



VIOLENCE:

Through the Lens of Lesbians, Bisexual Women
and Trans People in Asia

WHEN DISCRIMINATION IS VIOLENCE The Experiences Of LBT In Asia

This webinar is sponsored by

International Gay and Lesbian Human Rights
Commission (IGLHRC)

UN Women Regional Office for
Asia and the Pacific



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PURPOSE OF WEBINAR

Share findings of multi-year research on violence against lesbians, bisexual women and trans (LBT) people in Japan, Malaysia, Pakistan, Philippines and Sri Lanka.

Discuss advocacy.

Begin a conversation about strengthening LBT protections for domestic violence and family violence in Asia.



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KEY FINDINGS ACROSS ALL FIVE COUNTRIES

1. Governments in Asia failed to prevent violence against LBT people. Current laws are often discriminatory and do not extend adequate or any protections for LBT people.
2. Emotional violence was the most commonly reported form of violence in both the home and in the public sphere. This violence often continued for many years with long-term consequences.
3. The family was the primary perpetrator of physical and emotional violence towards LBT persons. Other perpetrators included police, religious officers and members of the public.



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4. There was an unexpectedly high occurrence of intimate partner violence, including physical and sexual violence.
5. Perpetrators of sexual violence against LBT people knew their victims and tended to be heterosexual, cisgender (gender-conforming) males.
6. Greater visibility of non-conforming SOGIE resulted in greater frequency of violence against LBT.
7. LBT victims of violence were denied services or received insensitive services from medical, mental health and State-funded women's shelter networks.





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Based on the key findings, IGLHRC draws the following conclusions

1. Lesbians, bisexual women and gender variant people (LBTs) in Asia experience violence, discrimination and exclusion because of their non-conformity to sexual and gender norms—and this violence occurs at home, at work, in schools, in public institutions, and in public spaces.



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2. Violence in the private sphere against LBT is not recognized as a serious problem. Where women in general are expected to conform to stringent norms on sexuality, LBT people tend to be violently punished by their families and communities for defying gender norms and betraying their heritage, religion and culture.



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3. Legal protections and policy frameworks to address these issues are either non-existent or grossly inadequate. Links are not being considered between homophobia, transphobia and gender-based violence.



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4. The policing of sexuality and gender expression through custom, law, violence, and how individuals experience partnerships remains a major force behind continuing gender-based violence and gender inequality.



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5. Discriminatory laws and policies often motivate violent practices. For instance, discrimination can lead to physical and verbal violence, and may be used to rationalize violence. Conversely, violence motivated by rejection / condemnation of non-conforming SOGIE is in itself a form of discrimination.



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GREATER VISIBILITY MEANT INCREASED VIOLENCE

The greater the visibility of an LBT person's non-conforming gender expression, the more frequent the violence and the more opportunities for violence.

Gender expression refers to:

length of hair • type of clothing • gestures
mannerisms • speech



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INTERSECTING VIOLENCE

The chances of experiencing violence were increased for LBT persons if there was also rejection of their other identity markers such as race, ethnicity, class, economic status, and religion.



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ROOTS OF VIOLENCE AGAINST LBT PERSONS

Violence against LBT individuals is not random. Some deeply held beliefs and ideologies validate the violence. Misconceptions serve as the foundation for violence, e.g.,

- There are only two genders – women and men.
- The world is and must be heterosexual.
- Gender identities must conform to sex assigned at birth.
- Homosexuality and lesbianism are immoral and unnatural.



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CONTINUUM OF VIOLENCE

The research looked at physical, emotional and sexual violence.

Types of physical violence reported by LBT:

- Being beaten
- Slapped
- Kicked
- Punched
- Physically confined
- Stripped
- Head forcefully shaved, hair forcefully cut
- Trash and stones being flung in public



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EMOTIONAL VIOLENCE

LBT reports of emotional violence covered verbal, mental and psychological abuse including:

- Verbal denigration
- Threats of harm
- Prolonged silent hostility
- Monitoring of communication (phone, friends)
- Prevented from having friends
- Evicted from home
- Denied financial support (including for school, college)
- Forced to see religious authority; forced mental health intervention
- Forced dress code at home, work, school and punished for not conforming



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SEXUAL VIOLENCE

LBT reports of sexual violence included:

- Forced sex
- Unwanted sexual touching (groping of breasts and buttocks)
- Derogatory sexual name-calling
- Threats to rape

The perpetrators of sexual violence were co-workers,
members of public, police, and family members.



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VIOLENCE AGAINST LBT PERSONS IN THE PUBLIC SPHERE

Violence occurred on the streets, public transport, in public institutions, workplace, schools, and places of detention. Types of public violence:

- Physical assaults
- Verbal denigration
- Religious condemnation
- Sexual violence
- Bullying
- Online rape and death threats, online bullying



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VIOLENCE AGAINST LBT PERSONS IN THE PRIVATE SPHERE

- Most of the physical and emotional violence took place in the private sphere, perpetrated by family members, usually dominant male members of family.
- Family violence was justified as “corrective” to force conformity to social norms and punish for bringing shame to family, defying parents, and insulting religion.



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LINK BETWEEN STATE, FAMILY AND VIOLENCE AGAINST LBT

1. The family is one of the most powerful tools of patriarchy in Asia and elsewhere.
2. In most Asian countries, governments and religious institutions rely on family to regulate compliance with cultural and religious norms on femininity, masculinity, sexual orientation, gender identity, and gender expression.
3. The State tends to treat family violence or community violence against LBT people as understandable, normal, justifiable, and inevitable.



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PARTNERSHIP VIOLENCE

- Violence also occurred in same sex partnerships and in relationships where one partner was transgender.
- The struggle for safety was even more pronounced when there was partner violence. Protection orders were often not an option for LBT individuals. Asking for help from police, family, and service organizations was too risky.
- Presence of sodomy laws, morality laws, and religious laws shifts the focus of police, hospitals, judges, lawyers, even women's NGOs away from victim-protection to the nature of the relationship.



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MAIN REASONS FOR NOT REPORTING VIOLENCE

- Reporting violence was risky for LBT persons because it made them vulnerable to negative publicity, humiliating treatment, community hostility, and ostracism.
- Reporting violence put LBT persons at risk for being criminalized—charged for lesbianism or gender impersonation.
- Reporting violence could get violent parents, family members or partners into trouble with the law.



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NO PROTECTIONS FROM DOMESTIC VIOLENCE

- The language of domestic violence laws in Asia is mostly exclusionary because of narrow understanding of family and rejection of same sex partnerships.
- Often the laws do not apply to same sex partners even if they cover unmarried and cohabiting couples.
- Being forced into heterosexual marriage was not viewed as a violation. Victims reported that physical, emotional and sexual assaults in forced marriages was difficult to report because they were blamed for refusing sex with the husbands and feared that their sexual orientation would be revealed.



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INTERSECTING RIGHTS OF LBT PEOPLE

Freedom from violence for LBT persons depends on the promotion and protection of other rights such as:

- freedom of expression
- right to health
- right to work
- right to adequate housing
- right to form a family
- right to equal protection of the law



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PLURALISTIC APPROACH TO HUMAN RIGHTS

Freedom from violence for LBT persons depends on States adopting a pluralistic approach to human rights that affirms all aspects of human identity, including sexual orientation and gender identity.



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RECOMMENDATIONS TO END VIOLENCE AGAINST LBT

1. National actions plans on violence against women must ensure that laws, policies, programs and services are supportive of all and not only some women's rights.
2. Violence prevention programs must promote safety and dignity of all marginalized and vulnerable populations.



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3. Definition of family must include same sex and cohabiting partnerships.
4. Women's desks at police stations must include an LBT advisor or focal point to ensure proper implementation of good practices and LBT sensitivity standards.
5. Complaint mechanisms and reporting procedures must be safe and revised if necessary to ensure that LBT persons are not subject to recrimination, including criminalization.



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6. Legislation prohibiting domestic violence and partner violence must extend protections and redress to LBT people.
7. Legislation prohibiting family violence must apply to homophobic and transphobic violence by family members.
8. Anti discrimination legislation must include sexual orientation and gender identity as protected categories.



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9. Ministry of Women should hold hearings on the effects of family violence on LBT people—for instance, on mental health, education, employment.
10. Violence against LBT persons is a community issue and helping individuals cope with violence because of SOGIE must be a community issue.
11. Mental health practitioners must be better trained to recognize signs of family violence and same sex partner violence and provide support.



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12. Women's NGOs must meaningfully and visibly incorporate LBT issues in their shadow reports to treaty bodies, particularly CEDAW and CRC.
13. Women's NGOs and CBOs must ensure that educational materials, hotlines, counselor training, services, legal aid, and advocacy must be informed about LBT issues and concerns, safe, sensitive, and inclusive.
14. VAW documentation must include violence against LBT persons, which must be visiblized.



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RESOURCES AVAILABLE

<http://iglhrc.org/content/violence-through-lens-lbt-people-asia>

- Free hard copy of Asia research report
- Free downloadable PDF of report
- Individual country reports in English Tamil, Sinhala, Urdu, Japanese
- Fact sheets on violence against LBT
- Visual presentations on intersecting discrimination, and LBT rights from a human rights perspective
- Audio recording of the webinar
- Transcript of Questions and Answers



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