



# -REPORT-

Submitted on behalf of the ILGA-Asia Planning and Ad-hoc Committee  
by, Emily Paul



**ILGA-Asia Regional Conference**  
**Mumbai, India**  
**11<sup>th</sup> October –13<sup>th</sup> October 2002**



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**ILGA-Asia Regional Conference**  
**Mumbai, India**  
**11<sup>th</sup> October –13<sup>th</sup> October 2002**

**Day 1**



Session Title: Opening Plenary
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Date: Friday, 11 October 2002	Time: 9:00 AM – 10:30 AM
Facilitator: Ashok Row Kavi (Humsafar Trust - India)	Rapporteur: S. Jain (India) Co-rapporteur: Emily Paul (Sri Lanka)

The delegates were welcomed into the hall with a traditional aarti.

The ILGA Co-Secretary General, Regional (Male and Female) Representative and Representatives of the Host Organizations were invited to light a traditional lamp of inauguration.

There was a traditional Indian dance presentation by some of Humsafar's volunteers.

**Speaker: ASHOK ROW KAVI**

Humsafar Trust, Mumbai, India (Co-host)

Ashok accorded all the delegates a warm welcome. He said that it was decided in the previous conference in Oakland that Humsafar and Aanchal the two organizations in India would be hosting the next conference. Accordingly, at the meeting in Sri Lanka in July this year, it was decided and plans began for the hosting of the regional conference. He expressed his pleasure in seeing the conference happen despite of what had seemed insurmountable odds. He then introduced Rosanna Flamer-Caldera, the ILGA Asia Regional Female Representative.

**Speaker: ROSANNA FLAMER-CALDERA**

ILGA Asia Regional Female Representative, Sri Lanka

Welcome

Rosanna accorded a warm welcome to all the delegates present.

Theme

She expounded on the theme for the conference, "A to Z, The Other Asia". The aim was to encompass the fluidity and diversity of the Asian region, overflowing with varied languages, cultures, religions, and identities. To include all the identities that make-up the spectrum of Asian living.

### Objective

The plenaries, workshops and caucuses were carefully considered and will explore issues that overshadow LGBT communities in the Asian region. The objective is to reinforce positively the future activities in the respective countries. To raise consciousness, go forward in lifting the oppression and stigmas that have suppressed our brothers and sisters for so long.

Introduction of Anna Leah Sarabia, the Co-Secretary of ILGA.

### **Speaker: ANNA LEAH SARABIA**

ILGA Co-Secretary General, Philippines

### What is ILGA?

ILGA is the world's most creative and brilliant people. Dedicated and avant garde people are attracted to ILGA and its conferences. ILGA has the world's best activists who are committed to a common vision of a world where human beings can all live without fear or hesitation. A vision of a world where we live without fear or discrimination or disease.

She mentioned that many of the people who were with us won't be able to join us today... we salute their memory.

She then thanked all the organizers and most importantly thanked the partners of all the delegates and organizers.

Introduction of Geeta Kumana from Aanchal, one of the co-host organizations.

### **Speaker: GEETA KUMANA**

AANCHAL, Mumbai, India (co-host)

### Welcome

As the co-host of the conference, she welcomed all the delegates.

### The Response to the Conference

It had been tremendous, and there were participants from Thailand, Philippines, Sri Lanka, Malaysia, Indonesia, Nepal, and India and people from the Asian Diaspora including Australia, Canada and the United States.

Introduction of Sherman De Rose from Sri Lanka, the ILGA Asia Male Representative.

### **Speaker: SHERMAN DE ROSE**

ILGA Asia Male Representative, Sri Lanka

### ILGA

Sherman talked about the founding, composition, nature, membership, scope and extent of ILGA. He explained the relationship between the progress of ILGA and the achievements of member groups, and talked about the conscious move toward the 'regionalization' of ILGA.

### Conferences

He explained their nature, intentions, the recent streamlining of the organization and its structural changes, adaptations required with the advent of the Internet.

### Successes

The various campaigns: for reforms, against discrimination, against HR violations suffered by LGBT people, protest actions and letter writing campaigns, the deletion of homosexuality from the World Health Organization's classification of diseases, and the inclusion in the mandate of Amnesty International of persons imprisoned solely on the grounds of their sexual orientation, lobbying international organizations like the UN and the Council of Europe, participation as an NGO at international conferences.

### AIDS

Its integrity to world conferences, co-operation with world bodies like WHO and UNAIDS.

### Asia

The past history of involvement of Asian activists in ILGA matters, their presence within ILGA.

### Thanks

Sherman thanked the organizing committee for battling huge odds in making the conference possible. He expressed optimism about things to come, and a feeling of creating history in this conference.

### **Speaker: ROSANNA FLAMER-CALDERA**

ILGA Asia Regional Female Representative, Sri Lanka

Rosanna delivered a short vote of thanks to the organizing committee, especially the co-hosts Ashok Row Kavi of Humsafar and Geeta Kumana of Aanchal. She thanked Vivek and his team from the Humsafar Trust, the volunteers from Aanchal, the Rapporteurs, the planning and ad hoc committee, the sponsors and all the delegates. And most importantly, she said, we thank the partners of all of us involved in this conference, for their support and understanding.

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### **Speaker: EMILY PAUL**

Emily addressed the Plenary and introduced Guidelines for the conference. She read out some guidelines that had already been prepared and asked for participants to give suggestions if they felt anything was missing.



Session Title: Men's Caucus

Date: Friday, 10 October 2002

Facilitators: Oscar Atedero (Pro Gay - Philippines)

Eddie Loh (Pink Triangle - Malaysia)

Time: 11.00 AM – 1:00 PM

Rapporteur: Mohd. Yunnus

Co-rapporteur: Vinay  
(both from India)

Participants from: Sri Lanka, India, Malaysia, Nepal, Philippines, and USA

The discussion was on the agenda of the ILGA-Asia conference and whether the participants would like to expand or change the topics of workshops and plenary. Suggestions included:

- How to make homosexuality legal.
- How we share knowledge on gay activism work.
- Harassment at public spaces.
- Migration caused by discrimination based on sexual orientation was proposed to include safe spaces and discrimination caused by migration.
- Heritage and Cultures on sexualities in India was proposed to include arts and literature with a panelist from different countries.
- To include a Transgender workshop.
- Spouse notification on HIV status.
- Include Q & A in all sessions.





Session Title: Women's Caucus
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Date: Friday, 11 October 2002	Time: 11.00 AM – 1:00 PM
Facilitator: Rosanna Flamer-Caldera (ILGA-Asia)	Rapporteur: Kalindi (India)
	Co-rapporteur: Emily Paul (Sri Lanka)

Everybody present introduced themselves and their organizations briefly, beginning with Rosanna. We were 26 women in total.

The facilitator welcomed everyone and introduced the theme of the Women's Caucus: Strategies for Empowering Lesbians in Asia. She asked women present to, throughout the discussion, examine the commonality we share, first as women and second as lesbian women. She recommended we look at the roots of oppression which women in the Asian region (specifically lesbian, bisexual, transgender) face. To this end, she identified four levels for strategizing: (a) individual (b) peer group (c) national front (d) regional front.

Women who brought leaflets and/or booklets of their organization were invited to distribute them to the group.

After the information was distributed, the discussion ensued. The issues broadly revolved around everything that concerned lesbians in general. Though the theme was empowerment of women in Asia, some how by the end of the session almost every aspect seemed to have been discussed.

Oppression was the first to be discussed and found to be one of the common grounds of all women in Asia, especially lesbians. The questions pertaining to how and why this happened were raised. The stigma of being gay was spoken about. The term "double jeopardy" was used to identify the oppression of being a woman and lesbian. Multiple forms of discrimination were further identified to include: being a woman, of an alternative sexuality, of a particular ethnic identity, etc.

A representative of CLIC (Can't Live In the Closet) introduced the organization and mentioned that it has, throughout the years, had to focus on multiple layers of discrimination including race, class, gender, religion, and sexuality. She also spoke about the 1<sup>st</sup> Asian lesbian conference that was organized by Anjaree, a group from Thailand in 1990.

A representative from CLIC further noted the transition of the movement in the Philippines. They originally organized as part of the women's movement in the mid-late 1980's and early 1990's. The shift seems to have been organizing as feminists to joining the women's health movement. More recently there has been a gradual shift from human rights to more specific agenda focusing on sexual and reproductive health for women. Women from the Philippines chimed in that it was in 1986 that women became more visible in the Philippines with the first female President. The feminist agenda had not included the lesbian agenda for fear of being labeled as lesbian. Feminism was stereotyped as being synonymous with lesbianism, to the point that women would say that they were not feminist, but for women's rights. There was a great deal of resistance as feminist activists wanted to draw a clear line of difference between themselves and the lesbians. Similar resistance was found from the Church as it did not want to touch upon issues of sexuality because it was clearly mentioned in the Bible as not accepted.

The question was asked whether the feminist movement is homophobic as sexuality issues are often seen as not too legitimate in the women's movement. Through the discussion, women present agreed that lesbian rights is integral to sexual and reproductive health agenda and therefore the feminist movement should not be homophobic - that feminists should include this on their agenda to encompass a more holistic concept of reaching out. Lesbian women have a huge part to play, to gain and to help the feminist agenda.

#### LESBIANS ARE FIRST AND FOREMOST WOMEN!

A member of Sangini (India) was of the view that the problem was not being a lesbian but being a woman because of the conditioning Asian women have received over centuries of male dominance. Example marriage, lesbian women often face the problem of being forced to marry and then the damage done is tremendous.

A woman from India added that the struggle for lesbian rights is difficult for other circumstances as well, such as working under a right-wing government and/or the effect of globalization and the notion that homosexuality is an import from the West.

The aspect of homophobia and its bearings on lesbians was the next issue brought to everyone's notice. The point was made that homophobia is not only from without, but also from within. The example given was from India where women involved in a lesbian support group discriminate against transgender persons who identify as lesbian. It turns out this is not uncommon in other groups as well.

Internalized homophobia was spoken about with examples cited from experiences within their own organizations. It was recognized that internalized homophobia stems from ignorance and fear and does not exclude homosexuals. It is an issue and obstacle for homosexuals to overcome.

The point was made that it is important to not only address the problems faced by lesbians, but to also identify solutions. A problem identified was that of conflict resolution not being sympathetic to incorporating issues of lesbian women. An example was given of the rape of women in Sri Lanka due to the ethnic conflict.

To this end, sensitization on internalized homophobia is necessary, as is patience and persistence.

A woman from India, who is active in HIV/AIDS and gender programming, noted that the discussion on sexuality is relevant to what is happening in the field of HIV/AIDS where HIV/AIDS outreach/prevention tends to be basically toward men. She noted that patriarchy and the cultural system in India have an impact on this and that there needs to be a multi-layered approach that takes into consideration much broader links.

A psychologist from the Philippines picked up from here and said that mental health awareness was of prime importance to lesbians keeping in mind the above problems already going unchecked. Trauma of lesbian rape was also touched upon considering it's a lesbian' worst nightmare. Psychiatrists were found to treat lesbianism as a mental health problem, but it is clear that this is extreme upheaval to the lesbian who is doing actually what comes naturally to her. Aversion therapy and other forms of therapy like electroshock therapy have been used in an attempt to convert lesbian women into heterosexuals.

Other things like shame were also discussed. It was agreed that shame is an Asian way of control. In Asian societies a woman is considered the honor of the home, parents and men. When she realizes that she is lesbian then she feels a deep sense of shame and guilt and tends to hide and not identify as lesbian.

Coming out was discussed next, this is undoubtedly one of the most important issue faced by a lesbian no matter what age she is, and is in the closet. It was agreed upon that awareness was a key ingredient to coming out and that there are several layers of coming out, including: (a) coming out to self, (b) forming a peer group; finding support, (c) creating a more organized group with a clear agenda of what to do, (d) raising organizations to the national level – to work with one another and with women's and human rights groups. This process can be difficult at times due to the constraints already highlighted and the mere fact that sometimes people don't even realize what is going on around them, like support groups etc. Once awareness is there, however, coming out becomes a little easier.

A woman from India highlighted an issue faced by many women, which is a lack of awareness of homosexuality in general and the notion that 'I am the only one with these feelings' or that 'it is a passing phase'.

A suggestion was that coming out should be slow and gradual and is extremely subjective and one should leave it to the woman to decide when she is completely comfortable with doing that. Some activists felt that being in activism they were forced to come out. Thought it happened in degrees but all the same it happened.

A woman from the Philippines, who is a psychologist pointed out that there are several layers of coming out. She mentioned degrees 1-3 as beginning to understand Self, 4 as acceptance of Self, 5 as being proud of who you are, and 6 as full acceptance – being out in most places.

A challenge was made as to what the significance is of being able to say “Hi, I’m \_\_\_\_ .” vs. “Hi, I’m \_\_\_\_\_ and I’m a lesbian.” Discussion ensued as to whether we, as lesbians, need to always identify ourselves as lesbian.

It was noted that sensitization is important to educate the heterosexual community so that there are other forms of support for homosexuals such as psychologists who are sympathetic and understanding of the issues unique to homosexual women. This might make the process of self-recognition and coming out a little easier.

A lot of homophobia comes from misconceptions and ignorance and lack of communication. Anna Leah suggested the use of media (radio, TV, print) as a powerful tool to inform people and educate them about homosexuality.

Bringing things back to the original theme of the discussion, empowering individual lesbians to be comfortable with who they are – strengthening mentally, emotionally, and also economically – seems to be the essence of moving forward.

Being economically independent is a factor that governs coming out and to what level women are able to be one’s Self and live openly...without having extra pressure or obligations from family. Although an issue for all women, this is especially true for women who identify as lesbian.

Support groups and the use of videos/films were noted as means by which women can be empowered – to know they are not the only one experiencing lesbian feelings. Representatives from the Philippines also suggested use of text message support, email support, which they have found useful. They also mentioned the success of their magazine column dealing with issues relevant to lesbians.

Another step that was acknowledged was legislative advocacy to create policies/laws that protect lesbian/bisexual women on multiple fronts.

In conclusion, it was agreed that we must build our own individual knowledge and skills to help ourselves in order to better help others.



Session Title: Transgender Caucus
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Date: Friday, 11 October 2002	Time: 9:00 AM – 10:30 AM
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Facilitator: None	Rapporteur: S. Jain (India)
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Participants:	A	Humsafar Trust, Mumbai, India
	M	Humsafar Trust, Mumbai, India
	S	Humsafar Trust, Mumbai, India
	Shakila - Co-ordinator:	Transgender Program, Pink Triangle Foundation, KL, Malaysia
	Lax	President, Dai Welfare Society, Mumbai, India.

We started out with a round of introductions and talked about the organizations we came from.

### MAJOR ISSUES:

#### Train travels:

First up came the issue of police harassment. “Often, when we travel by ladies compartments in the local trains in Mumbai, we get thrown out of them by the railway police on the beat. We are told to go to the Gents’ compartment. Obviously, we cannot do that since the moment that we enter the men’s compartment we are mauled and harassed all over. We also have to face taunts and verbal abuse. It is extremely crowded and well nigh impossible to protest. Fortunately, we do not have problems in getting unrestricted access to Ladies’ toilets. People tease us with pejorative names like ‘maamu’, etc. One woman in her train held her pallu to her nose just because I entered the compartment.

#### Police harassment:

One of the participants narrated her harrowing experience in a police station where she was stripped in public, and made to enter a men’s cell with 29 other men, nude. “Finally one of those men had pity on me and gave me the shirt off his back. The police in fact exhorted the men to ‘have fun’ with me.”

“What did the cops say when they caught you?”

“I was made to strip before a watching public. It was humiliating and wrong. I made a case against the senior inspector and the enquiry is on. Things have gone so bad now! In fact, if the

police *hire* us, we can do such a good job of maintaining law and order! We will work double hard to ensure that is so.”

“Crime is universal. We are not saying that hijras are more or less prone to it. However we should have a separate lockup.”

“I have a great idea. Why can’t the Police appoint constabulary from our own population to take care of issues that we face in trains? Why should we be subject to male or female constables?”

#### Jobs:

We have no jobs and no work in outside society. Nobody wants to give us a job, and even if we want to do a computer course or something, no one wants to take us into the training institute.

#### Issues regarding identity documents:

“If you see our passports, our names are prefixed with Mr., Mrs. or Miss and we don’t want that, we want to be known as Hijra on the passport too. Every register of Government activity like a ration card etc. should be prefixed as Hijra and not as Shriman or Shrimati. *We do NOT want to be submerged into the identity of women.*”

“Often we have a male name, the one we were born with, and a new name that we take. We are stuck with certificates that have the old name, and we are refused permission to change that name. We would like that to happen.”

#### Education:

We are denied entry into colleges, and treated as inferior even if we get there. There should be reservations for us just as there are for underprivileged groups elsewhere. If there is a transgender person who discovers himself or herself in school, their choice should be respected and they should be allowed to be as they want to be. We want night school 1-hour classes, special computer classes.

“In Malaysia, there are not too many problems for transgender people. The police would not dare to put us in a men’s’ cell in a prison, for example.

#### Growing Up:

When I was in Malaysia, I started wearing girl’s clothes from the age of 3 to 4. I was the youngest in the family, so none said anything. I played girls games, did girls’ work.”

“It is the same for us in India too!”

“When my desires grew, I started wearing more women’s clothes. I tried to share it with my family. When I reached college I realized what I wanted, and started taking hormone pills etc. My college friends were more accommodating. I never gave a damn anyways. But yes, acceptance is still low. In my family, I went on fighting for my rights. On the streets, women were more understanding, but men were hostile. They denied it. I left home and found my community. Worked in a boutique.”

“How does society in Malaysia accept you?”

There we do not have guru-chela ghettos. We have diverse Malay, Chinese, Indian cultures where we are sisters. We are one. The new generation there is so good! I go with them to discos and to parties. I go with my boyfriend and with them at once. I live with my boyfriend, and he is Muslim. But Malay Muslims are much more open-minded. For all Malays, their attitude to children is: they are ours; they have come out of our own flesh. We even come to love pets. How can we throw them out? I for one love to meet friends and do outreach work.”

“In India officials do not respect us, but I know how to handle them, through laws or otherwise. Both women and men are afraid of us. Some say bad things, but others say good things, they appreciate our work. So often politicians do not even hear our grievances and just brush us off.”

“In Malaysia we call our elder hijras Ma-Aayaam: Mother Hen!

Introspection:

“We also make mistakes. People are not always to blame. We use bad filthy language, threaten to, and actually strip nude, and this adds to the problems. Not all of us do it though... I guess it’s a case of the five fingers not being the same.”

Participants talked about the nature and work of their respective organizations.

“We should create equality in the Hijra community. Unfortunately, even when someone courageously breaks barriers, no one supports them. Different groups should get together to fight police harassment etc.”

Social Security:

“There should be some pension for us after 60, we are all alone, we don’t have families. There should be hospices for the hijras with AIDS, old age homes for us, community centers.”

“Do you have clubs, clinics, lawyers etc. provided by the Government? We do in Malaysia. Earlier there used to be a huge fine, around 12,000 rupees in your currency, for cross- dressing with the intention of soliciting. They made money out of us. But we took a stand united; we went up to the civil courts as well as the Islamic Sharia court and many of us won their cases. Now hard evidence is required before any further action can be taken.”

“We should do this in Bombay too. Let’s get together, break free of all the tyranny and get together. If nothing else, at least tomorrow when I am gone people will remember me, though I may suffer now.”

“Easier said than done. Here if four of us do something, the rest gang up and isolate us. Instead of rapprochement, we just get reproach. IN fact to tell you all the truth, I haven’t told my Guru even about this conference. She would have said, ‘why are you going? What will you get by being there?’ I came here without informing my Guru.”

“Well we do have Voluntary Testing Centers. But more things need to be done. We have lawyers doing our work for free for our organization, but not for our personal issues.”

#### Hierarchy Problems & Nomenclature:

“The Indian Hijras tradition is very hierarchy based. We have no education and are held in a vice like grip by our elders. The teacher-disciple tradition is like slavery sometimes.”

There was a long explanation by the Indian participants to the Malaysian participant about the complex structure of Hijra society in India, and about Jogtas.

“How is the tradition like slavery?”

We’re not allowed to work outside the houses by the heads, the naayaks, beyond the traditional three occupations of prostitution, seeking money from shops, and taking dholak – which means celebrations on the birth of a child or some other happy occasion.”

“We do NOT call ourselves transgender or eunuchs. We are Hijras, whether castrated or not castrated. We have our own Gods and Goddesses according to mythology. To enter the community you have to be a chela (disciple) of one of 7 houses headed by 7 gurus. About getting into the community: I will talk to one Hijra, befriend her, and become a chela. Of there is a fight, one can switch houses.”

“But this is terrible!”

“Yes but this is our tradition, going on for centuries. But now things are improving. Earlier if we gave our gurus some money, we would get a pittance. But now things are changing. It will take a long time. Communism took so long to fall in Russia. After all this is a form of communism too!”

The concept of “daava-pesha” loosely translated as “bid and buy”; of a novice becoming a chela and moving up in the Hijra hierarchy was explained.

“There is a saying: “only a hijra can buy a hijra”. It is simply a form of slavery.”

“Only Muslims get made naayaks or heads. Hindus do not. This was not so before, this is all new. 250 years when Hijrapan came to Mumbai, our elders of yore, salute them, did not have such things.”

“Traditions are tying us down. And we are not comfortable. We should fight back and break these cages. Face issues courageously, bring in good times for those of us coming after us, build a new IMAGE, make ourselves skilful. We can help ourselves remove all the stigmas. Only if we help ourselves will society help us.”

“We can become anything, even astronauts!”

“On the other hand there is also the feeling of insecurity. If traditional avenues like begging and sex work are stopped, where will we go?”



### Laws:

Section 377 of the Indian Penal Code and its effects on the transgender community in India were discussed.

### Relationships:

“I don’t believe in boyfriends!”

“Sometimes our lovers come, and then after some time he may run off to marry. We feel betrayed. There is lots of stress and tension in this Hijra life. Many of us end up taking poison or something. And when we die, the Guru usually takes all our wealth. We are Hindus, Christians, Muslims. Even when we die, families don’t come to cremate or bury us. The body may even go unclaimed.”

“I know that since I have money now, a hundred hijras will ask after me. But tomorrow when I have none, nobody will stand by me, except for my family. But I must say that I have been exceptionally lucky in this regard.”

### Villages and Cities:

“In the main big cities, we have our communities. Hence many of us when young come from small little towns.”

“I’ve been here for 20 years, never went to my village once. Sometimes when we are old and infirm, our guru just puts us on a train to the village. In fact three people I know have died on the train on the way to their villages. We believe in religion, but humanity should come first.”

“After 20 years, I may return to my village, No one will recognize me in my hijra garb, because I may have left in a boy’s clothes. They won’t even know me; leave aside accepting me as a woman. Families will almost never accept someone positive either. So many of us are dying young, even at 30. We should have decent work and a dignified death.”

### Illness:

“In Malaysia we collect money together to treat an ill transgender person and even get money from organizations to do so.”

“I am in the field of activism, inspired by others who came before me. But I keep getting threatened and this affects my mental well-being. As an individual I am very afraid. Luckily my parents are very strong. Even those hijras who collected money for organizations had to leave them due to hierarchical pressures. Sometimes I feel like a volcano about to explode and destroy the world.”

“I still remember the day when I became a ‘kori’ or a novice. I have a very loving, compassionate relationship with my naayak. But so often in the love and obligation, we don’t even realize when we start being misused.”

“People should not hide their HIV status. They should reveal all, and this will reduce many of the associated problems.”

### Language Identity:

We have evolved a particular language that accommodates all the terms that are not present in Indian languages. We feel it should be recognized as a language and called the 'Hijra language' or the 'koti language.'

"Traditional Indian languages do not encompass all our terms, hence we feel that in a crisis we should be able to communicate with each other fast."

### Other queer communities:

"Yes, we should interact with them, and they with us. All the marginal groups need to stick together to make progress."

"We are a part of you. As we accept you, we expect you to accept us."

"Any messages for gays? Hmm, none really..."

"Well I have one. In case of a police problem or some tamasha on the street where transgender persons are cornered, often there are gay and lesbian people, even those that know us, who just remain silent and watch from the sidelines, who do not even come to our rescue. That should change."

### General Discussion:

"Have you ever been out of India? If you ever go somewhere what will you wear?"

"Sari!"

"Only sari."

"I wear salwaar kameez in Malaysia."

### Safe Sex:

"We must, must promote safe sex in our communities. Earning money should not be a priority over safe sex. Always use condoms and water-based lubricants. Gurus too should be sensitized and informed. Do whatever you want, but safely. Have HIV awareness campaigns."

"There are huge improvements. Earlier our sex partners did not agree to wear condoms even when we insisted. Now they bring them themselves. Awareness programs have worked wonders in many areas, but there is a lot that needs to be done."

"We work with illiterate hijras, who do not have any use for pamphlets, and explain to them what they should and should not do."

In Conclusion:

“This is the first time I met a transgender person from another country! I am deeply inspired by your account of your life and your work in Malaysia. I feel I have taken the flame of a torch of hope from you, and gotten strong.”

“Your country India has an old culture, a history or revolution, independence and freedom. You can bring about a complete transformation for the better.”

“We must meet more transgender people from other countries and cultures! We must!!”

“We should develop more skills, get courses in various subjects of study, and learn to use the Internet to chat and meet other people like us. Whatever thoughts are there in our minds that stop us, we must hold them back, and move forward. With unity. We must start right away. We must meet more and learn more from each other.”

“I liked this meeting very much and you were a superb facilitator.”

“As a facilitator, there was so much that I got to learn from all of you in these two hours, and I would like to thank you all from the bottom of my heart for giving me this chance.”

Thank you!



Session Title: Plenary: Heritage and Culture of Sexualities in Asia

Date: Friday, 11 October 2002  
Facilitator: Ashok Row Kavi  
(Humsafar Trust - India)

Time: 2:00 PM – 4:00 PM  
Rapporteur: Eddie Loh (Malaysia)  
Co-rapporteur: Mohd. Yunnus (India)

Panel:

Ashok Row Kavi  
Dr. Raj  
Lakshmi  
Wina  
Num  
Shakeela

Humsafar Trust – India  
Queer Studies Circle - India  
Dai Welfare Society –India  
Swara Srikandi - Indonesia  
Anjaree – Thailand  
Pink Triangle - Malaysia

### **Ashok Row Kavi – India**

Started the presentation by taking a peep into the closet, looking back into the history and culture. There are references in the Hindu, Buddhist and Jain scriptures such as napunsaka, kliba, pandaka, ardhanareshwara. Essentially, these names referred to a man who could not penetrate. Kliba - a cross-dresser. Ardhanareshwara - a half male. In west Asia, there are more specific references, for example in Leviticus. In Christianity and Islam, male-to-male sex has very specific mention and is clearly not allowed. The word Homosexuality comes from Europe and has its origin in the mid 19th century. Homo in Greek means same. In the Asian context there are identities such as kotis, pantis, etc.

### **Dr. Raj – India**

The modern contemporary literature fiction, non-fiction poetry in India, we get to see. Languages like Marathi, Kannada, Hindi also has contributed towards gay literature. English is more resourceful than other Indian languages, for eg. Badnami by Kamleshwar a novel, which was made into movie. A friend's story by Vijay Tendulkar.

With most writers coming out happened much later. In second half of the 20<sup>th</sup> century, Sultan Padamsi is one of the earliest poets who had written poetry with gay theme. Sultan Padamsi's death has been mystery, he was learned to have committed suicide. The 40s saw Khoshang Merchant who was openly out. His collection of the poems-----, who is also acclaimed writer. Lives in Hyderabad. He edited Yaarana – published by Penguin which is one of the first anthology of contemporary gay writing in India. Ashwini Suthankar's "Facing the

mirror” was also a fine work, the only difference being most people wrote with pseudo names as against in Yaarana, which was mostly self identified gay men.

In the 50s Vikram Seth is early poetry had gay theme. He identified himself as a bi-sexual. Khoshang Merchant who was asked by media, how do you want to be known? His answer was that he is an international gay writer.

Mahesh Duttani, gay writer, director, has written & directed several plays with gay themes but mostly dealing with oppression as a subject, he is currently making a movie the ‘Mango Soufflé’.

Raj, himself today looks at a dilemma on gender issue. He is known as a gay writer, since he knows most of the people who buy his books are gays. Other than literature there have been movies such as Fire, Bomgay, a short film of 12 minutes dealing on the subject of homosexuality which was never released.

### **Lakshmi – India**

Talks about Hindu tradition, gods and goddesses and the existence of hijra community. She has been fighting for hijra community because illiteracy and unemployment led to deteriorating economic status. She was asked by her guru, Sabeena of Dai Welfare Society to get into social work. The harassment by police and public has pushed the hijra community away from mainstream society. We are trying to bring a change and this was inspired by Shabnam Mause, the first hijra mayor in India.

Lakshmi emphasized on the need to have a 3<sup>rd</sup> gender.

### **Num - Thailand**

The term ‘kathoeay’ has historically been used to denote both males and females existing alongside normative masculine and feminine identities. Although the exact linguistic and cultural origins of ‘kathoeay’ are unclear.

‘Kathoeay’ denoted a person, male or female who expressed hermaphroditic features or exhibited behaviour considered inappropriate for their sex. It is now almost exclusively used to refer to biological males, although some people once used the term to denote female transvestite and lesbians.

Historically, terms for homosexual activity existed in Thai, but there were no ascriptions that separated homoeroticism out as solely the activity of a specific type of ‘homosexual’ individual. In the ancient time there was a term *len sawad* (literally ‘playing love’) which originally meant ‘to make love’, but also acquired a homosexual connotation of anal sex between males of any ages. A corresponding term, *len phuen* (literally ‘playing with friends’), is a term that has been used to refer to female homosexual behaviour, dating back to the Ayudhaya period [1350-1767] at least. According to these historical sources, at the beginning of the Ayudhaya period King Boroma Traylokanaat issued a law to prevent concubines from having sex:

Any woman having sex with another woman like a man has sex with woman will be punished by being whipped fifty times, tattooed on the neck and paraded around the palace.

Images of concubine *len phuen* can be found in the temple mural at Wat Khong Kharam, Rachaburi Province, which is approximately one hundred years old. The mural includes scenes of palace life, such as daily activities of servants, royalty, and war slaves. There are several scenes of women being punished for *len phuen* in the palace, including being held in cages suspended from the ceiling. There are also scenes of women surreptitiously flirting with each other, with hands on each other's breasts, a sign of sexual intimacy.

Since the time of the early Ayudhaya Kingdom, there were palace laws prohibiting kings' concubines and maids from the practice of *len phuen*. The first time female lovers were caught they would receive 50 lashes. Being caught a second time meant their necks would be marked with a tattoo and they would be completed to do embroidery work. If they were caught a third time, they would be exiled from the inner court.

Despite these regulations, there are no records of lesbian lovers receiving punishment, probably because the act was not regarded as a serious offence.

Apart from the legal codes, several pieces of old Thai literature reflect the commonness of the act *len phuen*. The famous poet Sunthorn Phu who lived in the 18 century described in his popular story in verse, how the act of *len phuen* was common in his fictional royal city and how the practice was spreading to other towns.

In 1900, during King Rama V, a legal code was issued for the first time prohibiting homosexual relationships among ordinary citizens. This so-called 'Sodomy Law' was borrowed from the West and used as an example. However punishments were much lighter in the Thai version. Anyone charged with committing 'unnatural sexual intercourse' could be sentenced to 10 years imprisonment or less. The law was eventually abolished in 1956, because 'there was no such case ever reported, and the legal execution of such cases, if they occurred, would be nothing else but defamation to the Kingdom.' No Thai laws have been issued against homosexuality.

Thailand is a society where having sex is relatively unsanctioned, but talking about it in public is strongly sanctioned. The dominant religion of the Thais since the twelfth century has been Theravada Buddhism, a generally tolerant religion that does not sanction extremism in any sphere of life. The traditional belief in Thailand is that homoerotic desire and transgender behaviour are the *karmic* result of having committed adultery in previous existence. In Buddhist doctrine, *karma* is an impersonal cosmic law of ethical cause and effect, with moral actions leading to happiness and well-being and immoral actions leading to unhappiness and suffering. Within this schema, homosexuality has been viewed as a form of suffering but not as sinful.

While homosexuality is regarded as an unfortunate condition within traditional Thai Buddhism, it is believed to be a natural phenomenon that is beyond the ability of the homosexual person to change. Within Buddhism, one cannot alter one's karmic fate, only endure it. The traditional

Buddhist attitude to homosexuality, transvestism and transexualisms, therefore, has not been condemnatory but rather one of compassion or sympathy for the person so fated.

Although there are no legal or moral code sanction against homosexual or transgender behaviours or lifestyles in Thailand, sexual minorities nevertheless exist in a legal limbo. Under current Thai law, same-sex marriages is not recognized, and same-sex couple are denied access to the spousal benefits accorded heterosexual couples, such as tax benefits, social welfare and insurance benefits. Being invisible in the eyes of law, sexual minorities also have to survive in a cultural climate dominated by biased stereotypes. Homosexuals are widely perceived as being irrational, violence-prone, jealous, oversexed, a threat to young people, social misfits, psychologically aberrant, or just plain sick. These misperceptions are nurtured by media presentations. While more and more gay and kathoey characters are being included in TV soap operas (often based in best-selling novels or short stories by heterosexually identifying authors), almost none of these characters are portrayed as being ordinary people.

Thai people tend to turn a blind eye to homosexual lifestyles and gay/lesbian issues. They may express tolerance if they happen to meet homosexuals in public, be they gay, lesbian or obviously kathoey. But problems often arise if people find out that a close acquaintance or a member of their own family is attracted to the same-sex. Commonly a first reaction is to deny or reject their friend's or relative's sexual preference, and in many cases this rejection leads to people being ostracized from family ties. Putting gay and lesbian people and kathoeyes under this kind of pressure is tantamount to a mental crime, and automatically prevents most people from coming out of the closet.

### **Shakeela – Malaysia**

PT Foundation works with 6 different communities – transsexual (TS), MSM, lesbians, sex workers, PLWHA and drug users on HIV/AIDS and sexuality issues. The TS community do outreach work and sensitizing the state e.g. the police and government agencies which have helped largely to create awareness and change in their attitude of police and government agencies as well as the public's.

### **Wina – Indonesia**

Many people believe that homosexuality acts (G, L, T(waria)) are adopted from western countries. However, our traditional history told that homosexuality act really exists/comes from our own countries. For example, there is a traditional dancing in the East Java (Ponorogo) called Reog Ponorogo, where the dancers are men and the masculine men are called Warok and the feminine are called Gemblak. The Warok plays the role of a homosexual and the Gemblak plays the feminine and becomes the wife.

But actually the gemblak is also married with a woman and have kids. Also the story about living at “Pesantren” (the Muslim students dormitory) where they learn about Islam together, eat and drink, also sleep together. And they also do homosexual act while living together at Pesantren.

And talking about sexuality in Indonesia, we shouldn't forget to remember/consider that although Indonesia is not an Islamic country but most of the people are Muslim living in the patriarchal country especially for lesbians we faced multiple discriminations, pressure and one of

them is we have to realize that there are 2 types of genders – female and male. A male should marry a female and vice versa. Especially for Muslims, the pressure for getting married is also high. But again we cannot deny the fact that LGT and waria exist in the islands. Being a waria is more acceptable than gays because society thinks waria really are dressing like a woman and most of them are doing genital operation. While being G and L have a hard and tough lives in the islands because the society will judge as morally guilty.





Session Title: Plenary: Discrimination Causing Migration
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Date: Friday, 11 October 2002	Time: 4:30 PM – 5:45 PM
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Facilitator: Ashok Row Kavi (Humsafar - India)	Rapporteur: Emily Paul (Sri Lanka)
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Panel:

Sandip Roy

Trikone - USA

Shekhar

SYAM – Chennai, India

Sunil

Blue Diamond Society - Nepal

Julian Jayaseela

Pink Triangle Foundation - Malaysia

### **Introduction**

Ashok introduced the Plenary by clarifying that discrimination causing migration does not only refer to migration across borders but also from rural to urban areas and is largely interconnected to the need to create safe spaces where we are and it is in this broader context that the panel will address the inter-related issues of discrimination and migration.

### **Presentations from Panel**

#### **Sandip**

Sandip began by saying that migration caused by discrimination is not a one-way street. There is migration caused by discrimination AND discrimination caused by migration. Sandip addressed the fact that there are often multiple reasons why homosexual persons are discriminated against is often factors in their difficult decision to migrate.

In the remainder of his presentation, Sandip talked about asylum being a “double edged sword”, that migration is often very painful because persons are forced to leave their culture and all that is familiar, and that there is a definite economic aspect of migration.

*Sandip has agreed to submit his presentation to the archive of the conference. Further information can be accessed from the presentation in whole (available in the hard copy report only).*

#### **Shekhar**

Shekhar talked about the importance of creating space for persons who are HIV + and persons who identify as gay and lesbian in Tamil Nadu. He gave the background of how SYAM was

formed from his personal experience of being HIV+ and having no safe space or support. He faced a double discrimination being HIV+ and identifying as gay.

When he was informed he was positive in 1993, people he told didn't believe him because he didn't look like what they thought an HIV + person should look like (e.g. facial lesions). On top of having people disbelieve his HIV status; they did not understand or support his gay identity. From this experience, Shekhar realized how important it was to support others like him. The organization (SYAM) began with his initiative to define space for himself and others like him. By helping others the organization continued to grow and now includes assistance for lesbians and bisexual women, gay men and HIV+ persons. *At this point he introduced R, a lesbian from a village outside of Chennai who has been instrumental in helping lesbians in and around her village and Chennai.*

Shekhar said that one of the main difficulties SYAM has is corresponding with other organizations and supportive individuals in India.

### **Julian**

Julian began by saying that it is spiritual and magical when you declare a space yours and safe.

When the Pink Triangle (PT) began in Malaysia, a few individuals declared a coffee shop their safe space. By declaring it a safe space they brought attention from others, including the government. From this point of trying to define safe space, PT has gone through a natural transgression of working with and including other identities as needed. As the organization grew they started interacting with other organizations on the international sphere and realized that the international sphere was having discussions on major themes, which they too had been dealing with. One such issue was that of safe space. As the gay community in KL started having gay activities at places like 'mainstream' discos, they were gradually able to define more safe space, such as one disco that catered to the gay community once the owner realized the value of the 'pink dollar' (money spent by gay people).

Julian broadened the notion of safe space to include not only physical, geographical space but also our own bodies – our selves, mentioning that if we cannot find safe space within ourselves, then how can we have safe space within the larger community? He noted that safe spaces could happen without physical space – the Internet being a prime area that people are now using to reach out to others. Julian mentioned that when dispersing information, it is important to remember alternative spaces and mediums of reaching out. For example, when pamphlets or written information did not suffice, video was an option PT found to be successful.

Julian emphasized the importance not only of safe spaces but also working together as a coalition – to know the enemy and know the friend and not let other things come in-between.

### **Sunil**

In addressing the difficulty in finding safe space in Nepal, Sunil gave the example of two women who married the same man in order to be together.

He outlined the following problems being faced by LGBT in Nepal which have caused migration: pressure to get married, discrimination and even death due to family finding out about one's sexuality, low self-esteem/not wanting to face anyone.

Sunil stressed that he would like to create space in which people can live within the country (Nepal) and not feel ashamed and/or afraid.

### **Contributions during Group Discussion**

#### *From the Philippines*

A delegate from the Philippines told the plenary that the Philippines is known as the 2<sup>nd</sup> most gay tolerating country in Asia so it is hard to understand that persons would use this to migrate. (It is not like Pakistan and other places where people are significantly discriminated against or even killed because of their sexuality). Yet middle class butch gays tend to think that the United States and Canada is the land to go to for freedom.

#### *From SYAM - Chennai*

A representative of SIAAP relayed his experience that persons who are effeminate tend to migrate from villages to bigger towns because people in the villages discriminate against them and they are freer in the town.

#### *From Sangini - Delhi*

A delegate from Sangini pointed out that the decision to leave or migrate is often different for men and women. Women often have added difficulty in making the decision because of their connectedness, and often responsibilities, with and for the family.

She pondered whether women even think of leaving home as an option. If it is an option, how possible is it for them to do? Two examples were given in which couples decided to migrate from a smaller town to Delhi. In the first instance, the couple fared very well. Sangini was able to help them find jobs and they adjusted quickly to city life. In the second instance, the couple could not cope at all. They had both been very involved in their family life and had been very protected by the family atmosphere. They couldn't deal with day-to-day life in the city. Grocery shopping and taking a trishaw were such large obstacles that they ended up leaving Delhi. Although Sangini had done what they could to help the women, they were not able to help them overcome the day-to-day reality of life in the city. They have not heard from the women since they left Delhi.

### **Group Discussion**

During the group discussion, the following issues were raised/comments made:

- The benefit of creating safe spaces that allows persons to be out and/or be themselves **wherever** they are.
- The importance of creating safe space in small villages
- That there is often an irony of people who have migrated to the States 'to be free' and are living in 'the closet' and holding themselves back. Other pressures such as race, ethnicity put internalized pressure on individuals.

- How do we work towards ensuring that women can cope better either in their respective areas or once they make the move to a larger city; what tools are necessary?
- The need to redefine education and not stress formal education.



Session Title: Plenary: Laws and Policies

Date: Friday, 11 October 2002

Time: 6:00 PM – 7:30 PM

Facilitator: Geeta Kumana (Aanchal - India) Rapporteur: Kalindi (India)

Anand welcomed all the international delegates. He went on to explain that the laws and rights of sexual minorities was a hugely important issue that is under debate right now in India. He added that anyone who was concerned about Gay rights could not ignore this issue and live in oblivion.

Anand highlighted past religious, canonical laws and traditions pertaining to homosexuality in general. He said barring the above little research has been done on tribal laws related to homosexuality. He spoke about the treatment of homosexuality under the major religions of the world. He quoted from The Bible and The Quran. Clear proscriptions mentioned in the texts are indicative of abomination. They clearly condemn acts of homosexuality. Islam suggests a punishment for it under 3 categories “Hanafite”, “sha’fi” and “Hanabalities”. Buddhism, Jainism and Hinduism mention nothing in particular about homosexuality. Though it has been thought that Hinduism is inconsistent in its view. The Manu Smriti mentions homosexuality and condemns it, making it punishable. It also goes to the extent of chalking out a punishment for virgins and mature women who behave in a homosexual manner. A note should be made that The Manu Smriti is considered a minority tradition.

Anand went on to listed out countries that criminalize same sex behavior.

- Erstwhile British colonies
- Erstwhile USSR
- Countries in which the “Sharia” is operational.

Countries which do not criminalize same sex behavior

- Iraq
- Japan
- Kazakhstan
- Israel
- Thailand
- South Korea
- Vietnam
- Cambodia
- Indonesia

He went on to read section 377 and generated a discussion on the clause, which reads carnal intercourse. The clause does not mention sexual intercourse. Anand mentions that this law is also applicable to heterosexuals because carnal intercourse is not restricted only to homosexuals but it has been used as a

tool for harassment, though the number of cases registered in 142 years has been only 65. He threw this open to the Indian delegates in the audience. This law was borrowed from Christianity as the idea of sex was that it can be done only to have children and that's why it's abnormal otherwise. This was imported to India and then to other countries. Lesbian sex is not covered. As an advocate Anand brought attention to the technical meaning of section 377.

He concluded this discussion on section 377 by saying that "the important thing is that it punishes the act not the orientation". There has been no case of lesbian sex proscribed from the above. He then spoke briefly about the criminalization of the law in England.

Anand spoke about the nature of this law in India. He said that it reinforces the "heterosexual paradigm". He said that this law can be attacked from the HIV/AIDS point of view. He said 377 is back and now we can talk about it to the government. If it remains then we will not be able to push for further change. We cannot push for condoms in prisons.

He went on to talk of the different kinds of laws for example the America Law where one can actually challenge the clause as it violates the basic fundamental rights of the people. India can go to court and fight the same way.

#### THE DELHI HIGH COURT PETITION

377 is violating the basic fundamental rights of the people. Rights like equality, privacy, liberty, right to non-discrimination, right to freedom of speech and expression. Relief is being asked from the court.

He said that if the case is won then it would not mean that Gay marriages and children will be allowed. This is just the beginning and one has a long way to go before all this is made legal.

He proceeded to speak about the way the police abuse this and in the same way even we can hold up a policeman for violating laws and indulging in extortion and blackmail.

#### HIJRA COMMUNITY

Anand also spoke of some of the issues that the hijra community has to deal with. Issues like non-recognition, rights and the debate of being considered as the 3<sup>rd</sup> sex. According the Anand is to get rid of section 377.

He ended his presentation by encouraging the gay community to keep their campaign on.

"MARCH SEPARATELY-FIGHT TOGETHER".

The audience was now free to ask him any questions they might have. The question of transferring property to the gay partner arose. He said in this case a will should be made and then it could be done. He explained how a will could be drafted correctly so it leaves no place for doubt. Another question about discrimination in job places arose. He said these anti discriminatory provisions are restricted to government jobs and not private ones. Anand himself wanted to know about the international movement in gay rights. He asked the Sri Lankans about how it was in their country. They replied by saying that it was in the process. Right now they are busy trying to sensitize the general population to gay rights. Around next year they will try and decriminalize homosexuality in Sri Lanka.

With this the discussion came to a close.



ILGA-Asia Regional Conference  
**Mumbai, India**  
**11<sup>th</sup> October –13<sup>th</sup> October 2002**

Day 2



Session Title: Plenary: AIDS, Men's Sexual Health and Its Impact on Women
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Date: Saturday, 12 October 2002
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Time: 9:45 AM – 11:00 AM
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Facilitator: Geeta Kumana (Aanchal – India)
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Rapporteur: Emily Paul (Sri Lanka)
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Panelists: Shaleen (NAZ Foundation – India)  
Julian Jayaseela (Pink Triangle – Malaysia)

Geeta introduced Shaleen from the NAZ Foundation.

### **Shaleen**

Shaleen talked about what makes gay men vulnerable to HIV/AIDS, with emphasis on the Indian context. In his discussion he highlighted information availability lacking for men having sex with men (MSM), myths and misconceptions, stigmas, and the general social fabric of India.

#### Information

Shaleen mentioned that the **lack of available information** for MSM is in part due to the fact that there is no language for men to talk about sexuality.

**Myths and misconceptions** are another major issue. One example of a common myth is that anal sex is safe, which infers that HIV/AIDS can only be gotten through vaginal intercourse. Because of this myth it has been noted that men only use a condom when they are having sex with a woman, not with another man. Tangent to this is the notion that when men have sex with men it is casual and pleasurable sex – something that is widely practiced but not talked about publicly.

In regard to the lack of information for MSM, a criticism of targeted intervention programs in India is that they further isolate gay men by focusing on them and drawing attention to their sexuality.

Shaleen mentioned that a big question to be asked is **who is managing the information**, the state or NGOs, and how this influences how and what information is dispersed. Silence increases vulnerability.



## Stigmas

A significant impact on MSM sexual health is **internalized homophobia**, which impacts on self-esteem and the ability to take responsibility for their health.

When internalizing information – **peer groups have the biggest impact on what is normative**. This is where the gay movement becomes very important with emphasis on community development. A tool that has been used by the NAZ Foundation is safety within pleasure discourse.

**Access to services sensitized to the situation of gay males** is a further downfall of the stigma attached to MSM. Even when services that are sensitive are available, it is often difficult for persons in the community to reach out and discuss things openly within a safe space. Mainstream service providers tend to be insensitive to people who are HIV+ and who are gay. There is a definite need for skills and sensitization.

## Social Fabric of India

Shaleen highlighted four main aspects of the social fabric of India, which adversely affects gay men sexual health. The first is **Section 377** of the Penal Code. The second is that there are **no fundamental rights for gay men** to speak of. The third is that there is **no institutional space for gay persons to have sex** (which means that public spaces get used and which makes it harder to negotiate safer sex). The fourth is **familial pressure that reinforces compulsory heterosexuality**.

Shaleen raised the issue of whether India is homophobic or homosocial, meaning that a lot of homosexual sex is happening but there are not many people that identify as gay. The behaviour is prevalent, but the identity is shunned.

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After laying out the issues affecting gay men's sexual health, Shaleen touched on how this affects female partners of men who have sex with men. He outlined the following issues:

- The women (often wives) do not know that their husbands are having sex with men
- The men often experience guilt for having married a woman
- The man often has intense frustration and conflict associated with leading a double life
- There are few safe spaces in which to talk to the women (difficult to reach women without men around)
- There is no language for the women to express their concerns about sex
- The women often lack skills to negotiate safer sex (the issue of trust is often brought into question if the woman does start talking about safer sex)
- The predominance of 'male-centric' space and approach to outreach and prevention (very few messages have been developed specifically targeting women)

Shaleen discussed the importance of using counseling as a tool.

He also touched on the importance of gay men and women working together on collective issues and not prioritizing rights.

*Shaleen has given the notes from his presentation to the archive for this conference. For further information, please refer to the notes – available in the hard copy of the report only. (There is an additional section of the notes, which he was unable to get to due to time constraints.)*

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*Geeta introduced Julian, former executive director of the Pink Triangle Foundation in Malaysia.*

### **Julian**

Julian used a power point presentation to address the topic of HIV, Male Sexual Health and Its Impact on Women.

Points made in the power point presentation included:

- Men are not taught to care for their bodies in the same way women are. Women are bombarded with images and messages to be clean. The macho image portrayed of men is often associated with being dirty.
- Persons are brought up to think that men and women are different and have different roles.
- Behaviour change – is it possible? This is often a question faced by organizations and activists doing HIV/AIDS work. Julian believes that it is possible, based on what he has experienced through his work with Pink Triangle in Malaysia. He pointed out that sometimes it is important to break down the message to make it more relevant to the person/group. For example when educating about condom use there are several stages that need to be broken down, specific to gay men: (a) to buy a condom; (b) to practice using a condom; (c) to practice negotiating use of a condom; and finally (d) to use the condom.

In exploring behaviour change and promoting safer sex, Julian pointed out that:

- Change is frightening
- Change needs to be structured
- Change needs feedback
- Change can be positive and rewarding

Julian gave the examples of several Models that have been and are being used in the gay community:

1. The Self Esteem Model
2. The Hospital Model
3. The Advocacy Model
4. The Feminist Model
5. The Community Model
6. The Asian Model

The models have pros and cons and many overlaps. In finding what works for the Asian context, Julian pointed out the importance of taking into consideration family, religion, and marriage. He mentioned that it is a process of trial and error, and thus necessary for organizations/activists to keep discussing and learning from one another.

Julian concluded his presentation by emphasizing that it is important to know our enemies and our friends. Friends are those working in the same field, toward the same goal. Enemies are people working in opposition of this goal. He stressed that solidarity is essential for those working toward the same goal. There is a need for respect for one another individually and toward one another's work. To this end, he mentioned that time teaches, we need a vision for the future, and that persons shouldn't just stand there but DO SOMETHING.



Session Title: Women's Health in Patriarchal Cultures
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Date: Friday, 12 October 2002
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Time: 11:30AM – 1:00 PM
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Facilitator:
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Rapporteur: Kalindi (India)
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Co-rapporteur: Itchie (Philippines)
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A much awaited plenary - Trinity started the discussion with components of sexuality and drew clear definitions from it. She spoke of orientation, biological sex, gender identity, and social sex roles. She talked of sexual orientation from the point of view how it emerges... whether it can be changed is it a choice, and that fact that it cannot be promoted or passed on. She spoke of the fact that more than 450 species of mammals and birds who indulge in homosexual activity.

She went on to give some statistics and showed the prevalence of homosexual behaviour in the US, UK and France.

She went on to discuss the fact that in no psychiatric literature has it ever been proved to be abnormal in any way at all. There is no difference between a heterosexual's maturity and adjustment from a homosexual's.

She then discussed Self- Recognition...it has been shown that sexual identity can be recognized from the ages of 2-8.

Homophobia was then discussed at length...how it works, how it is reinforced by society (teachers, religion, media etc). She spoke of what causes it and how it works...homophobia operates at 2 levels internal (ideas which all children learn) and external (overt expressions of prejudices) and this is caused by hatred or abuse. Homophobia as a health hazard was also one of the major points of the discussion. This was the crux of homophobia and everyone agreed to the fact that indeed it was a health hazard. The socialization of heterosexuals, against homosexuals, and the concomitant conditioning of gays and lesbians against themselves. This must be recognized as a health hazard. Here some personal experiences came from the members of the audience.

The conversation moved onto violence and verbal assaults. Trinity gave some statistics, in a review of 24 surveys of homosexual youth (ages 15-21) in 14 U.S. cities. 80% had been verbally abused and 44% threatened with violence 42% had attempted suicide and 10% assaulted with a weapon.

Besides the above we also have psychological stressors as LGBT. Here the rates of depression, attempted suicide, substance abuse, and psychological help seeking due to wide spread rejection. Most of this occurs due to social rejection and absence of a support group. Inner stress and suppression also serve as major health hazards.

There are 3 main areas where mental health wellness is required-76% require family acceptance, 50% personal safety, 48% community building and organizing.

These were the main points discussed.

Mira briefly discussed the need to have proper support for those who go through traumatic relationships with their partners. Sometimes when a lesbian feels she has come out, that is the end of all her worries but it is not so. She faces problems in her relationship with her partner and those areas also should be given enough importance.



Session Title: Men's Speak Out
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Date: Saturday, 12 October 2002
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Time: 12:05 PM – 1:30 PM
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Facilitator: Eddie Loh (PT – Malaysia)
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Rapporteur: Mohd. Y (India)
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Oscar (Pro Gay – Philippines)
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Participants from: Sri Lanka, India, Malaysia, Nepal, and Philippines

### **S – Mumbai**

Based in Mumbai, an e-group for creating safe spaces for gay men. Meets every alternate Sundays in a restaurant and moves on to a volunteer's house for discussion on gay issues. Also have parents and lovers meet. Parent's meets are essentially meant for gay men's who are out to their parents and how the parents relate to their gay children and share experiences with other parents. Lovers meet is to discuss issues concerning long-term relationship. Not a registered organization.

### **Sunil – Nepal**

Started 1 ½ years ago. To give safe spaces for gay men in Nepal. Also work on health. Do outreach work, condom distribution, counseling, distribution of IEC (Info, Education and Communication) materials. Every Fridays, have movies screening. Parties on once a month. Talk to marry MSM on their problems. In Nepal, people don't believe in using condoms, therefore work needed to educate them.

### **Sherman – Sri Lanka**

Started in 1994. Inspired by the ILGA 1994 conference. Started as a small organization and today has a 1,800 members which include gay men and lesbians. Working on HIV/AIDS with the government and the National AIDS control program and legal reform to decriminalize the Section 377. Shared on an issue that came out in the newspaper on a letter to the editor stating that he is against the Lesbians meet and that convicted rapists from the prison should be sent to rape the lesbian participants and turn them straight. Sherman appealed against the letter to the Press Council and after 10 months hearing the Press Council fined Sherman RS2,500 for wasting their time. They did not show any sympathy towards the issue. Many organizations wrote protest letters to The Press Council and later the case was dropped.

### **Shekhar – Tamil Nadu**

Works with PLWHAs and MSM. Some of their projects include outreach; encourage testing, condom distribution and educating safe sex practices.

**Oscar – Philippines**

Works on discrimination, and is a political outfit – go to courts, appeal to media, hold public demonstration and rally, spoke to farmers, trade unions and students on MSM issues. Protest at foreign embassies when there is any discrimination happening in other countries. A grant was given by the government to set up an art centre in 2002. Train people in painting, writing and theatre works. Also stage street plays.

**Arvind – Goa**

Work with HIV+. Funded by government. Do outreach, distributing condoms and speak on safe sex.

**Arnand, Pune**

University based group. Meets informally. Intellectual group consists of artistes, writers, and others. Works on literature, poetry, gay writings and with a resource centre.

**Bindu, Pune**

Works on HIV awareness and gay rights.

**Geoff – Australia**

PFLAG (Parents and Families of Lesbians And Gays) is for children to prepare ground for their parents and siblings to make them feel comfortable. Maintains privacy of parents who attend meets. Talks about how gays in Australia started in the 50s and the current situation.



Session Title: From the Private to Public: State of LGBT Space in Bangalore
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Date: Saturday, 12 October 2002
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Time: 2:30 PM – 4:30 PM
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Facilitator: None
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Rapporteur: S. Jain (India)
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The idea of the session was that these four gay activists from Bangalore, working in different spaces in the queer community in Bangalore, shared their own experiences and underlined how cooperation between groups working in different contexts in queer communities was not only beneficial, but almost inevitable. They also planned to map the shift from private spaces to public ones in the LGBT community of Bangalore.

T:

T started by telling us about his academic institution, a law school which was neither a fully private space, nor a fully public one. He made the following points:

- 1) We learnt 2 lessons: that the student bodies are different from their institutions, and that though the student population is a floating one, each generation gradually **builds on the work** of the previous one.
- 2) **Feminism** is very important on the campus since it provides space for queer issues. Sexuality as an issue is also being raised in different fields.
- 3) **Coming out**: many of us coming out on campus transformed the issue from abstract to concrete for the mainstream student body. We are tackling our invisibility thus.
- 4) We got our university brochure to have a **non-discrimination clause** for sexual orientation.
- 5) We have a gender study circle, which is really a **sexuality study** circle, where we raise issues. Alternative human rights issues are also supported, since we feel that sensitivity to one kind of oppression helps to understand others.

Raj:

Raj from Good As You described his organization. His talk covered:

- the **history** of Good As You, the beginnings in February 1994 and the work done in 8 and a half years.
- The **non-structured nature** of his group, its democratic functioning, the activities of the group,. He said that they were consciously trying to make space for other groups. He outlined both the limitations and future of the group.



- Various issues that they tackled were coming out, human rights, relationships, marriage, child sexual abuse, sexism, sexual health, effeminacy and suicide.
- They also engage in community building exercises like movie screenings, picnics, celebrating birthdays, and sharing responsibility in bringing out a newsletter called Sangha Mitra.
- Limitations of the group included the absence of active participation of women, and not enough opinions being voiced. Several times issues are revisited.
- Finally he concluded that a non-structured group like GAY survived both on its strengths (constant interactions, community/group activities), and its perceived weaknesses (transient membership, lack of structure.) New agendas are drawn up every month and the space evolves. They have gone from a private exclusive friends' circle to a public, though informal support group reaching out to LGBT people around Bangalore, and feel that the LGBT rights movement in Bangalore has really benefited from this space.

#### Vinay:

Vinay made a detailed presentation on the state of the space relating to LGBT people in Bangalore city. He listed out support spaces and organizations working with LGBT issues in Bangalore. He looked at the nature of these spaces and how sustaining them empowers the LGBT rights movement. For this he looked at 4 categories:

- 1) Sexual spaces
- 2) Support spaces
- 3) Activist spaces
- 4) Documentation

Each of these categories influence or impact each other. The evolution of each space begins with places where individuals seek sexual partners, to formation of support groups bringing together a wider agenda, to active participation in promoting the LGBT agenda and finally recording or documenting all of the above. This is a natural and non-linear progression. Finally he concluded that “the work has just begun.”

#### Arvind:

Arvind's topic was alternative lawyering for Queer rights. He explained what he meant by queer – the questioning the hetero-normative social order. The need for alternative lawyering was rooted in the understanding of social, political and economic marginalization. He explained the queer context and issues faced, like a lack of social acceptance and visibility, the silencing of the whole community and persistent violation of rights. of it and the different modes of alternative lawyering. These included courtroom work, campaign for law reform, intervention at police stations, and intervention on human rights, building up of human rights history, linking up to the global discourse and articulating a queer jurisprudence. In conclusion, he noted out the slow emergence of queer concerns in human rights communities in India today.



Session Title: Workshop on Counseling and Sexuality
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Date: Saturday, 12 October 2002
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Time: 5:00 PM – 6:30 PM
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Facilitator: None
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Rapporteur: Kalindi (India)
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Everyone introduced themselves and went on to discuss the subject of "Self". Support groups were suggested to be more effective as they speed-up the process of acquiring the self-concept.

The next thing discussed was how the development sector looks at lesbian health. How do you sensitize this sector to lesbian health? The example was given using the statement "homophobia is a health hazard." There are many studies done on this as homophobia is a hazard to health. If proper health care gives life then on this point funding can be sought from these organizations. This logic should be used.

The discussion moved to "relook of masculinity" (how does marriage and sex play a role in homosexuality?) Sex in the Philippines is seen to be procreative as the predominant religion is Catholicism. Given this stance, one then asks how homosexuality is looked at. In India, homosexuality is looked at from the point of view of marriage. It was concluded that all cultures look at homosexuality from a different point of view.

Trinity went on to talk about relationships, gay marriages etc. she spoke about how she handles relationship problems and also gave a brief about the kind of classes she runs in the United States. She said the "you" should be focused on. This is of utmost importance in a lesbian relationship. Three aspects were the most important according to her:

1. sex (sexual trauma, sexual healing and sexual communication, trust)
2. compatibility on decision making
3. money

A representative from Sangini made the point that help-lines should concentrate more on lesbian relationships. It should not be separated from coming out. It was discussed that 3rd party involvements in lesbian relationships is a huge problem that people face this lead to all kinds of problems like depression, rejection, jealousy etc. Mira said that one has to use therapies and techniques to address the "self" in the relationship problems.

With this the discussion closed.



**ILGA-Asia Regional Conference**  
**Mumbai, India**  
**11<sup>th</sup> October –13<sup>th</sup> October 2002**

**Day 3**



Session Title: Plenary: Religious Oppression of Sexuality and Gender

Date: Sunday, 13 October 2002  
Facilitator: Rosanna Flamer-Caldera  
(ILGA Regional (F) Representative)

Time: 10:00 AM – 11:30 AM  
Rapporteur: Alok (India)

Panel:

Sunila Abeysekara  
Oscar Atedero  
Anna Leah Sarabia

WSG – Sri Lanka  
Pro Gay - Philippines  
CLIC – Philippines / ILGA Co-Secretary General

### ***Presentation***

**Sunila Abeysekara** from Women’s Support Group, Sri Lanka began the plenary.

Religion in its very basic form is universal in that previous forms of all religions worship elements of nature, spirituality and personal belief. The sophistication of this religious belief contributed to ‘formalization’ of religions in institutions, as we know them now.

Most religions were born out of social movements, like Buddhism against feudal Brahmanical practices or Christianity against poor socio-economic conditions.

Each religion has several interpretations to offer. But mainstream interpretations of almost all religions is patriarchal or serving a male perspective. As a consequence most religions discriminate against women.

Sunila spoke about the impact of Buddhism on religions attitudes and tolerance levels on sexuality and gender in Sri Lanka.

This was linked to how most religions are moving away from their essential history and basic belief systems by their increasing politicization.

Also most religions do not favor the concept of ‘non-believers’. There is no space or acceptance of an atheist or agnostic ideology. Although the ancient Greek, Latin and Sanskrit had clearly marked space for atheist and non-believers. This is reflected in how even most nations do not recognize atheist even if they are secular and India is a very good example.

Secularism as a concept has been heavily criticized as being irreligious or anti-religion.

Secularism relates to the administration and functioning of a State and its symbols (like Flags etc) that should not reflect any religious sentiment.

This is to accommodate the idea of pluralism that the state accepts multi-ethnic, racial and religious communities as part of its polity without seeming to favor any particular religion and put other communities at a disadvantage.

Here Sri Lanka was sighted as an example. Sri Lanka's Constitution enshrines Buddhism as the 'favoured' religion and other religions are given equal parity.

**Oscar Atedero** and **Anna Leah Sarabia** spoke about Catholicism and its impact on the gay and lesbian movement in Philippines.

Catholicism is the only church/religion that has a single controlling power, the Vatican. This has given rise to a catholic theocracy in many parts of the world.

The constitution of Philippines clearly calls for a separation of the church from the state. Despite that the Catholic Church in the Philippines continues to play a very influential role in mobilizing public opinion on party politics.

Opus Dias (?), an active working group of the Catholic Church has been playing a very influential role in enforcing biblical principles against birth control, contraception use etc around the world especially in places like the Philippines and Latin America.

A point was raised about whether the adoption of religious rituals, like for example of marriage for queer people, would in fact involve the danger of being co-opted in the very religious constructs that oppress sexual minorities.

Sunila made a succinct response stating that human beings like rituals. And the fact that that is where many of our loved ones belong is an added attraction.

***Issues of Dispute:***

There was just one issue of dispute, which argued over the need of subverting homophobic and sexist forces from within the religion as against disassociating from the religion and doing it from outside.

***Suggestion for future Action:***

A clear need was expressed for mobilizing against the impunity that the conservative religious forces enjoy in violating the rights of sexual minorities around the world.



Session Title: Media Workshop
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Date: Sunday, 13 October 2002	Time: 2:00 PM – 4:30 PM
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Facilitator: None	Rapporteur: Gerlinde (India)
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Presenter: Anna Leah Sarabia

ILGA Co-Secretary General / CLIC - Philippines

Short summary of the content of the workshop:

Was a very lively and interactive workshop, where Anna Leah talked about how the media can be used as an instrument to transfer images of LGBT people.

The main points of the workshops were to

- Highlight which sources can be used (e.g. print media, T.V shows, programs, films, etc)
- How to get in touch with the media (e.g. producers, etc.); how to approach them
- What is the use of the instruments (to change the perception of the stereotypical homosexual image created and transferred through the media)

The workshop made clear that the media is an instrument, which is used by people in power. These people actually have to power to “use” and also “miss use” their power. So far, the media wasn’t very much in favour with LGBT people. The media transfers a very rigid picture of LGBT people. It is full of stereotypes, and lots of LGBT people cannot identify themselves with this image. Anna Leah referred back to the example of the tomboy in the Philippines, which is a very rigid stereotype transmitted through the media. The tomboy is a very butch looking and acting lesbian, and therefore a lot of lesbians cannot identify themselves with it.

The question, which arises, is – “How do we change the perception of us?”

- Through education (one means can be the media)
- Time
- The media creates images and attitudes
- Media is an instrument which HAS to be used to change the mind of the homophobic person
- Media is an instrument for fighting discrimination
- Other images of reality have to be created (change of stereotypes is essential)
- When images are created, you create role models (which are also important for the LGBT society itself; for identification reasons)

- Credibility has to be established

This can be achieved by:

- Using famous personalities
- People who are respected (e.g. lawyers)
- Homosexual people who are out (Problem: few people are openly out and therefore willing to be on TV)
- People who support LGBT issues

Coming Out in the media can be

- Positive
- Negative

Problem with the media – you are very dependent on the distributor!

It is very important for our community to get into the mainstream (media), because we want to change the perception of homosexuality in the whole society. The whole society has to understand us, and other images of reality have to be created, and the old stereotypes have to be destroyed.

In order to get into the mainstream we need

- Money
- Courage

When using mainstream media, big powers, like big publishers, producers, scriptwriters or hosts of T.V. shows have to be used. The advantage of T.V. shows is that they are very interested into topics that attract audience, like LGBT issues, and therefore this interest can be exploited.

Anna Leah presented a few examples from the Philippines. A very popular T.V show in the Philippines “Get real with Ces” had one session, which dealt with homosexuality. The subject was “Is it time to recognize gay right in our legal system?” There was one gay man, and one lesbian woman, and a lawyer. Anna Leah talked about one way of establishing credibility in the media is through getting famous or powerful people on TV (like the lawyer), people who are in authority.

You have to show a reality that is accepted in society.

- It is important though, that the TV show, or whatever media is used is serious
- Serious topics have to be discussed

It is important that this is done repeatedly. It’s not enough to only do it once.

Anna Leah mentioned other examples of how in the Philippines the media was create images of LGBT people. She showed us the book called “sex education for girl”, which is sold in the Philippines, and which also includes lesbianism. Furthermore, they asked for free space in a mainstream magazine, where they could weekly publish 4 pages for free. She also told us about the lesbian column in a mainstream magazine.

At the end we had a discussion, where we also talked about the situation in India. It came across, that it is very important for instance of who is writing articles etc. in newspapers or magazines. If

the writer is homophobic, then of course wrong pictures are transmitted. We came up with two points to sensitize the media (i.e. writers) to homosexual issues by

- Educating them
- Providing training programmes





Session Title: Discrimination Causing Migration
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Date: Sunday, 13 October 2002
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Time: 11:30 AM – 1:30 PM
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Facilitator: None
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Rapporteur: S. Jain (India)
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Presenters: C.

Oscar Atedero

Sangini – India

Pro Gay – Philippines

C talked about the construct of privacy and its impact on lesbian lives and relationships, the impact often being migration and discrimination.

C gave us a background of her work with Sangini. The focus of her work was sexuality within the framework of women's health. She also talked about her counseling project.

In this talk C delves into

- discrimination and oppression within the lives of lesbians in India
- issues that they face; and finds out how women are located within the family and how the construct of privacy operates;
- their Needs; how silent suffering happens and the sense of hopelessness felt
- The fact that violations against lesbians don't fall under the purview of the law, and there is no recourse due to that lack of public space.

She started with three case studies, of lesbians who were participants in Sangini counseling programs.

1. The first case study brought up the following problems: violation of privacy due to disclosure of sexuality to parents, a life lived in constant vigilance by the family, a breach of confidentiality. The construct of concern, though well placed, makes family members usurp the right to decide for the lesbian under the guise of 'what is good for her'. Other issues that came up were that any non-normative sexuality gets treated as a family concern and becomes public business. The parents presume rights over the daughters' sexual rights. This manifests in increased anxiety, fear of further vigilance, loss of selfhood, suicides from the threat of disclosure, suppressed desires, violence against the girlfriend and her family, and the possibility of a breakup in the lesbian relationship itself due to all the tension.
2. The second case study focused on a girl in a relationship with an older woman. The girl started going out a lot, and the parents opposed it, saying they wanted her to stay at home.

Her conversations were overheard, her belongings rifled through and they tried to find out whom she was trying to meet. Issues: uneasiness about duties as woman and daughter for the families, a loss of power for the parents, fear of the girls' sexual self, contradiction between the outside, seen as a sexual space and the home seen as a non sexual one. Impact: increased rebelliousness, an increased risk, claustrophobia, denial of self.

3. This case study involved the reading of SMS messages of a lesbian, and violence against her that followed. It showed how even when there was physical abuse there was no scope for intervention by an outside agency. Hence there was continued violence and since it was a 'family matter' it was very secretive.

C. then noted the problems that lesbian groups face on trying to intervene in such a scenario. Some options considered were public humiliation of the offending family members, but there were lots of gray areas, including ethical issues. C said they provided counseling options, and left it at that.

The following insights were then gleaned:

- A look, from a cultural context, of denial of privacy and the invasion of space.
- Possessions and how a woman's possessions are appropriated by families as their own.
- Mobility issues.
- Family attempts to reshape the desires of women.
- The BODY; it is a private theme, sex, menstruations, breasts, bodily functions are not discussed. These are huge areas of shame and are taboo.
- SEXUAL ACTIVITY and how it was shrouded in secrecy. Nobody asked how two women made love or had sex.
- Other factors affecting lesbian lives were: gender, age, economic status, religion and caste.
- The central paradox that women were at the focus of the private domain, yet not accorded any privacy.

Oscar presented on "Does discrimination cause migration, and if so, how much?"

He focused on the Filipino bakla, and made the following points:

- Baklas traditionally do not get into agricultural work, and hence are considered useless in rural communities. They cannot start, say, a saloon due to lack of funds. So many of them migrate from villages, to towns, to cities, to overseas in search of work. They are under pressure from the patriarch to be more masculine and contribute. Hence many of them head for entertainment work in Japan or the Middle East.
- Under pressure from the Church and certain groups, the Government is trying to monitor the overseas employees. In fact the baklas support the overseas economy by bringing in valuable dollars.
- Instead of going overseas and facing loneliness and a legal twilight, we want them to be educated, empowered and garner skills so that they can live in the Philippines and lead a dignified life.

- Funds are a problem. NGOs are poor and hence they can only do policy and advocacy work, and leave the improvement in the Government policy to the Government.
- Stories of baklas returning from overseas employment are quite sad. They are made to act like men again. They tell stories of abuse, and don't want to go home again. They even take up jobs like carpenters and construction workers but they have no experiences of them.
- Many of them are to be deported from the Middle East and the Government is preventing us from getting in touch with them.
- About gay men who go to the west, especially the bakla identified ones; they find it very difficult to come out. They want to blend into mainstream societies and don't want to organize as Filipino queers. They would rather attend Asian queer events or white male queer events. We are trying to mobilize migrant queers into action. People come to us only when things get too political. They come when repression comes and run away later. We expect from ILGA that they study the migration patters, from rural to urban to overseas and vice versa.
- There is the situation where baklas are abused and bullied as children, but receive a hero's welcome on returning since they bring a lot of money. They pay for the family house, hospital expenses, and studies of their siblings.
- Bakla kids fantasize about going to Japan and becoming stars and being accepted.

He then narrated a case study of a gay man who faced uprootment, forced labour, and a separation from his boyfriend when he came out as a bakla.

**Recommendations for action:**

- Sensitizing families to what overseas queer Filipinos go through. Promote the feeling that whatever happens they are still your children and must be loved and supported and all other considerations dropped.
- We have to network from our own cultural framework and see how we've managed to break boundaries and increase tolerance.



SessionTitle: Laws and Policies of Sexuality
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Date: Sunday, 13 October 2002	Time: 4:00 PM – 5:00 PM
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Facilitator: Geeta Kumana (Aanchal- India)	Rapporteur: Kalindi (India)
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Professor Sanders (Canada/Thailand)
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### **Geeta Kumana**

Geeta began the discussion by introducing herself and her organization Aanchal, with its main aims and objectives. Her area of interest involved same sex violence rights/laws. She traced her interest in the topic. She realized the need to have something for violence that goes within members of the same sex community. Since she deals with people who narrate incidents of same sex violence she felt it was something that had been ignored and not paid much attention to, as it is too an integral part of the gestalt.

People who had interacted with the Humsafar trust narrated incidents of sexual harassment of men by men, and also incidents of women harassed by women. One cannot ignore that this issue does exist and the law should provide a remedy. Presently there is none that protects the victims from this kind of abuse.

The discussion moved focus to the already existing laws, which surround the issue but are not specific. For example article 375 in the Indian penal code defines rape as a heterosexual violation, by a man on a woman. There is no mention in regard to the same sex violations that happen. More over keeping in mind this law, the one that follows (376a) this defines the punishment also from this perspective, which again is not specific to the issue being discussed. Feminist groups fought for a law that included sexual assault, but from a heterosexual point of view.

Geeta raised the issue of making this law gender neutral, meaning that there should be no bearing of the fact that the violation has to be between a man and a woman. What she felt was that the gender-neutral law would cover the area of same sex violations also. Geeta had taken this point to the feminists and reasoned out the need to have this with them. They were of a different opinion. The feminists felt that having this kind of law would further make the state of a raped woman even sorrier than it already is. They did not take into consideration or even feel that having this law would be of any good use.

As of now there is nothing being done by the Indian penal code to fight for same sex violence.

A debate followed this point and the majority of the audience was of the view that yes it is needed to be done, but at the same time one has to realize that having the amended law would mean to put out the gay and lesbian community for taking on more brickbats. One of the persons in the audience said that it was too fast to think of these issues as there are more basic ground level things that we are trying to fight. Here we would be taking on more on our plate that there already is. Also the issue of the gay and lesbian community to be perceived as aggressive would arise and that is something that would be a negative portrayal.

The issue of heterosexual domestic violence was brought as a residue of the above. A parallel was drawn in course of the discussion about how it even happens in the heterosexual community, and a general agreement on that was reached. But the question of the negative reaction to the gay and lesbian community as a fall out from an amended law would be detrimental, still remained.

Not ignoring the transgender community Geeta narrated an incident of a transgender being gang raped by truck drivers and then getting no help whatsoever from anyone, definitely not the police. Again there was an agreement on this. And the need was felt even more. But the question of how and when to fight for it seemed to be the consideration. Even feminists according to Geeta were shutting out the issue.

Besides the Indians the same question was posed to the international delegates, and they said they had to fight for the change of the rape law and to make it a little more specific. They got it changed recently after much debate and deliberation from the government.

What they suggested for the Indians to do in the meantime was that they should make use the already existing physical assault law to the best of its capacity. And at some later time add and amend it by changing the terminology. This seemed to be a more balanced way of looking at the issue being discussed.

### **Professor Sanders**

The professor introduced himself and what he does. He is a professor at the University of British Columbia. He teaches courses on human rights to the students there. He gave a brief history of human rights. It began a little after World War 2 and it a relatively new movement that gained momentum only in the last 50 years or so. The U.N charter 1945 included this aspect, which entailed that any country that signs this charter is committed to the rights and freedom of individuals and also to protect the same.

He spoke of the economic and social rights of gay and lesbian people and informed the audience that there were 4 other treaties drawn up on 4 issues namely child, women, discrimination and torture. He talks about further work to be done in this area. He also educated the audience about the fact that the international lesbian and gay movement is simultaneous with international law and human rights. Both tread the same path said the professor.

He mentioned parts of the European regional treaty and was happy that by the end of two years starting now, 10 more countries would have signed the treaty.

He changes focus and appreciates Siddharth Gautams book called “Less than Gay” and points out that the book is more like a follow up. The first break though is what he calls it. He also talked about the efficacy of the international law and human rights commission. England wanted to repeal this law on religious oppositional grounds.

He brings a comparison to article 377, courts have now agreed to the fact that this law will in effect have a negative impact on the gay and lesbian community. The right to privacy is the point of debate and conflict. The community is by and large not happy with the fact that this is a point that is being used as grounds for an argument but since there is no better ground to stand on this is being seen as acceptable one.

Professor moved on the discussion to the important amendments in chronological order, case wise. ILGA seemed to have been frustrated with the fact that there was no enforcement of the international law and human rights. ILGA wanted to amend for a new section. Add additional grounds for Dudgeon (1981). In 1997 there was another turn point in Sutherland, then in 1999 in the Prean case and in the case of Mouta where the father could not have access to his daughter if he came out. Frette in February 2002 adoption rights were put forward. Another turning point was in July 2002 in the case of Goodwill on transsexual rights. The court was forced to deliver and the right to marry was given.

The discussion then moved onto the European Union and the 1997 Treaty of Amsterdam. Article 13 said that they could bring in rules of non-discrimination. Employment directive came into force. Which was good. It requires every country to have a mention of non-discrimination in their books. Now they fight for gender reassignment. In the next few years it is expected that every country will have the above. It talks of pre requisites needed for the countries if they want to sign up. The European system has taken it seriously. Now they give funding to ILGA.

He talked of the UN’s stand on this issue and said it was a mixed opinion which was partly in favor and partly not.

He continued to talk about the world conferences and what happened at each one. He spoke of the Vienna world conference in 1993, the Beijing conference in 1995 and 2000, the General Assembly special session on HIV/AIDS in 2001, and the Durban 2001 World conference from which ILGA was barred.

He went on to talk about the treaty bodies and educated the audience about the important features including a mention of the Toonen decision in 1994. He mentioned Tasmania, which opposed to the movement and how later it wanted the HIV/AIDS input.

He charted out features of the General Assembly, ECOSOC, the Human Rights commission and the sub commission. He mentioned the importance of the working committees and the special rapporteurs that were involved. He also threw light on the fact that the sub commission undertook research and studies on sexual orientation and discrimination. He explained how the working groups operated with these special rapporteurs.

To conclude it would be important to mention that the professor was the 1<sup>st</sup> person who was an out homosexual who spoke at a UN body.



SessionTitle: AIDS, Men's Sexual Health and Its Impact on Women
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Date: Sunday, 13 October 2002
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Time: 4:00 PM – 5:00 PM
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Facilitator: Eddie Loh (Pink Triangle – Malaysia)
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Rapporteur: Oscar Atedero (Philippines)
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Ashok Row Kavi, chair, Humsafar Trust, Mumbai, stated that the “greatest risk that women faced in Asia was monogamous marriages to men”. He said, men who had sex with other men got infected through unprotected sex were infecting women. Hence, the MSM sector was a bridge that affected women’s sexual health and must be talked about. Mr. Row Kavi stated that the sentinel surveillance revealed very high figures between MSM and most of such men were married to women. Hence, it was important to set up counseling services and access to health facilities for such women who are infected by their husbands.

The Humsafar trust, he said had worked very hard to set up such services in Mumbai’s municipal hospitals for referrals from the VCTCs where spouse notification was encouraged. Though it was tough going, the HST’s efforts had resulted in six women being brought in by their husbands for counseling over the one year.

Though this was a small number it was a start and the HST felt it was a good beginning in an integrated program for the sexual health of women. Several other members like Shaleen Rakesh of Naz India, Mr. Gaurinandan Sawant of Charchowghi Trust and Mr. Julian from Malaysia’s Pink triangle also said that the MSM sector did effect the sexual and reproductive health of women and needed to be looked into.

Eddie Loh of Pink Triangle, concluded the session by saying that gay men and MSM in Asia were concerned about the impact on women’s sexual health and that services and facilities be set up to look into the matter at the earliest





SessionTitle: Closing Plenary
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Date: Sunday, 13 October 2002 Facilitator: Rosanna Flamer-Caldera (ILGA Asia Regional (F) Representative)
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Time: 5:00 PM – 6:00 PM Rapporteur: Emily Paul (Sri Lanka)
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Everyone – volunteers, speakers and participants -- were asked to attend the Closing Ceremony.

Two representatives from Humsafar gave a presentation on the visibility of LGBT persons in film, with emphasis on films from India. The audience applauded several of the films for the impact they have had in introducing LGBT issues to the mainstream.

Vivek, who coordinated the volunteers and a lot of the administrative aspects of the conference, made a presentation in memory of a transgender who had left a lasting impact on the community in Mumbai...for whom one of the rooms had been named. He then, on behalf of the host organizations, thanked the planning committee by presenting them each with a small gift.

The ILGA-Asia representatives, Rosanna and Sherman, thanked all of the volunteers by calling them to the stage and calling them forward and presenting them each with a small token.

The ILGA Co-Secretary General thanked everyone who participated in the conference for making it such a success. She also thanked ILGA (World) for its financial support in making the conference a reality.

A representative of the organizing committee for the ILGA World Conference formally invited everyone to Manila in November 2003. She further encouraged people to contribute to the conference in any way they could between now and then.