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BHUTAN parliament decriminalizes homosexuality, to delight of activists

The Himalayan kingdom is the latest Asian nation to ease restrictions on same-sex relationships.

By Gopal Sharma

Reuters (10.12.2020) - <https://bit.ly/3gUe37o> - A joint sitting of both houses of Bhutan's parliament approved a bill on Thursday to legalize gay sex, making the tiny Himalayan kingdom the latest Asian nation to take steps towards easing restrictions on same-sex relationships.

Sections 213 and 214 of the penal code had criminalized "unnatural sex", widely interpreted as homosexuality.

Lawmaker Ugyen Wangdi, the vice chairperson of a joint panel considering the changes, said 63 of the total 69 members of both houses of parliament had voted in favour of amending the code to scrap the provision. Six members were absent.

"Homosexuality will not be considered as unnatural sex now," Wangdi told Reuters by phone from the Bhutanese capital of Thimphu, without giving details.

The changes still need to be approved by the King of Bhutan to become a law.

Rights activist Tashi Tsheten said he was "thrilled and really happy" over the parliamentary move, calling it a "victory" for the LGBT+ community.

"I think the bill being passed on Human Rights Day itself is a momentous day for everyone in Bhutan," Tsheten, the director of LGBT+ group, Rainbow Bhutan, told Reuters.

"I believe everyone who has stood up for the LGBT+ community in Bhutan is going to celebrate today as this is our victory".

The move by the majority-Buddhist nation of 800,000 people comes after other Asian countries relaxed restrictions on the rights of the LGBT+ people.

Neighbouring India removed a centuries-old colonial prohibition on gay sex in 2018, triggering celebration across the country.

In Nepal, authorities will count LGBT+ people for the first time in the national census next year to help sexual minorities gain better access to education and health schemes.

Bhutan is famous for its "gross national happiness" index as an alternative to gross domestic product to indicate real economic progress or development.

CHINA: 'We're part of China's population': LGBT couples seek recognition in census

By Sarah Wu

Reuters (09.11.2020) - <https://reut.rs/3nzWA6b> - A month after Lauren mustered the courage to tell her mother she is lesbian, the 26-year-old Shanghai resident came out to a stranger who knocked on her door.

She told the young man, one of 7 million conducting China's once-in-a-decade census, that she and her girlfriend lived together.

Where the questionnaire asked for "relationship to head of household," the man ticked the box for "other" and wrote "couple."

The interaction with the receptive census taker was affirming, Lauren told Reuters, even if the handwritten note may not be reflected in the final results. Lauren asked to be identified by only her first name due to the sensitive nature of LGBT issues in China.

China decriminalised homosexuality in 1997, but activists are still fighting for the legalisation of same-sex marriage.

As the world's most populous country attempts to capture demographic shifts, some LGBT couples are seeking recognition in the national census.

The information collection officially began on Nov. 1, with preliminary surveys underway in the weeks prior.

The National Bureau of Statistics told Reuters that any additional information beyond the predefined responses for the "relationship to head of household" category would not be recorded.

Shortly after that mid-October census visit, Lauren saw on her social feed posters urging same-sex couples to tell census takers: "They are not my roommate, they are my partner."

Peng Yanzi, director of LGBT Rights Advocacy China, the NGO behind the campaign, said he hopes same-sex couples can gain visibility in the eyes of their neighbours and the government alike.

"These census takers may have never met, or even heard of, gay people, so if we have the opportunity to talk to them, they can better understand the LGBT community," he said.

"We are a part of China's population."

While it remains difficult to come out in China, where many LGBT people refer to their romantic partners as roommates or friends, activists say there is a growing acceptance of gay couples.

"But the system hasn't kept up with the times," Peng said.

Lauren, who works at a tech company in Shanghai, said she felt comfortable speaking honestly about her relationship, but fears it may not be as safe for LGBT couples in more conservative areas to do so.

"I still wouldn't dare," one user of the Twitter-like Weibo commented on a post about the campaign.

CHINA: Chinese trans woman wins sex discrimination lawsuit against employer in landmark victory

More than a year after she first began her legal fight, a transgender woman in Beijing has won her case against Chinese ecommerce platform Dangdang after the company fired her when she took a leave of absence for her gender confirmation surgery.

By Jiayun Feng

SupChina (06.07.2020) - <https://bit.ly/2ZyBhZw> - More than a year after she first began her legal fight, a transgender woman in Beijing has won her case against Chinese ecommerce platform Dangdang after the company fired her when she took a leave of absence for her gender reassignment surgery.

The ruling was made in January by a Beijing court, which ordered Dangdang to resume its labor contract with the woman, who goes by Ms. Gao 高, and recognize her new gender identity, including giving her the right to use female bathrooms in the company. It wasn't until last week that the news about the judgment circulated on the Chinese internet and attracted national attention.

In 2015, Gao was hired as a product manager in the technology department at Dangdang. Three years later, Gao decided to undergo a sex confirmation surgery. During the summer of 2018, with her supervisor's permission for medical leave, Gao took a roughly two-month break from work for her surgeries. But in September, before Gao was fully recovered following the major transition and was able to return to work, Dangdang terminated her employment, citing reasons such as Gao's "absence of work" and her "mental health."

According to Gao, she believed that her dismissal was discrimination on the basis of her sex. In a termination letter to Gao, the company called her a "person with mental disorders," whose presence would constitute a distraction for her coworkers because they would feel "terrified, uneasy, and awkward." Dangdang also said that Gao's restroom usage would be a problem for the company because both female and male employees had voiced their opposition to Gao using their bathrooms.

About four months after Gao sued Dangdang for unfair dismissal, the Beijing court ruled in her favor in 2019, ordering Dangdang to rehire her and pay her overdue salary of about 120,000 yuan (\$17,097). Dangdang immediately appealed the original decision when it was announced. But the court didn't change its position in its second ruling in January.

Along with the judgment, the court also issued a heartfelt statement explaining the ruling and showing support for the transgender community in China. "We respect and vow to protect the dignity and legal rights of transgender people. Our attitude is based on our respect for individuals' dignity and legal rights. By no means are we encouraging people to change their genders," the court wrote while acknowledging that it would take a long time for the public to be more open-minded about gender identities.

Gao's case has brought unprecedented public attention to the transgender community in China. On Weibo, the hashtag #当网男员工变性以旷工被解雇# ("Male employee was let go by Dangdang for 'absence of work' after he had a transgender surgery") has generated over 3.6 million views, with most internet users praising the court's ruling. "Transgender people altering their bodies through surgery is not uncommon in this age. The society needs to be more inclusive in regard to this community," a Weibo user wrote.

But the news has also prompted a stream of transphobic comments directed at Gao. "I see no reason to be accepting of him because I think he's a sociopath. He'd better move to a remote place where no one knows him so he could be seen as a woman in the first place," another Weibo user commented.

Gao's is not the first case of a transgender person in China taking legal action after facing alleged job discrimination based on their gender identity. In 2017, a 28-year-old transgender man in Guizhou Province took his employer to court after being fired and told by the company's human resources manager that he looked "unhealthy." Although the court ruled that the dismissal was unlawful because no legitimate reasons were provided upon the man's firing, it decided that the termination was not a result of bias against transgender people.

CHINA: Refusal to give married same-sex Hong Kong couple public housing 'unconstitutional', rules High Court

Decision comes after legally married pair were refused public housing despite meeting all eligibility criteria. Housing Authority had denied claim because it said marriage must be between a man and a woman.

By Jasmine Siu and Lilian Cheng

South China Morning Post (04.03.2020) - <https://bit.ly/2Q0X4nA> - The Hong Kong government's policy of denying legally married same-sex couples the right to apply for public housing is unlawful and unconstitutional, the High Court has declared.

The court on Wednesday allowed a judicial review mounted by permanent resident Nick Infinger over the Housing Authority's decision to bar him and his husband from renting a public housing flat.

Mr Justice Anderson Chow Ka-ming acknowledged the government was pursuing a legitimate aim of supporting traditional family formations through providing for their housing needs, and that public flats were highly limited.

But the judge also concluded that the authority had failed to justify its differential treatment that had "resulted in an unacceptably harsh burden on same-sex couples lawfully married overseas, including the applicant".

So he quashed the authority's decision and ordered Infinger's application be referred back for fresh consideration with priority.

The case was the first judicial challenge to affect low-income same-sex couples after the city's LGBT community won several high-profile court cases against the government in recent years.

It was put forward by the same lawyers – Michael Vidler and barrister Timothy Parker – who in 2018 successfully challenged the city's immigration policy to grant same-sex

partners spousal visas previously available only to heterosexual couples, in a case mounted by a British citizen, known in court as QT.

Vidler said: "Today's judgment will have a real and positive impact on the lives of low-income LGBTI people in Hong Kong."

Infinger said the ruling "highlights yet another example of the discriminatory and unconstitutional government policies that LGBTI people in Hong Kong face every day".

"How many judgments against the government does it take before the government stops relying on discriminatory policies and introduces LGBTI discrimination legislation in Hong Kong?" he said in a statement issued through Vidler's firm.

The court heard Infinger, who was 25 when he filed the legal challenge, married his husband in Canada and applied for public housing under the category of "ordinary family" in March 2018.

His legal team found he had satisfied all the eligibility criteria: he was married; both he and his spouse were permanent Hong Kong residents over the age of 18; and neither owned any domestic properties or exceeded the limits on income or assets.

But the authority rejected the bid on September 7 of the same year, stating with reference to the Oxford English Dictionary that he was ineligible because the relationship between the applicant and family members must be either husband and wife, parent and child, grandparent and grandchild.

The policy meant Infinger was only eligible for non-elderly one-person flats.

Parker argued that the existing framework amounted to "direct and deliberate" exclusion of same-sex couples from housing benefits.

But Abraham Chan Lok-shung SC, for the authority, said the government was entitled to deny public housing to same-sex couples because there were not enough flats to meet the demand of the city's low-income residents.

The authority, however, could not provide reliable data on how many married same-sex couples would apply for family flats if it were not for its policy, or how relaxing this rule would affect the overall availability of public housing.

Chow concluded: "I am not satisfied that the differential treatment under the [policy] is a proportionate means of achieving the family aim."

Rainbow Action, a local LGBT rights group, welcomed the court ruling and urged the government to immediately introduce a sexual orientation discrimination ordinance to protect homosexuals.

In a reply to Post inquiries, a spokesman for the authority said from its records, it had only received the one application from same-sex couples. The authority would carefully study the judgment and seek legal advice for taking appropriate follow-up actions, he added.

"As the authority needs to carefully study the judgment and take appropriate follow-up actions accordingly, we are unable to estimate the impact of the judgment on demand for public rental housing," he said.

The spokesman emphasised that according to the established policy for public rental housing applications, the relationship between the applicant and family members must be

either husband and wife, parent and child, grandparent and grandchild. In light of the definition of "husband and wife", the authority did not accept the application of the applicant and his same-sex spouse.

Anthony Chiu Kwok-wai, a member of the authority's subsidised housing committee, believed there was a high chance that the authority would appeal, given the chain effects on housing resources that the court ruling might have.

"There might be many more gay couples who previously did not show an interest who will apply for public housing, thus affecting the waiting time for family applicants, the transfer of titles," Chiu said.

"It also affects the number of people purchasing subsidised housing, as family applicants would have a higher chance to get a flat under the current policy."

Chiu said the authority had not provided any estimated figures in the past, and he would raise the item for discussion in their coming meeting next Tuesday.

Currently, the average waiting time for family applicants stands at 5.4 years, with 151,900 applications in line.

But for the 108,500 non-elderly one-person applications, homes are allocated under the quota and points system. Nine points will be given to an applicant every year, while a singleton has to accrue 438 points to get a public housing flat.

CHINA: Why is China raising the prospect of same-sex marriage?

As recently as August, a representative had dismissed same-sex marriage as contrary to Chinese culture.

By Eric Baculinao

NBC News (07.01.2020) - <https://nbcnews.to/2xmMLDQ> - China has taken a step forward to allow same-sex marriage, a move that could undo years of discrimination, delight rights activists and give new rights to the LGBTQ community "after years of hiding and struggling."

A body of the National People's Congress, the country's highest law-making institution, has publicly acknowledged petitions to legalize same-sex marriage, a rare development that has triggered a nationwide discussion of a topic that was once taboo.

Expectations are raised that the nation, which is led by the Communist Party, might eventually join the growing number of countries that have passed legislation protecting the rights of lesbian, gay, bisexual, transgender and queer people.

"We were very happy, pleasantly surprised by the news!" declared Peng Yanzi, director of LGBT Rights Advocacy China.

Since the founding of the People's Republic of China in 1949, homosexuality has been banned or suppressed. However, China's open door policies in the early 1980s set in motion social and cultural changes that would lead Beijing to decriminalize homosexuality in 1997 and remove it from an official list of mental disorders in 2001.

In time, major cities would witness lively gay and lesbian scenes with the proliferation of clubs and bars. But many forms of age-old prejudice and restrictions against the LGBTQ population persist, with activists citing issues ranging from employment discrimination and forced "therapy" to lack of "marriage equality."

On Dec. 20, a spokesman was quoted as saying the legislative commission had received more than 230,000 online suggestions and letters on legalizing same-sex marriage. The topic triggered 400 million views on China's Twitter-like Weibo and sparked a lively debate on domestic social media, according to state-run newspapers.

But as recently as August, a representative of the same body had dismissed same-sex marriage as contrary to Chinese culture and stressed that China's marriage system was based on the union of "man and woman."

In China, after collecting public opinion, a bill can be drafted and deliberated several times before it is finalized, published again for public comment and submitted to the National People's Congress Standing Committee for enactment.

"It felt unreal," Gao Qianhui, 21, a lesbian in Shenzhen, just across Hong Kong, said when asked about her reaction to the news from the legislative commission, to which she also wrote a petition supporting same-sex marriage.

"I know it's just a proposal and it's most likely not going to be realized in the near future, but the fact this topic is now publicly and officially on the table gives the LGBT community hope for the first time after years of hiding and struggling," she told NBC News.

The apparent change of stance is "a promising and positive step," said Hu Zhijun, director of PFLAG, another advocacy group named after the large LGBTQ rights group in the United States.

The shift even seemed to extend to the cinema — the first gay kiss of the "Star Wars" film franchise recently made it to China's theaters. That followed a few months after scenes of homosexuality in the biopic "Bohemian Rhapsody" were deleted by Chinese censors.

For China's LGBTQ community, the changing government stance reflects a changing climate of opinion due to the "greater open-mindedness" of the Chinese public, especially the younger generation, Hu said.

That China appears to be moving toward liberalizing its stance on LGBTQ issues reflects the "inevitable trend," Peng said. "As the country becomes stronger economically, its civilization must also keep up."

Given the international environment, same-sex marriage legislation "could be used strategically to improve China's human rights reputation," said Timothy Hildebrandt, an associate professor of social policy at the London School of Economics and Political Science who has conducted in-depth research on China's LGBTQ issues.

"But I doubt that, even if passed, the government would put it into human rights terms," he said, as Beijing could be accused of being "cynical" in light of human rights criticism involving Xinjiang and Hong Kong.

"That these conversations are happening at all, and that the government seems open to potentially putting it on the political agenda, are certainly positive steps," he added.

But Peng and Hu are realistic about the long-term campaigns ahead. While official recognition of the issue of same-sex marriage is an improvement, it may take many years before it could become law.

"The important thing is that it's no longer possible for society to stay where it was 10 years ago," Peng said, arguing that the acceptability of gay marriage to the younger generation has "exceeded" the imagination of Chinese officialdom.

While noting that China has its own dynamics and pace, Hu pointed to Taiwan's legalization of same-sex marriage in May, the first such legalization in Asia, as proof that traditional Chinese culture is open to same-sex unions.

For Hu Xingdou, an independent social affairs commentator based in Beijing who is a former economics professor, China's shifting stance reflects the country's greater engagement with the outside world.

"With globalization, China cannot but take into account the changing legal systems in other countries and will try to join the global mainstream," he said.

INDONESIA: Aceh, 80 public flogging of two young gay men

During the flogging, the two, in their 20s, shouted and begged for mercy several times. The mother of one of them passed out on hearing the cries of her son. A "show" that has raised criticism from activists and human rights NGOs. For local officials, sharia-based verdicts must be applied and cannot be waived.

Asianews / Agencies (29.01.2021) – <https://bit.ly/3clreXP> – A homosexual couple from Aceh, the most conservative Indonesian province and the only one in which Islamic law is in force, were flogged 80 times in a "public show" that has raised criticism from activists and human rights NGOs. The execution of the sentence took place yesterday: both had been sentenced to 80 blows for acts contrary to Islamic morality (relations between people of the same sex).

The authorities refused to reveal the identity of the two, who repeatedly screamed in pain during the lashes, begging the executioner for mercy. The officers called to enforce the verdict continued regardless of the shouts, hitting them on the back with a rattan stick. In a moment of pity, the officers stopped the flogging to allow the two young men, in their twenties, to quench their thirst and then resume with the blows.

During the execution of the sentence, the mother of one of the two passed out hearing the screams of pain and the pleading of her son.

Public official Heru Triwijanarko stresses that sentences under the sharia are final and cannot be waived. The two had been arrested in November, after the landlord of the house they had rented found them half naked in a room. Also yesterday four other people, between 17 and 40 years old, were whipped for drinking alcohol or meeting "people of the opposite sex".

In the past, activists and human rights groups have called for a moratorium on flogging and President Joko Widodo himself has said he is against this type of punishment. However, it enjoys broad support from the majority of the local population.

About 98% of Aceh's five million residents are Muslims. Sharia law came into force around 2005 following a peace agreement between Jakarta and the Movement for the liberation of Aceh (Gam), an Islamic separatist group. According to Islamic law, even "hugging" is part of a series of crimes (such as gambling, alcohol consumption or extramarital affairs) punishable by a specific number of whips. Article 63 of the Local Penal Code (Qanun Jinayat) prohibits homosexual practices, considering them acts of sodomy.

In the rest of the country, same-sex relationships are allowed, if they are over the age of consent.

INDONESIA: In conservative Indonesia, a gay ex-policeman takes his battle to court

Tri Teguh Pujianto, 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.

INDONESIA: Aceh, gay couple risks 100 lashes for 'sodomy'

Attacked by a crowd and handed over to the provincial police authorities. The province is governed by Islamic law, which prohibits homosexual relations. If convicted, the two men will be flogged in public.

By Mathias Hariyadi

AsiaNews.it (21.11.2020) - <https://bit.ly/3q2fTaf> - A gay couple risks 100 lashes for "illegal sexual orientation". The two men will be tried by a Koranic court within 20 days.

On November 14, a crowd broke into the home of the 26-year-old M.U. and 34-year-old T.A. in Kuta Alam (Aceh), forcefully dragging them to the Public Order Agency of the provincial capital.

Aceh is the only Indonesian province where Sharia, the Islamic law, is in force. Article 63 of the local criminal code (Qanun Jinayat) prohibits homosexual practices, considering them acts of sodomy.

Elsewhere in the rest of the country, same-sex relationships are allowed, except when they involve minors. Human Rights Watch, however, points out that Indonesian authorities often resort to pornography law to persecute the LGBT community.

If convicted, the two people attacked in Kuta Alam will be flogged in public. Alternatively, the Qanun Jinayat provides for the payment of one kilogram of gold or a maximum sentence of about eight years in prison.

INDONESIA: Amnesty condemns TNI for anti-LGBT campaign following soldier's dismissal, imprisonment

By Moch. Fiqih Prawira Adjie

The Jakarta Post (18.10.2020) - <https://bit.ly/3e0szJj> - Amnesty International Indonesia has condemned the Indonesian Military (TNI) for the recent imprisonment and dismissal of a soldier for having same-sex intercourse with another officer, calling the sentence unjust and dangerous to the community.

"This unjust sentence should be immediately overturned and the individual immediately released. No one should be persecuted based on their actual or perceived sexual orientation," Amnesty International Indonesia's executive director Usman Hamid said in a press statement on Saturday urging the military to end its campaign against the community.

He argued that the ruling would set a dangerous precedent for other service members thought to have engaged in consensual same-sex activities.

"It further enshrines discrimination and risks inciting violence against perceived LGBT people inside the military and in wider society," Usman said.

The Semarang Military Court declared a chief private, identified only as P, guilty of violating Article 103 of the Military Criminal Code on disobedience to service orders, after being found having sex with a subordinate in the Armed Forces. The court sentenced him to one-year imprisonment and dishonorably dismissed him from the military.

Amnesty, he said, urged the government to send a clear message to the public that discrimination on the basis of sexual orientation or gender identity would not be tolerated, including in the military. He highlighted that state institutions should lead by example and not undermine commitments to human rights' protections.

"Indonesia has to repeal this archaic and discriminatory provision in the criminal code and other regulations. The government must reform when it comes to the rights of LGBT people," he added.

According to Amnesty records, this was not the first case of a soldier being prosecuted because of their perceived sexual orientation. A military officer in Denpasar, Bali, was convicted in March under the same article for having same-sex consensual relations with three men. The officer filed for an appeal but the Surabaya Military High Court backed the martial court in Denpasar.

Usman further said that criminalization of consensual same-sex conduct violated rights to privacy and to freedom from discrimination as stipulated in the International Covenant on Civil and Political Rights (ICCPR).

The TNI, however, has defended the sentence against P, arguing that homosexuality in the force would be met with firm punishment.

Lini Zurlia, an advocacy officer of the cross-border organization for LGBT rights ASEAN SOGIE Caucus, also criticized the punishment. She argued that the officer's sexuality was a private matter, adding that the ruling could have further impacts on members of the Indonesian LGBT community.

The National Police also announced that the force would hand down ethics punishments to personnel found to engage in LGBT activity following the reports of alleged LGBT members in the military, spokesman Brig. Gen Awi Setiyono said.

"The police will take firm action, a code of conduct sanctions awaits," Awi said, referring to regulations such articles in the 2014 National Police code of ethics that stipulate that all personnel should follow moral, religious and legal norms as well as local wisdom.

While homosexuality is not illegal in Indonesia, there has been growing anti-LGBT rhetoric in the past years with members of the community facing discrimination and hate crimes.

INDONESIA: Investigate police raid on 'gay party'

Authorities exploiting pornography law to target LGBT people.

HRW (07.09.2020) - <https://bit.ly/3ih5WBR> - The Indonesian government should urgently investigate a police raid on a private gathering of 56 men in Jakarta that highlights the threat to the rights of lesbian, gay, bisexual, and transgender (LGBT) people in the country, Human Rights Watch said today. On August 29, 2020, police forcibly broke up a party at a hotel, arresting nine men and charging them with the crime of "facilitating obscene acts" and under the pornography law, which discriminates against LGBT people.

The charges violate the rights to privacy, association, and equal protection of the law and should immediately be dropped.

"This latest raid fits into a disturbing pattern of Indonesian authorities using the pornography law as a weapon to target LGBT people," said Kyle Knight, senior LGBT rights researcher at Human Rights Watch. "The government has been inciting hostility toward LGBT people for several years, and there is no accountability for abuses such as police raids on private spaces."

Article 296 of Indonesia's criminal code makes it a crime for someone to make "an occupation or a habit of intentionally causing or facilitating any obscene act by others." The maximum penalty is 16 months in prison.

The Jakarta raid is part of a years-long pattern of authorities unlawfully apprehending LGBT people in private spaces. Indonesia's central government has never criminalized same-sex behavior, but no national laws specifically protect LGBT people against discrimination. An uptick in anti-LGBT rhetoric and attacks since 2016 has resulted in the application of discriminatory clauses in the pornography law to target LGBT people for arrest and prosecution.

Indonesia's 2008 Law on Pornography prohibits the "creation, dissemination or broadcasting of pornography containing deviant sexual intercourse," which it defines to include: sex with corpses, sex with animals, oral sex, anal sex, lesbian sex, and male homosexual sex. Article 36 of the Pornography Law, which criminalizes facilitating obscene acts for a commercial purpose, has a maximum penalty of 10 years in prison.

A group of activists, including LGBT organizations, attempted to challenge the law in the Constitutional Court in 2009, but the court declined to review it.

While historically the law was not used to target LGBT people specifically, in recent years police have used it as a pretext for arbitrary raids and arrests, and courts have found gay men in private gatherings guilty under the law.

In September 2017, a court in Surabaya found seven men who had been arrested during a police raid on a gay party in April of that year guilty under the pornography law and sentenced them to between 18 months and 30 months in prison.

In October 2017, Jakarta police raided a club popular with gay men, arresting 58 people. Police released most of them the same day but detained five employees of the club – four men and a woman – and threatened to charge them with violating the pornography law. They were subsequently released without charge.

On December 15, 2017, the North Jakarta District Court sentenced 10 men to between two and three years in prison for violating the pornography law. Police had apprehended the 10, along with 131 others, during a raid on the Atlantis Gym, a sauna frequented by gay men in Jakarta, in May 2017. The 10 were convicted based on allegations that they were naked at the time of the raid, citing the law's prohibition on performances that involve stripping.

In January 2018, police in Cianjur, West Java province, raided a private home where five men had gathered. Citing the pornography law, the police told reporters the men were caught at a "sex party," using condoms and lubricant as evidence.

In a development similar to the application of the pornography law, in January 2020, the mayor of Depok, a city in West Java, ordered police to raid private residences to look for "immoral acts" and "prevent the spread of LGBT." The National Human Rights Commission (Komnas HAM) condemned the order, saying such rhetoric from public officials increases the risk of persecution of LGBT people.

According to the police report of the recent Jakarta raid, a 31-officer police unit, under Adjunct Police Commissioner Jerry Raimond Siagian, had apparently been monitoring the private gathering and organized the raid.

Privacy rights are a fundamental protection that underlie everyone's physical autonomy and identity and include protections for private adult consensual sexual behavior, Human Rights Watch said. The United Nations Human Rights Committee, the independent body of experts that interprets the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is party, has stated, "It is undisputed that adult consensual sexual activity in private is covered by the concept of 'privacy.'"

Indonesia has been a champion for privacy rights internationally, co-sponsoring a UN Human Rights Council resolution on the right to privacy. In the report on that resolution, the Office of the UN High Commissioner for Human Rights reminded governments that privacy rights (enshrined in ICCPR article 17) should be upheld jointly with the right to nondiscrimination (ICCPR, article 26).

Indonesian police should halt arbitrary raids on private spaces, investigate those that have taken place, and punish those who took part in the raids and those responsible in their chain of command, Human Rights Watch said. President Joko "Jokowi" Widodo, who has voiced support for LGBT Indonesians in the past, should make clear the prohibition against discriminatory behavior by the police.

The Indonesian parliament should also substantially revise the proposed new criminal code to meet international human rights standards. It contains articles that will violate the rights of LGBT people. It has provisions that will punish extramarital sex by up to one year in jail. While this article does not specifically mention same-sex conduct, since same-sex relationships are not legally recognized in Indonesia, this provision effectively criminalizes all same-sex conduct.

"The combination of exploiting the discriminatory pornography law and a lack of accountability for police misconduct has proved to be both dangerous and durable," Knight said. "So long as the government permits police raids on private gatherings under a discriminatory law, it will fail to curb anti-LGBT harassment and intimidation."

INDONESIA police will not bring murder charges in case of transgender woman burned to death

Reuters (08.04.2020) - <https://reut.rs/2KqDSz7> - Indonesian police said on Wednesday they would not bring murder charges against suspects accused of killing a transgender woman by dousing her with petrol and setting her on fire.

The 43-year-old died on Sunday from burns sustained in the incident a day earlier. Her death was reported by Indonesian media on Tuesday.

Police said on Wednesday they believed the suspects who set the fire had not burned her intentionally. They identified six suspects, three of whom had been arrested.

Budhi Herdi Susianto, the North Jakarta police chief, said the suspects had accused the woman of stealing and doused her with petrol. One of the suspects had lit a match, but did not intend to burn her, the police chief said.

The suspects could be charged with physical violence, carrying a maximum sentence of 12 years.

Usman Hamid, the Indonesian representative of Amnesty International, told Reuters it seemed too early for the police to conclude that there was no intent to set the woman on fire.

"The police need take investigative actions that are impartial and independent. They can't seem like the perpetrators' lawyers," he said.

Andreas Harsono, a researcher with Human Rights Watch, said the incident was indicative of a rise in hostility and vilification of the lesbian, gay, bisexual and transgender (LGBT) community.

"Her death should be a reminder to many Indonesians that transgender women deserve justice and equal rights," he said.

"Thousands of transgender women, gay men or lesbian women have been humiliated in Indonesia these past few years."

Homosexuality is not regulated by law in Indonesia, except in Aceh province where same-sex relations are banned under sharia law. But growing social and religious conservatism has driven escalating vitriol toward sexual minorities in the world's most populous Muslim-majority country.

Indonesia's transgender community is locally known as "waria" - a combination of the Indonesian words for "woman" and "man."

JAPAN firms start to reconsider asking for resumes to specify gender

Kyodo News (15.11.2020) - <https://bit.ly/362CSKq> - The requirement by many of Japan's firms that job applicants indicate their gender and even provide a photo on resumes has left the country out of step with the international norm, but that may be about to change.

An internet petition campaign stressing that such practices can lead to discrimination has collected over 10,000 signatures, while at least one major company has altered its rules to scrap both requirements and even stop asking for applicants' first names.

Identifying gender on resumes is particularly problematic for transgender people -- often leading to obstacles in getting hired, experts say.

Minori Hori, a 31-year-old resident of Onagawa, Miyagi Prefecture, northeastern Japan, is among those who have joined the signature drive organized by Posse, a nonprofit that offers free job-related consultations, among other services.

"For someone like myself who is unable to circle male or female on a resume, I often face hardships about my ideal situation. Gender should have nothing to do with my job," said Hori, who is legally a woman but feels as if "I am neither male nor female."

While in college, Hori would leave the gender section blank when applying for part-time jobs. If pressed in interviews, Hori asks to "work as a man" but on one occasion, an interviewer was dismissive, saying, "You're a woman! We won't hire a woman."

In all, Hori was rejected by as many as 10 companies due to problems over indicating gender on resumes.

In an employment examination to be hired as a teacher, Hori marked "female" as instructed by the board of education but was again rejected after showing up to the interview in a necktie. Hori gave up dreaming of becoming a full-time teacher after being questioned repeatedly about gender on the application forms.

"Getting rid of the gender section on applications will help prevent discrimination," said Manabu Sato of Posse. In the United States, it is illegal for an employer to discriminate against a job applicant because of race, color, religion or sex (including gender identity, sexual orientation and pregnancy).

The signatures calling on eliminating gender on resumes were submitted to the Ministry of Economy, Trade, and Industry and the Japanese Standards Association, whose resume format had been referred to by stationery makers until being deleted from the association's official website in July.

Major stationery manufacturer Kokuyo Co. plans on selling resumes without a gender section. Some companies, such as Unilever Japan, no longer require photos or gender specifications -- going as far as to ask job applicants to only list their surname to prevent bias recruitment based on sex.

Toyota Motor Corp. has also jumped on the bandwagon, eliminating curriculum vitae gender sections to respect diversity, it says. The company still requires photos, however.

Even so, some argue that information on gender is sometimes essential, at least as a way of demonstrating equal opportunity.

Kirin Holdings Co. has made it voluntary to provide gender since it hired new college graduates to join the company in the spring, explaining that the practice has not been wholly dissolved as it seeks to hire the right balance of employees and promote women in the workplace. This also helps with its public relations image, the company argues, when asked about gender ratio quotas.

The Japan Alliance for LGBT Legislation, which supports sexual minorities and has launched a petition for an LGBT equality law, welcomes the elimination of gender sections on job application forms, but it is also apprehensive about "not being able to calculate the ratio between men and women in the workforce, putting women at a disadvantage" in Japan's male-dominant work environment.

Yuichi Kamiya, secretary general of the Japan Alliance for LGBT Legislation, said, "It is desirable to ask for gender identity rather than (legal) gender that does not respect the person's perception. We also need the option of neither."

But Kamiya added: "Some gender information needs to be known. We need to listen to and consider the opinions of experts about its necessity for hiring and how people should be asked."

JAPAN: 3 in 4 LGBT people want legal rights for same-sex couples

By Yuki Nikaido

The Asahi Shimbun (01.09.2020) - <https://bit.ly/32hTMmk> - Three in four LGBT people in Japan want a government policy that guarantees the legal rights of same-sex couples, according to a recently released online survey.

Lifenet Insurance Co. commissioned Yasuharu Hidaka, a professor of social epidemiology at Takarazuka University, to conduct the survey between September and December last year.

Valid responses were received from some 10,000 lesbian, gay, bisexual and transgender people ranging in age from 13 to 79.

The survey results were released on Aug. 31.

Sixty percent of respondents said they want to have same-sex marriages legally recognized the same as heterosexual marriages. Sixteen percent said they want the central government to introduce a national civil partnership program that would grant them the same rights as a marriage.

Same-sex marriages are currently not legally recognized in Japan.

The survey also found that younger generations are more likely to seek a same-sex marriage.

Seventy-seven percent of those in their teens said they want to marry their same-sex partner, while the figure drops to 66 percent for those in their 20s, 59 percent of those in their 30s, 51 percent of those in their 40s and 53 percent of those in their 50s or older.

Sixty-seven percent of respondents said they think more people respect diversity in sexual orientation and identity now than five years ago.

But 79 percent said they have heard discriminatory remarks made against sexual minorities at their workplaces or schools. That is up 8 percentage points from the previous survey conducted in 2016. A quarter of respondents said their sexual orientation or identity was revealed by other people without their consent.

"While there is a positive move toward embracing diversity in sexuality, discrimination against sexual minorities still remains rooted in society, and it may have become more visible because of that change," Hidaka said.

JAPAN: Outing LGBTQ individuals is now banned in this region of Japan

Forcing someone to come out is never okay.

By Miran Miyano

Vice (09.06.2020) - <https://bit.ly/2YetjUV> - In a step to protect the LGBTQ community, Mie became the first prefecture in Japan to ban people from outing others. On Wednesday, June 3, Governor Eikei Suzuki announced that under a new ordinance, it is now illegal to force someone to reveal their gender identity and sexual orientation.

Suzuki said that this ordinance was influenced by the second wave of coronavirus cases in South Korea, which was linked to the LGBTQ community after a COVID-19 patient was found to have visited gay bars. Many slammed the media for sensationalising reports. As part of their contact tracing process, the South Korean government also initially urged those who visited the bars to come forward, forcing them to come out. Through this new ordinance, Suzuki hopes to eliminate discrimination against LGBTQ people in their region, should they be affected by the coronavirus as well, Tokyo Shimbun reported.

Suzuki said that they are still discussing the penalties for violators.

In June, Mie became the fourth prefecture to implement regulations against LGBTQ discrimination, following Tokyo, Osaka, and Ibaraki.

Japan has been criticised for lagging behind when it comes to protecting LGBTQ rights. It has not legalised same-sex marriage and has no national law against discrimination in employment and housing based on sexual orientation or gender identity.

Public outings are a problem in Japan, where many LGBTQ people say that their identities were revealed without their consent. In August 2015, a student from Hitotsubashi University took his own life after being outed by classmates for being gay.

According to a survey conducted by Dentsu Diversity Lab in 2018, 54.5 percent of 60,000 individuals aged 20-59 said that there were no sexual diversity support systems in their workplace. Only 23.5 percent said that they understand LGBTQ issues.

However, Japan has been making efforts to protect the LGBTQ community. In 2018, Tokyo passed a law banning LGBTQ discrimination, in preparation for the now-postponed 2020 Tokyo Olympics. In 2017, Japan updated its National Bullying Prevention Policy and introduced new policies that protect students who are part of sexual and gender minorities.

Japanese netizens are now praising Mie Prefecture's efforts to protect the LGBTQ community.

"I am for the Mie Prefecture's New Law. I hope more prefectures take this into account in their laws too. Coming out is not something that should be forced. People should always feel free to talk, but also free to hide it if they feel uncomfortable." (@mArU_maaarru)

"This is simply amazing. It is great to see local governments implementing specific laws that save people's lives." (@kickthemout2)

JAPAN: LGBT people in Japan worry getting coronavirus may result in outing

The Mainichi (21.04.2020) - <https://bit.ly/2xc3vhs> - Many members of sexual minorities in Japan worry that catching the novel coronavirus could mean their sexual orientation is revealed against their will as authorities probe infection routes, a supporters' group has found.

A survey by Marriage for All Japan also showed they worry about whether they or their partner will be able to receive important medical information that hospitals provide to family members if one of them becomes infected with the pneumonia-causing virus.

About 180 lesbian, gay, bisexual and transgender people among others had responded to the survey by Friday.

A 34-year-old man who lives with his same-sex partner in Fukuoka, southwestern Japan, has chosen not to be open about his sexual orientation at his office. But he worries it may be revealed if he becomes infected with the virus as he would have to tell a public health center about his partner when asked about people he has had close contact with.

Even those who are open about their sexual orientation are worried about being excluded from important decision-making processes on treatment if their partner is hospitalized with COVID-19.

Kohei Inagaki, 28, and his partner have been recognized by the city of Saitama as partners equivalent to a legally married couple. But he said, "I may not be notified of my partner's health condition and may not be able to be involved in making decisions on treatment."

The same survey revealed that there is also a misperception among some LGBT couples that they are not eligible for government compensation for parents who take leave from work to look after children due to the school closures prompted by the virus outbreak.

Haru Ono, who is raising three children together with her partner, said the government has not clarified that the program targets all people with kids.

"There are many (LGBT) people who have given up on applying for it without knowing" it applies to them, too, said Ono, adding, "I want them to state that same-sex couples are also covered."

Gon Matsunaka, who heads a nonprofit organization for supporting LGBT people, warned that minorities who are often left out in normal circumstances tend to suffer even more during crises, and urged the government to help them.

"We understand that the government's top priority is protecting the lives of the people, but we want it to take a look at LGBT and other people who have serious problems

regarding privacy and take measures so that they don't fall through the safety net," Matsunaka said.

MALAYSIA launches test case against Islamic gay sex law

By AFP

Bangkok Post (27.05.2020) - <https://bit.ly/301D4Hd> - A Malaysian man has launched the country's first legal challenge against Islamic laws banning gay sex, a test case supporters said Wednesday could help combat growing persecution of the LGBT community.

He was charged last year for allegedly attempting to have "intercourse against the order of nature", and several others in the same case have already pleaded guilty and were caned as a punishment.

Critics say there is a worsening climate for the gay community in Muslim-majority Malaysia, with several states enacting their own Islamic laws banning gay sex.

But campaigners say a victory in the challenge at Malaysia's top court could help halt the trend of local sharia authorities introducing harsh legislation targeting gay people.

"The case could discourage state overreach in terms of law-making," Thilaga Sulathireh, from campaign group LGBTIQ+ Network, told AFP.

The immediate impact of a victory would likely be to halt ongoing cases under the Islamic law only in Selangor state, where the man was charged, but campaigners may then aim to bring cases against other states.

The man, who has not been named, is challenging the accusations levelled against him in an Islamic court at Malaysia's Federal Court on the grounds they breach the constitution, his lawyer Surendra Ananth told AFP.

He said it was the first such challenge in Malaysia.

Malaysia has a dual-track legal system, with Islamic courts handling some matters for Muslim citizens, and sharia laws set by individual states.

Selangor state outside Kuala Lumpur has enacted its own law against gay sex, so-called "intercourse against the order of nature".

But the man will argue that local authorities have no power to criminalise gay sex, as a state cannot enact a law when it already exists at the national level, according to the constitution.

Sodomy is already a crime under Malaysia's national penal code, a legacy of British colonial rule -- although the statute is rarely enforced.

The man was among 11 arrested for allegedly having sex at an apartment in 2018. Four of them admitted to the offence before an Islamic court and received six strokes of the cane, a fine and jail terms of up to seven months.

In another high-profile case, two women were caned in a sharia court in 2018 after being found guilty of having lesbian sex under Islamic laws in Terengganu state.

About 60% of multi-ethnic Malaysia's population are Muslims.

NEPAL: First trans beauty pageant finalist makes history in Nepal

Nepal's first trans beauty pageant finalist hopes to showcase diversity.

By Gopal Sharma

Thomson Reuters Foundation (29.12.2020) - <https://tmsnrt.rs/38pSvwL> - When Angel Lama sashays down the catwalk in the Miss Universe Nepal finals on Wednesday she will make history as the first transgender woman to be a finalist in the Himalayan nation's most glamorous annual event.

Nepal ranks among fewer than a dozen countries in the world that accept trans contestants in their national pageants and only the third in Asia after Myanmar and Mongolia, according to LGBT+ activists.

The move comes after new management relaxed the criteria for height, weight and appearance, and allowed any "bold, beautiful and confident woman" between 18 and 28 years to participate.

"I have come to Miss Universe Nepal to show the diversity of people in the society," Lama, 21, told the Thomson Reuters Foundation, who will compete against 17 other finalists.

"If I stand on that stage and showcase this, that will be the biggest crown ever."

Majority-Hindu Nepal has become more accepting of LGBT+ people since a decade-long Maoist insurgency ended in 2006 and the feudal monarchy was abolished two years later. In 2008, an openly gay legislator was elected.

The Supreme Court ruled on an anti-discrimination measure in 2007 and put in place measures to guarantee LGBT+ people equal rights as citizens, leading to the first Pride parade in 2010, and committed to including LGBT+ people in its 2021 census.

For Nagma Shrestha, national director of the Miss Universe Nepal organisation, "everyone is equal, whatever their sexual orientation".

"If they say they are women, they are women, and they should be treated like women," said Shrestha, 29, who was the first Miss Nepal to represent her country in the Miss Universe contest in 2017.

She said she changed the rules to allow trans women to compete as she had always wanted to do "something good" for LGBT+ people. The 18 finalists will take to the catwalk in swimsuits and gowns with the event televised live.

"It is super-special for me," said Shrestha. "I want to amplify the message for inclusivity through the pageant which is very important now."

Nepal, along with Pakistan, India and Bangladesh, legally recognises transgender people, which often include intersex people and eunuchs, as a third gender.

But some families still find it hard to accept trans people.

Lama said her parents, who did not have any formal education, wanted their child to get married and have a family, but instead she opted to work for the Blue Diamond Society, an LGBT+ rights group.

In 2018, she competed in an LGBT+ pageant and was crowned Miss Pink Nepal, which helped her family come to terms with her as a trans woman, Lama said.

"I could openly say that I am a trans woman and my mom slowly started accepting me," she added.

NEPAL: National Human Rights Commission recommends that Nepal legalise same-sex marriage

The commission, in a report released Wednesday, said that while Nepal has made progress in ensuring LGBTIQ rights, it has yet to ensure full legal rights to queer individuals.

By Binod Ghimire

The Kathmandu Post (01.07.2020) - <https://bit.ly/3efHY6S> - The National Human Rights Commission has said that it is unfortunate that same-sex marriage has not been legalised in the country even though it has been five years since an expert committee recommended legalisation.

The constitutional human rights watchdog, in a [report](#) made public on Wednesday, recommended that the government start opening legal channels for same-sex marriage, which has so far been legalised in 29 countries other countries.

As mandated by a landmark 2007 Supreme Court verdict, an expert team formed to study the possibility of legalising same-sex marriage in Nepal had recommended, in 2015, that the government lift legal restrictions preventing marriage between two individuals of the same sex.

"While it is positive that the government has started providing citizenship and passports under the 'O', or 'other', gender category, it is unfortunate that no steps have been taken to implement the report of the expert team formed as per the Supreme Court verdict," reads the study report on sexual minorities released on Wednesday.

The December 2007 Supreme Court verdict had not just acknowledged the rights of sexual minorities, but also directed the government to make necessary arrangements—including new laws or amendments to existing ones—to ensure that people of different gender identities and sexual orientations could enjoy their rights without discrimination.

While Nepal is often hailed as a progressive beacon of LGBTIQ individuals in the region, its comparatively progressive laws have yet to trickle down into mainstream society. Queer individuals, particularly transgenders, continue to face harassment, discrimination and violence. A planned amendment to the Citizenship Act is also considering requiring proof of gender reassignment before allowing transgender individuals to claim citizenship under their new identity.

According to the human rights commission, only 170 individuals have so far received citizenship under the 'O' category. Similarly, 1,500 identified themselves under the 'other' category in the 2011 national census. These figures don't represent the actual population of the LGBTIQ community, according to the commission. It, therefore, has recommended all three tiers of governments to ensure that no transgender people are excluded in the national census being conducted next year.

The Central Bureau of Statistics has already started preparations for the census, which is conducted every 10 years. The commission has concluded that the transgender community continues to face significant discrimination in society and the three levels of government haven't yet taken adequate measure to ensure their rights.

The constitutional watchdog recommended that the federal government promulgate a special Act by incorporating provisions for "positive discrimination" to the transgender community and provide scholarships and hostel facilities up to higher education. It has also recommended the creation of a fund to financially support those who are willing to undergo gender reassignment surgery.

NEPAL might have made progress when it comes to queer rights but it still has a long way to go

Although the constitution enshrines equal rights regardless of gender, sexual identity or orientation, same-sex marriage is still not legal.

By Ankit Khadgi

The Kathmandu Post (17.05.2020) - <https://bit.ly/2ZyYyuV> - Niraj and Aashik met on Facebook two years ago and started talking to each other as friends. Slowly, they fell in love and eventually, decided to get married. With the support of their families, the two young men got married in a church a few months ago.

"Our family supports our love and treats us with respect," said 24-year-old Aashik, who lives with 20-year-old Niraj in Chitwan. "Our families and friends welcomed our union with open arms and heart."

Aashik and Niraj might have gotten married but in the eyes of the law, their marriage has no legal merit. Despite being hailed as a progressive bastion for LGBTIQ rights in the region, Nepal's Civil Code still acknowledges marriage as when "a man and a woman accept each other as the husband and wife".

Nepal does have a number of progressive laws when it comes to queer rights, especially when compared to the rest of South Asia. But for many members of the LGBTIQ community, these laws don't go far enough and sexual and gender minorities still find it difficult to get equal treatment before the law. Furthermore, these laws have not translated into changes in larger society, which still remains highly conservative.

"The conversation regarding queer rights has not gone beyond the 2007 verdict. We are still treated like third-class citizens," said Rukshana Kapali, a queer rights activist.

In 2007, following a Supreme Court ruling, the constitution recognised LGBT rights as fundamental human rights, ensured protection for gender and sexual minorities, and legalised homosexuality. This legal recognition paved the way for more laws, including

recognition in the most recent 2015 constitution, building Nepal's image in the international community as a queer-friendly country and leading individuals to even settle here.

But the ground reality is darker. Members of the queer community are still denied equal rights to marriage, property rights, and education. And they continue to face constant harassment and attacks, sometimes even culminating in murder.

One major step forward for LGBTIQ rights to translate on the ground would be to ensure same-sex marriage, say queer rights activists.

In 2015, a committee formed to study 'same-sex' marriage submitted a 85-page report to the Prime Minister's Office recommending the legalisation of same-sex marriage. But that recommendation never translated into law.

"Our laws do not abide by the constitution, which strictly says that no one can be discriminated against on the basis of their gender," said Sujan Pant, an advocate and assistant professor at Mid-Western University.

According to Bibek Sulung Magar, programme officer at the Federation of Sexual and Gender Minorities Nepal, by preventing queer communities from getting legally married, the government is prohibiting them from availing of all other rights that a married couple can exercise. In Nepal, marriage provides rights and benefits for spouses to sell and transfer jointly registered property, open joint bank accounts, and property rights upon the death of the spouse.

Magar says that the government's failure to acknowledge same-sex marriage paints a larger picture of how queer communities are deprived of many fundamental rights.

Many LGBTIQ individuals still find it difficult to get jobs, leading them to resort to sex work, which comes with both health and safety hazards.

As sex work remains illegal in Nepal, it opens workers up to many more avenues of harassment, especially at the hands of the police, which in turn means that queer community members are reluctant to seek help from the police when they actually need it.

"The situation in Province 2 is really alarming as most of the authorities and police personnel lack understanding and empathy for our community," said Nagma Khan, queer rights activist at Pahichan Nepal who oversees queer issues in Province 2. "When someone from our community seeks help from the police they are instead questioned and sometimes blamed as well. At government offices, we have to put up with homophobic and transphobic slurs."

Queer sex workers are often doubly at risk of physical and sexual assault, but Nepal's rape laws, according to the 2015 Criminal Code, describe rape as a forceful act committed by a man to a woman, failing queer citizens and cisgender male citizens who might suffer rape.

"The rape laws are discriminatory and fail to address the crime perpetrated to the queer community," said Sujan Pant, an advocate. "Because of this provision, the queer community cannot easily seek legal help if they face problems."

The LGBTIQ community also suffers from a deeper problem wherein all individuals from across the spectrum are treated as one. Many government officials still consider all members of the LGBTIQ community as "third gender", as they are the most visible members.

After the Sunil Babu Pant vs Government of Nepal case, the Supreme Court-mandated an 'other' gender category in all government documents, leading to the widespread awareness of a 'third gender'. And as per a 2012 directive by the Home Ministry, the 'other' category encompasses those who identify as lesbian, gay, bisexual, transgender, and intersex, regardless of the fact that gender identity and sexual orientation are two different things.

This year, on the occasion of May 17, the International Day against Homophobia, Biphobia, and Transphobia (Queerphobia), rights activist Kapali, along with members of Queer Youth Group, a network of youth activists, will be publishing a demand sheet regarding the legal recognition of gender identity and asking for an elimination of all discriminatory provisions.

"We've raised the issue of gender identity in the past too but now, we are doing it in a systematic and organised way through a demand sheet," said Kapali. "There's confusion among people about sexual orientation and gender identity. Trans people are compelled to use derogatory gender options like 'others', which they may not necessarily identify as."

The queer movement is multifaceted and the government needs to acknowledge the diversity of its members, say rights activists. That is the only way for the queer movement in Nepal to progress, the government needs to do its part.

"Until the government acknowledges that all are equal in the eyes of the law, and ensures equal legal rights and protection to us, our community will be severely affected, as well as the nation," said Pinky Gurung, president of Blue Diamond Society, Nepal's oldest queer rights organisation.

PAKISTAN: Transgender Pakistanis find solace in a church of their own

For transgender Christians shunned by their own community, the new church is a refuge from a lifetime of pain.

Al Jazeera (26.11.2020) - <https://bit.ly/3IAkU6C> - Pakistan's Christian transgender people, often mocked, abused and bullied, say they have found peace and solace in a church of their own.

Shunned by other churches, they can raise their voices high here.

During a recent service, transgender women, scarves loose over their long hair, conducted Bible readings and raucously sang hymns, accompanied by the rhythms of a drum played by a transgender elder in the church.

The church, called the First Church of Eunuchs, is the only one for transgender Christians in Pakistan.

"Eunuch" is a term often used for transgender women in South Asia, though some consider it derogatory.

The church's pastor and co-founder Ghazala Shafique said she chose the name to make a point, citing at length verses from the Bible saying "eunuchs" are favoured by God.

In Pakistan's largest city, Karachi, on the Arabian Sea coast, it sits in the shadow of a towering brownstone cathedral, where the congregation says they do not feel welcome.

"People looked at us with eyes that are laughing at us," said Nena Soutrey, a transgender woman whose life has been a tragedy of beatings, bullying and abuse.

"No one wants to sit near us and some even say we are an abomination. But we're not. We are humans. We are people. What is wrong with us? This is who we are," she said, wearing a bright red scarf over her shoulders.

Transgender women and men of all faiths are often publicly bullied and humiliated or even face violence in Pakistan, though the government has recognised them officially as a third gender.

Often disowned by their families, they resort to begging and work as wedding dancers. They are often sexually abused and end up as sex workers.

A minority within a minority

Transgender Christians are a minority within a minority in the overwhelmingly Muslim country.

Christians and other religious minorities often face discrimination and feel their place is tenuous.

While the community can find support among themselves, transgender Christians are most often rejected.

At churches, they are told to sit at the back and sometimes told not to dress as a woman.

Arsoo, a transgender woman, said in churches with separate women's and men's sections, she was bounced back and forth, told by the women to sit with the men and told by the men to sit with the women.

"I found myself in such a confusing situation," she said.

Arsoo said she loved to sing the hymns or recite the Bible but in churches she attended they asked her not to sing.

"I would try to come in front but the others, they considered it a dishonour if we participate," she said.

"I don't understand why they feel like this. We are human too, born of our parents. The way God created them, God also created us."

At their new church, the pastor, Shafique, celebrates the nearly three-hour service, but it is the transgender congregation that takes the lead.

The church is set up in the courtyard outside Shafique's home. Brightly coloured carpets give warmth to the cement yard.

Pale blue plastic chairs, many of them dirty and cracked, serve as pews.

It is located in the same sprawling compound as the cathedral, protected by high walls and a steel gate.

But there is no mistaking that the humble church belongs to them: A giant six-foot billboard emblazoned with a large cross proudly announces in English, "The First Church for Eunuchs".

'Khwaja sira'

An Urdu translation underneath uses the term transgender Pakistanis more often use for themselves, "khwaja sira".

Shafique, a rare female pastor in Pakistan, was first approached about starting the church by an unexpected advocate, a Muslim – Neesha Rao, Pakistan's only transgender lawyer.

Rao tells with pride how she begged on the streets for 10 years to put herself through law school.

Rao said she was moved by her transgender Christian friends who were often afraid to announce their faith, fearing a further abuse, but also could not find solace among fellow Christians.

"I am a Muslim child and a Muslim transgender, but I had a pain in my heart for the Christian transgenders," said Rao as she attended a Friday evening service.

She attends every week, she said, standing behind the worshippers.

Shafique belongs to the Church of Pakistan, a united Protestant Church of Anglican, Methodist and Reform Churches.

'Theological issues'

So far, her efforts with the hierarchy to get her church recognised have been rebuffed.

"They tell me there are theological issues," Shafique said. "I am still waiting to hear what those theological issues are."

She is sharply critical of clerics who would rather want transgender congregants to be invisible or stay away altogether and of parents who reject their transgender children.

"Church elders have told me they are not clean ... that they are not righteous," she said.

"We reject them ... and then they become so broken and then they get into all bad things. I say we are to be blamed, the church and the parents."

Pakistan's recognition of a third gender was a remarkable move for the conservative country.

It was life-changing for many because it allowed them to acquire identity cards, needed for everything from getting a driver's license to opening a bank account.

"This is a great step," Shafique said. But she added it does not change attitudes.

Parents often refuse to give their transgender children their birth certificates needed to get an ID card or forbid them to use their family name.

A refuge from pain

For Soutrey, the church is a refuge from a lifetime of pain.

Tears welled up and her voice cracked as she told of how her mother died when she was just 12, and her brothers beat and insulted her.

Finally, she fled to live on the streets and found acceptance within the transgender community.

She has stopped going out at night because of harassment and abuse.

"First thing I want to say is no one should have to suffer as transgenders suffer," said Soutrey, between her tears.

"People treat us worse than dogs," she said, even in mainstream churches she attended.

"This church is important for us because we are free and happy sitting here, worshipping the God who created us."

SINGAPORE: Taboo-busting Singapore podcast gives gay men a voice

The podcast aims to change 'outdated' views about LGBT+ people in Singapore, where gay sex is illegal.

By Beh Lih Yi

Thomson Reuters Foundation (02.12.2020) - <https://tmsnrt.rs/3ICVHs6> - When Singapore radio DJ Joshua Simon was asked to tone down a "sensitive" speech on coming out as gay, he pulled out of the talk but ended up revealing all – by launching a podcast.

The SG Boys, a new podcast focusing on LGBT+ issues hosted by three Singaporean gay men including Simon, is unusual for the modern city-state, where sex between men is illegal and the subject is still largely seen as a taboo.

"When you're denied a space, you're going to create your own space," said Simon, referring to the TEDx talk he withdrew from last year after the local school hosting the event asked him to drop "sensitive" comments about his sexuality.

"I was ready to give my true self, but Singapore wasn't ready for me to tell my story," he told the Thomson Reuters Foundation in an interview. "So I thought let's do the podcast I wish we had."

Simon, 30, teamed up with a journalist and a student to launch the weekly podcast last month, sharing their personal struggles to topics ranging from LGBT+ portrayal in pop culture and serving in Singapore's compulsory military service as gay.

"In the wider Singapore culture, there is a lot of representation about the LGBT+ community that is based on outdated notions," said co-host Kennede Sng, 23.

He said this include the use of slurs to refer to gay people in TV shows and everyday conversations, or misleading portrayals that suggest they were sexual predators or responsible for spreading HIV/AIDS.

"The representation now is not positive, it's largely negative and really inaccurate about what our gender identity is," Sng said, adding that he wants to change public perceptions with a more "holistic" views of who they are.

Tongue-in-cheek

Since its launch, the podcast has drawn big names including Melanie Chisholm - also known as Mel C of the British pop band The Spice Girls - and American singer-songwriter Lauv who appeared on the programme as guests.

They named the podcast "The SG Boys" as a tongue-in-cheek using a coded language adopted by gay men in Singapore to connect with each other online.

But some of the racy photos posted on social media using the hashtag has led to misperception of gay people, they said.

"There's certain impression when you hear the words SG Boys. We want to grow this definition," said Simon, whose father is a pastor.

Both came out in their youth and have suffered bullying and prejudice for being gay, which they said stemmed partly from a law that bans gay sex.

Singapore still has a British colonial-era law known as Section 377A that says a man found to have committed an act of "gross indecency" with another man could be jailed for up to two years, although prosecutions are rare.

Singapore activists have sought to overturn the law, but a court upheld it in March despite opinion polls showing growing acceptance for gay rights in recent years.

The podcasters understand the risks they face for speaking up, but said they they hoped the conversations could lead to change.

"As much as the shadow (of Section 377A) is always looming above us, we look at it as a challenge and an opportunity for us to be brave," said Simon.

SINGAPORE gay sex ban: Court rejects appeals to overturn law

A bid to overturn a law that criminalises gay sex in Singapore has been dismissed by a court, dealing a blow to the city state's LGBT movement.

BBC News (30.03.2020) - <https://bbc.in/3bzqf9y> - The high court rejected appeals by three gay men who had argued the colonial-era law was unconstitutional.

The presiding judge said the law was "important in reflecting public sentiment and beliefs" in Singapore.

Under Section 377A, men found guilty of homosexual acts in public or private can be jailed for up to two years.

Speaking outside court, a lawyer for one of the complainants, M Ravi, said he was "very disappointed" by the ruling.

"It's shocking to the conscience and it is so arbitrary," he said.

The legal challenges were the latest attempts to repeal Section 377A, after an effort by a gay couple in 2014 was rejected by the Court of Appeal.

But the LGBT rights movement in Singapore regained momentum after India's decision to scrap similar legislation in 2018 renewed hopes for reform.

Singapore's authorities rarely enforce Section 377A, first introduced in 1938 by British colonial rulers.

But Singapore's leaders, including its current prime minister, have refused to remove it, saying it reflects the conservative mores of the city state's society.

In Monday's judgement, the court echoed that sentiment, saying non-enforcement of the law against consensual gay sex in private did not render it redundant.

The court concluded the law was constitutional because it did not violate articles regarding equality and freedom of speech.

The latest attempt to overturn the law was spearheaded by three people: a retired doctor, a DJ and an LGBT rights advocate.

One of the men told Reuters news agency he was disappointed by the ruling, adding "my eyes are firmly on the road ahead".

Currently 70 countries criminalise same-sex relations.

SOUTH-KOREA: Outbreak among gay clubs stokes homophobic resentment in South Korea

A man unknowingly spread COVID-19 at gay clubs in Seoul. Now, media coverage is repeating antigay tropes.

By Taylor Henderson

The Advocate (09.05.2020) - <https://bit.ly/3cnSkS1> - A recent coronavirus outbreak in Seoul has breathed new life into tensions over homosexuality in South Korea.

Before being diagnosed with COVID-19, a local man went out to several gay bars and unknowingly spread the virus. The 29-year-old, who had no symptoms of coronavirus, visited two convenience stores and five bars and nightclubs in Itaewon, a party district in Seoul. He later tested positive for the novel coronavirus.

The government believes the man exposed at least 1,500 people to the virus, and 14 people who were in contact with him, including the friend he went out with, have already been diagnosed. The number is expected to rise.

As it was the first local infection in four days, the incident has reignited fears of community spreading — and anti-LGBTQ+ sentiments. South Korean officials and media reports have emphasized that the infections happened in gay bars, which advocacy groups believe is a way to blame the outbreak on the LGBTQ+ community. Human rights groups say this kind of reporting is "unnecessary" and "could incite hatred toward LGBT people and hinder the government's efforts to contain the spread of the virus," The Korea Herald reports.

In its effort in trying to contain the spread of COVID-19, Reuters reports the South Korean government traces individuals infected through CCTV footage, credit card statements, phone location data, and more. Health officials use that information to form lists of potential infections. Previously, they've widely disclosed details on diagnosed patients via cell phone alerts, including patients' gender, age, location, and workplace.

Homosexuality is legal in South Korea but LGBTQ+ people still face discrimination and lack workplace protections. The government's attempt to contain the spread of the virus could potentially out many people to their communities, families, or employers. The stigmas surrounding homosexuality might also scare away those who fear being outed from seeking testing and treatment.

"There is already stigma against gays in Korean society and the person went clubbing at such a critical moment (for containing the spread of COVID-19) as a country," Jay Kim, a gay man living in Seoul, told Reuters. "It's just obvious that (the media are focusing on) the worst combination (gays and clubbing) to make LGBT people even more of a target of hatred."

The Solidarity for LGBT Human Rights in Korea believes this kind of sensitive information is private, and irrelevant to public health. "It is not just unhelpful to disclose information of an individual's movement for prevention efforts, but also a serious human rights violation that invades the individual's privacy and has him outed to society," they said.

THAILAND Football in hijab: Thai Muslim lesbians tackle stereotypes

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

By Rina Chandran

Thomson Reuters Foundation (30.11.2020) - <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."

THAILAND: Thai cabinet backs bill allowing same-sex unions

If passed, Thailand would follow Taiwan as the second place in Asia to legalize same-sex marriage.

By Patpicha Tanakasempipat

Reuters (08.07.2020) - <https://bit.ly/3jc6bPx> - Thailand's cabinet approved a civil partnership bill on Wednesday that would recognise same-sex unions with almost the same legal rights as married couples, in one of the most liberal moves yet for a largely conservative nation known for its tolerance.

If passed by parliament, the legislation would make Thailand only the second place in Asia to allow registration of same-sex unions, with couples able to adopt a child and afforded rights to inheritance and joint property ownership.

"The Civil Partnership Bill is an important step for Thai society in promoting equal rights and supporting the rights of same-sex couples to build families and live as partners," Ratchada Thanadirek, a deputy government spokeswoman, wrote on Facebook.

The bill, however, stipulates that one party in a same-sex union must be Thai.

A largely conservative Buddhist society, Thailand has a reputation for openness and free-wheeling attitudes.

It has long been a draw for same-sex couples, with a vibrant lesbian, gay, bisexual and transgender social scene for locals and expatriates, and targeted campaigns to attract LGBT travellers.

The bill was introduced in 2018 but the previous legislature was unable to pass it before last year's election.

Taiwan last year became the first place in Asia to legalize same-sex marriage. Vietnam has decriminalised same-sex weddings but does not recognise unions of the same sex.

Kittinan Daramadhaj, president of Rainbow Sky Association of Thailand, said the bill essentially allows same-sex couples to marry but stops short of calling it a "marriage", which is legally defined as being between a man and woman.

"What's in a name? It's the content that matters," he told Reuters.

"'Civil partnership' shouldn't distract from the fact that it's about the legal registration of unions."

Kittinan said the bill, if passed, would "sufficiently alleviate pains and support the human rights of LGBT people".

A Thai lawmaker representing LGBT groups is pushing separately for marriage to be redefined as being between "two persons".

TURKEY: Government steps up its attacks on LGBTI+ citizens

Europe's leading LGBTI+ rights organisation, ILGA-Europe are alarmed to observe that in the past week the Turkish government has stepped up its systematic attacks on and defamation of LGBTI+ people and calls on President Erdoğan to guarantee the fundamental rights of all minorities without discrimination, as enshrined in the country's Constitution.

Ilga (05.02.2021) - <https://bit.ly/3aFNksF> - Over the past week in Turkey, both government and government-supported media have called LGBTI+ people a "disgrace", "dirty" and "perverts", which has prompted a wave of hate-speech on social media.

President Recep Tayyip Erdoğan held video conferences on Monday 1 February and Wednesday 3 February denouncing LGBT people and praising his supporters saying: "We will carry our young people to the future, not as the LGBT youth, but as the youth that existed in our nation's glorious past."

On February 2, Justice Minister and the Interior Minister Süleyman Soylu called LGBT people "perverts" on Twitter. The social media platform has since flagged the tweet as violating its rules against "hateful conduct".

This new campaign takes place in the context of rising hateful rhetoric against the LGBTI+ community by representatives of high-level religious and political institutions in Turkey, as well as actions and legislation attacking human rights defenders and civil society organisations.

Crackdown on freedom

The step-up in governmental anti-LGBTI+ rhetoric comes as academic staff and students at Boğaziçi University of Istanbul have been protesting the appointment of the University's new Rector, Melih Bulu, by President Erdoğan on 1 January 2021. Melih Bulu's appointment is being protested because Bulu is the first appointed rector from outside the University, a move that further extends the government's crackdown on academic freedom in Turkey.

The new Rector is a long-standing ally of President Erdoğan and his ruling party and has held different positions in the party for years. He has supported anti-LGBTI+ statements from the Erdoğan government. Professors at Boğaziçi University and students alike are concerned about the future of academic freedom, freedom of expression, freedom of assembly and freedom of association at the University.

Using COVID-19 to slander LGBTI people

In addition to the systematic attacks and bans that Turkey's LGBTI+ movement has experienced at the hands of Turkish authorities since 2015, in 2020 the government seized upon the COVID-19 crisis as an opportunity to slander LGBTI+ people. In April last year, the President of the Directorate of Religious Affairs, Ali Erbaş targeted LGBTI+ people and people living with HIV, equating homosexuality with a disease, stating that "hundreds of thousands of people a year are exposed to the HIV virus caused by this great haram, which passes as adultery in the Islamic Literature," and blaming lesbian and gay people for COVID-19. He was quickly supported by leading governmental figures including the Minister of Family, Labour and Social Services, and President Erdoğan himself.

According to Evelyne Paradis, Executive Director of ILGA-Europe: "The Turkish government has an obligation to protect everyone from hate crime and discrimination and should not be part of any statements that could encourage hate crimes and target any minority group, including LGBTI+ people.

"We recall that as a founding member of the United Nations, Turkey pledged to protect inherent dignity and the equal and inalienable rights of all members of the human family. In addition, as a Member State of the Council of Europe and having ratified the European Convention of Human Rights, Turkey must uphold European human rights law, which prohibits a discriminatory application of human rights.

"We call on Turkey to respect, guarantee, protect and fulfil the fundamental rights of the LGBTI+ community without discrimination as enshrined in its Constitution and equality article therein, and ratified by human rights treaty bodies," Paradis concluded.

TURKEY arrests dozens of students at peaceful protest over LGBT rights

By News Wires

President Recep Tayyip Erdogan on Monday lashed out at Turkey's LGBT movement, accusing it of "vandalism" following an outbreak of student protests.

France24/AFP (02.02.2021) - <https://bit.ly/3cviwx1> - Four people were arrested over the weekend for depicting Islam's holiest site with pictures of the LGBT rainbow flag during a rally at [Istanbul](#)'s Bogazici University.

And shortly after [Erdogan](#)'s televised speech on Monday, another rally erupted at the same school with dozens of people detained and social media footage showing police dragging away students who had been protesting peacefully.

"We will carry our young people to the future, not as the LGBT youth, but as the youth that existed in our nation's glorious past," Erdogan said during a video linkup with members of his ruling AK Party.

"You are not the [LGBT](#) youth, not the youth who commit acts of vandalism. On the contrary, you are the ones who repair broken hearts."

'Inciting hatred'

Rights groups accuse Erdogan of taking the mostly Muslim but officially secular country on an increasingly socially conservative course during his 18 years in power.

Homosexuality has been legal throughout modern Turkey's history.

But gay people often face harassment, and LGBT events -- including Istanbul Pride -- have been blocked under Erdogan.

Turkey was hit by a wave of student protests last month after Erdogan appointed a loyalist as the head of Bogazici University.

During one demonstration last Friday protesters hung an artwork opposite the new rector's office depicting the holy site in Mecca and images of the LGBT movement's rainbow flag.

Turkish police accused four people of "inciting hatred in the population". Two of them have been remanded in custody and the other two placed under house arrest.

Turkish Interior Minister Suleyman Soylu branded the suspects "four LGBT freaks".

Groups of students once again demonstrated at Bogazici university on Monday despite the presence of hundreds of riot police, demanding the four be freed and the rector stand down.

AFP reporters saw several students dragged away by the police and Istanbul's governor later confirmed 159 people had been arrested.

Further afield in the Aegean resort city of Izmir, social media posts showed police scuffling with a small group of rainbow flag-waving students.

The rallies have echoes of the 2013 protests that sprang up against plans to demolish an Istanbul park before spreading nationally and presenting a direct challenge to Erdogan's rule.

Erdogan last month accused some of those taking part in the student demonstrations of being "terrorists".

TURKMENISTAN: Two years in prison for gay sex in Turkmenistan

Decriminalize consensual same-sex conduct.

By Viktoriya Kim

HRW (26.05.2020) - <https://bit.ly/2Xu7iRq> - In Turkmenistan, men who have sex with men continue to be arrested and imprisoned on sodomy charges.

In mid-April independent media in the region reported the arrest of a popular entertainer as well as those of numerous other men who move in Turkmenistan's show-business world. Some were able to secure their release. On May 7, a Turkmen court sentenced the entertainer, and several others to two years' imprisonment on sodomy charges.

Turkmenistan is one of sixty-nine countries in the world that outlaw consensual sexual intercourse between men. Article 135 of the criminal code stipulates penalties of up to two years' imprisonment for sodomy and 5 to 10 years if repeated. This blatantly discriminatory law, that violates Turkmenistan's international human rights obligations, enables police to subject gay and bisexual men to harassment, including with the purpose of extortion, humiliation, and abuse.

Human Rights Watch documented a 2013 case in Turkmenistan, where medical staff collaborated with law enforcement officials to conduct an anal exam on an 18-year-old man accused of homosexual conduct. While not evidence of a pattern, the case raises the possibility that forced anal examinations have been or are being used against others charged with sodomy in Turkmenistan.

Such examinations have no medical justification, are cruel, inhuman, and degrading treatment and may amount to torture. They violate the Convention against Torture and the International Covenant on Civil and Political Rights, both ratified by Turkmenistan.

Last year, in an extremely rare headline-grabbing instance, a gay man came out publicly despite hostile social attitudes and bullying by his family. He went missing after he came out, and then briefly resurfaced in the media before going silent again.

In 2017, the United Nations Human Rights Committee flagged criminalization of consensual same-sex conduct as "unjustifiable" and urged the Turkmen government to repeal it. Turkmenistan prides itself on its good standing in the United Nations. The government should immediately dismiss all charges against the men convicted under these laws and release them.

Turkmenistan should also repeal article 135 of the criminal code and protect people from violence and discrimination based on sexual orientation.

UZBEKISTAN: Amid debate over LGBT rights, Uzbek authorities victim-blame attacked activist

A blogger who suggested Uzbekistan decriminalize gay sex was brutally attacked. The Interior Ministry and others blame him for provoking the assault.

By Catherine Putz

The Diplomat (31.03.2021) - <https://bit.ly/3rJu9V7> - The day after a human rights activist was assaulted by three masked men near his apartment in Tashkent, leaving him with a fractured leg and a concussion, among other injuries, the Uzbek Interior Ministry put out a video statement blaming the victim of the attack. Then Komil Allamjonov, the chairman of the board of trustees of the Public Foundation for Support and Development of the National Mass Media, tweeted a video with English subtitles making a similar argument.

The attack against Miraziz Bazarov, a well-known activist and blogger with a distinct and provocative style, occurred against the backdrop of discussions about Uzbekistan's continued criminalization of sexual relations between men.

In the Interior Ministry's telling, Bazarov provoked the attack on himself by calling on "individuals with nontraditional sexual orientation" to hold mass demonstrations near the Hazrati Imam mosque and Amir Timur avenue in downtown Tashkent.

RFE/RL's summary of the statement noted:

The ministry said in its video that Bazarov "had deliberately ignored" social-behavior rules by distributing videos with contents "not typical for the Uzbek nation," and "demonstrating his perverted behavior to the society."

"[Bazarov], acting with the assistance and support of destructive external forces and ill-intentioned international nongovernmental organizations, attempted to propagate homosexuality and similar evils, despite the fact that it is banned by Uzbek law, and created the atmosphere of protest and intolerance," the ministry's statement said.

Allamjonov, formerly the acting director of Uzbekistan's Agency of Information and Mass Communications (AIMK), made similar comments in his video, stating that society in Muslim-majority Uzbekistan "does not tolerate unnatural men and women (LGBT)! Our holy religion, Islam, does not allow it." He then commented: "For example, Bazarov, what was the consequence of speaking without thinking?!"

Bazarov is well-known for issuing harsh criticisms of the Uzbek government on social media, particularly via Telegram. He had recently urged the government, among other things, to decriminalize same-sex relations. Per RFE/RL's reporting, while he does not consider himself an LGBT activist, he "believes that being gay is a personal issue and that laws should not be created to regulate it."

Before the attack that left Bazarov hospitalized and in serious condition, a weekly event that he organizes for Japanese anime and K-pop fans was disrupted by a crowd of men shouting "Allah hu Akbar!" Videos of the march show Uzbek police calmly walking through the crowd which, in nearly any other context in Uzbekistan, would have warranted a harsh response.

In the Interior Ministry's telling, the crowd of men was a "group of our citizens who considered [Bazarov's] calls as an insult... [and] created a situation compromising public safety by staging mass disorders." The ministry said individuals "responsible for the disorder" had been arrested.

Nevertheless, it's clear that the Uzbek government is comfortable pegging blame for all the chaos, and the assault, on Bazarov.

Uzbekistan and Turkmenistan are the only countries in Central Asia that continue to have laws on the books banning sexual relations between men. It's worth pointing out that neither criminalizes sexual relations between women.

One aspect to highlight is that the rationale used by the Uzbek Interior Ministry in its statement is old hat. Recall, the statement accused Bazarov of "acting with the assistance and support of destructive external forces and ill-intentioned international nongovernmental organizations, attempted to propagate homosexuality and similar evils..."

This taps into well-trod territory of blaming external actors for what are domestic problems, as well as equally familiar arguments that same-sex relationships are a Western invention and nefarious export. That Western governments have advocated for tolerance toward LGBT people, urged the Uzbek government to change its laws, and reacted strongly to Bazarov's attack further feeds this sentiment, but does not prove it to be valid.

This line of argument assumes that absent these "destructive external forces" there would be no LGBT Uzbeks. But there are, indeed, gay, lesbian, bisexual, and transgender Uzbeks. Furthermore, if same-sex relationships were simply a Western plot, why then have Western societies themselves struggled to tolerate and accept LGBT people?

In the United States, it was only in 2003 that the Supreme Court ruled sodomy laws unconstitutional. ("Sodomy laws" being a catchall term for laws criminalizing certain sexual acts, often left undefined but understood to be "immoral" — almost always referring to anal and oral sex, among other things). Before 2003, same-sex sexual relations were illegal in 14 states, Puerto Rico, and in the U.S. military. Over the past decades there have been shocking attacks on LGBT people in the United States and a firm objection to not just same-sex marriage but tolerance of LGBT people simply existing in society.

Over time, attitudes shift and cultures evolve. But Allamjonov approaches this truism with twisted logic, calling on media to "stop covering the topic of LGBT relentlessly."

Discussing these issues will kill people's sensitivity. We will begin to take this very unpleasant topic as a regular one, as it goes. In fact, such statements should be perceived to such an extent that one trembles when hears them.

In essence: Do not discuss these matters because discussing them normalizes them and people's attitudes might be changed.

Additionally, Allamjonov makes the argument that if anti-LGBT laws were relaxed, "and such categories start to show themselves on the streets, the number of lynching[s] may increase." He goes on to say, "Even if no formal punishment is imposed [on LGBT people], the Muslim community will not leave them alone anyway."

The struggle between conservative social norms and progressive values is something that has occurred around the world, across religions, and throughout time. Uzbekistan is no different in this regard.

There's a central paradox to Allamjonov's argument: While he says "Of course, human rights are an important issue and every citizen, regardless of their behavior, is under the protection of the state" everything that follows undercuts that sentiment.

Uzbekistan is a secular state, one with a long history of cracking down on iterations of Islam its leaders have perceived as radical, or Islamists who seemed to challenge the state's grasp on authority. Yet Allamjonov and others reach to Islam for justification to denigrate the LGBT community and excuse attacks against it (and its supporters).

Allamjonov also reaches to democracy, stating that “the word ‘democracy’ means the rule of the people. Since the majority of the people are against something, it is necessary to take into account their wishes, and this is democracy!” Yet who has asked the Uzbek people their wishes? And which Uzbek people? If the confirmed public stance of the government and its officials is that beating up LGBT supporters is somehow justified, why would any Uzbek — gay or not — utter a word in defense of the LGBT community? There’s no safe path toward a civilized conversation when a topic is de facto off limits. Rather than cooling the debate, urging calm and respect for the rule of law above all else, the Uzbek government’s response to Bazarov’s beating is poised to only stoke the flames of contention.

UZBEKISTAN: Unique opportunity to decriminalise same-sex conduct

ILGA (03.03.2021) - We, ILGA-Europe and the undersigned human rights organisations, call on the President and government of Uzbekistan, member of the UN Human Rights Council, to decriminalise same-sex conduct between men under the ongoing review of the Criminal Code, with a view to ensuring conformity with the recommendations of the UN treaty bodies.

Since 2016, President Shavkat Mirziyoyev has launched many legal reforms and Uzbekistan is now discussing and undertaking reforms to its criminal justice system. This presents a unique opportunity to finally decriminalise same-sex conduct between men in Uzbekistan, in line with international human rights standards and its own Constitution.

However, the draft of the new Criminal Code¹, released for public discussion by the Uzbek Prosecutor General's Office on 22 February 2021, does not remove the provision criminalising consensual same-sex conduct between men. Despite calls from international human rights bodies and civil society, the provision remains in the new version of the Code, moved from Article 120 to Article 154 without changing its substance.

Worryingly, the Article is included in the newly created Chapter V of the Code, entitled: “Crimes against family, children and morality”. No further explanation was given by the Prosecutor General’s Office in the explanatory note to the draft.

We recall that as a party to the international human rights treaties, Uzbekistan is obliged to protect the inherent dignity and the equal and inalienable rights of all members of the human family². We also remind that *when applying for membership at the UN Human Rights Council*, Uzbekistan committed to the promotion and protection of human rights and the adoption of a range of legislative, institutional and administrative measures to fulfil its international obligations in the field of human rights, and pledged to protect, promote and support universal human rights and fundamental freedoms for all³. Moreover, as an EU

¹ Draft of the Criminal Code of the Republic of Uzbekistan, Article 154, Available at: <https://regulation.gov.uz/ru/d/29646>

² The United Nations. (1948). Universal Declaration of Human Rights accessible on <https://www.un.org/en/universal-declaration-human-rights/>

³ Annex to the letter dated 30 September 2019 from the Permanent Representative of Uzbekistan to the United Nations addressed to the President of the General Assembly. Candidature of Uzbekistan to the Human Rights Council, 2021– 2023. Available at: <https://undocs.org/en/A/74/477>

GSP+ beneficiary, in accordance with Article 13 of the GSP Regulation⁴, Uzbekistan should effectively implement agreed international treaties and cooperate with the relevant monitoring bodies.

In its communication with the UN treaty bodies, the Uzbekistani government has claimed that criminalisation of same-sex conduct between men reflects Uzbek traditions and religion⁵. However, we reiterate the statement of the United Nations Special Rapporteur on freedom of religion or belief, clearly stating that religious beliefs cannot be used to justify LGBT+⁶ rights violations nor be invoked as legitimate 'justification' for violence or discrimination against LGBT people, and that the right to freedom of religion protects individuals and not religions as such.⁷

We remind Uzbekistan that attitudes towards LGBT people may vary from country to country, but human rights standards are universal and inalienable. International human rights law is clear: all people, without exception, are entitled to protection of their human rights, including LGBT people. Criminalisation of consensual same-sex conduct violates multiple human rights standards, including those on liberty, fair trial, integrity, privacy, dignity, equality before the law, non-discrimination and the absolute prohibition on torture and other cruel, inhuman and degrading treatment or punishment. These human rights standards are enshrined in legally binding treaties ratified by Uzbekistan as acknowledged in its voluntary pledges and commitments pursuant to General Assembly resolution 60/251⁸.

Repealing the provision criminalising same-sex conduct or relation and other laws used to persecute LGBT people is an important step for Uzbekistan, member of the UN Human Rights Council, towards combating prejudice and protecting lives of LGBT people under international human rights law and its own Constitution.

Background

Although the Uzbekistani Constitution guarantees privacy, equality and non-discrimination, Uzbekistan is one of the only two Central Asian countries that retain legislation criminalising private, consensual same-sex conduct between men. Article 120 of the Criminal Code⁹ in force stipulates that "bezakalbazlyk" (sodomy), voluntary sexual intercourse between two male individuals, is punishable by one to three years of restricted liberty, or by up to three years of imprisonment. Due to the widespread failure to understand the difference between sexual orientation and gender identity by state and non-state actors in Uzbekistan, this law negatively impacts all of the LGBT community.

As a consequence of criminalising same-sex conduct between men, LGBT people are routinely subjected to arbitrary arrests, ill-treatment, persecution and surveillance by state and non-state actors¹⁰. It should be noted that non-state actors feel emboldened to attack

⁴ Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008. Available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex:32012R0978>

⁵ UN Committee against Torture (CAT), List of issues in relation to the fifth periodic report of Uzbekistan. Replies of Uzbekistan to the list of issues, 20 September 2019, CAT/C/UZB/Q/5/Add.1

⁶ LGBT - lesbian, gay, bisexual and trans persons.

⁷ UNOHCHR (2 March 2020), "States should not use religious beliefs to justify women and LGBT+ rights violations – UN expert", accessible on <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25644&LangID=E>

⁸ See 3.

⁹ Criminal Code of the Republic of Uzbekistan, Article 120, Available at: <http://www.legislationline.org/download/action/download/id/1712/file/a45cbf3cc66c17f04420786aa164.htm/preview>

¹⁰ <https://www.ilga-europe.org/sites/default/files/Uzbekistan.pdf>

LGBT people merely due to the existence of Article 120, knowing that the victims will not seek state protection out of fear of being persecuted for their sexual orientation¹¹.

Due to the Article 120 in the Criminal Code, and widely practiced bans on associations and peaceful demonstrations, as well as public stigmatisation of LGBT people, activists cannot apply for and register civil society organisations advocating for human rights of LGBT people in Uzbekistan.

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[The Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims -](#)

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[Union "Women of the Don"](#)

[World Organisation Against Torture \(OMCT\)](#)

¹¹ <https://rus.ozodlik.org/a/29890288.html>

VIETNAM: LGBT youth unprotected

Myths about sexual orientation and gender identity undermine rights.

HRW (12.02.2020) - <https://bit.ly/3bRAx68> - Pervasive myths about sexual orientation and gender identity in Vietnam contribute to violence and discrimination which is felt strongly among lesbian, gay, bisexual, and transgender (LGBT) youth, Human Rights watch said in a report released today.

The 65-page report, "['My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam](#)," documents how LGBT youth in Vietnam face stigma and discrimination at home and at school over myths such as the false belief that same-sex attraction is a diagnosable, treatable, and curable mental health condition. Many experience verbal harassment and bullying, which in some cases leads to physical violence. Teachers are often untrained and ill-equipped to handle cases of anti-LGBT discrimination, and their lessons frequently uphold the widespread myth in Vietnam that same-sex attraction is a disease, Human Rights Watch found. The government of Vietnam should fulfill its pledges to protect the rights of LGBT people.

"The government of Vietnam has indicated support for the rights of LGBT people in recent years, but tangible policy change has lagged," said Graeme Reid, LGBT rights director at Human Rights Watch. "LGBT youth are especially vulnerable due to inadequate legal protection and widespread misinformation about sexual orientation and gender identity."

The report is based on in-depth interviews with 52 LGBT youth as well as teachers and other school staff in Vietnam. It analyzes existing government policy and planning documents and pledges the Vietnamese government has made to improve the situation of LGBT people.

Inaccurate information about sexual orientation and gender identity is pervasive in Vietnam and has a particularly harsh impact on youth. While Vietnam has several laws that prohibit discrimination and uphold the right to education for all children, the current national curriculum and sex education policy fall short of international standards and do not include mandatory discussion of sexual orientation and gender identity. While some teachers and schools take it upon themselves to include such lessons, the lack of national-level inclusion leaves the majority of students in Vietnam without the basic facts about sexual orientation and gender identity, Human Rights Watch found.

"I've never been taught about LGBT," Tuyen, a 20-year-old bisexual woman, told Human Rights Watch. "There are very few people who think that this is normal." A school counselor said "There's a lot of pressure on kids to be straight. It's constantly referenced that being attracted to someone of the same sex is something that can and should be changed and fixed."

In a promising step in 2019, the education ministry, with the assistance of United Nations agencies, produced guidelines for an LGBT-inclusive comprehensive sexuality education curriculum, but such a curriculum it has not yet been created.

Human Rights Watch found that verbal harassment of LGBT students is common in Vietnamese schools. Students in various types of schools – rural and urban, public and private – said that students and teachers commonly use derogatory words to refer to LGBT people, sometimes targeted directly at them and coupled with threats of violence.

Other studies, including research by UN agencies and Vietnamese groups, have included similar evidence. In a 2014 report, the UN Development Programme (UNDP) noted: “[E]ducation institutions are not safe for LGBT students due to the lack of anti-bullying and non-discrimination policies. Furthermore, sex and sexual orientation and gender identity education is still limited in Viet Nam and are considered sensitive topics that teachers usually avoid.”

While it appears to be less common, some LGBT youth report physical violence as well. “[The bullying] was mostly verbal but there was one time when I was beat up by five or six guys in eighth grade just because they didn’t like how I looked,” one person interviewed said.

In cases of both verbal and physical abuse, school staff respond inconsistently. The majority of the LGBT youth interviewed who had experienced bullying at school said they did not feel comfortable reporting the incidents. This was sometimes because of overt, prejudiced behavior by the staff. In other cases, students assumed that it was unsafe to turn to the adults around them for help.

Even in cases in which students did not face verbal or physical abuse, many reported that their families, peers, and teachers implicitly and explicitly alienate and exclude them. This occurs in classrooms, where teachers refer to anything other than procreative heterosexual relationships as “unnatural,” as well as at home, where parents threaten their children with violence, expulsion, or medical treatment if they are gay or lesbian.

In 2016, while serving on the UN Human Rights Council, Vietnam voted in favor of a resolution on protection against violence and discrimination on the basis of sexual orientation and gender identity, saying “The reason for Vietnam’s yes vote lay in changes both in domestic as well as international policy with respect to LGBT rights.” Other governments in Asia have recently changed their policies to include and protect LGBT youth, including Japan, Cambodia, and the Philippines.

“The government’s stated alignment with a global shift toward respecting the rights of LGBT people signals some political will to make much-needed law and policy changes,” Reid said. “Protecting young people from violence and discrimination and ensuring their education is based in fact instead of prejudice is an important first step.”
