

EL SALVADOR: No safe haven for LGBT people

Strengthen protections, end asylum pact with US.

By Neela Ghoshal

HRW (08.01.2021) – <https://bit.ly/3qkN5ZV> – Salvadoran president Nayib Bukele agreed on December 15 to implement an Asylum Cooperative Agreement with the US government. It allows US immigration authorities to transfer non-Salvadoran asylum seekers to El Salvador, instead of allowing them to seek asylum in the US.

US President-elect Joe Biden has pledged to terminate the deeply flawed agreement, a deeply flawed deal that presupposes El Salvador can provide a full and fair asylum procedure and protect refugees. But for some groups, including lesbian, gay, bisexual and transgender (LGBT) people, El Salvador provides no safe haven. Its own LGBT citizens lack protection from violence and discrimination.

A recent Human Rights Watch report confirms the Salvadoran government's own acknowledgment that LGBT people face "torture, inhuman or degrading treatment, excessive use of force, illegal and arbitrary arrests and other forms of abuse, much of it committed by public security agents." Social and economic marginalization further increase the risk of violence. Many LGBT people flee from home.

Between January 2007 and November 2017, over 1,200 Salvadorans sought asylum in the US due to fear of persecution for their sexual orientation or gender identity. In a groundbreaking judgment, a UK court recently granted asylum to a non-binary Salvadoran, finding that their gender expression exposed them to police violence and daily abuse and degradation.

Five years ago, El Salvador seemed poised to champion LGBT rights. It joined the UN LGBTI Core Group. It increased sentences for bias-motivated crimes. Its Sexual Diversity Directorate trained public servants and monitored government policies for LGBT inclusiveness.

Bukele, then a local official, pledged to be “on the right side of history” on LGBT rights. When he ran for president, his promises dissolved. He opposed marriage equality, effectively shut down the government’s sexual diversity work, and refused to support legal gender recognition for trans people. Despite the landmark conviction of three police officers in July for killing a trans woman, violence remains commonplace, and justice out of reach, for many LGBT people.

The Salvadoran government should back a gender identity law and comprehensive civil non-discrimination legislation, prosecute anti-LGBT hate crimes, and reestablish a well-resourced office to promote inclusion and eradicate anti-LGBT violence. It should axe the Asylum Cooperative Agreement.

As things stand, El Salvador fails to provide effective protection to its own LGBT citizens, let alone LGBT people

fleeing persecution elsewhere.

Photo: A transgender woman shows a photograph of Camila Díaz, whom she met while migrating to the US, where they both turned themselves in to immigration authorities. Both women were eventually deported. © 2020 AP Photo/Salvador Melendez.

UGANDA: Anti-gay rhetoric ramps up fear among LGBT+ ahead of polls

President Yoweri Museveni is among politicians who have made homophobic speeches.

By Nita Bhalla

Thomson Reuters Foundation (06.01.2021) – <https://tmsnrt.rs/3noMOUb> – Homophobic comments by Uganda's president and other politicians are making some LGBT+ Ugandans too scared to vote in elections scheduled for Jan. 14, gay rights campaigners said on Tuesday.

LGBT+ people face widespread persecution in the east African nation, where gay sex is punishable by life imprisonment, and gay activists fear politicians exploiting homophobic sentiment to win votes could stoke fresh attacks on the community.

“We have seen increased harassment against LGBT persons and those who speak up for gay rights,” said Frank Mugisha, who has received dozens of threats over the years as head of the leading LGBT+ rights group Sexual Minorities Uganda (SMUG).

“The politicians are using the LGBT community as a scapegoat to gain support and win votes and it is fuelling homophobia,” he told the Thomson Reuters Foundation.

President Yoweri Museveni, 76, is seeking to extend his 34-year rule, but is facing a challenge from 11 candidates, including Robert Kyagulanyi, a pop star turned lawmaker known as Bobi Wine who has won popular support.

The run-up to the polls has been marred by Uganda’s worst political violence in decades.

The United Nations spoke out last month after more than 50 people were killed in clashes between police and protesters demanding the release of Kyagulanyi after he was briefly detained over alleged violations of anti-coronavirus measures.

In an election rally, Museveni later blamed the protests on groups funded by foreign LGBT+ rights organisations, but did not provide any further details.

“Some of these groups are being used by outsiders ... homosexuals ... who don’t like the stability of Uganda and the independence of Uganda,” said Museveni.

A spokesman for Museveni did not immediately respond to a request for comment.

Real Raymond, head of LGBT+ charity Mbarara Rise Foundation in western Uganda, said politicians were also making “hate speeches” on the campaign trail, such as pledges to eradicate homosexuality in Uganda, if they were to be elected.

Campaigners also said last month’s arrest of Nicholas Opiyo – one of Uganda’s most prominent human rights lawyers, known for representing sexual minorities – was also contributing to an increasingly tense environment for LGBT+ Ugandans.

Opiyo has been charged with money laundering and released on bail. His organisation Chapter Four Uganda said the charges were “fabricated and malicious” and aimed at obstructing his work as a human rights attorney.

It is not unusual for harassment of LGBT+ Ugandans to spike following homophobic remarks by politicians.

Attacks on LGBT+ people rose in 2019 after a minister proposed bringing back the death penalty for gay sex. The government later denied the plan.

Mbarara Rise Foundation’s Raymond said local advocacy groups were trying to encourage gay, bisexual and trans Ugandans to

exercise their democratic right to vote.

“It’s actually a really scary and rough time. LGBT people are fearful to even vote as there is a risk they will be targeted at the polling stations due to all the hate speeches,” he said.

“We are trying to educate people about why it is important to vote. Due to safety concerns, we are advising them to go early to the polling stations when there are not many people and they are less likely to draw attention.”

INDONESIA: A gay ex-policeman takes his battle to court, a landmark case

Tri Teguh Pujiyanto, a 31-year-old former police brigadier was fired in 2018 after 10 years on the job, after police apprehended him and his partner.

By Stanley Widiyanto

Reuters (09.12.2020) – <https://bit.ly/2WjIASL> – The first gay Indonesian policeman to sue the conservative country’s police force for wrongful dismissal due to sexual orientation was back in courts this week, determined to be reinstated.

Tri Teguh Pujianto, a 31-year-old former police brigadier was fired in 2018 after 10 years on the job, after police in a different town apprehended him and his partner on Valentine's Day when they were saying goodbyes at his partner's workplace.

The landmark case in the world's largest Muslim-majority nation was initially thrown out last year after a judge told Teguh he had to wait until the police internal appeals process was completed. That is now over and Teguh refiled his suit in August in what rights groups say is the first case of its kind.

"This is my fight, my last-ditch effort," Teguh told Reuters.

"Why won't they judge my service for all those years? Why exaggerate my mistakes, which I don't think were mistakes anyway?"

With the exception of sharia-ruled Aceh province where same-sex relations are banned, homosexuality is not illegal in Indonesia although it is generally considered a taboo subject.

The Southeast Asian country is, however, becoming less tolerant of the lesbian, gay, bisexual and transgender (LGBT) community as some Indonesian politicians become more vocal about having Islam play a larger role in the state.

A survey by the Pew Research Center this year also showed that 80% of Indonesians believe homosexuality “should not be accepted by society”.

Discrimination and violent attacks against LGBT people have increased in recent years and police have prosecuted members of the community using anti-pornography and other laws. Lawmakers from four political parties this year have also been trying to garner support, so far unsuccessfully, to pass a bill requiring LGBT people to seek treatment at rehabilitation centres.

The Central Java police have accused Teguh of violating “ethical codes of the national police... by the deviant act of having same-sex intercourse,” a court document shows.

Teguh’s legal team said they are challenging what they call the “elastic” nature of the police code of conduct given there is no mention of sexual orientation in police regulations.

Representatives for the Central Java Police, National Police and the National Police Commission did not respond to Reuters requests for comment.

Dede Oetomo, a gay scholar who runs the advocacy group GAYa NUSANTARA, said Teguh had made history, whether he wins his case or not.

“He’s broken the mould because he’s brave,” he said. “My hope

is that more activists will emerge from cases like his.”

Teguh now runs a barber shop, a side business that he started in 2013. He said he’s always had the support of family and his friends in the force for his efforts to regain what has been his dream job since high school.

Asked why he is persevering, Teguh said he was fighting not only for himself.

“I want to fight for basic human rights, so there will no longer be arbitrary actions taken against minorities,” he said.

THAILAND: Football in hijab: Muslim lesbians tackle stereotypes

In Thailand’s Muslim-majority south, LBQ girls and women confront bias with football.

By Rina Chandran

<https://bit.ly/39RF3CR> – Anticha Sangchai did not come out to her family until she was 30 and married with a child. It was her own struggle confronting the conservative community in southern Thailand that led her to create a place where women like her might feel more at home.

In the bookshop she set up in Pattani city, discussions on gender and sexuality led to the birth of Buku Football Club for lesbian, bisexual and queer (LBQ) girls and women four years ago.

Buku means book in Malay – and the club is now thriving.

Last month, Buku FC hosted its first LBQ futsal tournament, a hardcourt game similar to five-a-side football.

Among six teams from three southern provinces, many players wore hijab and were cheered on by family in the stands.

That would have been unthinkable when she was growing up, Anticha said.

“Football is very popular in Thailand, yet not many girls play it – especially Muslim girls, who face more hurdles because many consider it a sin,” said Anticha, 43, who was raised Buddhist in the Muslim-majority province.

“Playing football allows them to be free, be themselves, and also helps them face up to the bullying and bias they face,” she said, watching a Buku FC team take on a rival team.

Thailand, a largely conservative Buddhist society, is known for its relaxed attitude towards gender and sexual diversity, with homosexuality decriminalised as early as 1956.

Yet LGBT+ people face widespread discrimination, particularly outside the country’s capital Bangkok, and are often rejected by their families, human rights activists say.

Like Safiyah Awea, 22, a member of Buku FC for three years, whose father is an imam – a Muslim religious leader – and had opposed both her playing football and identifying as lesbian.

So Safiyah left home, cut her hair short, and only wears a hijab at work and at religious functions.

“I don’t see a conflict between my faith and my lesbian identity or my playing football,” she told the Thomson Reuters Foundation alongside her team mates.

“But I don’t engage with people who question my belief, as their minds cannot be changed,” said Safiyah, dressed in shorts and a Buku FC jersey.

Open discussion

The Thai cabinet earlier this year approved a Civil Partnership Bill that would recognise same-sex unions with almost the same legal rights as married couples.

The legislation, which is awaiting parliamentary approval, would make Thailand only the second place in Asia to allow registration of same-sex unions, with couples able to adopt children, and with rights to inheritance and property ownership.

LGBT+ Thais are increasingly visible in politics, with last year's election bringing four LGBT+ first-time lawmakers, as well as the first transgender candidate for prime minister.

Young LGBT+ Thais have also been a big part of ongoing anti-government protests, pressing their demand for equality.

These are key to greater acceptance, said Anticha, who wants to marry her partner as soon as the law allows.

She and other LGBT+ campaigners favour an equal marriage law, which the government has shied away from, as it would require a change to the Civil Code to amend the description of marriage, now defined as between a man and a woman.

“Our goal is equal marriage at the end. But we choose to go step by step – like many other countries have done,” said Nareeluc Pairchaiyapoom, director of the international human rights division in the Ministry of Justice.

“It is a big change for Thai society. People will take time to understand and accept – and we need to reach a compromise with religious groups and others,” she said, without giving a timeline for the bill’s passage.

Anticha said religion – particularly Islam – complicates the question for the LBQ players at Buku FC.

“The question of reconciling being Muslim and LBQ comes up often, and the takeaway generally is that they should have the right to be themselves, no matter what religious belief they have,” she said.

“In making my intention of marrying my partner public (on social media), I wanted to show the community you can choose how to live your life and live openly,” said Anticha, who teaches religion and philosophy at a university in Pattani.

Shiny sequins

The Buku FC club began with about 20 members, and now has more than 70. Members meet for three hours on Saturday and Sunday, except during the holy month of Ramadan.

Anticha and other staff also offer counselling for families if requested.

With two regional tournaments this year, which Anticha hopes will become a regular annual feature, Buku FC has secured the support of local authorities, as well.

“A tournament like this helps us reach the larger community, who otherwise don’t acknowledge or accept us,” she said.

“It is a chance for them to see how confident the girls are, how we are not that different from anyone else,” she said.

Fadila Ponsa, 16, is among the newest members of Buku FC, having joined just a month earlier.

“It feels very empowering to play football, and to be with other girls like me who are not straight,” she said.

“I don’t think Islam has a problem with girls playing football or being gay,” said Fadila, who wore a black hijab with coloured sequins, and shorts over black leggings.

For others in Buku FC, the tug of war between religion, their sexual identity and football takes longer to resolve.

“Islam does not allow my identity, and says it’s a sin. My family also think it’s wrong. But I want to be myself,” said Najmee Taniong, 26, dressed in shorts and a jersey.

“Being Muslim is who I am. Being lesbian and a footballer is also who I am. I don’t think there should be a conflict between these, or that I should be forced to choose between them.”

WORLD: Caster Semenya to take fight to European Court of Human Rights

Caster Semenya plans to fight rules forcing intersex athletes to reduce their naturally high levels of testosterone with drugs or surgery to compete.

Reuters (17.11.2020) – <https://bit.ly/2Hr0QFJ> – South African double Olympic 800-metre champion Caster Semenya is to take her fight with World Athletics to the European Court of Human Rights, her lawyers confirmed on Tuesday.

Semenya is one of a number of female athletes with differences in sexual development (DSDs) competing in races ranging from 400 metres to a mile, who World Athletics insist must reduce

their naturally high levels of testosterone in order to run.

This can be done either through the use of drugs or surgical interventions.

Semenya has vowed to fight the regulations, but has already lost an appeal to the Court of Arbitration for Sport, and another subsequent plea to the Swiss Federal Tribunal (SFT) asking for the CAS ruling to be set aside.

“We will be taking World Athletics to the European Court of Human Rights,” Semenza’s lawyer Greg Nott said in a media release on Tuesday, without placing a time-frame on their appeal.

“We remain hopeful that World Athletics will see the error it has made and reverse the prohibitive rules which restrict Ms Semenza from competing.”

World Athletics have consistently said the regulations are aimed at creating a level playing field for all athletes.

“World Athletics has always maintained that its regulations are lawful and legitimate, and that they represent a fair, necessary and proportionate means of ensuring the rights of all female athletes to participate on fair and equal terms,” the governing body said in a statement after the SFT case.

Athletics South Africa insist Semenya is still part of their team for the Tokyo Olympic Games next year, though over what distance remains to be seen.

She has also been competing in the 200-metre sprint, which falls outside of the World Athletics regulations.