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Our Voices, Our Communities, Our Rights!

BACKGROUND

It has been the desire of the **Pacific** Sexual Diversity Network (PSDN) since its inception that its network celebrate its identities and ideals in the form of a Human Rights Conference, designed to enhance understanding and transfer knowledge related to **LGBTIQ** Human **Rights**.

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In the Pacific, **8** countries **criminalise consensual same sex** behaviour with many others having related **discriminatory laws**, and/or laws used with discriminatory and arbitrary application. Even where these laws do not exist, many states have other discriminatory laws that **target** people because of **sexual orientation and gender identity**.

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How PSDN Works

1. **Connect people** and LGBTIQ organised groups across the Pacific region to **share ideas**, to **affirm** the **dignity**, equality and security of LGBTIQ communities and individuals.
2. Educate and **advocate** about international **human rights** law, recent international developments and agreed principles, to **enhance respect** for persons of diverse sexual orientations and gender identities.

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3. Promote **collaboration** to build genuine and **accountable partnerships** and networks for advocacy and social action.
4. Promote and enable **access to** sharing and dissemination of **information**, ideas, experiences and resources. Improve **understanding** and strengthen collaborations amongst key stakeholders about **health and human rights** issues.

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Does It Work?

1. In assisting local PIDSOGIE communities strengthen knowledge and skills in law and policy reform advocacy, networks such as PSDN have a role in **major policy shifts** such as the **repeal of the Samoan Female Impersonation Law**.
2. The 2012 report of the Global Commission on HIV and the Law recognises that good laws fully resourced and rigorously enforced, can **protect human rights and widen access to HIV prevention and health services**.

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Conclusion

Community networks such as PSDN make a critical contribution to the development of appropriate and rights based policy and laws at the country level which have a positive impact on the accessibility of prevention and other services for PIDSOGIE communities.

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Pacific LGBTIQ Human Rights Conference,
Nukualofa, Tonga 11-14 May 2015
“Advancing Human Rights related to Sexual Orientation, Gender Identity & Expression in the Pacific”

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- 96 participants, including 73 from 12 different Pacific Island Countries and Territories (PICTs) that work for civil society organisations (CSOs) or as individual human rights defenders.
- Samoa (7), American Samoa (1), Vanuatu (5), Tonga (11), Cook Islands (4), Fiji (26), Papua New Guinea (8), Tuvalu (8), Kiribati (1), Palau (1)
- Australia (5 Pacific delegates), New Zealand (5 Pacific delegates)

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Objectives

- Promote collaboration to build genuine and accountable partnerships and networks for advocacy and social action across the Pacific region, learning from human rights successes and challenges, and responding to violations against people because of their sexual orientation and/or gender identity
- Promote and enable access to sharing and dissemination of information, ideas, experiences and resources (including human resources) amongst LGBTIQ organisations throughout the Pacific region
- Improve understanding and strengthen collaborations amongst key stakeholders about health and human rights issues.

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Priority 1

- Access to HIV prevention and treatment. Condoms need to be accessible for key populations of MSM, transgender women, and sex workers. Barriers to access for HIV testing for transgender and MSM, and sex workers in the Pacific include the need for LGBTIQ capacity-building and sensitization training of health professionals, lack of accessibility for remote communities, and limited availability of counselling. HIV positive people lack of access to medication because of transport costs and face stigmatization.

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Objectives

- Connect people and LGBTIQ organised groups across the Pacific region to share ideas, information, strategies and programmes to affirm the dignity, equality and security of LGBTIQ communities and individuals
- Educate and advocate about international human rights law, recent international developments and agreed principles (e.g. the Yogyakarta Principles), Participants will be encouraged to use the Principles to review the human rights situation in their countries, to better engage with the UPR and UN Special Procedures, and in turn advocate nationally and as a Pacific regional group on the basis of their analysis.

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Priority 2

- Young people. Young MSM and transgender people face extensive bullying during secondary school in the region. Delegates from Papua New Guinea and Fiji identified acts of physical and sexual assault as well as going verbal harassment as contributing to young people leaving school early. Delegates identified that the development of school curriculum is a priority area.

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Post Conference Survey

Delegates were asked how strongly they agreed with the statement,

"I intend on collaborating with a person or an organisation to further human rights advocacy on SOGIE issues in the future"

33 delegates (60%) strongly agreed and 18 (33%) agreed with the statement. Only 4 delegates (7%) strongly disagreed.

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Post Conference Survey

Overall, the delegate's knowledge about International Human Rights Law that relates to SOGIE was increased, and participants identified learning in the areas of advocacy, networking and collaboration, and the UPR process.

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Priority 3

- Barriers to Accessing Police across the region. Delegates from Papua New Guinea identified harassment and abuse of power by police as a barrier to accessing laws when violent acts of homophobia or transphobia had taken place. This included requests for sex acts in order to secure assistance.

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Post Conference Survey

The Conference made delegates feel connected and empowered.

35 respondents (65%) strongly agreed and 11 respondents (20%) agreed with the statement "The conference made me feel proud of who I am".

33 respondents (61%) strongly agreed, 13 respondents (7%) agreed with the statement, "I felt a sense of belonging at the Conference"

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Conference Content**Health**

1. Lack of access to condoms for MSM, Transgender women and Sex workers across the region as a priority issue. A transgender sex work advocate from Fiji advised that when she visited the Ministry of Health to get condoms to distribute for sex workers, she was advised she could only take three condoms because of a regional shortage. The Pacific Sexual Health and Wellbeing Shared Agenda (SPC 2014) has identified that consistent condom use is low across the Pacific. The Shared Agenda also identifies MSM, transgender women as priority populations in relation to HIV prevention (SPC 2014).

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Conference Content

Health

2. Lack of access to HIV testing, and adequate counseling to support the process.

Access issues with clinics were multifaceted, but included the need for sensitization training of health workers.

The Pacific Sexual Health and Wellbeing Shared Agenda (SPC 2014) recognizes that HIV testing and counseling are a significant aspect of HIV/STI prevention, but are limited across the region.

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Conference Content

Health

3. People Living with HIV - Lack of access to treatment and associated services in the region.

In Fiji and PNG, this lack of access to treatment was associated with the cost of transporting medication to outer islands.

Experiences of stigmatization and lack of adequate, ongoing counseling were also identified as reasons why people might stop taking HIV medication. Lack of confidentiality and stigma in accessing health services has been identified amongst people living with HIV in the Pacific (McMillan 2008, SPC 2014).

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Conference Content

Health

4. Lack of access to hormone treatment for transgender people across the region, difficult accessing hospitals and health services which required they use their birth name.

NZHRC's Work on Sexual Orientation and Gender Identity makes two recommendations relevant to the health needs of transgender people in the Pacific.

- "Improve trans people's access to public health services and develop treatment pathways and standards of care for gender reassignment services"
- "Simplify the requirements for changing sex details on a birth certificate, a passport and other documents to ensure consistency with the Human Rights Act."

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Conference Content

Young People

5. Young people experience bullying in secondary school across the region, and delegates from Fiji and PNG identified verbal harassment and sexual and assaults, and that bullying contributed to leaving school and suicidality.

Lionel Rogers and Saimoni Tuni emphasized the importance of recognizing the mental health needs of LGTQI, particularly young people. They both identified the need for access to appropriate counseling.

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Conference Content

Young People

6. Need for school curriculum to included SOGIE human rights and awareness as well as comprehensive sexuality education. The Shared Agenda has identified that the level of implementation of comprehensive sexuality education is mixed across the region (SPC 2014, 31).

Sulique Waqa - need for more mentoring of young LGBTQI so that they can move into leadership positions within LGBTQI human rights advocacy and work within local, regional and international frameworks.

Noelene Nubulivou - need to promote young people into decision-making and leadership roles.

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Access to Justice

8. Delegates identified police sensitization about LGBTQI and SOGI human rights as a priority. Delegates from PNG identified that MSM and transgender people, particularly sex workers, are unable to access help from the police because of harassment and abuse of power. Accounts were heard of police seeking sexual acts from victims in order to gain assistance.

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Conference Content

Monitoring of Human Rights Abuses

9. Need to monitor human rights abuses towards LGBTQI in the region.

While some participants suggested monitoring human rights abuses within CSOs in the short term, it's important to recognise that this would be very demanding on community resources and that monitoring human rights abuses is an obligation of states, following the Paris Principles. Asia Pacific Forum of National Human Rights Institutions (2009) concluded:

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"in accordance with the Paris Principles national human rights institutions have many functions that would contribute to the promotion and protection of the human rights of persons of diverse sexual orientation and gender identity, including monitoring compliance with international human rights treaty and domestic human rights law, investigation of complaints of violation of human rights, national inquiries into systemic patterns of human rights violation, human rights education, review of laws and raising awareness of human rights and human rights obligations"

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Recommendations

To the Governments of Pacific Island Countries and Territories:

1. We draw your attention to the recent Report of the Office of the United Nations High Commissioner for Human Rights on "Discrimination and Violence against Individuals based on their Sexual Orientation and Gender Identity" (A/HRC/29/23) and remind you of the need to protect sexual and gender diverse communities through constitutional and legislative protection, and the decriminalization of laws that impact unjustly on Pacific LGBTQI, like colonial era legislation on cross-dressing or sodomy.

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Other Issues

10. Diversity amongst the Pacific Community
Leiti from Tonga and Fa'afafine from Samoa and American Samoa - cultural recognition gave them a sense of belonging and connectedness. Both Leiti and Fa'afafine emphasized the importance of 'serving' family and community. While they still struggled with discrimination in their respective countries, they were able to receive support from high profile patrons. The Samoan Prime Minister Tuilaepa Aiono Sialele Malielegaoi is patron of the Samoan Fa'afafine Association, while the Honorable Salote Lupepau'u Tuita Taione is patron of the Tonga Leiti Association.

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Compared to:

13. The situation is different in Vanuatu, Papua New Guinea and Fiji where there is not cultural recognition of gender diverse people.

14. The Fa'afafine delegation expressed disappointment that the conference did not formally address them by their cultural name, instead using the English term "transgender" in documentation. Loss of recognition of the cultural role that Fa'afafine have in families and communities is likely to impact negatively on their sense of belonging and wellbeing. In the struggle for human rights recognition as sexuality and gender diverse people, we must remember that we are also entitled to recognition of our cultures.

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Recommendations

2. We remind Governments of Pacific Island Countries and Territories that they have responsibility to protect LGBTQI communities from human rights abuses like physical and sexual violation, and discrimination. In addition, we identify the following priorities for advancing LGBTQI human rights within the Pacific region:

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Recommendations

3. Young people.

Pacific delegates to the Pacific LGBTQI Human Rights Conference gave accounts of serious bullying during secondary school because of sexual orientation or gender identity. This led to young people leaving the education system before completing their qualification and included ongoing verbal, sexual and physical assault. Addressing the bullying of young LGBTIQ people requires a multilayered response from state and non-state actors including but not limited to: inclusion of comprehensive sexuality education and human rights education within school curriculum, sensitization training about sexual orientation and gender identity by teachers and other educators, and capacity building in specialist areas of social work and counselling.

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Recommendations

4. Access to HIV prevention and treatment. Pacific delegates to the Pacific LGBTQI Human Rights Conference found that access to condoms is a priority issue for MSM, Transgender and Sex Worker communities. CSOs and regional networkers reported several barriers that included inadequate supply, and limited access to health clinics. We note that HIV+ people do not have access to medication, particularly where costs of transporting medication to islands.

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Recommendations

5. Access to Justice. Pacific delegates to the Pacific LGBTQI Human Rights Conference found that sensitization training of police forces about SOGIE human rights issues is a priority issue for LGBTQI in the region. Accounts included harassment and abuse of power by police.

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Recommendations

6. Monitoring of Human Rights Abuses. Pacific delegates to the Pacific LGBTQI Human Rights Conference identified a need for the monitoring of human rights abuses on the basis of sexual orientation, gender identity and expression.

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