lesbian mothers facing domestic violence in heterosexual marriages remain silent for fear of losing custody of their children in divorce. Some lesbians do flee their violent homes and seek peer support but the marginalization of

lesbians and transgender (female to male) people, even by organizations working on domestic and sexual violence sends a powerful message, just as the potential for being exposed to criminal sanctions keeps LBT people from reporting to the police. Moral policing driven by increasing anti-west sentiment and nationalism and religious fundamentalism pose additional barriers to violence intervention. A huge factor that LBT people in Sri Lanka must contend with is the war and ethnic conflict that overshadows human rights work unrelated to the war, thereby restricting public (and NGO) discussions about sexual rights and women's rights. The Prevention of Terrorism Act keeps all women from reporting custodial rape for fear of trumped up charges.

In **Taiwan**, despite general awareness that women are the primary targets of violence rooted in a patriarchal culture, there is also confusion and lack of awareness about how to categorize violence directed at people because of their sexual orientation or gender identity. Gender/Sexuality Rights Association (GSRAT) reports that lesbians and transgender (masculine) youth experience violence not only as women but also as sexual and gender variant people. They are forced into re-education programs to correct their sexuality and gender expression, incarcerated at home by parents who physically batter them, or expelled from the family, and denied family resources. Transgender (female to male) people are targeted by police for harsh and demeaning treatment, and denied access to public toilets if their appearance does not conform. Butch lesbians are at risk for sexual violence. To escape family violence, LBT youth flee with support from gay-friendly teachers, professors and school counseling centers, turn to LGBT groups, or call telephone help lines. Major barriers to safety are fear of leaving the family as this leads to loss of educational opportunities and material resources. At the state level, mechanisms for violence prevention are impeded by poor implementation of human rights legislation, political lip service to the LGBT community, lack of remedial actions by politicians, lack of government funding to promote LGBT human rights, and lack of legal recognition for changed gender. Despite Taiwan's image in the international community as being tolerant of homosexuality and gender variance, LBT people are publicly ridiculed and stigmatized by politicians, employers, politicians and the media in Taiwan. According to GSRAT, the LGBT movement is too fractured, does not build alliances with other human rights movements, and does not do enough to educate the public about sexual rights—all of which weaken civil society's ability to hold the government to its promises of equality and tolerance for LGBT people.