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ASIA PACIFIC FORUM
ADVANCING HUMAN RIGHTS IN OUR REGION

Celebrating 10 years of the Yogyakarta Principles

What have we learnt and where to now?



Report of the Conference, Bangkok, 25-26 April 2017

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Celebrating 10 years of the Yogyakarta Principles: What have we learnt and where to now?

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Abbreviations

ACJ	Advisory Council of Jurists of the APF
AICHR	ASEAN Intergovernmental Commission on Human Rights
APF	Asia Pacific Forum of National Human Rights Institutions
ASEAN	Association of South East Asian Nations
CBO	Community Based Organisation
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CSO	Civil Society Organisation
ESCAP	Economic and Social Commission for Asia and the Pacific
JAMAKON	National Human Rights Commission of Bangladesh
Komnas HAM	Human Rights Commission, Indonesia
LGBTI	Lesbian, gay, bisexual, transgender and intersex
NHRI	National Human Rights Institution
SAARC	South Asian Association for Regional Cooperation
SAARCLAW	South Asian Association for Regional Cooperation in Law
SOGI	Sexual Orientation and Gender Identity
SOGE	Sexual Orientation, Gender Identity Expression
SOGIESC	Sexual Orientation, Gender Identity and Expression, and Sex Characteristics
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UPR	Universal Periodic Review
Yogyakarta Principles	Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity (2006)

Acknowledgements

This report documents the discussions and recommendations made during the conference ‘Celebrating 10 years of the Yogyakarta Principles: What have we learnt and where to now?’ held from 25-26 April 2017 at the Dusit Thani Hotel in Bangkok, Thailand. This conference was part of a comprehensive program of activities, jointly developed and funded by the Asia Pacific Forum of National Human Rights Institutions (APF) and the United Nations Development Programme (UNDP), to support national human rights institutions (NHRIs) in the region to work with lesbian, gay, bisexual, transgender and intersex (LGBTI) communities and better advocate for their human rights.

The participants who attended the conference came from 25 countries and territories, representing NHRIs, LGBTI civil society groups and community based organizations, government, research bodies and international LGBTI advocacy groups. The organisers would like to gratefully acknowledge all participants and resource persons for their valuable participation and viewpoints. APF and UNDP would also like to thank the representatives from the 18 NHRIs who contributed to the success of the conference and who are dedicated to fulfilling their mandate to promote and protect the rights of all people. A list of organisations and biographies of speakers is included in Appendix 2 and 3 of this report.

Civil society participants made up almost half of the participants and many of them had attended one of the three APF/UNDP sub-regional blended learning workshops with NHRIs (that had been taken place by the time the April conference was held) in South Asia (Colombo, December 2016) and South East Asia (Manila, February 2017). For these sub-regional workshops, civil society participants were self-nominated through an open call for applications. Additional, civil society participants for the regional conference were identified through request for nominations which was distributed through regional community networks and global advocacy groups.

The gender and SOGISC of participants also was considered in the selection of all participants. It was essential to ensure that there was a balance of ‘self-reported’ lesbian, gay and other men who have sex with men, bisexual, transgender and intersex persons among participants as well as strong allies active in support of the human rights of LGBTI people. Finally, geography was also taken into consideration. As this was a global conference held in the region, efforts were made to balance participation from each sub-region, including South Asia, South East Asia, East Asia and the Pacific.

The organisers of the conference were Pip Dargan, Chris Sidoti, Fasoha Aishath, and Thuy Doan Smith, Jack Byrne, from APF, and Nadia Rasheed, Edmund Settle, Nicholas Booth, Jensen Byrne, Zainab Javid Patel, Sirinapha Jittimane, Jay Pongruengphant, Kathryn Johnson, Jawying Lyster, Minyuan Chen and Katri Kivioja from UNDP Bangkok Regional Hub.

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This conference was supported by APF and by UNDP through the Being LGBTI in Asia programme.

APF is a network of 24 National Human Rights Institutions (NHRIs) in the Asia Pacific region. A fundamental goal of APF is to strengthen its member’s capacity to fulfil their mandates as independent bodies with powers to investigate and report on human rights violations, to stand up for those in need of protection and to hold their governments to account.

The Being LGBTI in Asia programme aims to reduce marginalisation and exclusion of LGBTI people. Initiated in 2012, the regional programme addresses inequality, violence and discrimination on the basis of sexual orientation, gender identity or intersex status, and promotes universal access to health and social services. It is supported by the Embassy of Sweden in Bangkok and USAID.

1. Introduction

Ten years ago, from 6-9 November 2006, a distinguished group of human rights experts met at the Gadjah Mada University in Yogyakarta (Indonesia) which initiated the process of drafting, developing and refining a set of principles on the application of international human rights law in relation to sexual orientation and gender identity. These principles were unanimously adopted by 29 distinguished experts from 25 countries with diverse backgrounds and expertise relevant to issues of human rights law, which became known as the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity (Yogyakarta Principles).¹ The signatories of the Yogyakarta Principles consisted of international human rights scholars, Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) advocates and representatives from Civil Society Organisations (CSOs), National Human Rights Institutions (NHRIs) and United Nations (UN) agencies.

The Yogyakarta Principles (the Principles) included 29 principles, and each includes a statement of international human rights law and guidance to States about their duty to implement the legal obligation. The Principles also include 16 recommendations directed to a number of other parties, including the UN High Commissioner for Human Rights, treaty monitoring bodies, NHRIs, commercial organisations and other parties. The experts agreed that the Principles reflected the existing state of international human rights law in relation to issues of sexual orientation and gender identity at the time they were drafted. They also recognise that States may incur additional obligations as human rights law continues to evolve.²

Following their official launch in Geneva on 26 March 2007, the Principles were widely disseminated and promoted by NGOs, NHRIs experts and advocates at a variety of regional and interregional events. Over time, the Principles have been supplemented by the release of supporting materials, including guides for activists, jurisprudential annotations and training guides for NHRIs and NGOs. Since their release, international human rights scholars have written extensively about the effectiveness and appropriateness of the Principles in promoting and protecting human rights relevant to sexual orientation and gender identity.

The 10-year anniversary of the Yogyakarta Principles was a timely opportunity to bring together CSOs, NHRIs, UN agencies and academics to reflect on the development of the Principles, the ways in which they have been used to promote and protect the rights of LGBTI people, the barriers and challenges encountered in using the Principles and possible future directions. The conference titled “Celebrating 10 years of the Yogyakarta Principles: What have we learnt and where to now?” provided an effective platform for human rights scholars, LGBTI advocates and representatives from NGOs and NHRIs, not only to reflect on the past, but also to explore future developments and opportunities to collaborate further.



¹ The Yogyakarta Principles, available at: www.yogyakartaprinciples.org/introduction/.

² Ibid.

2. Objectives and outcomes of the Conference

Since the adoption of the Yogyakarta Principles, many advances have been made toward ensuring that people of all sexual orientations and gender identities can live with the equal dignity and respect to which all persons are entitled. Many States now have laws and constitutions that guarantee the rights of equality and non-discrimination without distinction on the basis of sexual orientation or gender identity. Internationally, including within this region, there is increasing discussion about discrimination experienced by intersex people on the basis of their sex characteristics. With these developments and challenges in mind, the discussion covered broad-ranging issues and reached beyond the Principles as they were developed a decade ago, based on the existing international human rights law at that time. It encompassed legal developments over that period and other international, regional and national measures to promote and protect the rights of LGBTI people.

2.1. OBJECTIVES

The Conference aims to enable exchanges between Asia and Pacific NHRIs, regional NGOs and community based organisations (CBOs), UN agencies and international and individual experts on:³

1. The different uses of the Yogyakarta Principles and other measures or initiatives in relation to promoting and protecting the human rights of LGBT and intersex people at global, regional and national levels (including through UN special procedures, Universal Periodic Review (UPR), Sustainable Development Goals (SDGs), treaty bodies, regional intergovernmental mechanisms, regional NHRI networks, country level initiatives).
2. The future development of international human rights law and practice in relation to those rights on the basis of the Principles.
3. Identify areas in which the Principles could be developed further and possible complementary initiatives.
4. Support cooperation between NHRIs, NGOs and CBOs, UN agencies, advocates and scholars protect and promote the rights of LGBT and intersex people.

2.2. EXPECTED OUTCOMES

Through intensive discussions and deliberations, the following outcomes were expected from the conference:⁴

1. NHRIs, NGOs and CBOs, and LGBTI advocates develop a greater understanding of the ways in which the Yogyakarta Principles can be used to protect and promote the rights of LGBTI people.
2. NHRIs, NGOs and CBOs, LGBTI advocates and international experts develop strategies to work together to engage government and international bodies to promote the Yogyakarta Principles and the rights that they embody.
3. Participants recommend suggestions for the future development or supplement of the Yogyakarta Principles.

³ Concept Note on APF-UNDP Conference Celebrating 10 years of the Yogyakarta Principles: What we have learnt and where to now?

⁴ Ibid.

3. Structure and themes of the Conference

In order to maximise the positive interactions and debate among the participants, the Conference followed a thematic approach to issues related to the Yogyakarta Principles, their application and experiences of the LGBTI community. Thus, the themes of discussion focused on understanding and deriving lessons from the past, and reflecting on the current status and developing plans of action for the future.

3.1. PAST

This theme invited participants to reflect on the origins of the Yogyakarta Principles, and the factors that contributed to their development and application over the past ten years.

Key focus areas/sub-themes

- What factors contributed to the emergence of the Principles?
- What considerations shaped the nature and content of the Principles?
- How have the Yogyakarta Principles been used at the country level over the past 10 years to promote and protect the rights of LGBTI people?

3.2. PRESENT

This theme provided an opportunity for NGOs, CBOs, NHRIs and UN agencies to provide practical case studies (global, regional, national) of how they have used the principles in a variety of contexts, including advocacy, public education, litigation and the international human rights framework. It also invites participants to identify and explore the current barriers and challenges they encounter in using the principles and identify the shortcomings of the principles in responding to contemporary and emerging human rights issues for LGBTI people.

Key focus areas/sub-themes

- How are the Principles being used today?
- What challenges and barriers are encountered in using the Yogyakarta Principles?
- What are the limitations of the Yogyakarta Principles in responding to existing and emerging human rights issues? These may include:
 - intersex status and sex characteristics
 - gender identity and expression
 - marriage and family
 - LGBTI children
 - obligations of non-state actors.

3.3. FUTURE

This theme encourages participants to reflect on the 'gaps' and the future of the Yogyakarta Principles in combination with other possible initiatives to protect and promote human rights relevant to sexual orientation, gender identity and expression, and sex characteristics.

Key focus areas/sub-themes

- Future of the Principles?
- Complimentary initiatives?
- Protecting and promoting rights relevant to sexual orientation, gender identity and sex characteristics over the next 10 years.

3.4. WORKING METHOD OF THE CONFERENCE

The Conference programme included interactive sessions based on group discussions and a work station format. These sessions were supplemented by plenary sessions. A summary of proceedings in these sessions are presented in the next section of this report.

Participants

Among the participants of the conference were:

- Representatives of APF members including the NHRIs of Afghanistan, Australia, Bangladesh, India, Indonesia, Jordan, Kazakhstan, Korea, Malaysia, Mongolia, Myanmar, Nepal, Philippines, Sri Lanka, Timor-Leste, Thailand, Fiji, and Pakistan;
- Representatives of Embassy of Sweden; Thailand Ministry of Justice; United States Agency for International Development (USAID); The Economist Intelligence Unit, Asia Pacific; Williams Institute, UCLA School of Law; Mahidol University; Chinese University of Hong Kong; UN Thailand Country Team; UN Independent Expert; Office of the High Commissioner for Human Rights; United Nations Development Programme; United Nations Population Fund; United Nations Programme on HIV/AIDS; UN Women;
- Representatives of civil society including APCOM Foundation; ARC International; ASEAN SOGIE Caucus; Asia Pacific Transgender Network; Bandhu Social Welfare Society; Blue Diamond Society; Buku Books; CamASEAN Youth's Future; Common Language; Diverse Voices and Action for Equality Fiji; Fortify Rights; Forum for Dignity Initiatives; GAYa NUSANTARA; Global Action for Trans Equality; Global Forum on MSM and HIV; Health, Education and Research Association (H.E.R.A); Human Rights Law Center; Human Rights Watch; Information, Connecting and Sharing Center; International Service for Human Rights; Island of Southeast Asia Network on Male and Transgender Sexual Health; Korean Society of Law and Policy on Sexual Orientation and Gender Identity; Manushya Foundation; National Transgender People Alliance of Myanmar (NTPAM); OII Australia/Intersex Day Project/Global Action for Trans Equality; OII Chinese; OutRight Action International; ASEAN SOGIE Caucus; OutRight Action International; Pacific Sexual Diversity Network & Rainbow Pride Foundation; PELANGI – Campaign for Equality and Human Rights Initiative; People Like Us Satu Hati; Planet Ally; Samoa Fa'afafine Association Inc.; Sampoorana India; Sangsan Anakot Yawachon Development Project; Sexuality Policy Watch; TIP for Human Rights in Nigeria; Venasa Transgender Network; Youth Voices Count.

A full list of participants is included in Appendix 2.

4. Summary of proceedings – Day 1

The Conference sessions ran for two days – with keynote speeches, panel discussions and working groups. The summary of outcomes for individual sessions are presented below in the order of proceedings.

SESSION 1: CONFERENCE WELCOME SESSION

Welcome to Thailand

Nada Chaiyajit, Human Rights Advocacy and Capacity Building Coordinator, Manushya Foundation

Opening remarks

- Caitlin Wiesen, Chief, Regional Policy and Programme Support for Asia and the Pacific, UNDP Bangkok Regional Hub
- Mohammed Nurkhoiron, Commissioner, Indonesian Commission on Human Rights
- Pip Dargan, Deputy Director, Asia Pacific Forum of National Human Rights Institutions

Moderator

Nadia Rasheed, Team Leader, HIV, Health, and Development, UNDP Bangkok Regional Hub

In her remarks, Nada Chaiyajit highlighted that the conference provided a valuable opportunity for all participants to reflect on the impact of the Yogyakarta Principles. She challenged and questioned participants about the effectiveness of advocacy programmes in using the language and tools of the Yogyakarta Principles in the past 10 years. The need to strengthen the use of the principles were highlighted, indicating that often only the ‘experts’ seem to know what is in Yogyakarta Principles, while most human rights advocates, NGOs and members of the public remain inadequately informed of its provisions. Therefore, the urgency to put a more concerted effort to empower people on the ground to pressure the governments to change their attitudes towards the LGBTI communities was acknowledged. She concluded her remarks by emphasising that ‘change starts with us’ and, therefore, all LGBTI advocates must step up their calls for action.

Caitlin Wiesen spelled out the strengths and opportunities provided by the Yogyakarta Principles and the need to explore opportunities to further supplement the principles for future application. She also provided examples of progress in many countries in the region, including legal, judicial and administrative developments. These developments and progress were made possible through the commitment and sacrifice of many individuals. She also highlighted that many challenges remain to be addressed including the growing violence and human rights violations targeted towards individuals and various forms of discrimination, homophobia, and transphobia. The shrinking space for civil society activism in some parts of the world exacerbates these challenges and reduces the opportunity to bring about positive change.

The need for creating more education and awareness in the area of SOGIESC and around LGBTI issues and support to end stigma and violence perpetrated towards LGBTI communities was reiterated. By the same token, enhancing efforts to ensure better access to healthcare and social services for the LGBTI communities was identified. The idea of creating more research output on the economic and business impact of LGBTI rights was recognised. To this effect, linking the guiding principles of the Sustainable Development Goals (SDGs) to the protection of the vulnerable and marginalised could be used as a viable platform for promoting the human rights aspirations of the Yogyakarta Principles.

The increasing challenges faced by the LGBTI communities in many parts of the world were marked by many speakers, including Muhammad Nukhhoiron, who spoke about specific incidences of growing anti-LGBTI sentiments in Indonesia. LGBTI defenders and human rights activists have been targeted and traumatised in recent years. He expressed his hope that this forum will enhance efforts to strengthen the movement of LGBTI rights and provide better protection for advocates.

By reiterating the purpose of the conference in stimulating ideas and discussions on further supplementing the Yogyakarta Principles and potential future directions, Pip Dargan emphasised the roles and responsibilities of NHRIs in promoting and protecting the human rights of the LGBTI community. She stressed the need of prioritising and enhancing the effectiveness of NHRI efforts, and made reference to the recommendations of the Advisory Council of Jurists (ACJ).⁵ The recommendations covered capacity-building, research, education, promotion and dialogue, monitoring, advocacy and the support of the APF.⁶ The continued efforts of APF in increasing the level of education and awareness on the Yogyakarta Principles and LGBTI rights, including the ongoing blended learning programmes were highlighted.⁷

The breadth and consistency of work in relation to LGBTI rights today is identified as a testament to the commitment of the human rights community and demonstrates how much could be achieved in promoting and protecting the human rights of LGBTI people in the next 10 years. The need to reflect on the rapid advances in technology and social media over the past 10 years, and the future use of such technologies most effectively by many LGBTI individuals, advocates and organisations must be part of our agenda today.

The role of NHRIs in working with people, governments, civil society, UN bodies and agencies, judiciaries, medical sector, religious leaders and communities, the international human rights system, and others will be crucial in shaping the future. Such a future will need to be a more inclusive one, based on human dignity, respect and human rights, which can be achieved through many different pathways.

In the face of growing extremism and an uncertain future in many parts of the world, the need to effectively use the Yogyakarta Principles as a critical launching pad for the activities of LGBTI advocates was accentuated. Concerted efforts by activists and advocates to explore different pathways to ensure the effective realisation of the rights of LGBTI community and sustained programmes to breakdown the various barriers of negative stereotypes and prejudices was emphasised.



5 Details of the recommendations by ACJ are available at: www.asiapacificforum.net/support/advice-and-expertise/acj/sogi/.

6 The Report is available at: www.asiapacificforum.net/resources/acj-report-sogi/.

7 The blended course includes four weeks of online learning, followed by a week-long workshop. Further information on the course is available at: www.asiapacificforum.net/support/training/sogisc/.

SESSION 2: KEYNOTE OPENING ADDRESS

Keynote opening address

Vitit Muntarbhorn, UN Independent Expert on Sexual Orientation and Gender Identity

Moderator

Charles Goddard, Editorial Director, The Economist Intelligence Unit, Asia Pacific

Professor Emeritus Vitit Muntarbhorn, who was one of the co-chairs of the Yogyakarta conference, provided a very detailed background on the nature of the Yogyakarta Principles, and the thinking behind the development of the principles. The Principles were developed to articulate how existing human rights law applies to LGBT people and the specificities of their lived realities. Most importantly, the Principles offered clarity on the existing international law at the time. The Principles were not meant to be a constitutive document, but as an indicative document of the status of international law in the current time and context. They promise a different future where all people born free and equal in dignity and rights can fulfil that precious birthright.

The Principles provided definitions of sexual orientation and gender identity, which are essential in recognising the nature of rights and their application in the context of sexual orientation and gender identity. By definition, sexual orientation is an inherent or enduring emotional, romantic or sexual attraction to other people, while gender identity refers to one's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.

The Yogyakarta Principles include a preamble, 29 principles along with specific recommendations and a list of additional recommendations. The Principles validate and reaffirm existing rights of individuals, especially in relation to non-discrimination and protection from violence, on the basis of their sexual orientation or gender identity. The Principles also provide useful tools on the application of international human rights law in the context of SOGIESC.

The Principles afford a systematic understanding of the nature of human rights related to sexual orientation and gender identity, and its impact can be both at the programmatic and catalytic level. The principles are also powerful tools for advocacy and in the development of jurisprudence.

Over the 10 years since the adoption of the Yogyakarta Principles, there have been innumerable stories of both success and failure. While the happy stories of better recognition of the human rights of LGBT people in many parts of the world including significant court cases abound, there have also been unhappy stories of continued abduction, discrimination, torture and killing of individuals in some parts of the world. Continued longitudinal and multiplied series of violations of the human rights of LGBTI people are reported from many countries. In the face of continued violations of rights of LGBTI people in some societies, the struggle for equal rights and dignity need to be further strategised to address these changing realities.

The intersectionality of the Principles is an important point of discussion. Intersectionality provides a more nuanced approach in capturing the multi-faceted experiences of oppression, discrimination and violence against LGBTI individuals. Therefore, in order to fully appreciate the lived experience of individuals, it is important to address these multiple dimensions and how they link to each other. An Intersectional lens must be used to understand how systemic injustice and social inequality occur on a multidimensional basis and how they affect the individuals in various situations and contexts.

There is also a growing need to better understand the relationship of rights addressed in the Principles with other human rights. For example, the rights related to sexual orientation can be better analysed using the international human rights standards in relation to freedom of expression. The other important dimension is to better understand the relationship of the implementation of the Yogyakarta Principles with various state and non-state actors.

The 10th anniversary provides a crucial opportunity to reflect on the gains made in the last decade and strategising action to face continuing challenges. It is thus, imperative that the marketing messages of the Principles are presented holistically, with a special focus on tackling violence and discrimination. There is the need to create a better dialogue with all stakeholders in relation to multiple forms of violations, and work out better mechanisms for cooperation and inter-agency support.

The newly established mandate of the Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity (IE-SOGI) includes assessing the implementation of existing international human rights instruments with regard to ways to overcome violence and discrimination against persons on the basis of their sexual orientation or gender identity, and to identify and address the root causes of violence and discrimination. As the current mandate-holder, Professor Vitit highlighted important ramifications of the mandate and the work of LGBTI advocates.

Along with the increased moves by some countries to criminalise same-sex relations, there is an increase in the incidence of violence and discrimination. There are also increasing cases of failure of states to recognise issues related to gender identity, and the increasing need to de-stigmatise being LGBTI. Moreover, the socio-cultural and economic exclusion of individuals based on sexual orientation, gender identity, gender expression or sex characteristics has been a serious problem in many parts of the world. However, there is also an increased recognition among scholars and policymakers that such exclusion and discrimination also has a significant economic cost and impact, not only on the individuals, but also on the whole economy.

More work is needed to increase empathy and understanding of the rights of LGBTI. To this effect, it was highlighted that special advocacy programmes must be directed towards addressing issues of homophobia, transphobia, violence, stigmatisation, honour crimes and honour killings targeted at LGBTI community. It was also identified that NHRI and civil society advocates could consider ways to use the Independent Expert's reports (the first of which was due in June 2017) as another tool in their work.



SESSION 3: REFLECTING ON THE EMERGENCE OF THE YOGYAKARTA PRINCIPLES, ITS CONTENT AND APPLICATION OVER 10 YEARS

Panel members

- Arvind Narrain, Geneva Director, ARC International
- Karen Gomez-Dumpit, Commissioner, (CHR – Philippines)
- Sunil Babu Pant, Former Member of Parliament, Nepal

Moderator

Kim Vance, Executive Director, ARC International

Kim Vance argued that while the Yogyakarta Principles represented the current status of international law at the time of adoption, the principles must also be seen and treated as aspirational. They provide guidance as to the direction of evolution of international law and the successful experience of its application and best practices must be used to guide future development and supplementation of the principles. The programme of action aspect of the Yogyakarta Principles, which are directed towards states, could be effectively further targeted to lawyers, political parties and religious organisations in order to bring them onboard. Supplementary materials such as the Activists' Guide to the Yogyakarta Principles could be better disseminated and used among the advocates.

The non-attachment of the principles to any organisations was identified as an incredible strength, as the value of the principles rested on the weight of the experts who drafted, developed and signed them. This gives the principles a different kind of legitimacy and a broader level of acceptance. Moreover, given the changing realities on the ground, a new companion (supplement) to the Yogyakarta Principles is envisioned for the near future.

Arvind Narrain explored some of the central narratives concerning the significance of the Yogyakarta Principles, over 10 years. It was highlighted that at the 10th anniversary, significant challenges remain in terms of its broader acceptance and implementation by states. The ongoing discrimination and violence based on sexual orientation and gender identity sends out a strong message that what happened in the past should not be part of our future.

The issue of denial of recognition before the law based on sexual orientation and gender identity still remains a problem. It was identified that sexual orientation and gender identity are co-equal markers of discrimination, and often the principle of universality of human rights remains unfulfilled due to such denial of equal rights.

The issue of privacy also features prominently in the debates surrounding the rights of the LGBTI communities. The right to privacy should be understood and evaluated in terms of the different dimensions in which an individual exercises this right, that is, in different zones in which they move, in their relations with other people and in the decisions they make. Privacy should also be seen from the perspective of dignity and the notion of privacy should be fully integrated into the programmes of advocacy on the Principles. In relation to intersex people, the vital importance of protection from medical abuse was also highlighted.

The Yogyakarta Principles also provided a strong basis for the normative evolution of the international human rights regime, in relation to sexual orientation and gender identity. For instance, the principles contributed significantly to the jurisprudential innovation in relation to freedoms and rights such as freedom of expression. To this effect, the Principles provided an important platform for creative legal interpretation of the existing state of international law.



Karen Gomez-Dumpit spoke in detail about the experience of the Philippines Human Rights Commission (CHR) in relation to Yogyakarta Principles and SOGIESC in general. Various programmes of partnerships with the civil society and advocacy for the rights of LGBTI have yielded positive results in many cases. However, some challenges still remain.

A case in point is that of Ang Ladlad vs Commission on Elections. The Commission on Elections denied the petitioner, Ang Ladlad, registration as a political organisation in 2009, basing the decision the fact that Ang Ladlad is an LGBT organisation which “tolerate[d] immorality which offends religious beliefs”. Ang Ladlad petitioned the Supreme Court for certiorari review, which was granted. Later, the CHR intervened on behalf of Ang Ladlad in this case before the Supreme Court. Subsequently, The Supreme Court rejected all the reasons given by the Commission on Elections, and also rejected any public morals argument arguing that the Commission on Elections’ ruling violated the Philippine doctrine of freedom of expression. However, the High Court did not recognise the Yogyakarta Principles as a basis for its decision and the application of international human rights norms.

CHR’s work with civil society organisations on a broad range of issues relevant to the LGBTI community included advocacy on the right to housing, especially on the issue of exclusion of LGBT headed households in the provision of socialized housing. In addition, engagements with the business community on business and human rights dimensions related to promoting and protecting diversity in the workplace were accentuated.

With these experiences, there is an increasing need to step up the discourse on SOGIESC, including the exploration of avenues to incorporate these rights in other areas of human rights advocacy such as business and human rights. Overall, such advocacy campaigns should be driven by the understanding that the future is always on the side of equality.

Sunil Babu Pant provided important insights into the cultural approach to understanding the significance of Yogyakarta Principles. To this effect, a key challenge still remains in many parts of the world in addressing acts of violation perpetrated by state agents which are often driven by a culture of impunity and expressed in the language of ‘devotee culture’. Very often, the lower level officers pass the responsibility to their seniors, stating that they were simply carrying out orders.

Sunil went on to identify three different kinds of resources that are required to promote the Yogyakarta Principles effectively – material, intellectual and emotional resources. While the material resources required for advocacy are essential to achieve long-term sustainable performance, more emphasis is needed to convert and translate the intellectual resources offered by the Yogyakarta Principles and the international human rights instruments into emotional resources that resonate with communities. Such emotional resources are essential in fostering kindness, empathy, gratitude, resilience and perseverance in the face of adversity and insurmountable challenges. We also need to combine the effect of material, intellectual and emotional resources to perform and carry out the campaigns over the long term. Such intellectual and emotional resources add value to the whole community and provide the energy to sustain the work of individuals on the ground.

The importance of understanding how the world is shifting and the challenges in the Yogyakarta Principles itself was highlighted. With the increasing shifts in culture of tolerance in many parts of the world, there is an ever-urgent need to come up with a simplified and locally understandable language for the Yogyakarta Principles, so they can be effectively used on the ground.

Overall, one common sentiment expressed throughout the day highlighted that Principles have not been adequately disseminated. A number of speakers voiced, with a degree of disappointment, that only experts know the Principles; therefore, there is an urgent need for the Principles to be made known to activists and people on the ground. Some expressed the view that the Principles are somewhat removed from the day to day reality of people working on the ground. Therefore, it was suggested that through increased dissemination, people on the ground must be empowered to pressure governments to change perceptions, policies and actions.

A number of speakers identified that progress has been made in many countries in the region, including legal, judicial and administrative developments. However, there was a resounding agreement that in the face of growing extremism, radicalisation and uncertainty, more work needs to be done to bring about positive attitudinal changes, as well as to break down barriers of negative stereotypes and prejudices.

In relation to the discussion on the aspirational nature of the Principles, some participants expressed the view that the Principles are a statement of what international human rights law says at this point in time on LGBTI issues, firmly grounded on the principles of universality and non-discrimination. To this effect, the Principles were more than a wish list and has the authority of international law. The living and evolving nature of the Principles and what it covers was also emphasised, especially in relation to people of diverse sexual orientations and gender identities.



SESSION 4: CHALLENGES, BARRIERS, LIMITATIONS OF THE YOGYAKARTA PRINCIPLES AND HOW CAN IT BE STRENGTHENED FOR THE FUTURE?

Keynote speaker

Honourable Michael Kirby AC CMG, International Jurist, Educator and former Judge of High Court of Australia

Panel members

- Jean Chong, Programme Field Coordinator, Outright Action International
- Vaialia Iosua, Co-Founder/Former Vice President, Samoa Fa'afafine Association Inc.
- Mauro Cabral Grinspan, Executive Director, Global Action for Trans* Equality

Moderator

Edmund Settle, Policy Advisor, UNDP Bangkok Regional Hub

This session was designed to stimulate ideas and discussions about where the opportunities lie for strengthening and supplementing the Yogyakarta Principles. Using the example of the Royal Barge procession of the Thai King, Justice Michael Kirby argued that although going down and facing setbacks is painful, they are often necessary for movement and must be taken as an opportunity to gather momentum. To this effect, the many challenges and defeats in the cause of LGBTI rights in many parts of the world since the adoption of the Yogyakarta Principles should not be reason for reducing down our efforts to achieve equal recognition. He also emphasised that gay people are everywhere from the most ordinary jobs to the most prestigious jobs in many parts of the world, including Australia.

The innumerable sacrifices made by LGBTI advocates and people who stand up for the cause of human rights need to be reflected upon. Many individuals have been tortured and murdered in recent years for their work to achieve a more equitable and equal society. Such violence and intolerance are often rooted in unscientific views of human nature, which fails to recognise the diversity of natural ways to express one's sexual orientation and gender identity. We must all recognise that violence and discrimination are not acceptable against anyone under any circumstance.

There are continuing challenges in legal reform in many parts of the world, including the colonial legacy in Commonwealth countries of criminalisation under Section 377. Unfortunately, even today, 42 out of 54 former British colonies have this section in their penal codes and criminalise same sex relations.

The level of opposition to establishing the new mandate of the Independent Expert on SOGI was strong, with 78 countries in the 3rd Committee voting against the establishment of the mandate. Similar results were also observed when the issue went to the 5th Committee.

Although the Yogyakarta Principles are only repeating the language of the Universal Declaration of Human Rights (UNHR) in an LGBTI context, there is still resistance to accept these Principles in that context. Therefore, we need to address issues of stigma and prioritise actions which can be derived from the Principles, always keeping in mind that the fundamental basis of all human rights is love.

Drawing attention to the soft law nature of the Principles, Jean Chong provided a brief description of recent LGBTI related court cases and good practice in disseminating the Principles. For example, an Indonesian CSO translated the Principles in a comic book format, which provided a very effective way to reach out to a larger audience. In order to push for the promotion of the Principles to a wider audience, simplifying the concepts and improving access to the practical application of these principles on the ground were identified as essential steps.

Vaialia Iosua espoused that Principle 19 of the Yogyakarta Principles forms an important point of contact for the work of many advocates. The Principle states:

Everyone has the right to freedom of opinion and expression, regardless of sexual orientation or gender identity. This includes the expression of identity or personhood through speech, deportment, dress, bodily characteristics, choice of name, or any other means, as well as the freedom to seek, receive and impart information and ideas of all kinds, including with regard to human rights, sexual orientation and gender identity, through any medium and regardless of frontiers.⁸

Learning from the jurisprudential development of the Principles in the past, there is a need to focus on areas that would have the best impact on the quality of life of individuals and communities.

The Principles would likely produce a better result if they themselves were binding even though they articulate already existing principles of binding international law. The current language of the Principles may also be one of the reasons for lower level of compliance by States; therefore, there is a need to create better interpretations and supplementary explanations.

How we translate the document into practice is what is important when it comes to results. Therefore, embracing the lived experiences of the people and creating a stronger sense of ownership through meaningful engagement with stakeholders is essential.

There is also the need to do more research that benefits the LGBTI community and fill the knowledge gaps we currently have, not only in understanding the principles, but also in their full application and impact. This may even involve the initiation of the process of coming up with a new set of principles.



8 Yogyakarta Principles (Principle 19).

By discussing the struggles and collective understandings of challenges in realizing the aspirations of the Yogyakarta Principles, Mauro Cabral Grinspan emphasized the need to bring in more clarity and new terminology to better understand the nuances of lived experiences. To this effect, the issue of non-recognition of intersex, even in some countries that are seen as liberal and accommodating, was underscored. Appreciating that intersex traits encompass a wide spectrum of physical sex characteristics, intersex recognition and effective protection of human rights of intersex people, particularly in relation to human rights violations they face, was emphasized. Mauro further underscored that in Argentina, despite the liberal and progressive stance on LGBTI rights in general, the government has been ineffective in taking appropriate legislative, administrative and other measures to protect the rights of intersex people and to provide survivors the often-needed access to justice, redress and compensation.

Realising the provisions of Principle 17 (the right to the highest attainable standard of health) may be seen as just around the corner, but to go around the corner may be challenging. There is also the need to further heighten the efforts to strengthen the realisation of the right to effective remedies (Principle 28). There is a need to move collective advocacy and efforts from stopping human rights violations to ensuring everyone has access to human rights, and remedies, and reparation. Moreover, the perpetrators and potential perpetrators must have access to awareness opportunities to unlearn their behaviors and develop a sense of respect for the equal dignity of everyone.

Exploring the changing landscape of human rights movements across the world, Edmud Settle emphasised that more openness is needed from the global north to learn from the experience and success stories from the south. There is also the need to re-emphasise the language of the Yogyakarta Principles in international cooperation activities. International organisations must also realise that progress with one group may mean negative results for other groups, therefore need to deepen their engagement with multiple actors.

In order to better localise the language of the Yogyakarta Principles, panelists agreed that the principles need to be translated into the local context – using the words people use. Such an approach will also be helpful in bringing out realistic changes in the community understanding and acceptance of the Principles. Using socially acceptable language will be helpful as an entry points to the social discourse, which can then be moved on to more difficult and contentious topics. Developing local interpretations of the Principles and moving them towards a fit with the Yogyakarta Principles, rather than working from the Principles to the local context, would be more effective.

The increasing efforts of the international community and UN agencies to highlight the human rights and development concerns of LGBTI people was applauded. It was also noted that the UN now has designed a staff inclusion training course entitled 'UN for All' for all staff – which includes a module on LGBTI issues and inclusion.



SESSION 5: GROUP DISCUSSIONS – HOW CAN THE YOGYAKARTA PRINCIPLES BE STRENGTHENED AND SUPPLEMENTED FOR THE FUTURE?

After a day of intense discussion on the historical background and the experiences of the past 10 years of the Yogyakarta Principles, the last session for the day was designed to consider how each sector can contribute to strengthening and supplementing the Yogyakarta Principles, including through building partnerships with the State, NHRIs, CSOs and the UN System. All participants of the conference engaged in one of the four groups:

- Group 1: Engaging the State (government, parliament and judiciary)
- Group 2: Engaging NHRIs
- Group 3: Engaging CSOs
- Group 4: Engaging UN agencies

Moderated by Nicholas Booth, Human Rights Advisor, UNDP Bangkok Regional Hub, the key discussion points from all four groups which were reported back to the conference are presented below.

Group 1: Engaging the State (government, parliament and judiciary)

Rapporteur

Anna Brown, Human Rights Law Centre

- It is important for LGBTI advocates to know the State's response to international human rights framework in general and to SOGIESC issues in specific
- In order to achieve superior results through engagement with the State, it is better to form alliances with and target the foreign affairs ministry – because out of all government agencies, they are more likely to care about the international obligations of the state
- SOGIESC advocates need to know their audiences very well and strategise the engagement according to their characteristics and needs
- The Yogyakarta Principles need to be translated to the local language and used as an effective tool of advocacy with all state agencies
- Involve the private sector in negotiation with the state, and use their leverage to convince the government agencies
- Build political capital around LGBT issues and use it effectively
- Forming unlikely alliances with other interest groups could also be effective
- The idea of injecting some competitiveness among States in achieving the objectives of Yogyakarta Principles and the international human rights norms – for example the idea of introducing a Yogyakarta Principles compliance index
- Creating potential levers through the World Bank and other agencies to convince the government of the economic and social benefits of compliance
- Linking the SDGs and LGBTI inclusion
- Drawing on our common humanity and convincing the governments that it is essential to recognise equal dignity and rights for everyone regardless of their sexual orientation and gender identity
- Convene a litigators' meeting – identify litigation strategies and build cases around LGBTI rights

- Intervene as amicus – by the new IE-SOGI mandate-holder in specific cases
- Maximise the positive normative context offered by the Yogyakarta Principles in dealing with governments.

Group 2: Engaging NHRIs

Rapporteur

Ashwin Raj, Fiji Human Rights and Anti-Discrimination Commission

- NHRIs play a mediatory and interlocutory role with other agencies, therefore this role should be effectively exploited by LGBTI advocates
- NHRIs are well placed to educate the community and produce effective tools of engagement
- Recognise the key LGBTI issues that are core to the community context
- Democratise our understanding of the SOGIESC issues and the Yogyakarta Principles
- Communities do not necessarily understand the difference between sex and gender – therefore, more education and awareness activities could be conducted through collaboration between NHRIs and community groups
- Fully exploit the community mandate of NHRIs
- Understand the powers of NHRIs and use those powers to address discrimination, violence and other forms of human rights violations against LGBTI people
- Recognise the intersectional issues – e.g. Freedom of expression and hate speech; freedom of religion and violence against LGBTI
- Linkages between Civil and Political Rights and Economic, Social and Cultural rights in the context of LGBTI rights
- Identify ways in which the SOGIESC agenda can be mainstreamed and included in the works of NHRIs
- Recognise the right to narrate – being able to narrate the experiences and stories of LGBTI community
- NHRIs can produce disaggregated data to build strong cases which can be litigated or addressed through state policy
- Possibility of forming sub-regional groups of cooperation, and address common interests and concerns
- Use the economics and the business case behind human rights violations of LGBTI people
- Use various ways in which constructive engagement with all relevant institutions can be used
- Recognise the jurisdictional limitations of NHRIs in certain issues, and optimise the engagement in all salient areas
- Give full consideration to social apparatus and legal, political and cultural realities while addressing LGBTI concerns and promoting the Yogyakarta Principles
- Use multiple narratives of culture – instead of ‘monolithising’ the cultural reality.

Group 3: Engaging CSOs

Rapporteur

Bin Xu, Common Language

- There is an urgent need to educate the community to increase their awareness on the reality of LGBTI rights
- Train young and passionate activists to be vocal about ongoing serious violations of rights
- Develop and widely use creative promotional materials on the Yogyakarta Principles, such as comic books and mobile phone apps
- There is a need to be creative in translating the language of the Yogyakarta Principles not only into the local language, but also to the local context
- Fiji developed a submission to the Constitution using the language of the Yogyakarta Principles, through the initiative of the community groups
- Activists can use the Yogyakarta Principles when drafting reports to the international mechanisms
- Build alliances in national and international advocacy to promote the Principles and their application
- Include a rights based approach in SOGIESC based research
- Economic cost approach works with LGBTI rights – community based organisations could lead this work
- The almost total absence of intersex issues and language in the Yogyakarta Principles should be addressed.



Group 4: Engaging UN agencies

Rapporteur

Brianna Harrison, UNAIDS

- It is important to recognise that the UN system is diverse and there are so many entry points to influence
- UN agencies can also develop stronger policies internally to sensitise staff on the Yogyakarta Principles and SOGIESC issues
- There is a need to develop broader attention to gender identity issues
- Better integration and reflection of the Yogyakarta Principles into the work programmes
- Common country assessments must better integrate the Yogyakarta Principles
- “Being LGBTI in Asia” as a flagship programme of UN agencies is recognized and valued
- The WHO’s current review of the International Classification of Diseases (ICD) needs to recognise the – human rights of people with intersex variations
- Importance of drawing red lines and identify accountability areas
- Enhancing engagement with CSOs
- UN agencies could play a stronger and visible role in advocating for the Yogyakarta Principles and their implementation
- Issue of programming and using SDGs as entry points for Principles – Operationalisation of the Principles through entry points in SDGs
- Building partnerships around the UN and LGBTI communities and providing legal support and advice
- Improve inclusion of intersex people and their issues in UN development documents and strategies.

Overall, all four groups provided insights into new techniques for enhancing cooperation with the key stakeholders.

At the end of the day, the idea was proposed to nominate the Yogyakarta Principles, or the key people involved in their development and promotion, for the Nobel Peace Prize. This was seen as a way to bring SOGIESC issues to the forefront of international efforts. Creative proposals to take this idea forward and mobilisation of support from NHRIs and other agencies was called for.



5. Summary of proceedings – Day 2

SESSION 6: THEMATIC WORKSTATION SESSIONS

After recapping the discussions of the first day of the conference, day 2 began with thematic workstation sessions. The sessions were designed to brainstorm and discuss (i) gaps in the Yogyakarta Principles in relation to the workstation topic; and (ii) the roles of specific actors in implementing the Yogyakarta Principles and evolving international human rights standards. The eight thematic groups addressed:

- Workstation 1: Intersex people/sex characteristics
- Workstation 2: Gender identity and expression
- Workstation 3: Faith, culture and family
- Workstation 4: Violence and extremism
- Workstation 5: Legal protection
- Workstation 6: Legal oppression
- Workstation 7: Engagement with international human rights mechanisms
- Workstation 8: Sustainable development goals

Summary of issues (gaps, and roles of specific actors) identified under each theme are presented below.

Workstation 1: Intersex people/sex characteristics

Facilitator

Morgan Carpenter, OII

Rapporteur

Laura Sweeney, NHRI Australia

Question 1: Gaps in the Yogyakarta Principles in relation to intersex

Gaps in knowledge and definition

- There are gaps in the recognition and definition of sex characteristics – the conference and the APF manual⁹ has already implied the existence of these gaps, which are not adequately recognised in the Yogyakarta Principles
- The word ‘intersex’ appears only once in the Principles (in the preamble), although some principles may be applied in the case of intersex
- The universality of sex characteristics and bodily diversity are distinct from the specific experiences of people with intersex variations
- The issue of legal language and approach to categorising, conflation and confusion of gender identity and sex characteristics – in which proof is often based on ‘biological characteristics’
- By not talking about the sex characteristics as part of the broader SOGIESC conversation, there is insignificant focus on variations in sex characteristics (note the Yogyakarta Principles commentaries on medical intervention – P18)

⁹ APF Manual *Promoting and Protecting Human Rights: Sexual Orientation, Gender Identity and Sex Characteristics*, available at: www.asiapacificforum.net/resources/manual-sogi-and-sex-characteristics/.

- There is no clarity on how 'age of consent' or maturity is defined, especially in the context of intersex people
- Clarity is needed on the issue of non-consensual medical interventions, especially involving children with intersex variations. Such interventions constitute human rights violations at the time of the procedure, but also continues as a violation throughout life
- There is a disconnect between the SOGIE framework and sex characteristics. SOGIE's focus is not on bodies, while the intersex movement focuses on the body. There needs to be further recognition of the parallel dimensions with the disability movement
- There are concerns about the use of medical 'evidence'
- Clarity is needed to identify the impact of third categories on birth certificates – including both positive and negative consequences, especially for intersex people.

Relationship between gender identity and intersex

- There is confusion about the relationship between gender identity and intersex and the Principles don't offer clarity to the 'movement' in relation to intersex
- Confusions in the use of SOGIE or SOGIESC (Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics) – there is a need to embrace SOGIESC.

Advocacy

- The issues related to female genital mutilation (FGM) and approaches taken by human rights advocates provide some important lessons for intersex advocacy – note that some States' laws against FGM have express exemptions regarding intersex interventions
- Lack of education in the community about definitions and differences between gender identity and intersex variation – there is the need to educate everyone at all levels
- There was a lack of adequate consultation with regard to intersex awareness when 'I' (intersex) was inserted into the LGBT schema.

Intersex and children (ref CRC)

- There are gaps in conceptions of age and maturity – there are concerns about forms and assumptions about medical interventions, which are regarded as more of a gap regarding bodily autonomy
- The current definition of age of maturity (Principle 18) is drafted to be in compliance with the definitions of the Convention on the Rights of the Child (CRC) is contentious
- There is also the absence of the language of 'unnecessary' in the context of medical procedures
- There are strong concerns from intersex people regarding Principle 18 especially in relation to contentions with the CRC – there is a need to uncouple the Principles' definitions from those of the CRC
- There is a desire to talk about the 'best interest of the child' – in the context of age and maturity and the preferences for alternative, developmental states and emphasis on autonomy – alternatively, instead of removing 'best interest', it could be useful to be more explicit about what these interests are
- It is time to use other normative language – e.g. 'harmful practices' instead of torture framings
- Some caveats around the current wording of Principle 18 – the need for a child rights perspective including around the evolving 'capacity' of the child
- Potential problems when the child is not old enough and decisions about the best interest of the child are determined is made by others e.g. – courts/doctors/child advocates

- Best interest of the child is often determined and assessed by culturally-rooted assumptions which include ideas about bodies and notions about normality.

Consent

- Using the disability lens, there are concerns regarding the concept of consent – what does consent imply?
- There is inadequate clarity on the concept of access to medical interventions when a person consents and desires it – which may not be clear cut in many cases
- Supplementary principles could be expanded to include harm caused and, in particular, draw attention to the distinction between consent and informed consent
- Education and information should be expanded through the engagement of the community, interested populations, medical community and other state agencies.

Gender identity

- Principle 18 assumes gender identity as a rationale for intervention and assignment of gender identity – but there are no other reasons for intervention, which is problematic
- This link established by the Principles between gender identity and medical intervention is too narrow.

Access to information

- There is inadequate access to information and there is a dearth of research, data and records regarding prevalence, experiences and outcomes – this issue needs to be given consideration in the programmatic action
- More focus should be given to how we collect information, testimony, academic articles published by doctors.



Self determination

- There is the need to create a system of self-determination
- Definitions in relation to bodily diversity, intersex and sex characteristics are not clear
- There are also related concerns about the rights of those who alter their legal records of gender
- Need to address through the lens and aspects of health and bodily autonomy plus diversity – which still remain underutilised entry points
- Although there is some resistance to issues related to bodily autonomy, it is important to refer to 'self-determination' of the intersex people.

Legal recognition

- Gaps in recognition before the law for intersex persons
- Assignment of sex is effectively a prerequisite for being a person before the law as well as all the rights that flow from being a person (e.g. Right to recognition before the law)
- Legal frameworks often confuse sex and gender.

Question 2: Roles of specific actors

States/advocates/NGOs

- 'Harmful practices' could be a useful entry point. Some treaty bodies have issued General Comments on harmful practices. When states/advocates/NGOs engage in these issues, they could work on strategising and applying these rules in relation to sex characteristics. CRC advocates could be invited to further discuss this relationship.

State agencies

- Need to address state practices of enforcing a particular gender identity assignment when a child is born with intersex variation or when the birth certificate is issued.

CSOs/advocates

- Raise issues of intersex people who need medical interventions (e.g. Genital correction surgery) – these issues cannot be fully addressed by simply ceasing surgery.

Workstation 2: Gender identity and gender expression

Facilitator

Cianán Russell, APTN

Rapporteur

Moises Pereira, NHRI Timor Leste

Question 1: Gaps in the Yogyakarta Principles in relation to gender identity

- Explicit discussion on gender expression is absent in the Yogyakarta Principles
- There is no reference to freedom of movement – in the context of gender identity
- Lack of reference to cultural identity
- Although the Yogyakarta Principles uses non-binary language, the relationship between SO, GI, and GE is not clear

- Emergency context is not included e.g. the important of official ID documents in times of emergency including in hospitals, emergency shelters, or crossing borders
- The relationship between gender expression and gender identity and freedom of religion are not included
- Lack of information on definitions of sex and gender in the Yogyakarta Principles
- Gender expression and cultural participation are not adequately covered
- Gender identity and the right to family are not adequately addressed
- Incorporation of government data collection and the impact on the debate on gender identity is not fully covered
- Gender Identity and issues of inheritance (where inheritance is based on gender and relationships) are not adequately covered
- Gender norms and social gender are not distinguished.

Question 2: Roles of specific actors

States

- Provide linkages with culture, history, medicine, education and sports in the context of gender identity
- Build infrastructure and facilities in relation to provision of adequate support for gender identity.

Law enforcement agencies

- Better understanding and sensitisation of gender identity issues.

Advocates

- Recognition of positive and negative aspects.

UN agencies and their vertical interactions

- Develop better representation of gender identity issues and use relevant language.



Workstation 3: Faith, culture and family

Facilitator

Ryan Silverio, ASEAN SOGIE Caucus

Rapporteur

Nurul Hasanah, NHRI Malaysia

Question 1: Gaps in legal protection

Intersectionality

- It is important for Yogyakarta Principles to recognise the intersectionality of rights and approaches which may have positive implication to reinforce its substantive contents. In applying an intersectional perspective, the Principles need to address cross-cutting issues such as those surrounding gender-based violence; children's rights; women's rights etc. They should also reflect the nuances of each human rights instrument. The primacy of the heteronormative family as the ideal may be challenged by counter-narratives of persons from diverse contexts such as those in migration, in armed conflict scenarios, in natural disasters who may be living in different family arrangements.

Future evolution of the Principles

- The Principles form a living document and just like any other international human rights instruments, should be allowed to evolve. The Principles should not be frequently amended to reflect all development/evolution. Unless amendment is necessary to reflect critical issues, guidance documents or explanatory notes are sufficient to capture the evolution. Something akin to the general comment/recommendations of treaty bodies can be more effective.

Religion, culture and violence

- Principle 21 is open and comprehensively embraces the rights of LGBTI to hold freedom of thought, conscience and religion. However, it does not cover imposition of religious values on LGBTI individuals
- Principle 21 lacks clarity on how religions and the practices should treat LGBTI people. There is no critical view on how religion and religious practices perpetuate the gender-binary, patriarchy and heteronormativity
- While Principles 21, 24 and 26 reiterate that LGBTI people have the right to faith, to form family and to participate in cultural rights, the Principles are silent on the right of LGBTI people to protection against violence based on religious belief and/or culture and/or patriarchal family setting. It is therefore necessary to review the existing Principles to ensure they explicitly provide for protection of LGBTI people from religiously motivated violence and/or patriarchal cultures and family settings. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), for example, obligates the state to take necessary measures to eradicate cultural and traditional practices that perpetuate discrimination against women
- Any conduct of dialogue or negotiation with a view to transform culture, faith and other social norms must be viewed as a political act. As such there should be a critical view on the power-dynamics that may exist between bearers of culture and religion and the LGBTI community. How the LGBTI community and allies strengthen its ranks within this process is crucial. The Principles on right to participation in community life is crucial but this should be explained in a transformative way, i.e. reinforce the idea that LGBTI community and movement have the right to influence social change processes

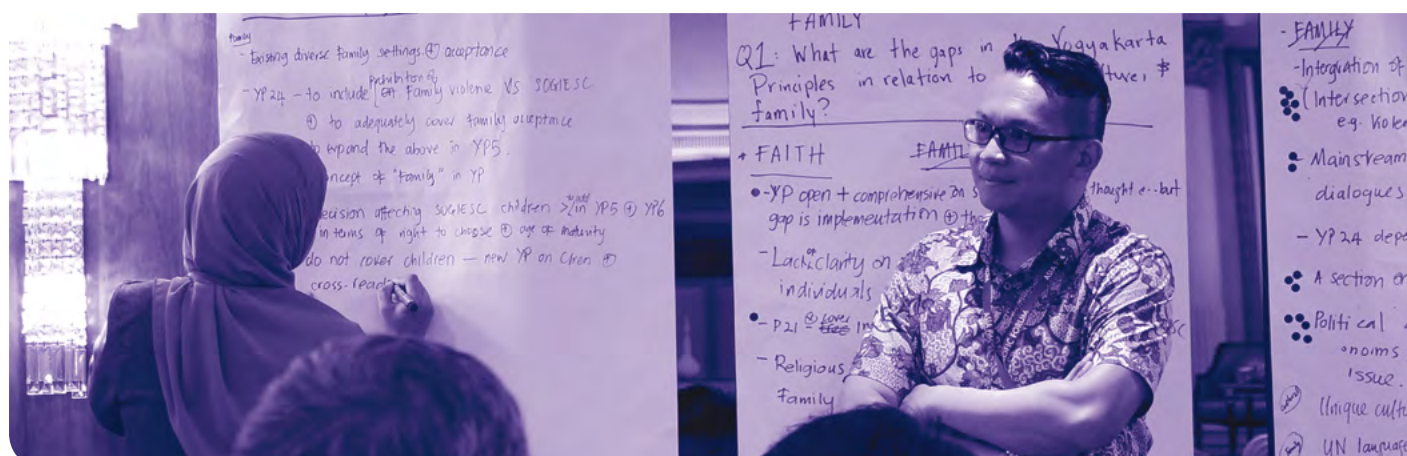
- Elaborate on the limit of manifestation of belief (teaching, worship and practices) and where they should be limited to avoid harm to LGBTI people
- To identify entry points in the Principles in relation to family to support LGBTI people from non-Abrahamic or institutionalised religions, such as spiritual traditions with multiple approaches e.g. Hinduism, Buddhism and Taoism and Yoga
- The inability of some religious and cultural norms to reconcile with the human rights of LGBTI people should be addressed through political engagement.

Family

- Principle 24 touches on rights to form family but again does not encapsulate the family duty to protect and not to harm LGBTI people. Given the evolving discourses around non-state actors as human rights duty-bearers, the Principles should consider how the family should be obligated to protect and promote the rights of LGBTI people
- Principle 24 does not include a recognition of the existing family acceptance of LGBTI peoples
- The Principles omit the concept of “adoption” – must add “adoption” in Principle 24
- To add a note on the definition of family which is currently missing in the Principles. “Family” to encompass the idea of family of choice and family of origin. Also, add a note that provides a broad and diverse interpretation of family. It is important to ensure that, in the case of adoption, the child is given the opportunity to understand their family of origin
- To include prohibition of (sole) family decisions affecting LGBTI, in particular intersex, children. To ensure children are included in any decision affecting them, in particular relating to gender assignment surgeries. It is important to add provision on intrusive surgery and bodily harm. To consider expanding Principle 5 and 6 to encapsulate the issue of participatory rights of children and protection from bodily harm/intrusive surgery. In this case the right to participation under the CRC may be used to interpret, in conjunction with the application of the best interest of the child principle
- The Principles lack critical discussion on social norms about masculinity and patriarchy.

Cultural rights

- Principle 26 talks about LGBTI rights to participate in cultural rights, but do not touch on LGBTI rights to be protected from violence based on culture
- The Principle fails to embrace and elaborate the unique indigenous cultural beliefs and practices that value gender fluidity and diverse identities. For example, in the Pacific, there are diverse socially accepted identities such as the Fa’afafine.



Question 2: Roles of specific actors

States

- Dialogues are necessary to encourage discourse on LGBTI rights/issues and seen as catalyst to acceptance and change. Dialogues should target faith and culture based organisation as well as religious leaders. It is also important to decide on the terms/nature of engagement. Depending on the level of acceptance of a particular religion or culture, discussion should focus on law, on rights and be fuelled by personal stories/experiences rather than provisions of the scriptures or doctrine. However, in cases where doctrine or scriptures are supportive of LGBTI rights, these should be leveraged.

NHRIs

- NHRIs should be seen as important allies which can champion the issue of LGBTI rights through their mandate
- NHRIs can send the message to the community that human rights trumps cultural norms and values.

Academics/universities/advocates

- Engagement with academics is essential to encourage more research indicative of support to LGBTI rights.

Advocates

- More engagement with law makers and members of parliament
- Empowering and awareness raising among young persons and others including businesses (under the Business and Human Rights agenda) to understand LGBTI issues
- To engage with families which have accepted LGBTI individuals to be the catalyst of general acceptance
- Identify and share positive stories of how culture, religion and faith that have been supportive in the promotion of LGBTI rights.

Religious leaders

- Engaging Ulema and other religious leaders, as well as academics in developing a better understanding of the issues.

Families

- Parents of people of diverse SOGIESC need to recognise and accept sexual orientation, gender identity, gender expression and sex characteristics within the family setting.

Society

- More effort is needed to address violent cultural norms and to recognise different cultures in different societal settings; Elaborate on the cultural acceptance of gender diversity (e.g. in Samoa and other indigenous cultures).

UN/regional/entities

- To intensify initiatives to encourage regional sharing of experience and good practices (between different actors including NGOs, LGBTI movements, NHRIs and Government) in problem solving on issues relating to LGBTI, through proper documentation, workshops or even online group discussions; Enhance regional networking.

Workstation 4: Violence and extremism

Facilitator

Dr Antiicha Sangchai, Buku Books

Rapporteur

Zahir Naderi, NHRI Afghanistan

Question 1: Gaps in the Yogyakarta Principles in relation to violence and extremism

- The Yogyakarta Principles do not identify and define extremism
- Principle 17 does not include the impact of violence on health
- In many countries, the Principles are considered a set of western values and cannot be effectively used – need to address this
- Extremism plays a key role in vigilantism which combines issues of both personal and political space
- Extremism is not the group of people, but ideas of society like patriarchy and norms around masculinity – both at individual and institutional levels
- Draft operational/programmatic guidance on violations of human rights by State actors and secondly by non-state actors in all levels
- Violence in a country and cross border are not fully considered
- The Principles do not include cybercrimes/attacks on LGBTI
- There should not be any violence towards bodily autonomy – no pressure and no coercion.

Question 2: Roles of specific actors

States

- States should identify those who have more capacity to inflict violence and address these concerns
- Applying Principles in the national education policy
- Understanding violence and extremism in broader context as strategy to educate society about the violence and discrimination of LGBTI rights.

NHRIs/judiciary

- Effectiveness of NHRIs and the judiciary must be enhanced in the implementation of the Principles and other human rights standards
- NHRIs and CSOs must do awareness raising programmes for the families with respect to the rights of LGBTI people
- Proper guidelines must be provided to police and other security forces for the protection and respect for LGBTI people, by NHRIs as per the Principles.

Advocates

- To identify the roles of state actors for the protection of victims, remedies and response
- Participation and implementation of all levels of stakeholders in all mechanisms in order to change the situation on the ground

- Commitment and accountability of stakeholders for security of LGBTI people within human rights standards
- Dialogue among the LGBTI communities on human rights.

Academics

- Researchers, intellectuals for promotion of the Principles
- Academic institutions must generate evidence and promote dialogue on LGBTI issues.

Families

- Families must stop violence and discrimination at first stage towards LGBTI people within the family
- Families must provide emotional support to LGBTI people and groups.

Private sector

- Private sector and business corporations must provide equal job opportunities for LGBTI people

UN/international organisations

- International organisations can assist states to define and fight extremism
- UN must pressurise states within the right parameters for implementing the Principles
- Dialogue among LGBTI people and groups for their rights and capacity building, resources and security
- UN must engage with CSOs for the promotion of the Principles and human rights standards for the protection of LGBTI groups
- UN must lobby for states to ratify international conventions protecting LGBTI people and start working to convert the Principles into a legally binding international convention or at the very, least introduce a Yogyakarta Principles index.



Workstation 5: Legal protection

Facilitator

Henry Koh, Fortify Rights

Rapporteur

Ed Santow, NHRI Australia

Question 1: Gaps in in the Yogyakarta Principles in relation to legal protection

- Legal enforceability and recognition of the Yogyakarta Principles by courts, UPR process, etc.
- Increasing accountability of stakeholders is not fully covered
- Monitoring compliance by states with the Principles – Indexing jurisdictions need to be incorporated
- Establishing a more explicit link to domestic law – identify gaps in domestic law and follow through in areas where there is lack of consistency
- Could the Principles be a step towards a convention – intermediate steps could include a declaration?
- There is no linking to SDGs (Note: The Principles predate the SDGs)
- Normative protection – absence of a specific SOGIESC/LGBTI rights treaty (in the long term)
- Addressing the issue of states selectively complying with the Principles
- Absence of the positive freedom to engage in private/ consensual adult sexual activity
- Homophobia is still pervasive and presents a barrier to progress
- There is the need to develop a comprehensive roadmap towards a convention
- The groups identified three themes in terms of the gaps of legal protection in the Principles:
 - **Procedural gaps:** In particular, concern was expressed about the lack of legal enforceability of the Principles. A potential mitigation of this problem would be to develop a sophisticated means of monitoring states' compliance with the Principles, and reporting and even indexing states' relative success in complying with the Principle.
 - **Substantive gaps:** Certain LGBTI groups were not fully covered by the Principles – e.g. LGBTI youth, intersex people and asylum seekers. Certain issues are not fully covered by the Principles – e.g. freedom of association (especially in the context of requirements on CSOs to register with the government and restrictions on receiving foreign funding), as well as freedom of expression. There was some discussion about the Principles providing negative legal protection – a suggestion was to include a positive freedom to engage in private, consensual adult sexual activity. Moreover, intersex, sex characteristics, intersectional and compound discrimination, freedom of association, registration, access to foreign funding, Freedom of expression and interest, LGBTI youth, asylum seekers are not covered
 - **Performance gaps:** between how the law as it appears and how it applies in reality.
- It was noted that the Principles presents a pragmatic response to the absence of a dedicated LGBTI/SOGIESC international human rights convention. It was suggested that the Principles could provide a more explicit pathway to the end goal of a convention.

Question 2: Roles of specific actors

States

- Legislative, the executive, the parties, religious leaders need to know the Principles: Being creative to deploy the Principles such as opposition to violence, discrimination and forms of engagement on human rights
- National statistical bureaus ensure that relevant statistics and data are collected.

Judiciary

- Internalising and domesticating the Principles into the state's laws – referring to the UDHR.

Academics

- Address the lack of ownership of the Principles – linking it to the principles of universality
- Better strategic engagement was needed on LGBTI issues, especially where these raise particularly sensitive issues. One way of doing this is by addressing the Principles through less controversial subjects, such as countering violence and extremism.

Advocates

- Using the currency of SDGs more effectively
- Strategic engagement with the media
- Tap into informal civil society networks and platforms
- Political engagement at the national and international levels. Being strategic to engage in domestic and international law
- Lobbying governments to ensure that the Principles are given expression in domestic/state laws – e.g. definition of sex /gender.

NHRIs

- Education, research and regional network among institutions
- To 'translate' the Principles into specific local contexts.

Community organisations

- CSOs expressly referring to the Principle in the UPR shadow reports
- Including LGBTI rights on the formal agenda – indirectly e.g. violence and extremism.

Service providers (e.g. health sector)

- Sexual minority members and their lived experience.

UN agencies

- UN internal and external sector engagement.

Regional actors

- Address existing problems of weak regional institutions in Asia
- Engagement in ASEAN networks.

Workstation 6: Legal oppression

Facilitator

John Fisher, HRW

Rapporteur

Rabiul Islam, NHRI Bangladesh

Question 1: Gaps in the Yogyakarta Principles in relation to legal oppression

Expanding sphere of criminalisation in some parts of the world is alarming, which includes

- Restrictions on promotion of LGBTI issues
- Guilt by association
- Participation in same sex partnership/celebration
- Gender expression contrary to social-legal norms
- Law restricting LGBTI oppression; such as restriction of NGOs registration and funding foreign agent laws
- Expansion of restriction into the digital/online space
- Expansion of exemption; for instance: Faith based exemption to non-discrimination law.

Oppressive tolerance

- Permissive laws promote stereotypes. Example: in relation to criteria applied on refugees
- Brazen restriction on sexual and reproductive health and rights
- Stereotyped expression of SOGIESC
- More in-depth analysis of laws used oppress trans and intersex people is needed.

Criminality

- Amendment of the penal code for particular crimes in domestic law
- Lack of political will in the implementation of the Principles
- Foreign agent laws targeting LGBTI population in some countries.

Legal restrictions

- Laws restricting registration of LGBTI CSOs as well as funding for LGBTI CSOs
- Lack of consistency in the application of laws and regulations
- Tolerance of various forms of violence and discrimination (e.g. Bans on donating blood or accessing fertility treatment)
- Application of refugee status for LGBTI individuals
- Non-recognition of sexual and reproductive rights in the Principles
- Criminalisation of sex work in many countries

Privacy and domestic violence

- Increased domestic violence and privatisation of violence

- Right to privacy is not sufficiently applied or observed
- Social exclusion and restrictions on the promotion of sexuality.

Question 2: Roles of specific actors

Parliamentarians

- Repeal oppressive laws, select committee hearing reports, inclusion civil society, allocation of more budget for legal protection.

Government agencies

- Develop more comprehensive legal reforms; affirmative action for LGBTI people
- Law enforcement agencies should ensure respect for bodily autonomy.

Judiciary

- Address issues of discrimination.

NHRIs

- Awareness raising programme for state actors, conducting research, advocating for legal reformation, advocating for UPR, SDGs & other Human Rights mechanisms, supporting legal proceedings.

Service providers

- Lawyers, doctors and other service providers: addressing third gender or other forms of gender diversity.

Professional associations

- Develop guidelines for law enforcement agencies on particular LGBTI issues.

CSOs/CBOs

- Create more awareness and education.

UN agencies

- Better coordination with advocates and national institutions.



Workstation 7: Engagement with international human rights mechanisms

Facilitator

Boyan Konstantinov, UNDP

Rapporteur

Atef Majali, NHRI Jordan

Question 1: Gaps in Yogyakarta Principles in relation to engagement with international human rights mechanisms

- Better engagement with the Universal Periodic Review (UPR) process is required – but is lacking
- Shadow reporting efforts are good – but practices need to be shared more
- Need to boost the role of the human rights council – specify in the Principles
- Training for CSOs on how to engage well with the international human rights mechanisms
- Better engagement with UN on the integration and promotion of the Principles
- Discrepancies in CSO capacity to engage – build on knowledge and skill building
- Mapping of treaty bodies and their relevance and effectiveness in engaging with individual countries in relation to the Principles
- Include Independent Expert's role in the Principles
- Support the mandate of the Independent Expert – reference support also to the human rights council
- How to approach the lack of NHRIs in certain countries? Can we use regional frameworks and/or create them – regional dialogues
- Explicitly mention roles of NHRIs and Principles and need to create them where they don't exist (principle 27)
- Additional recommendations – UNWOMEN to be included
- Reference to enforced disappearance is not there in the Principles.

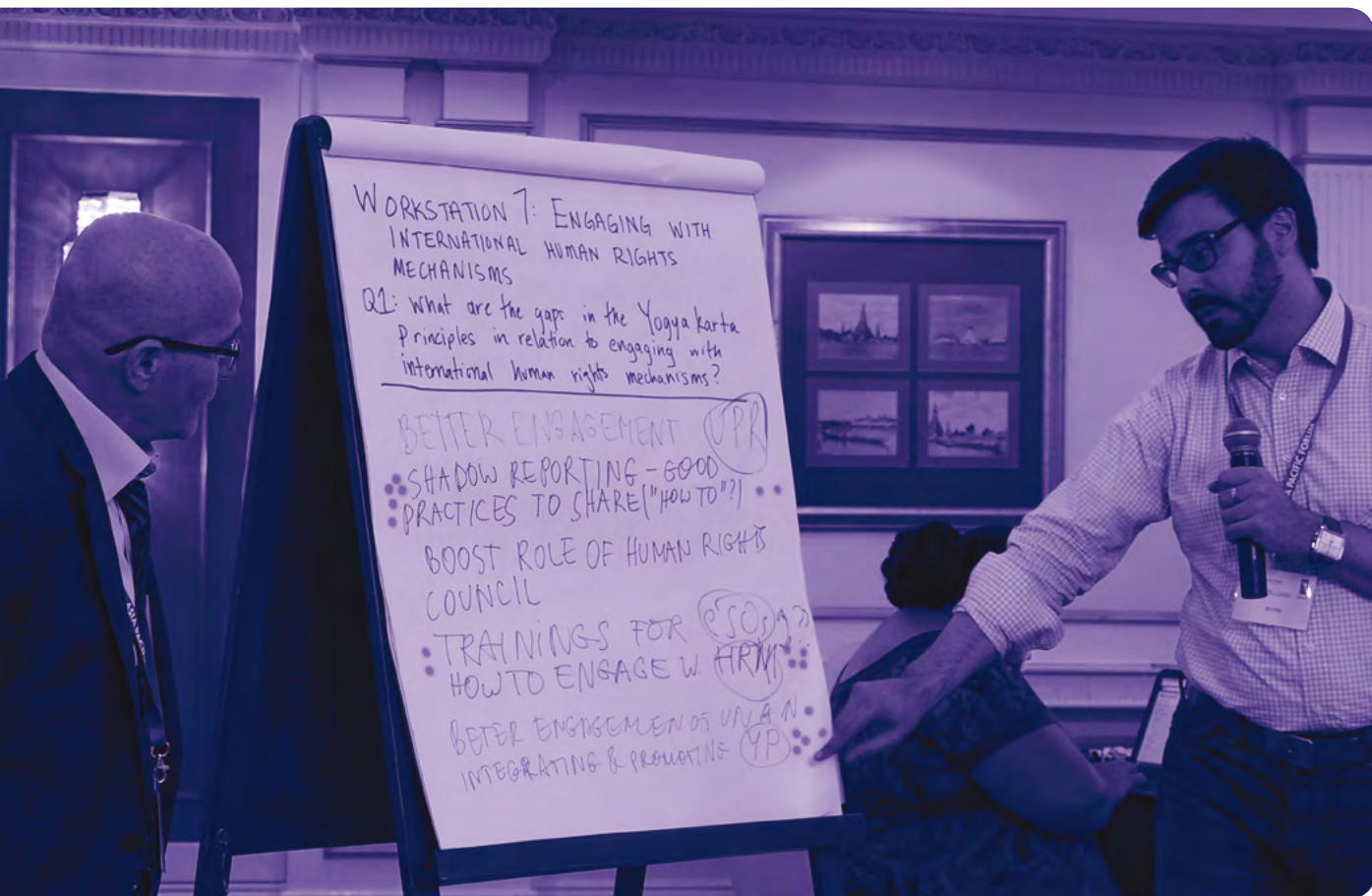
Question 2: Roles of specific actors

State agencies

- Embassies need to play a role in raising issues of rights of LGBTI people and the Principles – they can then report and inform recommendations to their representatives in Geneva
- Shrinking space for civil society needs to be addressed.

NHRIs

- NHRIs can do training with UN assistance on networking of CSOs
- NHRIs and other national institutions need to help establish as well as improve connection to missions in Geneva and New York to engage with the human rights mechanisms on LGBTI rights
- Include explicit reference to the Principles in NHRI and shadow reports.



UN

- Human Rights Council to explicitly endorse Principles (and possibly also by the General Assembly)
- Human Rights Council and consultation with civil society need to be integrated into Principles
- UN to engage in creating a platform on Principles and connect all actors
- UN agencies and country reports for UPR and treaty bodies to include SOGIESC issues and work with civil society.

Advocates

- Multi-stakeholder working groups to be formed to follow up with reference to the Principles and human rights mechanisms.

Private sector

- Can we engage the private sector?

Donors

- Donors to support follow up work on the Principles and human rights mechanisms – funding can be channelled to communities – no excessive administrative requirements.

Workstation 8: Sustainable development goals

Facilitator

Zainab Noronha, UNDP

Rapporteur

Twyla Rubin, NHRI Philippines

Question 1: Gaps in Yogyakarta Principles in relation to sustainable development goals

- There is no reference to Sustainable Development Goals (SDGs) in the Yogyakarta Principles – [Note: the Principles pre-date the SDGs]
- There should be a reference to SDGs in any update to the Principles
- SDGs are often overlooked in SOGIESC advocacy
- Application of the SDGs to SOGIESC can also happen in a separate document rather than a revision in the Principles
- Data on LGBTI issues – there is no mention of data in the Principles
- There is a need to bridge the data gap in relation to what we want to assess – and include data collection separately
- Prioritising which issues in SDGs should be included in the Principles
- Question on how development is viewed – material vs emotional development dimensions
- Intentional inclusion as entry point of LGBTI rights – matches SDGs with human rights
- Use of the Principles in advocacy for SDGs and LGBTI inclusion (development infographics/tools to take to court) – perhaps as a separate document
- Understanding access to SDGs – voluntary reporting, data and prioritising programmatic areas
- Addressing data gaps – building on peer reviewed data as a tool for advocacy, but also ensuring that the Principles are respected in data collection
- Review of accountability mechanisms, monitoring and data
- Data safety security contexts – which data to be collected and included
- Work of special procedures (with SOGIESC contents) and links with SDGs
- Work of CSOs in different areas of SDGs to inform advocacy for LGBTI inclusion
- High level panel – developing precedents in reporting LGBTI inclusion.

Question 2: Roles of specific actors

States

- Multiple stakeholders advocating for the Yogyakarta Principles (including courts, CSOs, States)
- Conscious level of engagement and consultation.

NHRIs

- NHRIs should monitor SDGs level advocacy
- Strengthen NHRIs on the use of the Yogyakarta Principles by developing tools and systems.

Academics

- How SDGs and the Yogyakarta Principles cascade to Small Island Developing States (SIDS) needs to be better understood and localised.

Advocates

- Create noise for the Yogyakarta Principles through engagement with high level panel
- Sideline events as visibility activities
- Continue making the Yogyakarta Principles relevant, including in SDGs and data collection.

CSOs

- CSOs and SDG Coalitions, in monitoring achievement of the SDGs, should push for SOGIESC inclusion and lobby governments for required action
- Build on existing data in measuring LGBTI exclusion
- CSOs must use high level political entry points for SDGs (voluntary state reports) and use the Yogyakarta Principles to advocate SOGIESC inclusion in the SDGs.

UN

- UN Statistical Division should develop a SOGIESC index, indicators and provide guidelines on the importance of consultation
- UNDP could develop an Inclusion Index
- UN should recognise inclusion of LGBTI rights in the SDG progress reports
- UN should make the SDGs more accessible at the ground level
- UN Secretary General can make a report on the status of SOGIESC
- Enable CSOs and NHRIs to know focal points in each country (use assessment of planning agencies for the advocacy process).



SESSION 7: CLOSING ADDRESS AND REMARKS

Keynote closing address

Sonia Onufer Corrêa, Co-chair of Sexuality Policy Watch

Closing reflections

- Luc Stevens, UN Resident Coordinator and UNDP Resident Representative
- Midnight Poonkasetwattana, Executive Director, APCOM
- Nadika Nadja, Working Group Member, Sampoorana
- Hiker Chiu, Founder, OII Chinese

Moderator

Pip Dargan, Deputy Director, Asia Pacific Forum of National Human Rights Institutions

The closing session was aimed at reflecting on the challenges and exploring the way forward – “where to now?” To start the session, Sonia Onufer Corrêa addressed a number of key challenges and potentialities in the revision and application of the Yogyakarta Principles in the future, with a clear linkage between the past and the present.

The importance of retracing the genealogy of the Yogyakarta Principles in relation to human rights epistemologies as well as the articulation of human rights, genders and sexualities was highlighted. The contribution of feminist theory on sexuality constructs, heteronormativity and bodily integrity was emphasised, alongside the trans-theorising critique of the gender binary in the common human rights language.

The world conditions were not exactly perfect when the Principles were crafted ten years ago. Obstacles in respect to adopting language on human rights and sexual orientation and gender identity in these intergovernmental negotiations were massive, as it became clear in the episode of the failed resolution tabled by Brazil in 2003. However, the landscape still remains challenging, as indicated by the continuing violence and discrimination in many parts of the world. The shrinking civil society spaces, the continuous growth and diffusion of politicised religious dogmatism and morality, the erosion of secularity, and increasing violations by non-state actors are among these challenges.

Increased inequalities and contradictory logics of inclusion and exclusion deriving from the ways in which late capitalism orders the world, have been feeding the revivals of entrenched sovereignty, populism and authoritarianism and the potential threats against international and regional human rights systems. The need to use more energy and inspiration to continue to move forward in promoting the Principles and the necessity to expand and intensify horizontal cross-boundary communication about losses, gains and strategies of resistance cannot be ignored.

Bringing the Yogyakarta Principles closer to the people on the ground and especially to those who most need it was underlined. Translating the principles to more accessible language, and to transcribe them in an emotional language are expected to enhance their ownership.

The gap between norms and reality needs to be bridged. While converting the Yogyakarta Principles to a binding international instrument may help in this regard, there do not seem to be the right conditions for such a change. Rather, making the Principles more ‘binding’ through the work of Human Rights Committees, Universal Periodical Review processes and other mechanisms may be the way forward. Similarly, infusing or spreading the spirit of the Principles within the existing international instruments may be more effective. In view of the many intractable challenges in realising human rights in many parts of the world, we must remind ourselves that human rights are at once indispensable and often insufficient. Yet, there is also the need to conceptually and programmatically revise the Principles.

Recognising the universality of human rights still remains a challenge; yet, there is also the need to appreciate that universality is often used selectively as an instrument of domination. Therefore, when we claim universality, we must also chart and value the multiple cultural narratives on being oneself and belonging to communities, especially in terms of juridical and jurisprudential research and thinking.

The problem of state and state-centrism as well as challenges in state engagement remain contentious. States may respond positively in regard to one domain of rights, while at the same time being complicit to violations in other critical areas. State behaviors could also be highly inconsistent between global and national arenas. Given their complex and contradictory structures, states must be seen as battlefields in which many powers and interests are always at play.

The domain of market forces, which often amplify or restrict the prerogatives and entitlements in relation to sexual rights, is also crucial especially with the increasing role of the private sector and free market players. The intrinsic tendency of market forces in the creation and recreation of inequalities further complicates the efforts to change government policy, especially in relation to discrimination. The increasingly forcible religious and dogmatic ideologies make the effective realisation of human rights in the realms of genders and sexualities all the more challenging.

Intersectionality is identified as one of the main challenges ahead, especially in the context of the intersectionality of discrimination. Markers of individual characteristics are linked to structural hierarchies intrinsically connected with the patterns of persistent or recreated inequalities previously underlined, which cut across the groups and communities that are to be potentially protected by the Principles. Aspects of normative violence derived from religious interpretations, biomedical categories, among others, often manifest in the form of pathologising trans- and intersex people. In view of these challenges, there is wide room for intersectional work across various domains in respect to the revision and application of the Principles. Ongoing efforts in relation to the criminal law dimensions of criminalisation of same sex relation, abortion and pregnancy, sex work, adultery, HIV transmission and drug use are also essential to ensuring the effective promotion of the Yogyakarta Principles.

Three speakers were then invited to give short closing reflections. Midnight Poonkasetwattana remarked on the importance of building a community and the feeling of being part of a community. In order to fully realise the benefits envisioned in the Yogyakarta Principles, they must be community-owned, especially given that the Principles are based on the needs and struggles of the community.

There is an urgent need to prioritise the programmes and activities in the promotion of the Principles, and to identify the potential sources of funds for future activities. It is also vital to recognise that institutions and mechanisms that are supposed to be supportive are often not when the need is highest. This calls for support institutions to maintain focus and vigilance at all times. What can be organised at the national and regional levels and what can regional and international organisations do to sustain the efforts to promote the Principles and the protection they offer?

Developing more innovative ways to engage with the wider community and building and strengthening partnerships must be explored. As stressed by many speakers earlier, translating the Yogyakarta Principles into simple language that people can understand and appreciate need to be a key area of attention, which would help achieve more inclusion in the community. Taking time to think about the future challenges and tasks in relation to the Principles and building stronger partnerships with the community should be given priority.

Nadika Nadja pointed out to the few dark corners that people don't see, especially raising the question as to what we are potentially leaving out of our discussion and work. The idea of using proper definitions and clear language in relation to sexual orientation and gender identity – including questions such as what is trans – and what is intersex – must be addressed. However, while the scrambling to better understand the issues, we must not lose sight of what is important and urgent in achieving equal dignity and rights for everyone.

Experiences in the past shows that although, love is the basis of human rights, we cannot just leave it to love. We must also recognise that sometimes love is also responsible for some suffering – including within the family. This is often the case when families fail to recognise the rights of the individual and enforce preconceived values on individuals. Although these acts are often carried out in the name of love, they go against the very principle of human dignity and rights.

Translating the Yogyakarta Principles into local languages must also take into consideration that such translation must be reflective of the local context and traditions. The customs, traditions and values embedded in societies play a significant role in one's ability to define gender identity and sexual orientation. They are also to a large extent influenced by the culturally defined castes and hierarchies. Therefore, critiquing the Yogyakarta Principles must be carried out in a more culturally relevant approach.

Hiker Chiu articulated the ability and opportunity for intersex people to partner with others and attend events to promote their rights. While the cultural alienation of LGBTI people has been in the increase in many parts of Asia, the concepts of sexual orientation and gender identity in general may be easier to infuse within the cultural context and values. Such an approach could be useful in expanding inclusivity.

The language of the Yogyakarta Principles in human rights law must be better aligned with the language and the cultural context, as highlighted by many speakers before. While the concepts and content of Principle are often seen as a voice from highly academic people – more grassroots level people should be involved in its application and discourse.

The issue of intersectionality must be given more attention, as discussed by many others. Human rights advocates need to strengthen their collective ability to help LGBTI people who are in need of help. In countries where there are no NHRIs, there is the need to develop and strengthen this informal channel further. The government's commitment to human rights education – including the Principles – needs to be identified as a focus area for future intervention. This would be essential in making the Principles more user-friendly.



The future for sexuality and sexual freedom was questioned by speakers in view of the struggles and continued resistance ahead. While there is a cultural transformation on the way – despite huge barriers, we are going through a revival of a geopolitical gender and sexuality orders. Although the concepts and notions of gender and sexuality have been very stable, these structures have been destabilised in recent times and there may be a reaction to this. With the changes in society and organisations and the ongoing revolutions in communication, there have been increasing efforts to reorder the world to maintain a status quo. With more and more information made easily available, there is room for change, both in positive and negative ways. Often, the forces of opposition are very strong, with significant resources and energy; therefore, countering this emergent threat will be a big battle which would require a new way of thinking and detailed maps to navigate.

A strong and well-informed critique of human rights can be essential in reviving its spirit. There is the need to question: what is the imagination of resistance? And how does it link to the work of human rights advocates, and how do you expand your imagination? There is also the need to constantly understand and recognise the limitations of the Principles, and to continue recreating their norms and practices.

We need to recognise that law is not exactly justice – rights is not justice – it is a long term horizon. Therefore, we must also give due consideration to the limits of justice, in the application of both theory and practice – within the context of broader human rights in general and the human rights of LGBTI people in specific.

To conclude the Conference, Luc Stevens, UN Resident Coordinator & UNDP Resident Representative, touched upon the importance of concerted effort by activists, advocates and allies in bringing the cause of sexual orientation, gender identity and sex characteristics to the forefront of the international agenda. A future is envisaged in which everyone, regardless of who they are and who they love will be able to live without fear and fear of death from acts of violence.

Although there has been serious progress over the years, violence based on sexual orientation and gender identity and sex characteristics still remains a major concern. In the face of such hostility, we have to continue sending the message that LGBTI rights are human rights too. With many challenges of hatred and bigotry still remaining, we must make the optimum use of the narrow space there is some countries to advance rights.

International organisations must listen to the grassroots and ensure that they receive adequate support to sustain the momentum of LGBTI rights advocacy. The UN will be facilitators and conveners of this effort but not directors, while the grassroots activists will be the ones to lead the campaign. The UN agencies can also work to make the States own up the Yogyakarta Principles and address challenges on the ground. As discussed during the conference sessions, focus must be given to transform intellectual resources to community's emotional power, which could bring in lasting change and progress.

The Yogyakarta Principles summarise and reflects upon the status of human rights norms at the time of the adoption, but there is the need for the Principles to be updated to be more inclusive and effective. With tremendous passion and commitment, we must be able to face the struggle with more energy and enthusiasm, taking inspiration from the giants on whose shoulders we stand today.

In the days ahead, there should be more focus on capacity building and training in SOGIESC as core work for UNDP and APF, along with fresh efforts to localise the Yogyakarta Principles into, not only the local vernacular, but also to the local context with the aim of creating a stronger sense of local ownership. Developing additional guidelines to mainstream LGBTI in the work of human rights advocates and sustaining support of partners and donors would be given high priority. The work and position of the Independent Expert on SOGIESC must be supported and defended to ensure that the human rights issues surrounding sexual orientation and gender identity and sex characteristics remain part of the international agenda.

6. Conference evaluation

Participants were asked to fill in an evaluation form at the end of the conference. Of the 117 participants 66 returned completed evaluations.

Questions on usefulness, quality of different sessions, methodology, facilitator skills, logistics and overall quality of conference were asked in addition to qualitative questions on knowledge gained.

Participants found the conference useful with an average rating of 4.34 out of 5. 21 participants of the 66 respondents rated it a 5 out of 5 while 33 rated 4 out of 5 for this question.

For overall quality of the conference participants scored on average 4.35 out of 5 with 29 of the respondents rating 5 out of 5 and 30 participants rating 4 out of 5.



7. Conference summary and further action areas

This section of the report summarises the outcomes of the conference discussions within the four broad themes identified in the conference objectives – namely: different uses of the Yogyakarta Principles and other measures or initiatives in relation to promoting and protecting the human rights of LGBT and intersex people at global, regional and national levels; future development of international human rights law and practice in relation to the Yogyakarta Principles; areas in which the Principles could be developed further; support and coordination between NHRIs, NGOs, UN agencies, advocates and scholars.

7.1. USE OF THE YOGYAKARTA PRINCIPLES AND OTHER MEASURES

The conference participants provided significant insights into the experience of LGBTI advocates, NHRIs, state agencies, academics and others in relation to the use and application of the Yogyakarta Principles in advocacy, litigation, education and awareness as well as shaping policy on the ground.

Focusing on the dimensions of individual sovereignty of subjective identity of lesbian, gay, bisexual, transgender and intersex (LGBTI) people as envisioned in the Principles, conference participants reflected on how the Principles have been used in the past 10 years, and what challenges and barriers were experienced and what limitations in text were most prominent. Participants noted that the Principles were not meant to be a constitutive document, but as an indicative document of the status of international law at the time and context in which they were drafted, therefore, they must be subject to change and evolution as the international human rights norms progress.

Many stories of progress and success in using the Yogyakarta Principles in the promotion and protection of LGBTI rights in many countries in the region, including legal, judicial and administrative developments were acknowledged in the conference. Most importantly, it was recognised that the Principles afforded a systematic understanding of the nature of human rights related to sexual orientation and gender identity, and their impact can be felt at both the programmatic and catalytic levels. The Principles are also powerful tools for advocacy and in the development of jurisprudence in a broad spectrum of areas. The Principles also provided definitions of sexual orientation and gender identity, which are essential in recognising the nature of rights and their application in the context of sexual orientation and gender identity.

With the wider use of the Principles, there has been better recognition of LGBTI rights in many parts of the world including significant court cases. Similarly, various programmes of partnerships with civil society and advocacy for the rights of LGBTI people have yielded positive results in many cases.

Yet, many challenges remain. With growing violence and human rights violations targeted towards individuals and various forms of discrimination, homophobia, and transphobia, the vision of the Principles are far from being realised. There has been a growing anti-LGBTI sentiment in some parts of the world in the past 10 years in spite of the continued efforts of advocates. LGBTI people and human rights defenders and activists have been targeted and traumatised in many countries in recent years. The socio-cultural and economic exclusion of individuals based on sexual orientation, gender identity, gender expression and sex characteristics, and violations against the bodily autonomy of intersex people have been serious problems, while criminalisation of same-sex behavior remains a challenge in a significant number of countries. There are also increasing cases of failure of states to recognise human rights issues related to gender identity and sex characteristics. Moreover, denial of recognition before the law based on sexual orientation and gender identity still remains a problem. These issues have been further exacerbated due to the shrinking space for civil society activism in some parts of the world.

Many individuals have been tortured and murdered in recent years for their work to achieve a more equitable and equal society. While the innumerable sacrifices made by LGBTI advocates and people who stand up for the cause of human rights need to be reflected upon, most human rights advocates, CSOs and members of the public remain inadequately informed of its provisions. Therefore, more concerted efforts to empower people on the ground are needed.

The Principles also need to be better connected to their applications; therefore, there is a need to create better interpretations and supplementary explanations for the Principles. By translating the Principles into the local language and context and by using the spiritual and emotional resources of the community, as well as by using the power of love to bring the Principles to life is urgently needed.

The Yogyakarta Principles can be effectively used as a critical launching pad for the activities of LGBTI advocates, which can be further helped by combining the effect of material, intellectual and emotional resources to perform and carry out campaigns over the long term. Learning from the jurisprudential development of the principles in the past, there is a need to focus on areas that would have the best impact on the quality of life of individuals and communities.

7.2. FUTURE DEVELOPMENT OF INTERNATIONAL HUMAN RIGHTS LAW AND PRACTICE IN RELATION TO THE YOGYAKARTA PRINCIPLES

Future development of international human rights law and practice in relation to the Yogyakarta Principles is another objective and theme of the conference. In this regard, a number of ideas were floated around the development and strengthening of the existing international human rights frameworks and practices to better align with the rights recognised in the Yogyakarta Principles.

Linking the history and development of the Principles in the context of human rights systems and identifying relevant academic and theoretical contributions to human rights issues related to SOGIESC and making the Principles more binding within international law and human rights system as well as extending them to be better inclusive of intersex people are some of the key points of discussion. While the Principles provided an important platform for creative legal interpretation of the existing state of international law, there are challenges in responding to the urgency of addressing SOGIESC issues internationally. Moreover, stronger and well informed critique of human rights in the context of SOGIESC is also required in order to better appreciate the complementarities between the existing international human rights norms and the Yogyakarta Principles.



There is a need for more education and awareness about SOGIESC and LGBTI issues and support to end stigma and violence perpetrated against LGBTI communities. Special advocacy programmes must be directed towards addressing issues of homophobia, transphobia, violence, stigma, honour crimes and honour killings targeted at LGBT communities and the secrecy about the specific human rights violations against intersex people.

Highlighting that, many CSOs say that they have seldom used the Yogyakarta Principles and that the Principles to be made more legible and practical for advocates working in different cultural contexts. From this perspective, there is a need to come up with a simplified and locally understandable languages for the Yogyakarta Principles, which is essential to get the message across.

Giving full consideration to the challenges and potentialities in revising or updating the Principles, there were voices to strengthen advocacy to promote acceptance of the Principles and LGBTI rights, and infuse more energy and inspiration to move the agenda forward were identified as essential. The programme of action aspect of the Yogyakarta Principles, which are directed towards States, could be effectively further targeted to lawyers, political parties, religious organisations in order to bring them onboard. There is an increasing need to step up the discourse on SOGIESC issues, including the exploration of avenues to incorporate these rights in other areas of human rights advocacy such as business and human rights. Creating more research output on the application of the Yogyakarta Principles within the broad international human rights system, particularly in specific areas such as the economic and business impact of LGBTI rights, could be used more strategically. Likewise, linking the guiding principles of the SDGs to the protection of the vulnerable and marginalised and putting emphasis on the importance of concerted effort by activists, advocates and allies in bringing SOGIESC issues to the forefront of international debates were highlighted.

Better use of the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (IE-SOGI) in bringing the issue of SOGI and sex characteristics, and building stronger partnerships amongst the LGBTI community were emphasised. Increasing attention could be given to building community partnerships and developing innovative engagements.

7.3. AREAS FOR FUTURE DEVELOPMENT OF THE YOGYAKARTA PRINCIPLES

Areas for future development of the Yogyakarta Principles and supplementary materials were discussed throughout the conference, in particular, during the group discussions on Day 2. Some of the key positions and ideas that emerged from these discussions are outlined here. The points included here only highlight the key discussions, and the specific details are covered in relevant sections of this report.

Introducing additional supplements to the Principles would help further clarify and address the multiple dimensions of the Principles and how they link to each other. The need to bring in more clarity and new terminology to better understand the nuances of lived experiences of diverse LGBTI communities should be the basis of such revisions and updates. However, it is also important to note that some participants expressed the view that something akin to the general comment/recommendations of treaty bodies can be more effective in bringing the required updates to the Yogyakarta Principles.

The term sex characteristics does not appear in the Principles and the word 'intersex' appears only once (in the preamble). Although some principles may be applied to encompass some of the human rights issues that intersex people, such concepts require further clarification. More clarity should be provided on concepts such as 'age of consent' or maturity in relation to intersex people, while sex characteristics and bodily diversity and areas with regard to protected attributes must be addressed. Clarity is also needed on the issue of non-consensual medical interventions, especially involving children with intersex variations. Clarity on the use of medical 'evidence', and definition on 'sex characteristics' as well as the relationship between gender identity and intersex are required. There are strong concerns from intersex people regarding Principle 18 especially in relation to contentions with the language of the CRC – with a call for the need to uncouple (decouple) the Principles' definitions from those of CRC.

The desire to talk about the ‘best interest of the child’ – in the context of age and maturity and the preferences for alternative, developmental states and emphasis on autonomy – alternatively, instead of removing ‘best interest’, it could be useful to be more explicit about what these interests are. It was suggested that normative language, such as ‘harmful practices’ instead of torture framings should be used. Supplementary principles could be expanded to include harm caused, and in particular draw attention to the distinction between consent and informed consent. The issue of legal language and approach to categorising, conflation and confusion of gender identity and sex characteristics – in which proof is often based on ‘biological characteristics’ must be addressed in future developments.

There is the need for the Yogyakarta Principles to introduce better conceptual clarity on the subject of sex characteristics and intersex. The current definitions in relation to bodily diversity, intersex and sex characteristics are not clear, which need to address through the lens and aspects of health and bodily autonomy plus diversity. The issues related to female genital mutilation (FGM) and approaches taken by human rights advocates provides some important lessons for intersex advocacy.

There is a need for better emphasis on views of the child in the Yogyakarta Principles. Clarity is needed to identify the impact of third categories on birth certificates – including both positive and negative consequences. Although there is some resistance to issues related to bodily autonomy, it is important to refer to the ‘self-determination’ of intersex people.

In the area of gender identity, explicit discussion on gender expression is absent in the Yogyakarta Principles. There is also no reference to cultural identity, and the relationship between SO, GI and GE is not clear.

Although the Yogyakarta Principles uses non-binary language, there is a lack of information on definitions of sex and gender, and gender identity and right to family are not adequately addressed. Gender expression and cultural participation as well as freedom of religion and their relationships are not included. Gender norms and social gender are not distinguished in the Principles, which must be addressed in any future revisions or updates.

It is also important for the Principles to recognise the intersectionality of rights and approaches which may have positive implications for reinforcing its substantive contents. By applying an intersectional perspective, the Principles needs to address cross-cutting issues such as issues surrounding gender-based violence; children’s rights; women’s rights etc. It should also reflect the nuances of each human rights instrument. The primacy of the heteronormative family as the ideal may be challenged by counter-narratives of persons from diverse contexts such as those in migration, in armed conflict scenarios, in natural disasters who may be living in different family arrangements.

While Principles 21, 24 and 26 recognise the right of LGBTI people to faith, to form family and to participate in cultural rights, the right to protection against violence based on religious belief and/or cultures and/or patriarchal family setting, is absent or non-existence. It is therefore necessary to review the existing Principles to ensure they explicitly provide for protection of LGBTI people from violence propagated by misguided religious belief and/or patriarchal cultures and family settings. Although Principle 21 is open and comprehensively embraces the rights of LGBTI to hold freedom of thought, conscience and religion it does not however cover the imposition of religious values on LGBTI individuals. Similarly, Principle 21 lacks clarity on how religions and related practices should treat LGBTI people. There is no critical view on how religion and religious practices perpetuate the gender-binary, patriarchy and heteronormativity. Principle 24 touches on the right to form a family but again does not encapsulate the family duty to protect and not to harm LGBTI people. Given the evolving discourses around non-state actors as human rights duty-bearers, the Principles should consider how the family should be obligated to protect and promote rights the of LGBTI people. There also needs to be further clarity on issues related to family and adoption.

It is important to add a provision on intrusive surgery and bodily harm. To consider expanding Principle 5 and 6 to encapsulate the issue of participatory rights for children and protection from bodily harm/intrusive surgery. In this case the right to participation under the CRC may be used to interpret in conjunction with the application of the best interest of the child principle. Principle 26 talks about the right

of LGBTI people to participate in cultural rights, but does not touch on the right to be protected from violence based on culture. Unique indigenous cultural belief and practices that value gender fluidity and diverse identities are also not currently covered in the Principles.

The Yogyakarta Principles do not identify and define extremism and fails to recognise the impact of violence on the health and well-being of individuals. Draft operational/programmatic guidance on violations of human rights by state actors and secondly by non-state actors in all levels need to be elaborated. The Principles also do not include cybercrimes/attacks on LGBTI individuals, which should be included in any revision or update.

LGBTI youth, intersex people and asylum seekers, the right to freedom of association (especially in the context of requirements on CSOs to register with the government and restrictions on receiving foreign funding), as well as freedom of expression are not adequately covered in the Principles. There was some discussion about the Principles providing negative legal protection – a suggestion was to include a positive freedom to engage in private, consensual adult sexual activity.

Legal enforceability and recognition of the Yogyakarta Principles by courts, and other processes must be addressed. Similarly, there is inadequate coverage on accountability of stakeholders and compliance monitoring. Establishing a more explicit link to domestic law – identifying gaps in domestic law and follow through in areas where there is lack of consistency is required. There is a need to address the issue of States selectively complying with the Principles, while ignoring some crucial Principles. The lack of legal enforceability of the Principles requires additional provisions to develop a sophisticated means of monitoring states' compliance with the Principles, and reporting and even indexing States' relative success in complying with the Principles.

In order to address the gaps in relation to legal oppression, the sphere of criminalisation of LGBT activities and oppression need to be addressed. With the increased expansion of restriction into the digital/online space, there should be more guidance on the human rights impact of such restrictions. In addition, expansion of exemptions (such as based on faith), oppressive tolerance (laws that promote stereotypes) and restrictions on sexual and reproductive health rights must be addressed better in future revisions. Other areas such as privacy, the human rights of sex workers, domestic violence, and enforced disappearance need to be addressed further.

The Principles also need to further recognise the engagement with international human rights mechanism, such as the UPR process, special procedures, and treaty bodies. The role of the Human Rights Council and engagement of CSOs with the international human rights mechanisms and their capacity building can be further elaborated.

Mapping of treaty bodies and their relevance and effectiveness in engaging with individual countries in relation to the Principles, as well as including a recognition of the important role of the Independent Expert is essential. There should also be more emphasis on the role of NHRIs in relation to the implementation of the Principles.

There is no reference to the SDGs in the Yogyakarta Principles (the Principles pre-date the SDGs). Due to this, the SDGs are often overlooked in SOGIESC advocacy. It was suggested that the issue of application of SDGs to SOGIESC can be included in any supplementary materials on the Principles. Addressing data gaps – building on peer reviewed data as a tool for advocacy, but also ensuring that the Yogyakarta Principles are respected in data collection are suggested to further enhance the effectiveness of Principles application, especially in relation to SDGs.

7.4. AREAS FOR SUPPORT AND COORDINATION

Exploring areas for enhancing support and cooperation between NHRIs, CSOs, UN agencies, advocates and scholars to protect and promote the rights of LGBTI people was identified as one of the key objectives of the Conference. To this effect, the need to create a better dialogue with all stakeholders in relation to multiple forms of violations, and work out better mechanisms for cooperation and inter-agency support were identified throughout the discussions. It was recognised that the role of NHRIs in working with

people, governments, civil society, UN bodies and agencies, judiciaries, medical sector, religious leaders and communities, the international human rights system, and others will be crucial in shaping the future.

Building stronger partnerships and capacity among the NHRIs in promoting and protecting the human rights of the LGBTI community was identified as a central focus. Prioritising and enhancing the effectiveness of NHRI efforts and increased engagement with community partners is essential. It was also recognised that with rapid advances in technology and social media over the past 10 years, and the future use of such technology by LGBTI individuals, advocates and organisations must be part of the agenda today.

In order to effectively engage with the State, it is important to: know the State's response to the international human rights framework; form alliances with relevant stakeholders; strategise engagement; translate the Principles into local language; involve the private sector; build and use political capital; form alliances; injecting competitiveness among states; creating potential levers; linking to SDGs; drawing from common humanity; build strong legal cases; intervene in courts; and maximise positive normative context of the Principles through innovative interpretation.

Effective engagement with NHRIs should include: effectively exploiting the mediatory and interlocutory role of NHRIs; educate the community and produce effective tools of engagement; identify LGBTI issues within the community; democratise the understanding of SOGIESC issues and the Principles; more education and awareness; use NHRIs legal powers to address discrimination and violence; recognise intersectional issues; linkage between rights; mainstream SOGIESC issues in NHRI work; recognise the right to narrate; produce better and useful data; form sub-regional groups of cooperation; use economic and business case for LGBTI rights; use constructive engagement; optimise NHRI engagement in legal issues; give full consideration to social and legal reality; and use multiple narratives of culture.

In engaging with CSOs, the following were suggested: educating the community about LGBTI rights; training young and passionate activists; developing creative promotional materials; creative and contextualised translation of the Principles; engaging in legal reform process; engaging with the international human rights system; building alliances; including SOGIESC rights in research; using economic cost approach in LGBTI rights; and addressing the absence of intersex rights in the current Principles.

Effective engagement with the UN system should include: recognise various entry points to the UN system; UN agencies to develop further sensitivity of staff on LGBTI issues; develop broader attention to gender identity issues; better integration and reflection of the Principles in work programmes; ICD to be cognisant of intersex issues; identify accountability areas; enhancing engagement with CSOs; stronger and visible role in advocating the Principles; programming using SDGs; and building a stronger partnership and legal support around LGBTI issues.

Dialogues are necessary to encourage discourse on LGBTI rights and issues and seen as a catalyst to acceptance and change. Dialogues should target faith and culture based organisation as well as religious leaders. It is also important to decide on the terms and nature of engagement. Depending on the level of acceptance of a particular religion or culture, discussion should focus on law and on rights and fuelled by personal stories and experiences rather than provisions of scripture or doctrine.

The UN Statistical Division should develop a SOGIESC index, indicators and recognise inclusion of LGBTI rights in SDG progress reports. Moreover, the UN should also make the SDGs more accessible at the ground level for LGBTI advocacy. More efforts are still required in capacity building and training in SOGIESC and supporting the Principles localisation efforts. International organisations must listen to the grassroots and ensure that they receive adequate support to sustain the momentum of LGBTI rights advocacy. It was suggested that multi-stakeholder working groups to be formed to follow up with reference to the Yogyakarta Principles and human rights mechanisms.

Appendix 1: Workshop agenda

Monday, 24 April 2017

18:00 – 19:00 Pre-Conference registration

CONFERENCE RECEPTION

19:00 – 21:00

Hosted by UNDP and APF

The Cellar, Dusit Thani Hotel (Ground floor)

Welcome remarks

- H.E. Staffan Herrström, Swedish Ambassador to Thailand
- Luc Stevens, UN Resident Coordinator & UNDP Resident Representative

Videos

Regional dialogue, personal stories

Day 1 – Tuesday 25 April 2017

08:00 – 09:00 Conference registration

09:00 – 09:25

WELCOME

Dusit Thani Hall

Moderator

Nadia Rasheed, Team Leader, HIV, Health, and Development, UNDP Bangkok Regional Hub

Welcome to Thailand

Nada Chaiyakit, Human Rights Advocacy & Capacity Building Coordinator, Manushya Foundation

Opening remarks

- Caitlin Wiesen, Chief, Regional Policy and Programme Support for Asia & the Pacific, UNDP Bangkok Regional Hub
- Muhammad Nurkhoiron, Commissioner, Indonesian Commission on Human Rights
- Pip Dargan, Deputy Director, Asia Pacific Forum of National Human Rights Institutions

Video

APF video on SOGISC training in action

09:25 – 10:30

KEYNOTE OPENING ADDRESS

Dusit Thani Hall

Moderator

Charles Goddard, Editorial Director, The Economist Intelligence Unit, Asia Pacific

Keynote opening address

Vitit Muntarbhorn, UN Independent Expert on Sexual Orientation and Gender Identity

Q & A and discussion

10:30 – 11:00

Coffee break

11:00 – 12:30	REFLECTING ON THE EMERGENCE OF THE YOGYAKARTA PRINCIPLES, ITS CONTENT AND APPLICATION OVER 10 YEARS
Objective	<i>To provide an historical overview of the Yogyakarta Principles and its application</i>
Dusit Thani Hall	<p>Moderator Kim Vance, Executive Director, ARC International</p> <p>Panel</p> <ul style="list-style-type: none"> • Arvind Narrain, Geneva Director, ARC International • Karen Gomez-Dumpit, Commissioner, Commission on Human Rights of the Philippines • Sunil Babu Pant, Former Member of Parliament <p>Q & A and discussion</p>
12:30 – 13:30	Lunch
13:30 – 15:00	CHALLENGES, BARRIERS, LIMITATIONS OF THE YOGYAKARTA PRINCIPLES AND HOW CAN IT BE STRENGTHENED FOR THE FUTURE?
Objective	<i>To stimulate ideas and discussions where the opportunities lie in strengthening and supplementing the Yogyakarta Principles</i>
Dusit Thani Hall	<p>Moderator Edmund Settle, Policy Advisor, UNDP Bangkok Regional Hub</p> <p>Keynote speaker Honourable Michael Kirby AC CMG, International Jurist, Educator and former Judge</p> <p>Panel</p> <ul style="list-style-type: none"> • Jean Chong, Programme Field Coordinator, Outright Action International • Vaialia Iosua, Co-Founder/Former Vice President, Samoa Faafafine Association, Inc. • Mauro Cabral Grinspan, Executive Director, Global Action for Trans Equality <p>Q & A and discussion</p>
15:00 – 15:15	Coffee break
15:15 – 16:15	GROUP DISCUSSIONS: HOW CAN THE YOGYAKARTA PRINCIPLES BE STRENGTHENED AND SUPPLEMENTED FOR THE FUTURE?
Objective	<p><i>To consider how each sector can contribute to strengthening and supplementing the Yogyakarta Principles, including through building partnerships with the State, NHRIs, CSOs and the UN system</i></p> <p>Note: At registration, all participants will be asked to register into one of four groups (Engaging the State (government, parliament and judiciary), Engaging NHRIs, Engaging CSOs and Engaging UN agencies). Four group leaders will bring the groups' reflections and recommendations to the plenary for a moderated interactive discussion.</p>
Dusit Thani Hall	<p>Moderator Nicholas Booth, Human Rights Advisor, UNDP Bangkok Regional Hub</p>

- Sathorn 1 & 2
- Group 1: Engaging the State (government, parliament and judiciary)
Group leader: Anna Brown, Human Rights Law Centre
 - Group 2: Engaging NHRIs
Group leader: Ashwin Raj, Fiji Human Rights and Anti-Discrimination Commission
 - Group 3: Engaging CSOs
Group leader: Bin Xu, Common Language
 - Group 4: Engaging UN agencies
Group leader: Brianna Harrison, UNAIDS

16:15 – 17:00 Moderated interactive discussion with group leaders

17:00 Close

Day 2 – Wednesday 26 April 2017

08:30 – 08:45 Day 1 recap – Overview of Day 1's discussions

Conference Rapporteur

Ahmed Shahid

08:45 – 08:55 Housekeeping on Workstation Sessions

Moderator

Jack Byrne, Trans Human Rights Researcher

08:55 – 09:00 Participants move to Workstations

09:00 – 12:00 THEMATIC WORKSTATION SESSIONS

Objective To discuss (i) gaps in the Yogyakarta Principles in relation to the workstation topic; and (ii) the roles of specific actors in implementing the Yogyakarta Principles and evolving international human rights standards

Dusit Thani Hall

Moderator

Jack Byrne

- Workstation 1: Intersex
- Workstation 2: Gender identity
- Workstation 3: Faith, culture and family
- Workstation 4: Violence and extremism
- Workstation 5: Legal protection
- Workstation 6: Legal oppression
- Workstation 7: Engagement with international human rights mechanisms
- Workstation 8: Sustainable development goals

11:30 – 12:00 Rapporteur report-back

12:00 – 13:30 Lunch

12:00 – 13:00	PRESS CONFERENCE – INVITATION ONLY
Sathorn 1 & 2	<p>Co-moderators</p> <p>Edmund Settle, Policy Advisor, UNDP Bangkok Regional Hub and Pip Dargan, Deputy Director, Asia Pacific Forum of National Human Rights Institutions</p> <p>Panel</p> <ul style="list-style-type: none"> • Vitit Muntarbhorn, UN Independent Expert on Sexual Orientation and Gender Identity • Sonia Onufer Corrêa, Co-chair of Sexuality Policy Watch • Karen Gomez-Dumpit, Commissioner, Commission on Human Rights of the Philippines • Manisha Dhakal, Executive Director, Blue Diamond Society • Honourable Michael Kirby AC, CMG, Former Justice of the High Court of Australia
13:30 – 15:00	CLOSING ADDRESS AND REMARKS
	<p>Moderator</p> <p>Pip Dargan, Deputy Director, Asia Pacific Forum of National Human Rights Institutions</p> <p>Keynote closing address</p> <p>Sonia Onufer Corrêa, Co-chair of Sexuality Policy Watch <i>Reflecting on the challenges and “Where to now?”</i></p> <p>Closing reflections</p> <ul style="list-style-type: none"> • Luc Stevens, UN Resident Coordinator & UNDP Resident Representative • Midnight Poonkasetwattana, Executive Director, APCOM • Nadika Nadja, Working Group Member, Sampoorna • Hiker Chiu, Founder, OII Chinese <p>Final reflections/remarks from UNDP and APF</p>
15:00	Close

Appendix 2: Participants (organisations)

National Human Rights Institutions – APF members

Afghanistan Independent Human Rights Commission
Australian Human Rights Commission
National Human Rights Commission of Bangladesh
National Human Rights Commission of India
Indonesian National Commission on Human Rights
Jordan National Centre for Human Rights
National Centre for Human Rights of Kazakhstan
National Human Rights Commission of Korea
Human Rights Commission of Malaysia
National Human Rights Commission of Mongolia
Myanmar National Human Rights Commission
National Human Rights Commission of Nepal
Commission on Human Rights of the Philippines
Human Rights Commission of Sri Lanka
Provedor for Human Rights and Justice Timor-Leste
National Human Rights Commission of Thailand

National Human Rights Institutions – observers

Fiji Human Rights and Anti-Discrimination Commission
Human Rights Commission of Pakistan

Non-governmental and civil society organisations

APCOM Foundation
ARC International
ASEAN SOGIE Caucus
Asia Pacific Transgender Network
Bandhu Social Welfare Society
Blue Diamond Society
Buku Books
CamASEAN Youth's Future
Common Language
Diverse Voices and Action for Equality Fiji
Fortify Rights
Forum for Dignity Initiatives
GAYa NUSANTARA
Global Action for Trans Equality
Global Forum on MSM and HIV
Health, Education and Research Association (H.E.R.A)
Human Rights Law Center
Human Rights Watch

Information, Connecting and Sharing Center
 International Service for Human Rights
 Island of Southeast Asia Network on Male and Transgender Sexual Health
 Korean Society of Law and Policy on Sexual Orientation and Gender Identity
 Manushya Foundation
 National Transgender People Alliance of Myanmar (NTPAM)
 OII Australia/Intersex Day Project/ Global Action for Trans Equality
 OII Chinese
 OutRight Action International/ASEAN SOGIE Caucus
 OutRight Action International
 Pacific Sexual Diversity Network & Rainbow Pride Foundation
 PELANGI – Campaign for Equality and Human Rights Initiative
 People Like Us Satu Hati
 Planet Ally
 Samoa Fa'afafine Association Inc.
 Sampoorina India
 Sangsan Anakot Yawachon Development Project
 Sexuality Policy Watch
 TIP for Human Rights in Nigeria
 Venasa Transgender Network
 Youth Voices Count

Governments

Embassy of Sweden
 Thailand Ministry of Justice
 United States Agency for International Development (USAID)

Academia, research, independent experts

The Economist Intelligence Unit, Asia Pacific
 Williams Institute, UCLA School of Law
 Mahidol University
 Chinese University of Hong Kong

United Nations

UN Thailand Country Team
 UN Independent Expert
 Office of the High Commissioner for Human Rights
 United Nations Development Programme
 United Nations Population Fund
 United Nations Programme on HIV/AIDS
 UN Women

Organisers

Asia Pacific Forum of National Human Rights Institutions
 United Nations Development Programme, Bangkok Regional Hub

Appendix 3: Biography of speakers

(In order of appearance)

H.E. Staffan Herrström

Ambassador of Sweden to the Kingdom of Thailand, Lao Peoples' Democratic Republic and the Republic of the Union of Myanmar

Staffan is currently the Ambassador of Sweden to the Kingdom of Thailand, Lao Peoples' Democratic Republic and the Republic of the Union of Myanmar since 2015 (residence in Bangkok). He is responsible for promoting and protecting Swedish interests and to strengthen the relations between Sweden and the countries of accreditation including between companies, organisations and individuals. An important task is to promote interest in universal values close to the heart of the Swedish Government including human rights and gender equality. The Embassy is under his leadership responsible for the implementation of regional development cooperation in Asia and the Pacific and a bilateral development programme in Myanmar. Prior to this position, the Ambassador has been posted as Swedish Ambassador in Poland (2011 to 2015), Vietnam (2010 to 2011) and Tanzania (2007 to 2010). Before joining the Swedish Foreign Ministry, he was Deputy Director General of the Swedish International Development Cooperation Agency (Sida) (1995–2007). In addition, the Ambassador was State Secretary in the Prime Minister's Office 1991–1994. He has also worked as a journalist at the Swedish newspaper 'Göteborgs-Posten'. Staffan holds Bachelor of Arts (Russian, Eastern European Studies, and Political Science) degree from Uppsala University in Sweden (1980).

Luc Stevens

UN Resident Coordinator & UNDP Resident Representative in Thailand

Luc has over 25 years of experience in humanitarian aid and international development with the United Nations. He started his international career as a volunteer development worker in Djibouti. He then joined the United Nations where he was involved in humanitarian programmes and emergency management with the UN Refugee Agency. Prior to his appointment to the Kingdom of Thailand he served for 5 years as UN Resident Coordinator/Humanitarian Coordinator and UNDP/UNFPA Resident Representative in the Hashemite Kingdom of Jordan, and as UNHCR's Regional Support Hub Manager for West Africa/ Representative a.i. in Ghana.

Luc began his UN career with UNHCR in 1987 as a Junior Professional Officer in the Sudan. He also served in the Islamic Republic of Iran and Tanzania and held various positions in UNHCR Headquarters in Geneva. Luc is a Belgian national and holds a Master's Degree in Criminology from the Belgian State University. In addition to Flemish, his native language, he speaks English and French.

Caitlin Wiesen

Chief, Regional Policy and Programme, UNDP Bangkok Regional Hub

Caitlin Wiesen has over 25 years' experience in development, working on issues of poverty reduction, governance, civil society empowerment, gender, sustainable human development, HIV, health and strategic partnerships. Caitlin was Regional Manager of the UNDP Asia Pacific Regional Center from 2013–2014. Prior to this she was the Country Director of UNDP India, and has held a variety of positions at UNDP in policy, strategic partnership, Asia and Africa Bureaus. Before joining the India office in 2010, Caitlin was Regional Practice Leader and Programme Coordinator for Asia and the Pacific on human rights, gender inequality and the human development dimensions of HIV, based in Colombo Sri Lanka. Prior to this, she was Senior Advisor on Poverty and Sustainable Human Development for Africa (1993–1998) and Director, Civil Society Division in the Bureau of Strategic Partnerships (1999–2002). Between 2003 and 2006, Caitlin, was the Senior Advisor and Deputy Director HIV, in the Bureau of Development Policy. Caitlin has worked in Asia and the Pacific, Africa, North America and Europe. She holds a Masters in International Finance and Energy Policy from the Fletcher School of Law and Diplomacy, United States.

Muhammad Nurkhoiron

Vice Chairperson, Indonesian Commission on Human Rights

Muhammad is a Commissioner and the Vice Chairperson of the Indonesian National Commission for Human Rights (KOMNAS HAM). He is the Coordinator of KOMNAS HAM's Sub-Commission on Public Education and Awareness (2014 to present). He is also the Commission's Special Rapporteur for Minority Rights (LGBTI is a minority rights issue); and he is the initiator and coordinator for human rights cities. Muhammad is also responsible for the Inquiry for Alleged Gross Violations of Human Rights (Shaman's slaughter case at East Java 1998–99). Muhammad currently serves on the Board of the Desantara Foundation working on minority and cultural rights (2010–present). From 2007–2008 he was a Member of the Steering Committee – Networking for Monitoring Religious Freedom in West Java. From 2005–2010 he was the Executive Director, Desantara Foundation and from 2006–2007 was on the Steering Committee of the National Alliance for Penal Codes Reformation. From 2004–2005 Muhammad was the Project Director for the Advocacy and Media Campaign on Minority Rights.

Pip Dargan

Deputy Director, Asia Pacific Forum of National Human Rights Institutions

Pip is the Deputy Director of the Asia Pacific Forum of National Human Rights Institutions (APF). Pip helped establish the APF Secretariat in 1996 and has been responsible for the management and implementation of APF human rights programmes including human trafficking, women's rights, internally displaced persons, sexual orientation, gender identity and sex characteristics. Pip played a key coordinating and advocacy role at the UN Human Rights Council and the Commission on the Status of Women relating to the formal and independent recognition of national human rights institutions. She is the APF's Gender Focal Point with responsibility for mainstreaming gender equality into the operations and work of the APF. Pip has a range of strategic and managerial responsibilities associated with the operations of the APF secretariat. Prior to the APF, Pip held various positions at the Australian Human Rights Commission including in the areas of corporate services, investigation and conciliation, public education and human rights policy. In 2009, Pip was appointed by the then Australian Minister of Foreign Affairs as a panel member to provide advice to the Government on its Human Rights Grant Scheme. Pip continued in this role until the Scheme was discontinued in February 2014. From 1984–1987, Pip worked in the Australian Public Service and held positions at the Constitutional Commission, the Inquiry into Justice Lionel Murphy and the Department of Special Minister of State. She holds a Bachelor of Arts degree from the University of Sydney, majoring in Politics and History.

Professor Emeritus Vitit Muntarbhorn

UN Independent Expert on Protection Against Violence and Discrimination based on Sexual Orientation and Gender Identity

Vitit was designated in September 2016 as the first UN Independent Expert on violence and discrimination based on sexual orientation and gender identity by the Human Rights Council. Vitit is an international law Professor. He was educated in the United Kingdom obtaining his undergraduate and graduate law degrees from Oxford University. He also holds a degree on European law from the Free University of Brussels. He is currently a Professor Emeritus of law at the Chulalongkorn University in Bangkok, having taught international law, human rights, the law of regional organisations, migration and refugee law, child rights, international humanitarian law and European Union law. He was awarded the UNESCO Human Rights Education Prize in 2004.

Vitit has served on many United Nations bodies. He was formally the United Nations Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea. He has also been Special Rapporteur of the UN Commission on Human Rights on the Sale of Children, Child Prostitution and Child Pornography. He was the Chair of the International Commission of Inquiry on the Ivory Coast in 2011 and was one of the Commissioners of the Independent International Commission of inquiry on Syria from 2012 to 2016. Vitit has extensive experience in research, policy development and advocacy in the field of sexual orientation and gender identity. He was the Co-Chairperson of the drafting committee

of the Yogyakarta Principles on the Application of International Human Rights Law in relation to sexual orientation and gender identity in 2006. Recently, he was on the Being LGBTI in Asia Regional Advisory Board. He is the author of many publications on human rights issues, including sexual orientation and gender identity.

Arvind Narrain

Geneva Director of Arc International

Arvind is the Geneva Director of Arc International which advocates for the right to be free from violence and discrimination on grounds of sexual orientation, gender identity and intersex status at the level of international law and policy. Prior to being at Arc, Arvind was a founding member of the Alternative Law Forum in Bangalore, India which is a human rights lawyering collective and where he worked from 2002 to 2014.

Karen S Gomez-Dumpit

Commissioner, Commission on Human Rights, Philippines

Karen was appointed as Commissioner to the Commission on Human Rights (CHR) on Human Rights in June of 2015 and will serve until 2022. In government service twenty-five years, Karen has worked at the CHR since September of 1993 when she joined the Office of Chairperson Ordoñez. In 1994 she became the first Director of the CHR's Child Right's Center (CRC). That same year, Karen earned her first Masters in Public Management from the Development Academy of the Philippines. After nine years with the CRC, Karen went on to serve as Director of the Government Linkages Office where she was the CHR's Focal Person on Human Rights Defenders, Older Persons, Migrant Workers (from 2004 to 2009) and was the Focal Person in the Community Based Dialogues Project with the Armed Forces of the Philippines (AFP), Philippine National Police (PNP), Philippine Alliance of Human Rights Advocate (PAHRA), Hanns Seidel Foundation and Ninoy & Cory Aquino Foundation. A Career Executive Service Office Rank IV since 1998, Karen earned her second Master of Science in Human Rights from the London School Economics and Political Science in 2004. She also was the member of various Legislative Technical Working Groups including R.A. 9346: An Act Prohibiting the Imposition of the Death Penalty and R.A. 9745: Anti Torture Law among others. She also took the lead in several human rights campaigns on issues such as those relating to Children in Situations of Armed Conflict and Children in Conflict with the Law. Between 2007 and 2012, Karen has authored several papers on various rights issues the most recent of which is the 'Application of the Human Rights Based Approach: An NHRI Perspective'. Karen's areas of specialisation are non-discrimination, right to life, restorative justice, human rights based approaches to governance, child rights, persons with disabilities, persons deprived of liberty, migrant workers, human rights defenders, rights of older persons and LGBT's.

Sunil Babu Pant

Former Member of Parliament and Founder of the Blue Diamond Society

Sunil the first openly gay politician (Member of Parliament and Constituent assembly from 2008–12) in Nepal, and the head of the Blue Diamond Society (BDS) – the only gay rights group in Nepal. The NGO works on human rights, sexual health and HIV/AIDS for sexual/gender minorities in Nepal. Further, Sunil conducted a study on the reasons, extent and impact of social exclusion of sexual minorities in Nepal, which resulted in a report in 2005. He has also trained Nepalese media on LGBTI issues over the past 8 years, as well as conducted sensitisation trainings for police and security forces in Nepal. Sunil and BDS also offer training to local activists and organisations in order to strengthen their capacity to document human rights abuses and conduct successful advocacy campaigns. Sunil is also one the 29 experts who formulated Yogyakarta Principles. Challenges, Barriers, Limitations of the Yogyakarta Principles; and How Can it be Strengthened for the Future?

Honorable Michael Kirby AC CMG

Michael Kirby is an international jurist, educator and former judge. He served as a Deputy President of the Australian Conciliation and Arbitration Commission (1975–83); Chairman of the Australian Law Reform Commission (1975–84); Judge of the Federal Court of Australia (1983–84); President of the New South Wales Court of Appeal (1984–96); President of the Court of Appeal of Solomon Islands (1995–96) and Justice of the High Court of Australia (1996–2009). He has undertaken many international activities for the United Nations, the Commonwealth Secretariat, the OECD and the Global Fund Against AIDS, Tuberculosis and Malaria. He has also worked in civil society, being elected President of the International Commission of Jurists (1995–98). His recent international activities have included member of the Eminent Persons Group on the Future of the Commonwealth of Nations (2010–11); Commissioner of the UNDP Global Commission on HIV and the Law (2011–12); Chairman of the UN Commission of Inquiry on DPRK (North Korea) (2013–14); and Member of the UN Secretary-General's High Level Panel on Access to Essential Healthcare (2015–16). He is also heavily engaged in international arbitrations; domestic mediations; and teaching law. He is Honorary Professor at 12 Australian and overseas universities.

Jean Chong

Programme Field Coordinator, Outright Action International

Jean Chong is currently a part of the steering committee of the ASEAN SOGIE Caucus, a regional network of South East Asia LGBTIQ groups lobbying for the inclusion of LGBTIQ rights in the ASEAN Human Rights Mechanisms. Jean is also the president of a LBT group in Singapore named Sayoni, as well as a part of the Asia team for OutRight Action International. Jean holds a Master's degree in Human Rights and Democratisation.

Vaialia Iosua

Co-founder/Former Vice President, Samoa Faafafine Association Inc

Vaialia Iosua is a proud Fa'afafine from Samoa. She is one of founding member for Samoa Faafafine Association and has been actively engaged and involved for the LGBTI/Fa'afafine activism in Samoa and the region for the last 10 years. Vaialia studied Development Studies and Education and proceeded to work for the Ministry of Women Community and Social Development for the last 10 years as a Principal Community Development Officer. With passion and commitment in human rights work, she is currently studying towards completion of her Master's in Human Rights and Democratisation at Mahidol University. Vaialia is a researcher who is currently studying hate crime and human rights violations against transgender people in Samoa and Philippines.

Mauro Cabral Grinspan

Executive Director, Global Action for Trans Equality

Mauro is the Executive Director of Global Action for Trans Equality (GATE) and the coordinator of Justicia Intersex. In 2006 he participated in the development of the Yogyakarta Principles and he is currently involved in its revision process. He advocates, writes, translates, researches and teaches on gender identity, gender expression and bodily diversity issues, as well as on intersecting issues between biotechnology and the law. In 2015 Mauro received the Bob Hepple Equality Award. He lives in Buenos Aires, Argentina.

Sonia Onufer Corrêa

Co-chair of Sexuality Policy Watch

Since the late 1970's Sonia has been involved in research and advocacy related to gender equality, health and sexuality. Between 1992 and 2009 she had been the research coordinator for sexual and reproductive health and rights at the Development Alternatives with Women for a new Era (DAWN)– a southern hemisphere feminist network. In that capacity, she closely followed United Nations negotiations relating to gender and sexuality related matters: the International Conference on Population and Development (ICPD – Cairo 1994), the IV World Conference on Women (IV WCW –Beijing, 1995) and

the various review processes of these conferences. Since 2002, and along with Richard Parker, Sonia co-chairs Sexuality Policy Watch a global forum comprised of researchers and activists engaged in the analyses of global trends in sexuality politics. In 2006, she co-chaired the expert meeting that elaborated the Yogyakarta Principles for the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity. She has extensively published in Portuguese and English. This list includes, amongst others, *Population and Reproductive Rights: Feminist Perspectives from the South* (Zed Books, 1994) and *Sexuality, Health and Human Rights* co-authored with Richard Parker and Rosalind Petchesky (Routledge, 2008). Amongst other academic engagements, she has been granted a Leverhulme professorship at the Gender Institute of the London School of Economics for 2016–2017. Sonia has degree in Architecture and a postgraduate in Anthropology. Sonia is Brazilian.

Midnight Poonkasetwattana

Executive Director, APCOM Foundation

Midnight is Executive Director of APCOM with many years of experience working in multi-sectorial partnerships with governments, donors and the United Nations. Midnight particularly enjoys working with community groups and civil society organisations to build their capacity to better promote the rights of gender and sexual minorities. Midnight is a member of various advisory and steering committees, including the global IDAHOT committee and the Freedom House's Dignity for All. Midnight obtained his Bachelor's Degree in Development Studies from the University of East Anglia. Midnight completed his Masters in Globalisation and Development at the School of Oriental and African Studies through the University of London.

Nadika Nadja

Working Group Member, Sampoorana

Nadika is a non-binary writer and researcher with interests in history, archaeology, city and urban spaces, gender, and the internet. She is also a working group member of Sampoorana, a network of trans and intersex Indians.

Hiker Chiu

Founder, OII Chinese

Hiker is an intersex human rights activist from Taiwan, the founder of OII-Chinese (2008) and Intersex Asia since 2013. OII-Chinese is an intersex-led organisation and a platform for Chinese-speaking intersex people to receive information, awareness, connection and peer support. It is also an advocacy organisation for intersex. Hiker came out as an intersex to raise public awareness of intersex by initiating the "Global Free Hugs with Intersex Movement" at the 8th Taipei Pride Parade 2010. Being the only Asian delegate in the first and second World Intersex Forums held by ILGA, Hiker is devoted to working on building the intersex community in Asia. Hiker is on the Astraea Intersex Human Rights Fund Advisory Board and an ILGA Asia co-chair. Hiker is a Ph.D. candidate of the Graduate School of Human Sexuality, Shu-Te University, Taiwan.



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