

**LGBT Human Rights Defenders Respond to Absences in
Follow-up to the Advisory Council of Jurists Report,
"HUMAN RIGHTS, SEXUAL ORIENTATION AND GENDER IDENTITY"
at the 16th Session of the Asia Pacific Forum**

8 September 2011

This statement is delivered on behalf activists working on lesbian, gay, bisexual and transgender human rights from Indonesia, Malaysia, Mongolia, the Philippines, and Thailand.

An important component of the 16th Annual Meeting of the Asia Pacific Forum (APF) is the mechanism provided to NHRIs to report on the progress of the implementation of the ACJ recommendations on sexual orientation and gender identity.

As activists working to defend and advance the human rights of those discriminated against on the basis of their sexual orientation and/or gender identity, we wish to express our appreciation to national human rights institutions (NHRIs) that have included in their written and verbal reports to the APF the steps they are taking to carry out the recommendations by the Advisory Council of Jurists (ACJ). We also appreciate the interventions made by some NHRIs on the difficulty they face in following the ACJ recommendations, especially those that were made in the spirit of progressing towards the fulfillment of the recommendations.

In line with the ACJ proposal to the APF to "review the progress towards the implementation of these recommendations at regular intervals," we anticipated that the session on September 7, 2011 focused on sexual orientation and gender identity would proceed with all NHRIs reporting to APF the status of their implementation of said recommendations. We are disappointed that no such comprehensive reporting took place.

The absence of any references to the ACJ recommendations in the written or verbal reports of some of NHRIs is frustrating. Some NHRIs were even absent during the SOGI session. A recognition of barriers to the enforcement of the recommendations would have been preferred since such acknowledgement would have at least informed the next steps that should be taken at the country level or in regional platforms. It would have been an opportunity for NHRIs who started to work on the recommendations to support others who encounter difficulties, and it would have given the civil society a chance to engage their NHRIs.

Significantly, the lack of systematic review of NHRIs' progress toward recommendations on the APF's thematic priority of the past year should be of concern for all human rights, including those other than LGBT human rights. Thematic foci at the APF provide crucial avenues for NHRIs to engage deeply with complex areas of rights. Systematic reporting, progress reports, review and technical support constitute essential ways to ensure that NHRIs truly increase their capacity to address all human rights, for everyone.

It is unclear if the current silence indicates a disregard for the ACJ recommendations on sexual orientation and gender identity or if it reflects the absence of a clearer or a more concrete process to push NHRIs to act on ACJ references generally. Either way, we urge the APF to require specific annual reports on NHRIs work related to sexual orientation and gender identity. It is likewise urgent for the APF to identify and implement its own review mechanism to the ACJ recommendations. One recommendation we offer is that NHRIs submit detailed reports on steps taken to implement the ACJ recommendation on sexual orientation and gender identity by November 2011 so they can be disseminated on the APF website. We stand ready to provide technical assistance to the APF and to NHRIs so that by the 2013 APF meeting, there can be significant and concrete progress on LGBT human rights.