

RESOURCES															
RESOURCES NHRIS RECEIVED TO INCREASE CAPACITY ON SOGI															
	Australia	Bangladesh	India	Indonesia	Korea	Malaysia	Maldives	Mongolia	Myanmar	Nepal	New Zealand	Philippines	Sri Lanka	Thailand	Timor Leste
UNDP and APF Grants received to increase capacity on SOGI	✖	✔	✔	✔	✖	✖		✔	✖	✔	✖	✔	✔	✖	✔
Training received to increase capacity on SOGI	✖	✖	✖	✔	✖	✔		✖	✔	✔	✖	✔	✖	✖	✔
RESEARCH															
NHRI RESEARCH ON SOGI/LGBT															
	Australia	Bangladesh	India	Indonesia	Korea	Malaysia	Maldives	Mongolia	Myanmar	Nepal	New Zealand	Philippines	Sri Lanka	Thailand	Timor Leste
Research conducted by NHRI on LGBT/SOGI issues/concerns	✔	✖	✖	✖	✔	✔	✖	✔	✖	✔	✔	✖	✖	✖	✖
NHRI "sponsored" research by LGBT on LGBT/SOGI issues	✔	✖	✖	✖	✔	✖	✖	✖	✖	✖	✖	✖	✖	✖	✖
NHRI disseminated/used research conducted by LGBT on LGBT/SOGI issues	✔	✖	✖	✖	✖	✖	✖	✔	✖	✔	✔	✔	✖	✖	✖
ADVOCACY, TRAINING & REPORTING															
NHRI ADVOCACY, TRAINING & REPORTING ON SOGI/LGBT															
	Australia	Bangladesh	India	Indonesia	Korea	Malaysia	Maldives	Mongolia	Myanmar	Nepal	New Zealand	Philippines	Sri Lanka	Thailand	Timor Leste
Advocated decriminalization of LGBT/SOGI issues	N/A	✔	✖	✔	N/A	✔	✖	N/A	✖	N/A	N/A	N/A	✖	N/A	N/A
Advocated non-discrimination against LGBT/SOGI community	✔	✔	✔	✔	✔	✔	✖	✔	✖	✔	✔	✔	✖	✔	✖
Trained government officials/ law enforcement on SOGI HR	✔	✖	✖	✔	✔	✖	✖	✔	✖	✖	✔	✔	✖	✖	✔
NHRI made public statements on SOGI/LGBT rights	✔	✔	✖	✔	✖	✔	✖	✔	✖	✔	✔	✔	✖	✔	✖
NHRI annual reports included SOGI/LGBT	✔	✔	✖	✖	✔	✔	✖	✔	✖	✔	✔	✔	✖	✔	✖
Reported to UN on SOGI/LGBT	✔	✔	✖	✖	✔	✔	✖	✔	✖	✔	✔	✔	✖	✖	✖
ENGAGEMENT															
NHRI ENGAGEMENT WITH LGBT COMMUNITIES															
	Australia	Bangladesh	India	Indonesia	Korea	Malaysia	Maldives	Mongolia	Myanmar	Nepal	New Zealand	Philippines	Sri Lanka	Thailand	Timor Leste
Initiated consultations and dialogue with LGBT groups/activists	✔	✔	✔	✔	✔	✔	✖	✔	✔	✔	✔	✔	✔	✔	✔
Participated in LGBT activities or events	✔	✔	✖	✖	✖	✔	✖	✖	✔	✔	✔	✔	✖	✔	✖
Promoted LGBT events	✔	✖	✖	✖	✔	✖	✖	✖	✖	✔	✔	✔	✖	✖	✖
Provided HR training and other resources to LGBT/SOGI groups	✔	✖	✖	✔	✖	✖	✖	✖	✖	✔	✔	✖	✖	✖	✔
MONITORING															
NHRI MONITORING AND INVESTIGATION OF LGBT/SOGI HR VIOLATIONS															
	Australia	Bangladesh	India	Indonesia	Korea	Malaysia	Maldives	Mongolia	Myanmar	Nepal	New Zealand	Philippines	Sri Lanka	Thailand	Timor Leste
NHRI has accessible and safe complaints mechanisms	✔	✔	✔	✔	✔	✔	✖	✔	✔	✔	✔	✔	✔	✔	✔
NHRI investigated complaints related to SOGI	✔	✔	✔	✔	✔	✖	✖	✔	✔	✔	✔	✔	✖	✔	✖
NHRI did monitoring of following:															
Police abuses	✔	✖	✖	✖	✖	✖	✖	✖	✖	✔	✖	✔	✖	✖	✖
Detention	✔	✖	✖	✖	✖	✖	✖	✖	✖	✔	✔	✔	✖	✖	✖
Media stigma	✖	✖	✖	✖	✖	✔	✖	✖	✖	✖	✖	✔	✖	✖	✖
Hate crimes	✔	✖	✖	✖	✖	✔	✖	✔	✖	✖	✖	✔	✖	✖	✖
Safety of LGBT in public events	✖	✖	✖	✖	✖	✖	✖	✖	✖	✖	✖	✔	✖	✖	✖
Discrimination	✔	✔	✔	✔	✔	✔	✖	✔	✖	✔	✔	✔	✖	✔	✖
NHRI publicized results of investigation	✔	✔	✔	✖	✔	✖	✖	✔	✖	✔	✔	✔	✖	✔	✖
Provided support in court cases (e.g. acted as a "friend of the court")	✔	✖	✖	✔	✖	✖	✖	✔	✖	✖	✖	✔	✖	✖	✖

INTRODUCTION

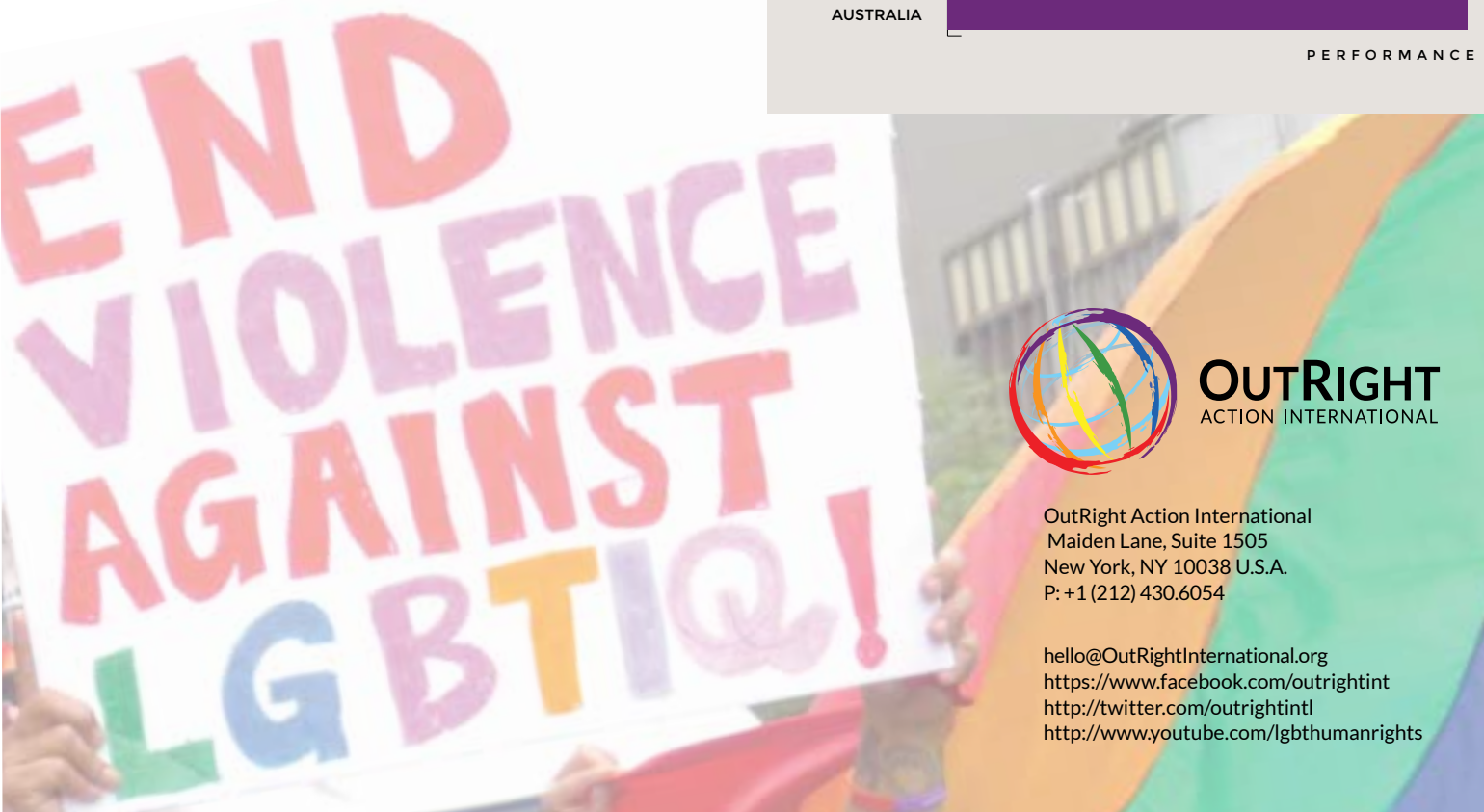
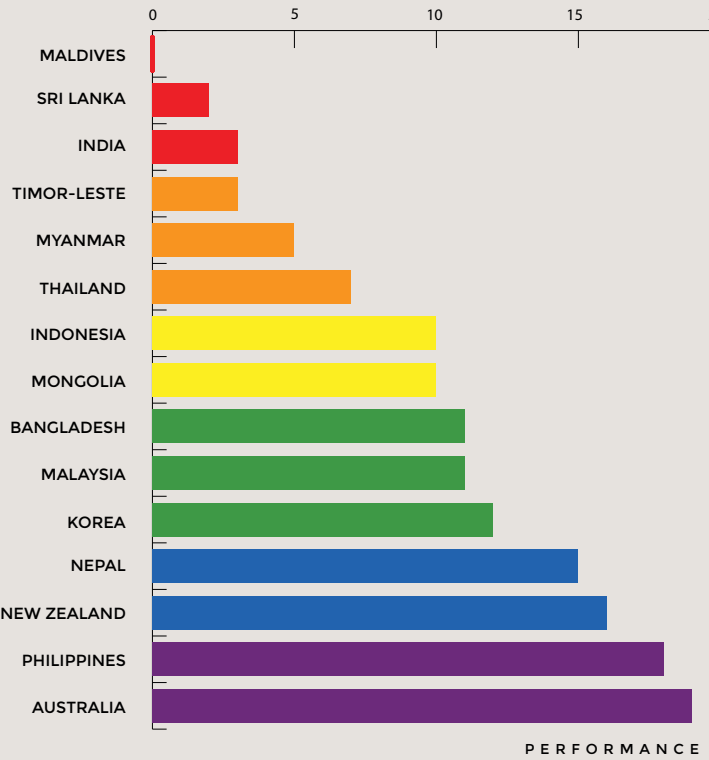
In 2010, the Asia Pacific Forum (APF)’s Advisory Commission of Jurists (ACJ) issued 60 recommendations on how National Human Rights Institutions (NHRIs) in the Asia Pacific region can incorporate sexual orientation and gender identity (SOGI) in their work. Some NHRIs had already begun this work prior to the APF’s initiative; others received capacity grants and training from the APF and United Nations Development Programme (UNDP) to take up SOGI issues.

OutRight Action International participated in the APF’s initiative by visiblizing to NHRIs the violations faced by LGBT people in the region. OutRight was also part of the team of LGBT human rights experts that assisted the ACJ in its deliberations on the interpretation and application of international human rights standards with regard to SOGI. This scorecard is a review of how effectively NHRIs have implemented ACJ recommendations between 2011 and 2016 and what contributions they made towards LGBT enjoyment of universal human rights. We have considered challenges posed by governments that are resistant to human rights for LGBT people while holding NHRIs to the standard of functioning as “cornerstones” of national human rights protection and promotion for *all* people—as outlined in the six criteria for NHRIs of the United Nations Paris Principles: clearly defined broad-based mandate of universal human rights standards, autonomy from government, independence guaranteed by

legislation or constitution, pluralism of membership, adequate resources to carry out mandate, and adequate powers of investigation.

For more information on the Paris Principles and the API regions’ NHRIs, please visit <http://www.asiapacificforum.net/support/what-are-nhris/paris-principles/>

PERFORMANCE RECORDS BY COUNTRY



OUTRIGHT
ACTION INTERNATIONAL

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hello@OutRightInternational.org
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<http://twitter.com/outrightintl>
<http://www.youtube.com/lgbthumanrights>

HIGHLIGHTS

The following examples are pulled out to illustrate different kinds of NHRI contributions towards protecting and promoting rights related to SOGI between 2010 and 2016. Some NHRI limitations in this regard are also noted. These highlights supplement the scoring of specific activities in the scorecard that OutRight identified as important—based on the ACJ recommendations.

AUSTRALIA

NATIONAL HUMAN RIGHTS COMMISSION

Regularly submits recommendations to courts on interpretation of laws, such as for High Court hearing on Gender Reassignment Act. In 2013 advocated for inclusion of SOGI in Sex Discrimination Act and educated public about the Act’s new SOGI provisions.

BANGLADESH

NATIONAL HUMAN RIGHTS COMMISSION (JAMAKON)

2015-2019 Strategic Plan includes LGBTI communities as vulnerable groups. In 2014 helped develop/submit Anti Discrimination legislation to Law Ministry and helped reinstate job of a gay employee fired for sexual orientation.

INDIA

NATIONAL HUMAN RIGHTS COMMISSION

Tends to focus more on HIV related concerns but in 2014 the Commission defended the right of transgender persons to receive welfare assistance, resulting in transgender in Tamil Nadu state receiving monthly pension payments.

SOURCES

Online reports, websites, and information furnished by LGBT activists. These included:

- ACJ Report: *Human Rights, Sexual Orientation and Gender Identity*
- NHRI annual reports
- Updates from LGBT activists in 11 out of 15 countries assessed for this scorecard
- UNDP 2013 and 2015 reports on role of NHRIs in promoting and protecting LGBTI rights in the Asia Pacific region.

ACKNOWLEDGEMENTS

This scorecard was produced by OutRight Action International.
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Researchers: Marielle Ray and Indira Saroha.
Design: Kathy Mills.

INDONESIA

KOMISI NASIONAL HAK ASASI MANUSIA (KOMNAS HAM)

Documented 24 cases of SOGI-related discrimination and violence between 2010 and 2012. Works closely with national LGBT organizations. Helped mediate with TV station that aired homophobic remarks during a reality show. In 2015 appointed a commissioner to head newly established minority desk that covers SOGI issues. 2015 - 2016 translated and launched Yogyakarta Principles in Indonesian. In 2016 publicly criticized crackdown on LGBT and called for government intervention. Notably, one commissioner in his personal capacity continues to publicly oppose rights for LGBT.

REPUBLIC OF KOREA

HUMAN RIGHTS COMMISSION

Receives complaints of SOGI based discrimination. In 2013 published guidebook on prevention of HIV/AIDS discrimination. In 2013 and 2014 held SOGI and human rights workshops for journalists. In 2015 released a commissioned study on LGBT discrimination. Regrettably, has appointed commissioners publicly associated with anti-LGBTI groups and activities. In 2015 the Commission allowed seminars promoting conversion therapy to be conducted on its premises.

MALAYSIA

SURUHANJAYA HAK ASASI MANUSIA (SUHAKAM)

In 2012 publicly criticized a manual for parents and teachers on identifying signs of homosexuality in youth. Also publicly criticized arrest of four transgender women, accused of violating a state’s syariah-based regulations on gender.

MALDIVES

NATIONAL HUMAN RIGHTS COMMISSION

2015 Supreme Court ruling included guidelines that undermine the Commission’s ability to function independently of government. Faces state restrictions on engaging with UN human rights systems, including the UPR process.

MONGOLIA

NATIONAL HUMAN RIGHTS COMMISSION

Since 2010 has had a SOGIE focal point. Conducted survey on status of LGBT rights in Mongolia. Advocated for government intervention to address torture of LGBT. Advocated inclusion of SOGI and LGBT bias crimes in Mongolia’s 2015 Anti Discrimination Code.

MYANMAR

NATIONAL HUMAN RIGHTS COMMISSION

In 2013 filed a complaint against Mandalay police for abuse of gay and transgender people in detention; reported case to Ministry of Home Affairs. One commissioner in his personal capacity gave opening remarks at three annual International Day Against Homophobia/Transphobia (IDAHOT) events in 2013 - 2015.

NEPAL

NATIONAL HUMAN RIGHTS COMMISSION

The Commission’s 2011-2014 strategic plan includes LGBT issues. Incorporated third gender in its complaints mechanism. Advocated harassment-free voting conditions for third gender. Helped bring formal action against police officers, who tortured third gender persons. Recommended third gender legalization in 2015.

NEW ZEALAND

NATIONAL HUMAN RIGHTS COMMISSION

Convened several intersex dialogues including in 2010 and 2016 with intersex people, health professionals and policymakers. Strongly advocated transgender inclusion and legalization, which contributed to change in policy on how gender is categorized in the national passport, driving license and official statistics. Used social media to condemn attacks against lesbians. Trained government officials on SOGI issues, including assessors for refugee/asylum applications.

PHILIPPINES

COMMISSION ON HUMAN RIGHTS

Acted as amicus curiae in 2010 Supreme Court case against the national election commission for barring a national LGBT organization from contending in national elections. In 2012 appointed Commissioner to serve as SOGI focal person. Provides LGBT-friendly complaints mechanism. Since 2014 has championed comprehensive Anti-Discrimination Bill with SOGI-inclusive language. Conducted swift investigation of transgender woman, Jennifer Laude’s murder in 2014.

SRI LANKA

NATIONAL HUMAN RIGHTS COMMISSION

Since 2010 under the previous government, independence of the Commission was compromised by executive control. After January 2015, the newly elected government established a Commission that has been engaging with civil society on human rights issues. In June 2015 civil society groups promoting LGBT rights met with the Commission to discuss legal recognition of transgender identities.

THAILAND

NATIONAL HUMAN RIGHTS COMMISSION

In 2012 held public forum on title change for transgender and intersex individuals. Filed complaint with labor court on SOGI-based workplace discrimination, resulting in a settlement. In 2013 helped draft Civil Partnership Bill in consultation with LGBT groups. After the military takeover, the newly established Commission failed to comply with the Paris Principles on independent functioning and timely response to human rights violations. In 2016, the new Commission’s status was downgraded from “A” to “B” by the International Coordinating Committee of NHRIs that oversees NHRI accreditation.

TIMOR-LESTE

PROVEDORIA DOS DIREITOS HUMANOS E JUSTICA (PDHJ)

In 2010 excluded LGBT as a focus group from its strategic plan of action, stating insufficient evidence of systematic rights violations of LGBT. Excludes lesbian, gay and bisexual topics from its HIV/AIDS policies.