



2020

HUMAN RIGHTS VIOLATIONS REPORT

SOUTH ASIAN HUMAN RIGHTS
ASSOCIATION OF PEOPLE
MARGINALIZED BECAUSE OF THEIR
SEXUALITIES AND GENDER
IDENTITY/EXPRESSION

CONTENTS

- 1 ABOUT THIS REPORT
- 3 AT A GLANCE
- 4 REGIONAL FINDINGS
- 12 COUNTRY INSIGHTS
- 30 CONCLUSIONS
- 31 RECOMMENDATIONS

CREDITS

SAHRA is supported by FRI - The Norwegian Organization for Sexual and Gender Diversity, and implemented through LGBTI organisations, activists and networks in Bangladesh, Bhutan, Nepal, India, Pakistan and Sri Lanka.

This report is written by country officers of the partner organisations with Rajesh Jha, Offbeat Innovations, as lead author.

Report design by Arne Walderhaug

Contact: www.sahra.asia

ABBREVIATIONS AND LIST OF TERMS

Bisexual: A person who emotionally and/or sexually attracted to more than one gender.

Gender identity: Refers to each person's internal and individual experience of gender, which may or may not correspond with the sex they were assigned at birth

FRI: The Norwegian Organization for Sexual and Gender Diversity

Heteronormativity: The widespread idea that everyone is and/or should be heterosexual and identify as the gender they were assigned at birth.

Homophobia: The irrational hatred, intolerance, and fear of lesbian, gay and bisexual people.

Homosexual/Gay: A man who is emotionally and/or sexually attracted to men. The terms homosexual and gay are sometimes also used to cover lesbian women and bisexual people, but this is disputed.

Intersex: Intersex people are born with physical, hormonal or genetic features that are neither wholly female nor wholly male; or a combination of female and male; or neither female nor male.

Lesbian: A woman who is sexually and/or emotionally attracted to women.

LGBTI: Lesbian, Gay, Bisexual, Transgender and Intersex.

Marginalized genders and sexualities: All regional variations that exist of sexual orientation, gender identities and expression, such as hijra, zenana, kothi, nachi, meti, third gender, lesbian, gay, bisexual, transgender, intersex and queer.

NHRC: National Human Rights Commission

SAHRA: South Asia Human Rights Association of People Marginalised Because of their Sexualities and Gender Identity/Expression

Sexual orientation: Refers to each person's capacity for profound affection, emotional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.

SOGIE: Sexual Orientation and Gender Identity/ Expression

Transgender: A person whose gender identity differs from the gender assigned at birth.

ABOUT SAHRA The South Asia Human Rights Association of People Marginalised Because of their Sexualities and Gender Identity/Expression (SAHRA), is a regional network of grassroots organisations and activists in South Asia, with a mission to systematically document human rights violations against sexual and gender minorities in the region, to respond to these violations, and to strongly advocate for an increase in the recognition, protection and promotion of human rights. It was founded in 2008 by a group of 20 human rights activists from Bangladesh, India, Nepal, Pakistan and Sri Lanka, after consultations with around 500 lesbian, gay, bisexual, transgender and intersex (LGBTI) persons across South Asia.

VISION SAHRA believes in the inherent right to dignity, security, equal opportunity, and freedom of all in South Asia, regardless of their sexual orientations and gender identities and expressions. It envisages a world where every LGBTI person enjoys the human rights enshrined in the Universal Declaration of Human Rights (UDHR) and as expressed in the Yogyakarta Principles, and codified in the fundamental rights given in the respective constitutions of the South Asian countries.

MISSION SAHRA's mission is to protect, promote, and fulfil the human rights of LGBTI persons and their defenders in South Asia by strengthening the impact and influence of organisations, advocates and movements working to advance the rights of LGBTI persons in the region; and by holding the South Asian states accountable for these rights.

ABOUT THIS REPORT

Every year, we begin our report with reference to rising repression, clampdown on civil society, increased restrictions on foreign funding, attempts to make human rights a dirty word, religious extremism, the labelling of political dissent as anti-national and seditious, and increased hate crimes. This situation continues. This silencing is an attempt to deprive LGBTI of their right to organize. We continue to see endemic violence: murders, rapes, physical assault, arbitrary arrests and other severe forms of violation and systemic discrimination despite global human rights declarations and national commitments.

LGBTI persons are punished for who they are and attacked for who they love in a predominantly homophobic social space. They are punished with violence and discrimination for their non-conformance to norms of “masculine” and “feminine” and for their suspected sexual conduct. “Culture” as a monolithic realm of civilizational values becomes the precinct where political rhetoric, nationalism, and religious intolerance combine to exclude sexual and gender minorities.

Most countries in South Asia continue to have colonial-era “sodomy” laws in place, effectively criminalizing consensual homosexual conduct. Pakistan has a second layer of religious laws against homosexuality in place, called the Hudood Ordinances, that makes it the only country in the region which enforces whipping and death penalty for homosexuality. Despite the legal status and the positive legislations regarding transgender rights in some parts of South Asia, laws are still in place

against ‘indecent’, ‘public nuisance’, ‘unnatural sex’ and sex work, that allow widespread police harassment of sexual and gender minorities.

On a positive note, sexual and gender minorities’ social status is consolidating slowly, with transgender rights progressing at a faster pace than the rights of sexual minorities. This consolidation is a result of a concerted effort of grassroots movements in South Asian countries, led by Community-Based Organizations (CBOs). However, the technical and financial support for these CBOs has primarily been within the framework of responses to sexual and reproductive health needs, with relatively minimal investments for direct work on human rights. Hardly any effort has been made until now in strengthening the research capacity of grassroots level organizations. This has led to an acute paucity of data for evidence-based advocacy work. SAHRA - The South Asia Human Rights Association of People Marginalised because of their Sexualities and Gender Identity/Expression, aims to address this gap through supporting documentation of human rights violations on the basis of sexual orientation and gender identity/expression, which could then be leveraged upon by various organizations to analyse and generate evidence for their in-country advocacy initiatives.

This report, the fourth in an annual series, presents a regional and country analysis of 512 cases of human rights violations recorded from sexual and gender minorities in 2019 in five of the South Asian countries: Bangladesh, Bhutan, India, Nepal and Pakistan. The report captures only those violations that

have been triggered on account of the sexual orientation and gender identity / expression of the victims. This lens makes the report probably the first of its kind at the South Asia level and contributes to filling a gap in the available research and official records on the human rights violations experienced by sexual and gender minorities. SAHRA believes that this report will strengthen the impact and influence of organisations, advocates, and movements working to advance the rights of persons who are marginalized due to their sexualities and gender identity/expression in the region, and thus contribute towards an increase in the protection, promotion and fulfilment of the human rights of lesbian, gay, bisexual, transgender, and intersex persons and their defenders in South Asia.

DATA COLLECTION METHODOLOGY

NGOs, CBOs, designated staff members and volunteers have been trained on human rights violation documentation in all SAHRA countries. They come to know about human rights violations through their other engagements with the community, or through active outreach (focus group interviews, documentation events, community engagement forums, social media campaigning etc.) and report cases to a designated SAHRA country officer in each country. Cases are also reported through the media, social media or connections with other human rights movements.

Wherever possible, the information is verified through interviews with the victims. When available, the victims' accounts are verified through documentation such as medical records, media clips, photographs and witness statements. Basic descriptive statistical tools have been used alongside bi-variate analysis of some variables to identify trends.

DATA LIMITATIONS

All trends presented here are valid only for project data and should at the most be interpreted as indicative of larger picture, bearing in mind that the sample size per country is not large enough for any statistical inferences and hence should not be considered as a representative picture of the human rights violations faced by sexual and gender minorities in South Asia as a whole. Drawing country specific inferences from a data set demands the sample to be randomly selected from a sampling frame where every element in the sample has an equal probability of being selected. This is not possible as the data used for this report is from cases of human rights violations that are documented as they get known to the SAHRA team through their networks, and therefore is more a function of data collection and outreach strategy than a representation of the sample frame. Therefore the data is likely to have a strong bias.

This report presents only a few of the millions of human rights violations cases in South Asia. Only one CBO per country (two in India) do not have the resources to collect more than a small sample, and only the victims connected in some way to that CBO will know how to report. In addition, victims and witnesses are often unwilling to report human rights violations. This unwillingness stems from concerns for personal safety, trauma, fear of re-traumatisation, fear of being booked under archaic laws which criminalizes same-sex sexual activity, the normalization of violence against sexual and gender minorities, a lacking understanding of their rights and of redressal mechanisms, and lacking incentives to report without any remuneration or reward. The voices of the most marginalised communities are most likely underrepresented.

AT A GLANCE

BANGLADESH

Section 377 of the Bangladeshi penal code punishes “carnal intercourse against the order of nature” by up to life imprisonment. The government has taken some positive steps in recent years, such as declaring legal recognition of a third gender category for hijras. However, implementation has been fraught as mandatory medical examinations have resulted in abuse. Sexual and gender minorities continue to fear for their safety amid a climate of impunity for attacks on minorities by religious extremists.

BHUTAN

Bhutan’s penal code punishes “sexual conduct against the order of nature” with one month to one year in prison. The lower house of parliament voted on June 7, 2019, to repeal sections 213 and 214 of the 2004 criminal code, which made “unnatural sex” illegal. Before being sent to royal approval, the bill needs to pass the parliament’s upper chamber.

INDIA

In September 2018, India’s Supreme Court struck down section 377 of India’s penal code, decriminalizing consensual adult same-sex relations. The ruling followed decades of struggle by activists, lawyers, and members of LGBT communities. The court’s decision also has significance internationally, as the Indian law served as a template for similar laws throughout much of the former British empire. In August 2019, the lower house of parliament passed the Transgender Persons (Protection of Rights) Bill, 2019. Rights groups criticized the proposed law for failing to provide full protection and recognition to transgender people. The bill is unclear on a transgender person’s right to self-identify, which India’s Supreme Court recognized in a landmark judgment in 2014. Its provisions are also contrary to international standards for legal gender recognition.

NEPAL

The constitution recognizes the rights of sexual and gender minorities—including by legally recognizing a third gender category based solely on self-identification. However, the new civil code, which came into force in 2018, only recognizes marriage rights as being between a man and woman.

PAKISTAN

In a major development, Pakistan’s parliament in May 2019 passed a law guaranteeing basic rights for transgender citizens and outlawing discrimination by employers. The law grants individuals the right to self-identify as male, female, or a blend of genders, and to have that identity registered on all official documents, including national identity cards, passports, driver’s licenses, and education certificates. However, Pakistan’s penal code criminalizes same-sex sexual conduct, placing men who have sex with men and transgender women at risk of police abuse and other forms of violence and discrimination. According to the local group Trans Action, 479 attacks against transgender women were reported in Khyber Pakhtunkhwa province alone in 2018.

REGIONAL FINDINGS

In 2019, the SAHRA network reported 512 cases of violations. For the first time in all these years, Pakistan reported the highest number of cases (202), followed by 122 cases from India, 113 cases from Nepal, 65 cases from Bangladesh and 10 cases from Bhutan. Sri Lanka did not document any cases this year.

The total number of cases recorded are just the tip of the iceberg; the large majority of the violations remain unknown, unheard and therefore unreported. Over the last 10 years, the environment within which cases are documented continue to remain repressive. State responses towards creating a more enabling environment remain wanting, while fearless voices continue to champion the cause and explicitly advocate for their rights in different countries. Such voices co-exist with a vast majority of community voices that remain petrified by repressive laws, suppressed by prejudiced society and silenced by the might of the religious and fascist forces in a predominantly heteronormative space. While we see some positive reinforcement in the macro environment in a few countries, they do not seem to have percolated to the grassroots level where the plight of victims remains the same.

TYPES OF VIOLATIONS

All people who fall in under the LGBTI umbrella report human rights violations cases, ranging from the most severe violations to forms of violence and discrimination that would seem trivial were it not for their persistence and insidiousness. Transwomen continue to report the most instances of viola-

tions. Almost 63% of the cases documented are of violations suffered by transwomen, followed by gay men (23%), lesbian women (6%) and transmen (4%) and. In addition there were violations reported by 8 bisexual women, 5 bisexual men and 4 intersex persons.

Cases reported over the years have consistently pointed to the reality that visibility and low social status of transwomen contribute to their increased vulnerability. This not only explains their predominance in the reported cases, but is also indicative of successful communitisation strategies around transwomen in all the countries. The lack of reports from lesbian and bisexual women suggests that in particular, social structures impede women to report violations and access support.

AGE OF VICTIMS

Human rights violations affect victims of all age groups, yet we continue to see young people disproportionately affected. 46% of the victims are in the age group of 14-25 years and 45% between 26 and 35 years.

In 1 out of every 2 reported rape case, almost 1 out of every 3 reported sexual harassment case and almost 1 out of every 2 reported physical assaults case, the victims are between 14-25 years. The story of the spiral of exclusion, poverty and violence catching from a young age refuses to change.

This is a continued case for greater investments in working with and empowering the younger LGBTI by building

appropriate support systems that are responsive to their challenges. Accounts of the youngest victims show the bankruptcy of human values in all countries.

- 15-year old transgender sex worker in Pakistan is brutally raped and physically assaulted in a public space.
- 17-year old transgender in Bangladesh is sexually harassed and physically assaulted by a neighbor.
- 16-year old gay student in Bhutan is blackmailed through a fake Facebook account.
- 17-year old gay student is raped in his home in India.
- 16-year old transgender in Nepal is evicted out of her house by her own family.

The old are not safe either. We have seven documented cases of victims above the age of 50, the highest age being 60. One of these is from India and three each from Pakistan and Nepal. Even at this age they have suffered from gross violations like rape, physical assault and unlawful arrest.

SOCIAL STATUS OF VICTIMS

Victims of human rights violations are found in every social stratum, but the types of violations differ. The majority of the victims have primary education (29%) and higher education (29%). 23% had secondary education and 18% of the victims had higher education.

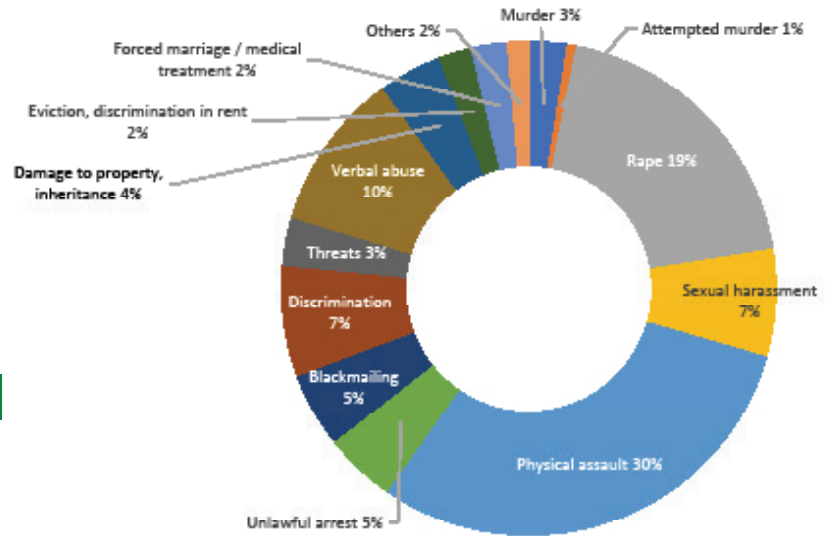
Consistently, we see an over-representation of sexual and gender minorities in sex work. 29% of victims are sex workers. Marginalisation of transgender women leads to reduced employment opportunities. Almost half (41%) of the transgender

women in our sample are sex workers. First-hand accounts of victims indicate that because of the link between being a trans woman and being a sex worker, the police harass trans women on suspicion of being sex workers. Even where sex work is not criminalised, sex workers are common suspects for petty crimes like theft. Insights into the data clearly indicate that decriminalization of same sex relationships is an essential step but in itself it may not be adequate, unless larger challenges related to stigma and discrimination remain unaddressed. In Nepal, where same-sex relationships are not criminalized, discrimination and stigma still leave a disproportionate number of LGBTI persons with little choice other than sex work.

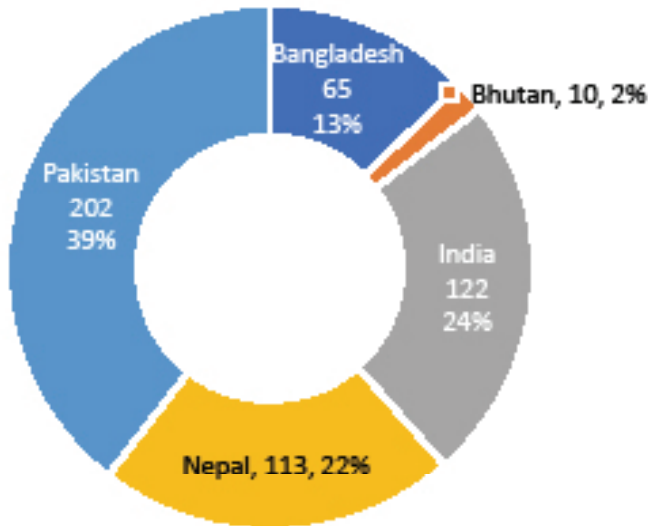
30% of victims are private enterprise workers, followed by students (12%) and NGO workers (7%). 5% of the victims are unemployed, 13% per cent were employed in professions that did not fall in any of the above categories and in 4 per cent of the cases, the profession was unknown.

The overwhelming majority of victims (82%) are unmarried. Anecdotal accounts reveal high pressure from families and the society to get married. This leads to coercion tactics by families that at times borders on physical assault, verbal abuse and mental torture. The predominantly heteronormative South Asian culture stigmatizes remaining unmarried, while failing to provide the option of same-sex marriage. Society and governments fail to realise that marriage is a human right and not a heterosexual privilege.

VIOLATIONS BY CASE:



VIOLATIONS BY COUNTRY:



VIOLATION BY TYPE:

Human rights violations by type	Lesbian /bisexual Women	Gay men	Trans Women	Trans Men	Bisexual Men	Intersex	TOTAL
Murder	0	-	13	-	-	-	13
Attempted murder	0	-	3	-	-	-	3
Rape	0	40	54	2	3	-	99
Sexual harassment	1	8	27	-	-	-	36
Physical assault	10	30	106	6	-	3	155
Police custody / absence of fair trial	0	-	-	-	-	-	0
Unlawful arrest	0	2	20	2	-	-	24
Blackmailing / outing	6	9	7	2	1	-	25
Discrimination, denied service / job	2	4	28	3	-	-	37
Threats	4	4	7	-	1	-	16
Verbal abuse	9	16	24	4	-	-	53
Damage to property/inheritance	0	3	18	-	-	-	21
Eviction, discrimination in rent	0	1	9	1	-	-	11
Forced marriage / medical treatment	6	2	1	2	-	1	12
Others	0	1	5	1	-	-	7
TOTAL	38	120	322	23	5	4	512

OPENNESS OF VICTIMS

Disclosure of one's sexual orientation, gender identity and expression remains risky, but so is non-disclosure. The share of the total violations documented that are experienced by those who are open or "out in the public" about their sexual orientation and gender identity and expression (SOGIE) has increased from 29% in 2018 to 38% (193 out of 512) in 2019. Whereas this could possibly be due to increased number of cases from smaller towns and rural areas resulting from outreach beyond the cities, the possibility of strengthening communitization, collective community voice and in-country advocacy efforts cannot be ruled out.

The share of those who are "out" to some extent (either to most people or to some people) has increased from 61% in 2018 to 91% in 2019. In only 9% of the cases, victims were not out to anyone about their SOGIE. Approximately 85% of those who are "out" in public or "out" to some extent are unmarried.

Sexual and gender minorities who are open about their sexual orientation or gender identity are reporting a greater number of human rights violations, but even those "not out" have suffered from sexual harassment, rape, unlawful arrest and physical assault. Since the numbers of violations reported from those who are not out are too low (only 55 out of 512 cases), any observation on the difference in violence patterns between the two categories would not be appropriate. We see instances of the most serious violations in both the categories.

THE PERPETRATORS

Families, friends, neighbours, relatives, workplace and even the police hardly leave any social space that the sexual and gender minorities can feel safe in. This shrinking social space silences many people in the LGBTI population. This silence further leads to lack of reporting, and thus contributes to dearth of data and evidence for influencing systemic corrective measures. This vicious trap provides a breeding ground for the prejudiced to continue perpetrating.

Families, including partners of choice, were the perpetrators in 26% of the cases. As in previous years, the home does not constitute a safe space for the LGBTI population. States continue to play a mute spectator to oppressions from the police and law enforcement agencies. In 10% of the cases, the perpetrators were the police. In a social milieu where families and the state contribute to increased vulnerability of LGBTI population, it is no surprise that strangers constitute 29% of the perpetrators. Public space is not safe either. Perpetrators in the remaining 35% of the cases hail from almost all other constituencies in the society, including clients, supervisors, neighbours and service providers (health facilities, schools/colleges, landlords). Therefore, in almost 3 out of 4 cases the place of incident was either victim's home (37%) or public open places (27%) or hotels /restaurants (10%).

POLICE REPORTS

We see an erratic trend in the share of cases that go completely unreported. In 2019, unreported cases constitute 54% of the total violations, as against 37% in 2018 and 69% in 2017.

The share of cases that are reported to the police continue to remain low at 15%, almost at the same levels as the previous years. 27% (21 of 77) of the victims who went to the police were further victimized. Victimization was in the form of cases being outright rejected (14%), further abuse and blackmail at the hands of the police (5%), illegal detention (5%) and also the police demanding sexual favors and bribes (3%). We see an improvement over previous years in the police accepting cases as a share of total cases that reported to them (68% in 2019 as against approximately 55-56% in the previous two years).

The stories of those who did not report at all leaves much for the state and the civil society to ponder. We see a normalisation of rape and physical assault within the LGBTI community as such crimes are often not deemed serious enough to report. Whereas it is the responsibility of the state to ensure that its law enforcement officers are sensitive and uphold human rights, civil society activists need to have more focused outreach strategies to ensure greater awareness about reporting.

81% of total cases reported to the police were of murder, attempted murder, rape, sexual harassment, physical assault and unlawful; arrest. Almost 63% of the cases reported to CSO/ NGO were of rape, sexual harassment, physical assault, unlawful arrest and various forms of discrimination.

54% of the total cases documented were not reported anywhere. A large majority (68%) of the unreported cases are for heinous crimes like rape, sexual harassment and physical assault. It is a travesty of justice and a mockery of constitutional rights if more than half the victims do not find the environment enabling even to file a complaint against clear human rights violations. The distrust in the police continues to be a cause of

serious concern that questions the governance fabric of all the South Asian countries. This further substantiates the need to remove the laws that criminalise LGBTI persons.

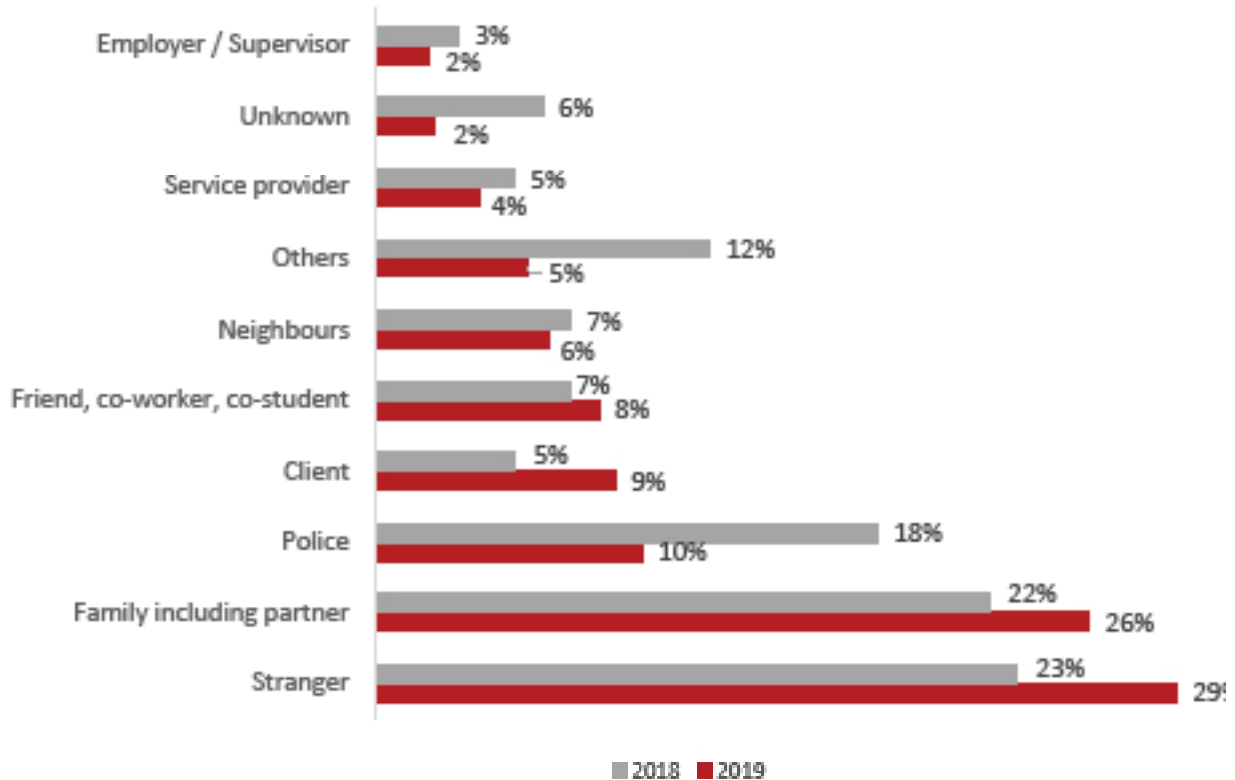
SUMMARY

The existing heteronormative structures and mindsets seem to legitimise human rights violations against sexual and gender minorities. Existing civil and criminal laws are clearly inadequate to deter the perpetrators. Whereas murder, rape and sexual harassment outrage humanity, the state remains comatose. For them, the numbers are probably too inadequate to act.

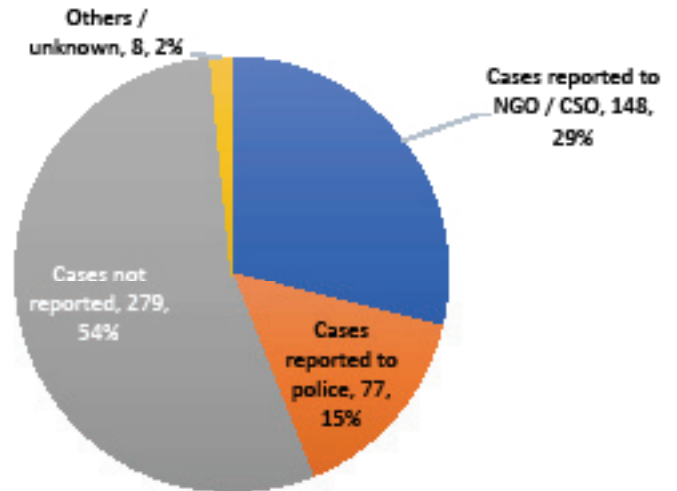
9 murders in Pakistan, 3 attempted murders in Nepal, 64 rapes in Pakistan or 50 cases of physical assault in India: these numbers may not be sufficient for this featuring in the political discourse, but the numbers in this report are but a tip of the iceberg. Lives are being lost, and those that manage to survive go through unfathomable collateral damage, that is at the same time social, psychological and economic in nature. Discrimination is widespread – in health facilities, educational institutions and workplaces as well.

Judging by the extent of impunity with which they perpetrate violence, perpetrators seem to believe that it is their right to violate because of the SOGIE of the victims, despite the existence of general laws that prohibit such acts. It is a reflection of times where the governance structures and judicial system are rendered insignificant by their inaction. Responsive laws are essential, but not adequate. Where is the accountability?

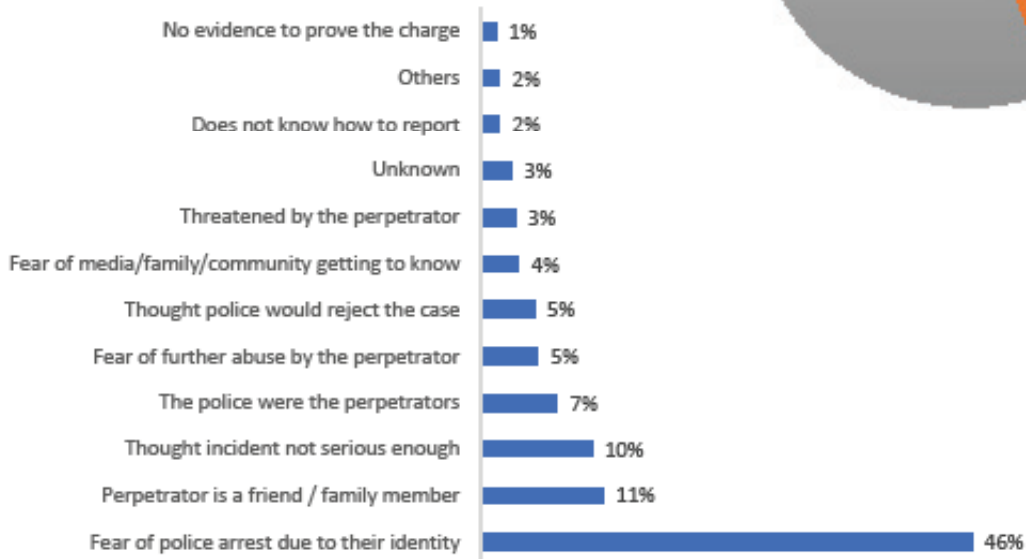
RELATION BETWEEN THE PERPETRATOR AND THE VICTIM AND THE VICTIM



CASE REPORTING



REASON FOR NOT REPORTING



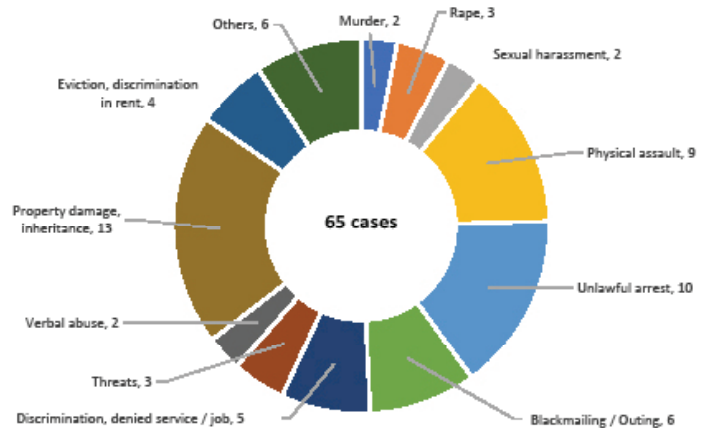
BANGLADESH

Homosexuality is criminalized in Bangladesh under Section 377 of the Penal Code. Criminalisation in a conservative social environment along with religious prohibitions lead to a range of vulnerabilities for the SOGIE population.

The Government of Bangladesh's outlook is evident from its opposition to the United Nations resolution condemning death penalty for same-sex activity in 2017. However as a positive move, an anti-discrimination bill is drafted and is under consideration by the Cabinet. If passed and enforced, this bill is likely to be a tool for safeguarding the security and dignity for gender minorities. The Government has also made a provision for 'other' gender category in national ID and passport application forms.

In 2019, the National Human Rights Commission (NHRC) recruited two transgender women and one transgender man as staff. The NHRC was also part of a recently concluded study on Legal Gender Recognition that was led by Bandhu Social Welfare Society. A major objective of this study was to map the current status of LGBTI population in Bangladesh vis-à-vis law, rights, policy and practice.

The Human Rights Forum Bangladesh, a coalition of 19 civil society organizations, are also advocating with the government to accept and take actions on the LGBTI recommendation from the latest Universal Periodic Review (of 2018).



DATA HIGHLIGHTS

- The overwhelming majority (95%) of the total cases documented are of victims under the age of 25.
- 92% of the victims are transwomen, 8% are transmen.
- Victims in 4 out of every 5 cases documented were open about their SOGIE to some extent.
- The most common types of violations include physical assault, unlawful arrest and damage to property. Instances of rape and sexual harassment have also been recorded.
- Of the 65 cases documented, only 6 victims reported to the police. 40 of them (62%) brought their cases to a CSO/ NGO, of which 78% were resolved through alternative dispute redressal mechanisms.

- 10 of the 13 victims did not report the violation anywhere due to fear of further abuse by the perpetrator and the police, a perceived lack of evidence to prove the charge and not knowing how to report.
- Families (including spouses), neighbors, police and strangers are perpetrators in almost 70% of the total violation cases.
- 85% of violation cases documented took place either in a public space or at the victims' homes.

INTERPRETATIONS AND KEY MESSAGES

Human rights violations are wide-ranging. Physical assault, sexual harassment, rape and property/inheritance issues are the most common forms of violations experienced by LGBTI people. Social prejudices cannot assume greater priority over constitutional safeguards available to all citizens of Bangladesh, including the LGBTI population. Civil society including the media has to develop innovative messaging to the government. Young LGBTI persons seem to be the most affected. The majority of them are transwomen. There is a need to leverage in-country interventions for the younger population in the health, social development and livelihood sectors in Bangladesh.

The positive effects of third gender recognition in Bangladesh on the lives of transwomen are not fully visible. There subsists an atmosphere of fear against law enforcement agencies. In-country advocacy efforts and capacity building interventions with law enforcement agencies need to prioritise the challenge of police apathy towards LGBTI victims.

Whereas the national level efforts of the NHRC are appreciated, a more concerted effort of the NHRC demanding increased accountability of law enforcement agencies, especially the local police, is likely to have positive effects on the situation on the ground.

Stigma and discrimination against the LGBTI population is widespread despite more than two decades of activism on this issue and despite a few visible efforts of the government at the national level. Violations are occurring in public places as well. A multi-sectoral concerted out-of-the-box effort is needed to create safe public spaces for marginalised communities.

Civil society efforts towards mediation and facilitating community's access to alternate dispute redressal mechanisms available within the country have good potential and should be further strengthened.

And finally, it is time that the national government's response should expand beyond transgender communities to include other identities and expressions within the LGBTI umbrella.



FROM GROUND ZERO IN BANGLADESH

A TRANSWOMAN BURNT TO DEATH

Monisha, a transwoman, had a fight with the son of a local influential politician's son Sultan while she went for her routine ritual of begging in a local market in Cumilla district. Later, Monisha was summoned to Sultan's house under the pretext of amicably resolving the issue. All present at Sultan's started blaming and abusing Monisha - it appeared all pre-planned. In frustration, Monisha resorted to slang language. In retaliation, Sultan poured kerosene all over Monisha and set her on flame. She was screaming in pain. None came to her rescue. She was later taken by a few local people to a hospital and they informed the hospital authorities that this was a case of attempted suicide.

Hospital authorities refused to admit her without police verification. In the meantime Monisha's mother was informed and she arrived at the hospital. In deep shock, Monisha's mother brought her to Dhaka in that condition for treatment. Within days Monisha succumbed to her burn injuries.

When Monisha's mother tried to file a complaint in local police station, the police submitted that Monisha tried to commit suicide, and tried to cover up for the perpetrators. The mother realised that police would not help her. She is trying to file a formal suit and simultaneously receiving threat threats from the perpetrators. She is determined to fight for justice for her daughter who is no more.

5-YEAR OLD INTERSEX FORCED THROUGH REPEATED SURGERIES BY HER PARENTS TO "CURE" HER INTO A BABY BOY

Robi used to live in Patuakhali, Bangladesh. Robi is an intersex person, which her family identified immediately after her birth. Fearing social ignominy, the family's instinctive response was to hide the child from all relatives and neighbours. They moved residence as well to avoid being socially shamed.

Robi recalled that at the age of 5, she was first examined by a doctor, and initially the doctor prescribed a few medicines. After a few months on seeing no change, Robi was taken by her parents to the same doctor. This time, the doctor recommended a surgery. When the doctor informed the parents that Robi was born with both male and female sexual organs and they can keep only one of them, immediately her parents decided that they wanted a son. At that tender age of 5, Robi underwent a surgery, that was followed by four more surgeries. None were concerned about the physical and mental trauma that Robi was experiencing. Whenever any guests used to visit home, Robi was locked in a room.

As Robi grew older, in utter frustration and disgust she decided to leave behind her family and home, and moved to Dhaka. Her family never contacted her. Robi is still struggling, but she chose to live alone rather than being an unwanted child in her own family.

BHUTAN

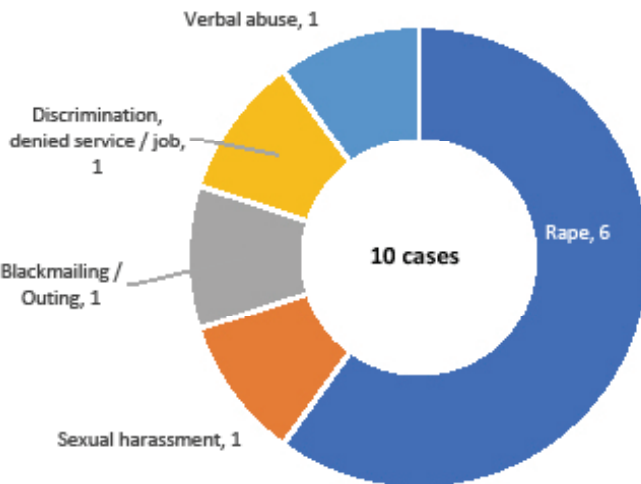
LGBTI people continue to face stereotypes amidst growing progress in the country. Stigma associated with these stereotypes often prevents LGBTI individuals from openly expressing their SOGIE and from reaching out to LGBTI networks. LGBTI rights movement in Bhutan is in its formative stages within limited reach as of now.

The year 2019 was a milestone in the history of legislative change in the country. The National Assembly (Lower House) of Bhutan revoked Sections 213 & 214 of the 2011 Penal Code of Bhutan which criminalized consensual same-sex activity between consenting adults. During the summer session of the National Assembly, the Finance Minister proposed to the Legislative Committee of the House to review Sections 213 & 214 during the 2019 Penal Code Amendment Bill. The bill needs to be passed by National Council (Upper House) to become a law. If it does, sexual and gender minorities in Bhutan will have achieved a major milestone in their struggle towards equality.

The overall attitude and perception of the society towards LGBTI individuals have improved. Much unlike other countries in the region, the media continues to report sensitively and accurately on LGBTI news and issues in the country.

Bhutan received a total of 16 recommendations related to LGBTI during the third UN Universal Periodic Review in May 2019. Out of the 16 recommendations received, one was accepted and 15 were noted.

Bhutan's first and only LGBTI network, Rainbow Bhutan: "Celebrating Diversity", receives national support for its advocacy activity by the local administration, government agencies and CSOs in the country. The national advocacy activities are being supported through Lhak-Sam, a national organization for people living with HIV. Rainbow Bhutan continues to work with the Ministry of Health in areas mutual interest like HIV and adolescent health.



DATA HIGHLIGHTS

- 10 human rights violation cases against LGBTI were documented in 2019, out of which 6 of them were rape cases.
- Eight of these cases documented were from victims between 14 and 25 years of age.
- 6 of these victims were raped, of which 4 were gay men.
- In 4 of these rape cases the victims were out to some extent about their sexual orientation and gender identity.
- No complaints were filed anywhere for 8 of these 10 cases. None of the rapes were reported either to the police or to NGO/CSO.

INTERPRETATIONS AND KEY MESSAGES

LGBTI Individuals who are as young as 14 years old face violations due to their SOGIE. Visibility is often seen as a sign of growing acceptance in society but it also increases the risk of vulnerability to violence.

Cases do not get reported to the police because the victims either do not know how to report, or do not believe the incidents are serious enough. This remains a predominant reason over the years for not reporting any cases.

Lesbian and bisexual women are either underrepresented or repressed. Like in other South Asian countries, patriarchal norms limit women's social spaces and increase their vulnerability to violence and limit their expression of

sexualities due to unrealistic expectations from family and society.

Discrimination in accessing employment, violence against transwomen and sexual abuse of young men remain significant challenges without access to proper support mechanism.



FROM GROUND ZERO IN BHUTAN

BLACKMAILED AND RAPED FOR MORE THAN A MONTH BY 2 MEN

Pema is an 18 year old young gay man who met another gay man on a dating app. They were dating online for a while and exchanged personal information along with some pictures which included Pema sharing one of his full nude pictures. Things went well for a while between them, until Pema was asked to meet the man for a date. Pema initially refused, but was blackmailed and coerced. Pema was told that the other guy would upload his nude pictures if he didn't concede.

Upon meeting at the hotel, Pema saw that the other guy had brought a friend too. Pema realized that he had no other option but to submit to both men as he believed his image in the society was more important than his personal wellbeing. Both men raped him. The blackmailing didn't stop, neither did the rapes – this continued for more than a month. Pema finally decided to quit social media and changed all his contact information. Pema has not been approached by the man for a while, but he fears that he may still be blackmailed if the other guy finds out his contact details.

5 YEARS OF RAPE AND THE FEAR OF MORE

Karma, an effeminate young gay teen, lived in a small community while he was studying in primary school. He had a neighbour who was also young and studying. His neighbour would often call him to play outside and then took him to his place and had sex with him. Often, his neighbour would blackmail him for sex and threaten to kill him. Although Karma thought of telling his family, he was threatened not to speak. The horror of repeatedly being raped continued unimaginably for almost 5 years. It stopped only after the family moved to another place.

As a student, Karma and his family had a small tradition of visiting his village during the holidays. Those are the times when families usually came together for gathering. Most of his family, immediate and far family members would also be there during those times. He had a cousin who was working, who would always favour him with sweets, and would take him to places alone. Karma did not realize what was happening and all he could do was simply succumb to his cousin's demands. His cousin would sneak into his bed whenever he got the opportunity and it continued whenever they had such a family gathering. He could not tell his family because his cousin told him not to and Karma does not want to bring shame to his family. It has continued over 4 years and Karma still fears that he will be raped if he meets his cousin at those family gatherings.

INDIA

Until September 2018, when India decriminalized consensual same-sex acts by a judgment of the Supreme Court, LGBTI persons had existed in a grey zone between legality and illegality. This resulted in activism around a narrowed down notion of rights for gender and sexual minority, primarily focused on violence by state and non-state actors.

The government in its present avatar is anti-LGBTI. This is manifested in various acts of commission and omission. Commissions include legislations that they have been brought about, exemplified by the Transgender Persons Bill (Protection) 2019. While purportedly for protection of trans persons, the bill actually takes away rights and entitlements like reservations, self-identity etc. that were already granted to trans persons under the Supreme Court NALSA Judgment of 2014. It also criminalises certain acts of violence and violations against trans persons with penalties that are less severe than for similar violations against others. This is a clear indication of the reduced value that the government accords to trans lives.

Omissions would include the non-compliance with clear directives given by the Supreme Court in various judgments. A majority of the states do not yet have Transgender Welfare Boards. The Judgment of the Supreme Court decriminalising Section 377 of the Indian Penal Code specifically directs the government of India to implement the Judgment in its letter and spirit. A year has passed, but the government is yet to take a single step to ensure better protection of LGBTI persons.

The government is also actively trying to push a surrogacy bill that would restrict the possibility of single LGBTI or LGBTI couples from having biological children. This is felt to be a wilful violation of the internationally protected Human Right guaranteeing the individual the option of forming a family.

Hope still remains that the courts, especially the higher judiciary, can play a role regarding the protection and promotion of LGBTI human rights. One example is the judgement passed by the High Courts of Delhi and Jammu and Kashmir decriminalising begging, which has taken many transpersons whose traditional occupation has been begging, out of the pale of criminality and thus out of consequential police atrocities and violations.

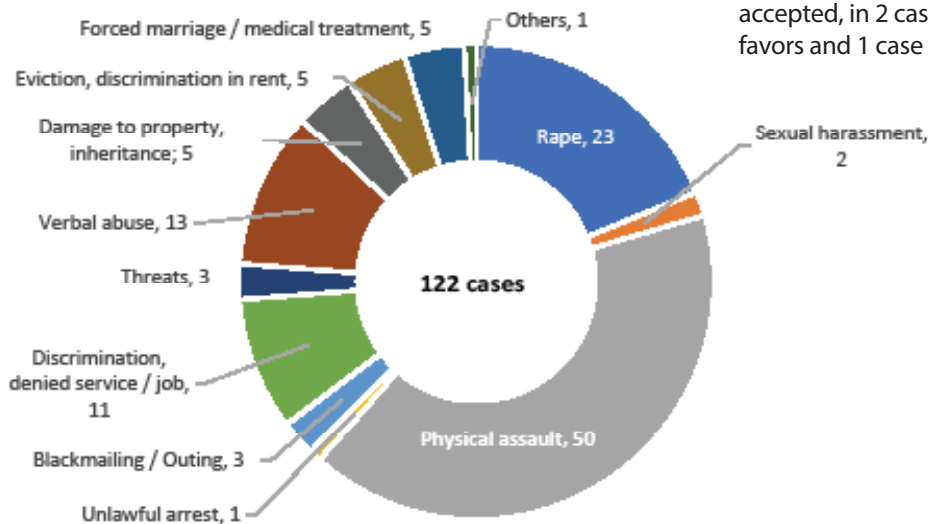
This supportive tendency of the court has encouraged the LGBTI community to actively seek out ways of engaging in strategic litigation for the protection and promotion of their rights. In the past year, LGBTI activists have held consultations regarding such possibilities. Equal rights to marriage, insurance, adoption, family pension, medical treatment, travel and other benefits, and protection from discrimination in the workplace, in educational institutions and in health are some examples of such strategic public interest litigations.

The National Human Rights Commission now has an LGBT Committee, that includes LGBT representatives. This committee is supposed to consider human rights violations against LGBT persons, and suggest policy measures to the government for the protection on promotion of their human rights. However, not much is available in the public domain about the work of this committee.

DATA HIGHLIGHTS

- In 122 cases documented, 87% of the victims are in the age range of 14-35 years.
- 25% of the victims have primary education, 33% have secondary education and 30% have higher education

- 61% of the reported cases are from trans women, followed by 33% of gay men and 2% from bisexual men and lesbian women
- In 87% of the reported cases, the victims are “out” in some form about their SOGIE.
- The most commonly reported violations include physical assault (41%), rape and sexual harassment (21%) and different forms of discrimination including denial of services and jobs (9%).
- Only 12% of the cases were reported to the police as against 51% of the cases that were reported to an CBO/ NGO/CSO.
- 35% of the cases were not reported anywhere. Of the cases not reported anywhere, 65% were instances of rape and physical assault.
- Of the 15 victims who reported to police, 10 cases were accepted, in 2 cases the police demanded a bribe/sexual favors and 1 case was rejected.



INTERPRETATIONS & KEY MESSAGES

Young LGBTI people continue to remain vulnerable to violence and human rights violations.

Victims engaged in sex work have an increased vulnerability to violence and human rights violations, as laws against sex work impede access to justice and creates impunity for the perpetrators.

There is an increasing trend of IT-enabled violations: perpetrators using Grindr and other gay dating apps to entrap and blackmail LGBTI persons, specifically gay men. In most of these cases, the police are a part of the entrapment, and filing complaints becomes almost impossible.

Perpetrators exhibit the greatest amount of impunity in subjecting trans women to physical assault. Most cases go unreported and there is almost no access to justice, despite the judgement for protection of trans rights.

We see a high trust deficit between victims and the police. Not a single case of rape or sexual harassment was reported to the police. Almost one of every three victims that reported to the police suffered different forms of re-victimisation by the police themselves, that included sexual abuse and illegal detention. In many cases the police are the perpetrators.

However, data clearly shows that victims are not averse to seeking mitigation or justice, as they have overwhelmingly approached CSOs/ NGOs for support. In spite of the Supreme Court of India decriminalising consensual same sex behavior, the police continue to act with impunity.



FROM GROUND ZERO IN INDIA

RAPE WITHIN A RELIGIOUS INSTITUTION

Often, religious institutions and/or religious leaders exercise a degree of power and control over LGBT individuals that facilitates their victimization while foreclosing any possibility of recourse to justice. This is exactly what happened to Anil, who is a male with feminized demeanor, and lives in a very conservative locality. One day after prayers at the local religious institution, two persons in control of that institution closed down access to that place of worship for everyone else, while asking Anil to stay back. They first gained the trust of by sympathetically asking him about his 'feelings'. When Anil innocently confessed his orientation to them, they turned around and threatened Anil with exposure to his family and to the locality at large. This within Anil's social milieu would have threatened his life. Thus gaining control over Anil on account of this vulnerability, these two persons proceeded to rape Anil. The incident was highly traumatic for Anil, and the possibility of being re-assaulted by the same individuals at a later date was highly likely. Given the social milieu, there was also virtually zero possibility of Anil reporting the matter either to the police or to anyone else. Therefore he was forced to find an excuse to leave the economic security of his family and leave that locality to move to another place. His trauma persists.

ENTRAPMENT OVER DATING APP LEADING TO RAPE

In the hyper nationalistic politics of India today, anything said against the uniformed services elicits an accusation of anti-nationalism. This gives impunity to servicemen to indulge in certain abuses against LGBTI and impedes any recourse to justice by the victims. It needs to be clarified however that often these abuses are works of individuals acting with impunity, rather than an institutionalized abuse by the services itself. This scenario is exemplified by the case of Ram who lives in a border area with high army presence. Ram was contacted by an army man over Grindr (a gay dating app), and they agreed to meet in a hotel. However at the said location Ram found that there were 7 army men present, who all proceeded to rape him. Given his social situation and the reality of the location where Ram lives, he has been unable to seek any form of justice other than to report his plight to some CBO activists. His psychological trauma and physical injuries/hurt at the incident has left Ram damaged. Yet the only thing he has actually been able to do is delete the Grindr app from his mobile, and turn into an introvert, refusing to socialise.

NEPAL

As Nepal adopts a federal system of governance, the incumbent governments at the federal, provincial and local levels have the responsibility to enact laws and policies that define and provide legal grounds to operationalize citizens' rights as enshrined in the constitution. The constitution of Nepal recognizes the LGBTI community as sexual and gender minorities and guarantees them right to citizenship, right to equality and right to social justice. However, these constitutional provisions have not been reflected in the laws and policies. As an example, a Citizenship bill, under discussion in the State Affairs Committee, surprisingly introduced requirement of medical proof for the gender minorities who wish to amend their existing legal gender.

Nepal supported the renewal of the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity in the 41th session of the Human Rights Council in 2019. This reflects Nepal commitment to LGBTI persons at the UN level. Nepal Prime Minister's office recently started consultation for the 5th five-year human rights action plan, which included the protection and promotion of the rights of LGBTI people. The National Human Rights Commission organized district consultations with the LGBTI community regarding the study on the constitution and its impact on LGBTI community. Further, the Central Bureau of Statistics of Nepal decided to include "other sexual and gender community" in the forthcoming population and housing census in 2021.

Local governments are showing keen interest in working for sexual and gender minorities by allocating municipality level budgets for the LGBTI community. The number of local level government agencies that allocated budgets for LGBTI community has increased from 13 in 2018 to 15 in 2019.

However, there is still a social stigma that forces members of the LGBTI community to refrain from asserting their SOGIE. Those who have done so continue to face discrimination at home, in schools, hospitals and work-places, as well as suffer various forms of harassment and violence in public and private spaces. Further, due to lack of policies and laws, the LGBTI community have not been able to enjoy constitutionally guaranteed privileges like reservation for minorities at all levels of the state, including civil services, academic institutions, security institutions, political appointments, among others. Despite legal recognition of sexual minorities, Nepal is yet to legalise same sex marriage, thereby denying a range of associated civil rights and privileges.

DATA HIGHLIGHTS

- Out of 113 cases documented in 2019, 87% of the victims are in the age group of 14-35 years.
- The majority of the victims are transgender women (78%), followed by transgender men (12%), lesbian women (4%) and gay men (4%). Only 1% of the documented cases were from bisexual women.

- 22% of the victims are involved in sex work. 36% of them are engaged in some form of private enterprise.
- More than 90% of the victims are out to some extent about their SOGIE.
- The top 5 violations that constitute 73% of the cases include physical assault, rape, sexual harassment, unlawful arrest and some form of discrimination. There were also 2 cases of murder.
- Transwomen have reported the most violations. All murders, attempted murders and rape cases reported were from transwomen. 92% of all sexual harassment cases, 73% of all physical assault cases, 91% of all unlawful arrest cases, and 71% of all forms of discrimination documented in Nepal were from transgender persons.
- 35% of the victims did not file any complaint anywhere and only 27% of the cases were reported to the police.
- Of the 31 cases that were reported to the police, 21 of them were accepted by the police for further action. On the other hand, 38% of the victims that did not report their cases feared that they would be arrested due to their identity or believed that the police would reject their case.

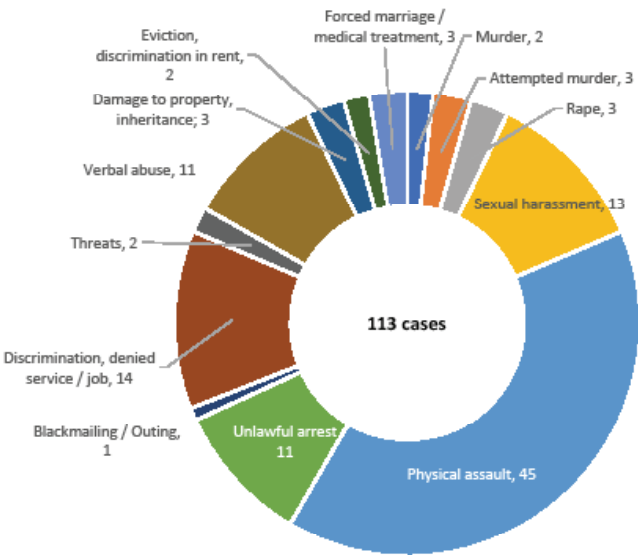
INTERPRETATIONS & KEY MESSAGES

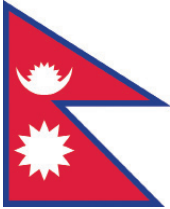
As in other South Asian countries, young LGBTI individuals are more at risk. This provides adequate evidence for increased investments in interventions for youth.

Transgender women continue to report the highest amount of cases.

There is a need for changing the LGBTI persons' perceptions about the police, as well as asserting pressure on the police force to respond more sensitively.

Little can be expected from the larger social space, if families including partners constitute 35% of the perpetrators. Though challenging, it is time to strategize interventions with families.





FROM GROUND ZERO IN NEPAL

TRANS WOMAN MURDERED IN HER HOME

Gurung, a 31-year old transgender woman living in Kathmandu, was murdered by her neighbor. A couple of days prior to being murdered, she was inside the restaurant when her neighbor (the perpetrator) showed up and started verbally abusing her with words like 'chakka' and 'hijra'. The neighbor and Gurung had sexual relationship in the past. It was an abusive relationship where Gurung was subjected to intense verbal and physical violence Gurung was compelled to contact the police. After the police's intervention, the neighbor assured Gurung that he would not contact her again, but the police did not file any charge against the neighbor.

But the neighbor's behavior did not change. He showed up at the restaurant again and on seeing Gurung started verbally abusing her. After verbal exchanges, the neighbor started beating Gurung again. Witnesses in the restaurant intervened to prevent the fight. Gurung was taken to the hospital by her friend with a severely bruised eye. She was discharged the same day.

Two days later, the perpetrator showed up at Gurung's home around 11 pm. He raped her, hit her on the head with a glass bottle, strangled her to death and escaped. The next morning, Gurung's body was found. The police was called. The suspect was arrested. After initial denial, he confessed to having committed the crime. When asked about his motive, the perpetrator said that he was drunk and believed that he could target Gurung as she was a transgender and therefore didn't have a steady relationship. He thought he had the license to abuse and torture Gurung as she was transgender. He had done so in the past and had gotten away with it. Gurung's brother filed a case against the perpetrator. The perpetrator was convicted of murder and sentenced to life imprisonment.

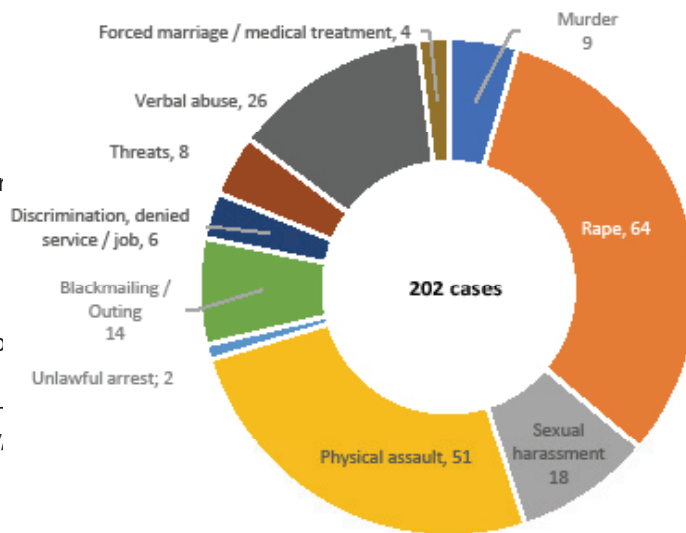
PAKISTAN

The Pakistani LGBTI community has been historically persecuted for their identities since colonization. Their marginalization has escalated with laws criminalizing homosexual relationships, labelled “Unnatural Offences.” The laws which affect and criminalize same-sex relations are Section 377 of the Pakistan Penal Code enacted in the 1800s and the Hudood Ordinance sharia-inspired laws from 1977.

After the passing of the Transgender Persons Act in 2018, the government has taken notice of transgender issues and developed policies to promote the welfare of the transgender community. One such initiative was established in January 2019 when the Ministry of Human Rights (MoHR) developed a National Implementation Committee for the Transgender Persons Act 2018. In May 2019, the MoHR employed its first transgender representative to advise them on issues related to the transgender community, embarking on projects such as sensitizing police officials on dealing with transgenders and including transgender women in their women’s center. Similarly, many other institutions have followed suit with transgender representatives being hired in the Pakistani Bait-ul-Maal in July and the Federal Income Support Program.

In April 2019, the Sindh police department announced a 2% job quota for the transgender community. Furthermore, the Punjab government developed their transgender persons welfare policy in 2018 followed by the Punjab government allocating rupees 200 million towards implementing the

policy in June 2019. The KPK Government included the transgender community in their public health insurance program in May 2019.



2019 has been a landmark year for LGBTI activism, with the first ever public demonstration by the LGBTI community in Lahore at the 2019 Aurat March (Women's March), in which pride flags and slogans in support of sexual minorities were openly chanted. The Lahore University of Management Sciences organized its first Queer Futures Conference with members of the LGBTI community. NAZ Pakistan organized the country's first PRIDE celebration event.

While the media has shown the LGBTI movement in a negative light in the past by scorning and ridiculing minorities, post legal recognition the media has shown a more positive shift in covering transgender issues. However, the LGB community still struggles for positive coverage. One LGBT group has started publishing a magazine titled "Outcast" in Karachi. Transgender-focused movies are also gaining interest in Pakistan with the release of a mainstream movie Rani and Darling in 2019. These movies garnered international and local acclaim from critics and audiences. Several other trans focused movies are currently under production.

DATA HIGHLIGHTS

- 202 cases of violations have been documented in 2019. In 49% of the cases, the victims are between 14 and 25 years old, and in 43%, the victims are between 26 and 35 years old.
- The majority of the victims (44%) have higher education, and 24% of them have either secondary or primary level of education.
- In almost all the cases (98%) the victims are out to some extent about their SOGIE.

- The majority of the victims are either sex workers (37%), engaged in private or individual enterprises (26%), NGO workers (13%) or students (11%).
- 49% of the victims are transwomen, 34% are gay men and 11% are lesbian women. The remaining 6% are transmen, intersex and bisexual women.
- The grave violations reported are rape (32%), physical assault (25%), verbal abuse (13%), sexual harassment (9%) and murder (4%).
- 3 cases of intersex people have also been recorded. All of them faced physical and verbal abuse by family, showing that family as a first institution of violence. In one incident, a person faced extreme level of violence, torture and forced captivity by the family.
- 87% (175 cases) of the complaints were not reported anywhere. Only 12% of the cases (25 of 202) cases were reported to the police.
- Fear of the police reigns supreme in the minds of the LGBTI people. The majority (71%) of the victims did not approach the police to seek justice. The most common reasons for not reporting to the police include fear of being arrested due to their sexual orientation and gender identity (58%), fear that the police would reject the case (6%) and in some cases because the police were the perpetrators themselves.
- Of the 25 cases that went to the police, 18 were accepted and 5 were rejected. In one instance the police abused and blackmailed the victim.
- 47% of the perpetrators were strangers and 27% of them were families and friends of the victim. In 8% of the cases the perpetrators were the clients, 7% of the perpetrators were the police and in 3% the employers and teacher of the victims.

INTERPRETATIONS & KEY MESSAGES

Sexual and gender minorities in Pakistan, especially the young, face a range of gross human rights violations. These cases of violence, triggered on the basis of their SOGIE, are violations of their human rights and several international obligations that Pakistan is a signatory to; these also reflect a violation of the constitutional rights of the citizens of Pakistan which guarantee dignity and equality to everyone.

There is no protection against discrimination on the basis of SOGIE in the constitutional framework, and legal recognition has not reduced violations faced by transwomen.

Gay men are vulnerable to rape. These numbers paint a bleak picture regarding the stigma faced by men who do not align themselves to the hetero-normative notions of masculinity, when it comes to sexual violence. None of these cases were reported to the police. There appears to be an urgent need for interventions with the police.

There is a need to increase civil society outreach to victims by offering crisis support. Feasibility of a legal or a social support helpline may be explored, like the model in Bangladesh.

Furthermore, almost no support mechanisms exist at societal or state level for rape victims, most of whom are treated with suspicion. This indicates not only a dire need for hate crime legislation and reform of criminal laws but also sensitization of police and judiciary regarding issues of sexual violence faced by sexual and gender minorities.



FROM GROUND ZERO IN PAKISTAN

INTERSEX WOMAN BRUTALLY TORTURED BY FAMILY

Sharmeen is a 24-year-old intersex woman from Gilgit, Pakistan. When she was born, Sharmeen's family was distressed about her genitalia but the doctor reassured them by saying that she would be normal once she goes through puberty. Her family blamed Sharmeen for bringing shame onto them and never accepted her as part of the family. She was verbally abused and physically assaulted since her childhood. She was never allowed to go out into public, not even for school. They confined her to her room and chained her up in a corner as punishment, often starving her for days.

When Sharmeen would ask to be released or plead for mercy she would be physical assaulted and verbally abused by her own family. Sharmeen lives in a joint family and her cousins and siblings have access to her room to berate her and physically violate her if they think she is acting out.

Her parents do not deter them nor do they feel the need to protect Sharmeen from violence; in fact, they believe she deserves it for who she is.

Intersex people in Pakistan are considered a curse and doctors force parents to approve gender reassignment surgery on their newborn babies. Intersex people who make it to adulthood face challenges like violence from their own families, homelessness, physical/sexual assault or worse: murder.

CONCLUSIONS

The consequences of human rights violations, including the direct and indirect psychosocial impact, are well documented. Human rights violations prevent sexual and gender minorities in South Asia from accessing education, employment and opportunities, and affect their potential to contribute to the society. With most of the violations faced by the LGBTI persons in the economically most productive age group, the impact on the economy at the micro and the macro levels cannot be underestimated.

Across South Asian countries, antiquated colonial laws on public morality are often used by the police to harass, blackmail or cause bodily/mental harm to LGBTI people. Intense stigmatization, ambiguity in the law and a stark absence of accountability mechanisms inhibit reporting crimes to the police.

Evidence from the South Asian countries shows that LGBTI persons are vulnerable to mental health disorders. We can relate this to range of violations documented in this report. Given the violence and discrimination experienced by each of the 512 victims, post-traumatic stress disorders are likely to be quite common among them. Whereas countries are gearing up their responses to non-communicable diseases and mental health issues and aligning the national responses to the Sustainable Development Goals (SDGs), across the South Asia region, we do not see any visible effort towards integrating these issues in our response towards protecting the human rights of LGBTI.

Upholding LGBTI human rights and advocating for sensitive laws and access to justice for the LGBTI populations can directly contribute to SDG 16 (Promote peaceful & inclusive societies for sustainable development, provide access to justice for all & build effective, accountable and inclusive institutions at all levels). Advocacy efforts of all SAHRA partners has the potential to contribute to both the results under this SDG (Result 16.1: Significantly reduce all forms of violence and related deaths everywhere; & Result 16B: Promote & enforce non-discriminatory laws and policies for sustainable development).

Without this, the LGBTI populations will remain excluded from the social mainstream.

With the adoption of the 2030 Agenda, UN Member States pledged to ensure that “no one will be left behind”. But if laws, policies and programmes are not addressed in pluralistic and inclusive manner, LGBTI people are destined to be excluded.

“We have to bid adieu to prejudices and empower all citizens,” said Dipak Misra, Chief Justice, Supreme Court of India in September 2018 on the decriminalization of homosexuality. Clearly a clarion call that legislations may be an essential part of the change process, but not adequate for complete transformation.

RECOMMENDATIONS

Based on the current social, political, cultural and religious contexts as well as the trends emerging from the documentation of human rights violations, SAHRA would like to submit the following recommendations:

TO GOVERNMENTS

- Acknowledge and accept the existence of the sexual and gender minorities in the country.
- Reform punitive laws, policies and law enforcement practices to protect the rights of people who are marginalised due to their sexualities and genders.
- Implement laws, judicial decisions and policies in order to recognise and fulfil the human rights of transgender persons.
- End impunity against those who commit violence and discrimination against sexual and gender minorities.
- Allow self-expression and self-identification of gender identities without insisting on intrusive medicalisation.
- Adopt inclusive approach in implementation of existing welfare policies.
- Allocate adequate resources for protection of human rights of gender minorities.

TO NATIONAL HUMAN RIGHTS COMMISSIONS

- Recognise that the rights of sexual and gender minorities are human rights, and integrate this group into your work.

TO FUNDING ORGANISATIONS

- Recognise the need to support the promotion of human rights for sexual and gender minorities and integrate this within your existing funding support for social development.

TO CIVIL SOCIETY ORGANISATIONS

- Recognise the rights of sexual and gender minorities within the human rights framework and development agendas.
- Develop an understanding of marginalisation, violence and discrimination that includes marginalised sexualities and genders.
- Collaborate with sexual and gender minority movements in the respective countries to demand for their recognition and the realisation of human rights.
- Integrate, where feasible, issues and programs for people marginalised due to their SOGIE in their work.

TO ACADEMIC INSTITUTIONS, ACADEMICS AND RESEARCHERS

- Build knowledge and scholarship on issues related to sexual and gender minorities that are led by and grounded in the realities of the community.
- Include age-appropriate content on gender, sex and sexuality into education curriculum at different levels.
- Ensure non-discrimination of people marginalised because of their SOGIE within academic institutions to improve their access to education.

TO THE MEDIA

- Highlight the human rights violations faced by sexual and gender minorities and sensitise the general public on marginalised sexualities and genders.
- Strive to imbibe rights-affirming principles when reporting on issues related to sexual and gender minorities.

TO FAITH-BASED ORGANISATIONS

- Recognise the human rights and human dignity of sexual and gender minorities.
- Advocate for the acceptance and inclusion of people who are marginalised because of their sexualities and genders within faith communities.
- Speak out against violence and enticement to violence by religious leaders.



SAHRA