

New Kids on the Block: Human Rights, Sexual Orientation, and Gender Identity in Southeast Asia.*

Dr. Dédé Oetomo **

Thank you. It is great to be here on the Mānoa campus. A long time ago, twenty-one years ago, I taught Indonesian language and culture here in the summer. So in a way it is like coming home, although it has been too long. I would like to thank the organizers—I have learned their acronyms now—LAMBDA, of course, APLPJ, and PALSO.¹ In preparation for this symposium, the organizers and I agreed that I should talk about Southeast Asia. As I am the only Southeast Asian speaker here, I will try to touch on regional issues around Southeast Asia.

I thought I would start with what is happening with the Association of South East Asian Nations (“ASEAN”).² ASEAN is trying to be more

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¹ The University of Hawai‘i’s William S. Richardson School of Law LAMBDA law student association “seeks to foster communication regarding issues relating to persons of diverse sexual orientation and to bring greater awareness to the law school community of these issues.” William S. Richardson School of Law, *LAMBDA Law Student Association*, WILLIAM S. RICHARDSON SCHOOL OF LAW AT THE UNIVERSITY OF HAWAI‘I, MĀNOA <http://www.law.hawaii.edu/student-organizations/lambda-law-student-association> (last visited Jan. 22, 2013). APLPJ stands for the Asian-Pacific Law & Policy Journal, which is a student run journal at the University of Hawai‘i’s William S. Richardson School of Law. See ASIAN-PACIFIC LAW AND POLICY, <http://www.hawaii.edu/aplpj/> (last visited Jan. 22, 2013). PALSO stands for Pacific Asian Legal Studies Organization, a student organization at the University of Hawai‘i’s William S. Richardson School of Law. See William S. Richardson School of Law, *Pacific Asian Legal Studies Organization*, WILLIAM S. RICHARDSON SCHOOL OF LAW AT THE UNIVERSITY OF HAWAI‘I, MĀNOA, PACIFIC-ASIAN LEGAL STUDIES, <http://www.law.hawaii.edu/student-organizations/pacific-asian-legal-studies-organization-palso> (last visited Jan. 22, 2013).

² The Association of South East Asian Nations (“ASEAN”) is a regional grouping of states in Southeast Asia comprised of Brunei Darussalam, Cambodia, Indonesia, Lao People’s Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam. ASEAN, *ASEAN Member States*, ASEAN, <http://www.asean.org/asean/asean-member-states> (last visited Jan. 22, 2013).

effective. For a long time ASEAN was simply a forum for Presidents and Prime Ministers and Sultans to meet each other. But now, one of the ASEAN commissions, the ASEAN Intergovernmental Commission on Human Rights (“Human Rights Commission”),³ is working on an ASEAN Human Rights Declaration (“Declaration”). Now for those of you who know the history of ASEAN, I think all of our countries have had, or still have, authoritarian governments. You might think, “Human Rights Declaration, are you kidding?” But there it is.

Unfortunately, those who are not on the Human Rights Commission cannot get a glimpse of the latest draft. However, civil society activists have been discussing the text of the draft Declaration on various listservs, and, looking at the uniformity of the language of the text, the text seems to come from the same draft. As of about three years ago civil society⁴—or, in countries that do not have civil societies, groups appointed by the government—have actually demanded that members of the public be allowed to at least look at the draft, if not to influence the language directly. They could then express concerns about such language. These civil society activists hope that the Declaration will truly guarantee respect, protection, and fulfillment of human rights.

Three years ago the Human Rights Commission was formed. This is the body that has been tasked by ASEAN to draft the Declaration. Although the existing national human rights commissions (in Indonesia, Malaysia, the Philippines, and Thailand) are independent and not a part of the government, I cannot help noticing the term “intergovernmental” in the designation of the Human Rights Commission. The ASEAN governments, especially the less democratic ones, are playing very carefully with this term. They want the Human Rights Commission to be a governmental body, not an independent one.

The ASEAN governments have actually gone a long way to strengthen the human rights architecture in the region. Infused in the discussions about the Human Rights Commission are references to ASEAN common values.⁵ As various leaders and commentators have been discussing the Human Rights Declaration, they have also been discussing

³ See ASEAN, *Communities: ASEAN Intergovernmental Commission on Human Rights*, ASEAN, <http://www.asean.org/communities/asean-political-security-community/category/asean-intergovernmental-commission-on-human-rights-aichr> (last visited Jan. 22, 2013).

⁴ In the author’s view real (i.e., independent) civil society organizations exist in the more democratic countries such as Indonesia, the Philippines, and Thailand.

⁵ Those values enumerated in the ASEAN Human Rights Declaration (“Declaration”) fall under the following categories: general principles; civil and political rights; economic, social and cultural rights; right to development; and right to peace. See Association of Southeast Asian Nations, *News: ASEAN Human Rights Declaration*, Nov. 19, 2012, <http://www.asean.org/news/asean-statement-communicues/item/asean-human-rights-declaration> [hereinafter *ASEAN Human Rights Declaration*].

common values. These so-called common values have been applied by the Human Rights Commission to the draft.

Now, as I understand from a human rights perspective, particularism is not really welcome.⁶ Rights are universal. But now all these ASEAN common values are coming into the discussion, and they go against the concept of universality. And as someone who has actually studied language and culture in my country and in Southeast Asia, I always question these common values. Whose common values are the? The common values are usually those of the leaders, of the politicians, of the religious leaders. But they are not the common values of the prostitutes, of the lesbian, gay, bisexual, transgender, intersex, or queer (“LGBTIQ”) riff raff near the riverbanks. These ASEAN common values make me nervous because they are embedded in the text of the draft Declaration.

In addition to the mention of ASEAN common values in the draft Declaration, it is the standard practice of most ASEAN regimes to attempt to balance rights with responsibilities. Now, as a human rights activist—both as an activist in the pro-democracy movement in the 1990s and as an LGBTIQ activist—I learned that you do not talk about responsibilities in human rights. You talk about rights. But there is always this emphasis on the balance of rights and responsibilities. The Declaration is unique because there is going to be a section on responsibilities.

However, I will not be talking about responsibilities today; I will instead turn to the rights. Article 2 of the draft Declaration stipulates that “everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinions, national or social origin, [sexual identity], property, birth, disability, or [other status].”⁷ No one shall be discriminated against by any public authority or any third party on any grounds. So everyone is entitled, just like in the U.N. Universal Declaration of Human Rights, to these various, enumerated human rights.

Professor Sriprapha Petcharamesree from Thailand, who teaches international human rights, is a Thai member of the Human Rights

⁶ In the author’s view particularism is the position that human rights must be adapted to local conditions.

⁷ The draft of Article 2 is taken from the draft Declaration found on listserves mentioned *supra* p. 119. The term “sexual identity” and “other status,” are bracketed because they had not been agreed upon by all Commissioners at the time of this presentation in April 2012. However, the Declaration was announced on November 19, 2012, and although the Commissioners agreed to leave in “other status” they extracted “sexual identity.” Art. 2 now reads, “Every person is entitled to the rights and freedoms set forth herein, without distinction of any kind, such as race, gender, age, language, religion, political or other opinion, national or social origin, economic status, birth, disability or other status.” *ASEAN Human Rights Declaration, supra* note 5, art. 2.

Commission.⁸ She suggested that the Human Rights Commission talk about sexual orientation and gender identity. As far as I am aware, she is not LGBTIQ. She is not gay. She is not a lesbian. She has been a good ally in Thailand. But she is the only one who has suggested that the Human Rights Commission talk about sexual orientation and gender identity. On the other hand, I am actually a bit disturbed by my Indonesian colleague, Mr. Rafendi Djamin,⁹ who is from a civil society organization and did not suggest that the Human Rights Commission discuss LGBTIQ rights. I contacted him and asked if Indonesia would also support pro-LGBTIQ language in the Declaration, and he said that it would be impossible to do so.

Notice there is sexual identity in the draft Declaration, which is treated differently these days, in the sense that it is not part of standard terminology in international human rights language. The correct terms have the acronym SOGI, or sexual orientation and gender identity, as suggested by Professor Sriprapha. She was wise enough to refer to the Convention for Elimination of all forms of Discrimination Against Women (“CEDAW”) committee resolution.¹⁰ In the document, violence against women is explained to include violence against lesbians, and violence against female-to-male or male-to-female transgender people. This type of rights violation was included in the draft Declaration. Professor Sriprapha

⁸ Dr. Sriprapha Petcharamesree is the Chair of the International PhD Program in Human Rights and Peace Studies at the Center for Human Rights Studies and Social Development at Mahidol University in Thailand. Mahidol University, *Faculty: Sriprapha Petcharamesree*, CHRSD MAHIDOL UNIVERSITY, <http://www.humanrights-mu.org/about/faculty.html> (last visited Jan. 24, 2013). She was the Thai representative to the ASEAN Intergovernmental Commission on Human Right (“Human Rights Commission”) from 2009 to 2012. AICHR, *About: AICHR Representative 2009-2012*, ASEAN Intergovernmental Commission on Human Rights, <http://aichr.org/about/aichr-representatives/> (last visited Jan. 24, 2013).

⁹ Rafendi Djamin specializes in human rights and democracy in Indonesia and acts as the coordinator of a Jakarta-based international advocacy coalition of national NGOs. *2011 Speakers: Rafendi Djamin*, HUMAN RIGHTS IN ASIA 2012 CONFERENCE, <https://sites.google.com/site/humanrightsinasiainconference/previous-conferences/2011-speakers/the-speakers/rafendi-djamin> (last visited Jan. 24, 2012). Djamin was appointed to the Human Rights Commission as the Indonesian Representative for his second three-year term in January 2013. *Re-Appointment of Mr. Rafendi Djamin as Indonesian Representative for the ASEAN Intergovernmental Commission on Human Rights (AICHR)*, AICHER: ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS, Jan. 4, 2013, <http://aichr.org/press-release/re-appointment-of-mr-rafendi-djamin-as-indonesian-representative-for-the-asean-intergovernmental-commission-on-human-rights-aichr/>; *About: AICHR Representative 2009-2012*, *supra* 8.

¹⁰ See U.N. Convention on the Elimination of All Forms of Discrimination Against Women, G.A. Res. 180, U.N. GAOR, 34th Sess., Supp. No. 46, U.N. Doc. A/34/46 (1979) (entered into force Sept. 3 1981), *available at* <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10470&LangID=E>.

asked the Human Rights Commission if the ASEAN draft Declaration could just follow the language used in the CEDAW committee resolution.

The Malaysian Human Rights Commission member, Dato' Sri Muhammad Shafee Abdullah,¹¹ questioned the relevance of sexual identity. Additionally, this member recommended the deletion of the phrase "other status,"¹² because, in his opinion, it is vague and can be interpreted to include things like sexual orientation and gender identity. Similarly, the more conservative members of the Commission fear that people from these other status groups would then demand their rights if the phrase is included in the Declaration..

The Declaration will be officially announced at the November ASEAN Summit in Phnom Penh.¹³ Right now the latest news I have from people that are working on monitoring the development of the Declaration is that there will be two ASEAN civil society conventions.¹⁴ One convention is approved by the government of Cambodia, and the other convention is not approved by the government of Cambodia. Both conventions demanded to see the draft of the Declaration. Is it appropriate to ask for the draft if you are from civil society? Or, maybe it is not appropriate for anyone anywhere to see a working draft of the Declaration? I do not know.

In Southeast Asia there is a long and rich tradition of gender and sexual diversity. *Gender Pluralism* is a book about Southeast Asia.¹⁵ It is about gender and sexual diversity in Indonesia, Burma, and the Philippines. And it discusses traditions very similar to the male-to-female transgender *fa'afafine* in Samoa and *fakaleiti* in Tonga. We, too, have that sort of cross-dressing in Indonesia. And these people are even given spiritual roles on par with the more—if you use contemporary language—

¹¹ Dato' Sri Muhammad Shafee Abdullah is a Malaysian lawyer who specializes in human rights, criminal defense rights, and judiciary independence. Jahaberdeen Mohamed Yunoos, *BC 2009/2010 Candidate: Dato' Muhammad Shafee Abdullah*, THE MALAYSIAN BAR, http://www.malaysianbar.org.my/bar_council_elections/bc_2009/2010_candidate_muhammad_shafee_abdullah_dato.html (last visited Jan. 24, 2013). He was appointed as to the Human Rights Commission as the Malaysian Representative for the 2009 to 2012 term. *About: AICHR Representative 2009-2012*, *supra* note 8. As of this writing, it has not been announced whether he has been reappointed as the Malaysian Representative for the 2013 to 2016 term.

¹² *ASEAN Human Rights Declaration*, *supra* note 5, art. 2.

¹³ The ASEAN Human Rights Declaration was announced on November 19, 2012. *Id.*

¹⁴ In the author's experience it has become standard practice internationally that whenever there is a state or government meeting, such as that of ASEAN, civil society organizations organize a parallel or pre-convention to contribute to the official meeting.

¹⁵ MICHAEL G. PELETZ, *GENDER PLURALISM: SOUTHEAST ASIA SINCE EARLY MODERN TIMES* (2009).

secular leaders. The book *Gender Diversity in Indonesia* is about just such a culture, that of the *Bugis* ethnic group of South Sulawesi, Indonesia.¹⁶

The *Bugis*—my favorite culture in Indonesia—have five genders.¹⁷ The *Bugis* creation story tells us that there were four genders of these spiritual beings that came down from the heavens to accompany and assist the first humans. I thought, “That is fair. That is my kind of heaven.” Based on the creation story, certain people (of any gender) believed to be endowed with mythical powers are chosen to be *bissu*.¹⁸ They are tasked with acting as mediums to communicate with the spirits in heaven. To do this, they embody all four genders and, as a result, the *bissu* cross-dresses. Otherwise the spirits will not recognize the mediums. If you are interested, there are drawings of the *bissu* in the book by Graham Davies. In one drawing, the *bissu* takes care of the royal heirlooms. It becomes the voice of the spirits, of the gods. In another, a *bissu* sits on the left-hand side of a sultan and a Muslim imam sits on the right side. Although there are no more sultans now, there are still *bissu*. This is a good example of how a tradition has been revived.

Another example from mainland Southeast Asia is the *nat* and *kadaw* at the Burmese *nat pwe* festivals. These are festivals connected to particular temples or pagodas and held to appease the *nat*. The *nat* are spiritual beings whose gender is not clear. It is possible that they are one gender in the evening, another gender in the daytime, like some of us actually. The *kadaw* are the spiritual mediums that communicate with the *nat* at these festivals. To communicate with the *nat*, the *kadaw* must look like and channel the ambiguously gendered *nat* by cross-dressing.

Interestingly, stories have detailed that foreigners, in addition to the Burmese, can cross-dress and join in the festivities and merriment as well. However, the media often characterizes these festivities as “decadent practices from the past,” suggesting there is something wrong with gender ambiguity. I often say that in Southeast Asia, we do not adopt homosexuality from the West, but rather we adopt transphobia and homophobia from the West.

¹⁶ SHARYN GRAHAM DAVIES, *GENDER DIVERSITY IN INDONESIA: SEXUALITY, ISLAM AND QUEER SELVES* (2010). The *Bugis* are a people originally based in South Sulawesi, Indonesia, *Bugis*, *ENCYCLOPEDIA BRITANNICA ACADEMIC EDITION*, <http://www.britannica.com/EBchecked/topic/83765/Bugis> (last visited Jan. 22, 2012), but, according to the author, through their seafaring are also found in different places in Southeast Asia.

¹⁷ These five genders are male, female, *calabai* (individuals who are biological male, but take on a female role), *calalai* (individuals who are biological female, but take on a male role) and *bissu* (individuals who embody all four genders at the same time). *Bugis People and Five Social Genders*, WIPE OUT TRANSPHOBIA (JUL. 20, 2012), <http://www.wipeouttransphobia.com/2012/07/20/the-bugis-people-five-social-genders/>.

¹⁸ See *id.* and accompanying text.

The *reyog* dance is a central part of festivities in Ponorogo, the southwestern part of East Java Province, Indonesia. At a glance, the *reyog* is just a dance. But if the shirtless men participating in the dance are closely examined, they all have one or two boy lovers looking upon them. Their relationship is trans-generational.¹⁹ Although evidence of this kind of relationship is decreasing now in East Java, it is there.

Unfortunately, there are not too many examples of lesbian relationships in Indonesia. One hears about relationships in the women's quarters of the palaces of Bali and Java. We also know about these so-called sisterhoods in some southern Chinese communities and the diasporas from these communities where women do not want to get married, who live together, and who support each other until their old age. The emphasis is on avoidance of heterosexual marriage and mutual support when they are old, but it is known that some of the "sisters" form romantic relationships.

So, we have these rich traditions. Although many of us cannot go back to these traditions, we at least have a historic reference point. Many of our government representatives often say, "We have to defend our culture." I would say, "Yes, but, whose culture? Your culture, or the culture of the people?" Using anthropology, one could actually start questioning where the culture to be defended comes from and what is within our realm of defense.

Now let us take a look at contemporary communities. This story is from Vientiane, Laos. Although Laos currently has a socialist government, there are four bars in the city of Vientiane. And there is a corner of Vientiane where there are, say, twelve *kathoey*, or transgender women. At the bar that I went to, well it is small. Even in such a small place, in probably a harsh environment not very conducive to LGBTIQ relationships, you have about a dozen lesbians.

And from my own country of Indonesia, there will be a movie about ten LGBTIQ lives, *Sanubari Jakarta* (the Soul of Jakarta).²⁰ It will be a mainstream, feature film. Ten lives that will be shown in the movie all over Indonesia. I just hope the fundamentalists—or the "fundies"—are not going to stop this movie from being shown, although there is a realistic possibility they will do so. But the movie is coming soon. So LGBTIQ issues are being mainstreamed in the arts, at film festivals.

¹⁹ According to the author, the exact number of boys looking upon the male dancers will depend upon the amount of wealth possessed by the dancing man.

²⁰ The film was released in mainstream cinemas in 2012. This is the first time an explicitly LGBTIQ-themed film was shown in this way. See Kris Tjokro, *Sanubari Selebriti: Jakarta, An Eye Opening Motion Picture*, TNOL.ASIA: INDONESIA'S GLOBAL PORTAL, Apr. 18, 2012, <http://www.tnol.asia/selebriti/13370-sanubari-jakarta-an-eye-opening-motion-picture.html>.

So, how can members of the LGBTIQ community in Southeast Asia be supported? Community development happens in four different areas: (1) HIV, AIDS, and sexual and reproductive health and rights; (2) human rights, politics, and public awareness; (3) youth; and (4) knowledge production. First, regarding HIV and AIDS, it is actually a very safe world, but I know it is not perfect. Others classify LGBTIQ as sick or potentially sick people. But it is a safe space in many of our countries. In Cambodia, you can actually have something like a Pride Parade. But it is called the HIV and Awareness Parade.

In addition, a lot of lesbians, they work on sexual orientation issues under the rubric of sexual and reproductive health and rights. It is not perfect, and again, I am not too happy about this, but this is one way of actually getting your foot in the door in order to be able to do more. And of course, when you facilitate an HIV or sexual and reproductive health workshop, for example, you can try to slip in more than just two genders into these discussions. Sometimes you refer to the old culture—"But four genders among the *Bugis* . . ." and things like that.

Second, regarding human rights, although it may seem like an upward struggle in Southeast Asia, one may actually be amazed. Maybe because I am older and I have gone through more difficult times, I think this way. However, some of the young activists now embrace human rights discourse and practices faster than we did. For example, in Malaysia, they have done something very clever. The LGBTIQ activists joined hands with the Clean Election campaign. "Hey, you know what we want? Clean elections. Everybody in the world is doing that. Why can we not have clean elections?" And, as a result, this made the LGBTIQ community more visible in an easily supportable way.

Although hooking LGBTIQ causes onto politics are not as good as here in Hawai'i where LGBTIQ members are in the legislature, I am nonetheless amazed at the effort. But in Indonesia, we actually had a transgender woman sitting in the provincial parliament in the remote North Maluku Province. Maybe it is remote enough that nobody would mind. It is so remote that the media does not have money to fly to Ternate, the capital of the province, and report on it. But apparently she is highly respected locally. So, we actually have a history in Southeast Asia of a transgender woman sitting on the legislature.

As for public awareness, we are doing that, too. Whenever possible we talk to the media, go to schools and parent-teacher associations, and explain the different sexual orientations and gender identities. So public awareness is another avenue for LGBTIQ awareness.

Third, I would like to discuss our youth. I wish there had been youth programs when I was young. But now I would say fifty percent of youth activists are LGBT. Reasonably so, because it is commonplace in the youth movement dealing with sexual and reproductive health and rights that one demands one's rights. Right now their demands are

comprehensive sexuality education. That means they want to talk about sexual orientation and gender identity, and also things like safe abortion and human rights.

Fourth, I turn to knowledge production through working with anthropologists, looking at history, and working with historians. This is something our generation has done better than the younger generations and has really made an impact. The works of anthropologists and historians studying different sexual orientations and gender identities have shown that these have been and are still common in many parts of Southeast Asia. We in the Indonesian LGBTIQ community have used this knowledge to support our claim to legitimately belong to the Indonesian nation, which has been portrayed by the government as hailing from a glorious cultural past. We are also part of that glorious cultural past. Such respectable scholars can simply not be ignored.

There are fears now, of course, locally. Blake Oshiro²¹ mentioned police harassment at the local level and it is really terrible for women especially, but also for lesbians, gay men, and female-to-male transgender persons. Just as an example, in some parts of Bali, if you are officially a woman, but then you dress up as a man, you may not enter the local temple. You have to dress a certain way. "You are a woman." That is the kind of attitude. So, you have to go to the Commission of Human Rights and say my right to worship is being violated and all that.

In addition to discussing the contemporary situation nationally, we can discuss the situation in terms of the interplay between local, regional, and global. Today, I previously discussed ASEAN. Certainly, we must not forget that these days, communicating online is another medium of interaction. As an example, a lot of lesbians in Southeast Asia—lesbian women and intersex people by the way—are actually organizing online. They are not sure if they will be accepted if they organize in public, so this is the best option. Organizing online has allowed for more interaction at the local, national, regional, and global level.

First, I would like to focus on HIV, AIDS, and sexual and reproductive health and rights. You see HIV outreach and an increasing emphasis on human rights, or at least people living with AIDS, people who live with HIV, but also people who are potentially threatened by the epidemic. And nationally? It is amazing how national networks are happening. Sometimes in the name of HIV, sometimes in the name of sexual and reproductive health and rights. But it is happening.

²¹ Blake Oshiro serves as the Deputy Chief of Staff to the Governor of Hawaii, Neil Abercrombie. See Vicki Viotti, *Black Oshiro: The Former State Legislator has been Focused on Helping the Governor Achieve His Goals*, STAR ADVERTISER (Honolulu), MAY 25, 2012, available at <http://www.staradvertiser.com/s?action=login&f=y&id=153907265&id=153907265>. Oshiro introduced the author before the author spoke at the Rainbow Rising Symposium.

For a regional example, in the greater Mekong region, there is the Purple Sky Network²² of community-based organizations working with gay men, other men who have sex with men, and transgender women. The Greater Mekong region consists of Lao People's Democratic Republic, Thailand, Burma, Vietnam, Cambodia, and southeastern China, which includes the provinces of Guangxi and Yunnan.²³ They are organizing with proper funding.

There is also the Islands Southeast Asian Network on Male and Transgender Sexual Health ("ISEAN"), which I am a member of.²⁴ We have secured five years of funding for the strengthening of community systems from the Global Fund to Fight AIDS, Tuberculosis and Malaria.²⁵ The funding was not secured for medical purposes, because we in ISEAN concentrate on human rights and community development. This is where we slip in issues of SOGI itself and strengthen community systems.

There is also the Asia-Pacific Coalition on Male Sexual Health;²⁶ Blake Oshiro mentioned it when introducing me. And of course there is the biannual International Congress on AIDS in Asia and the Pacific ("ICAAP"). One of our speakers at this Rainbow Rising Symposium was very active at the one last year in Busan, South Korea. ICAAP is a venue where you can demand respect and fulfillment of your rights as members of key populations: sex workers, people using drugs, men who have sex with men, and transgender persons.

Second, I would like to focus on human rights and politics in terms of organizations and instruments. There is ASEAN as a regional

²² See PURPLE SKY NETWORK (2010), <http://www.purplesky.asia/web/>.

²³ See United Nations, MAP: GREATER MEKONG SUBREGION, <http://www.un.org/Depts/Cartographic/map/profile/mekong.pdf> (last visited Jan. 24, 2013).

²⁴ The Islands Southeast Asian Network on Male and Transgender Sexual Health is a sub-regional network within the Asia Pacific Coalition on Male Sexual Health comprising gay and transgender organizations working on HIV and AIDS in the following Southeast Asian countries: Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore and Timor Leste. See ISLAND OF SOUTH EAST ASIAN NETWORK ON MALE AND TRANSGENDER SEXUAL HEALTH, <http://me.isean.asia/final/> (last visited Jan. 22, 2013).

²⁵ See *Grant Portfolio: Multicountry East Asia and Pacific (ISEAN-HIVOS)*, THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND MALARIA <http://portfolio.theglobalfund.org/en/Country/Index/MEI> (last visited Jan. 22, 2013).

²⁶ See ASIA PACIFIC COALITION ON MALE SEXUAL HEALTH, <http://www.apcom.org/> (last visited Jan. 20, 2013). "The Asia Pacific Coalition on Male Sexual Health ("APCOM")_ is a regional coalition of MSM and HIV community-based organizations, the government sector, donors, technical experts and the UN system. The main purpose is advocating for political support and increases in investment and coverage of HIV services in Asia Pacific." *About APCOM*, ASIA PACIFIC COALITION ON MALE SEXUAL HEALTH, <http://www.apcom.org/about.html> (last visited Jan. 20, 2013).

organization and, within ASEAN, the draft Declaration. In addition, some Southeast Asian countries are part of the Commonwealth. Relevant to the people in these countries is a similar international human rights instrument, the upcoming Commonwealth Charter.²⁷ The Commonwealth Charter could be used as a mechanism to support work by LGBTIQ groups in the Commonwealth working toward the decriminalization of homosexual acts. We in Indonesia are not very active when it comes to the Commonwealth Charter, because we are not a Commonwealth country. But the Malaysians, and the Singaporeans, and the Bruneians are saying, “Ah, here’s our chance. They cannot accuse us of rocking the boat. We are Commonwealth, aren’t we?”

In addition to ASEAN, the draft Declaration, and the Commonwealth, there are the OutGames, which has a human rights component.²⁸ The last World OutGames was in Denmark. Each World OutGames must host an international conference on LGBTIQ human rights.²⁹

There is also the International Lesbian, Gay, Bisexual, and Trans and Association.³⁰ This organization works to liberate LGBTIQ people from discrimination.³¹ It is trying to strengthen its Asian section.

²⁷ The Charter of the Commonwealth was officially adopted by the 54-member Commonwealth association on Dec. 19, 2012. Charter of the Commonwealth, THE COMMONWEALTH, <http://www.thecommonwealth.org/document/181889/34293/35468/252053/charter.htm>. (last visited Feb. 16, 2013). “The Charter expresses the commitment of member states to development of free and democratic societies and the promotion of peace and prosperity to improve the lives of peoples in the Commonwealth.” *Id.*

²⁸ “OutGames bring together lesbian, gay, bisexual and transgender . . . athletes from around the world in unprecedented numbers for a celebration of sport, culture and human rights. In the spirit of true inclusiveness, the OutGames are open to all, regardless of sexual orientation.” *About OutGames*, GLISA INTERNATIONAL, <http://www.glisa.org/outgames/> (last visited Jan. 20, 2013). “[The Gay and Lesbian International Sport Association] is the governing body responsible for sanctioning World and Continental OutGames (multi-sport games events with 10,000 participants at a World OutGames and 3,000-5,000 at a Continental OutGames).” *Hosting*, GLISA INTERNATIONAL, <http://www.glisa.org/outgames/hosting> (last visited Jan. 20, 2013).

²⁹ *About OutGames*, *supra* note 28.

³⁰ See *International Lesbian, Gay, Bisexual, Trans and Intersex Association*, ILGA, <http://ilga.org/> (last visited Jan. 20, 2012). “[The International Lesbian, Gay, Bisexual, Trans, and Intersex Association’s] aim is to work for the equality of lesbian, gay, bisexual, trans and intersex people and their liberation from all forms of discrimination. [The Association] seek[s] to achieve this aim through the world-wide cooperation and mutual support of our members.” *About ILGA*, ILGA, http://ilga.org/ilga/en/article/about_ilga (last visited Jan. 20, 2012).

³¹ *About ILGA*, *supra* note 30.

I also recently sat down with somebody from the United States Agency for International Development³² office in Bangkok. So, those of you that are American, you may be happy that your taxpayer's money is being used to help LGBTIQ human rights in Southeast Asia. With this money, there is going to be a big program put in place that supports the advocacy and the human rights of LGBTIQ persons using information and communication technology.

And globally, of course, the United Nations is a great human rights ally. The Joint United Nations Programme on HIV/AIDS has the Three Zeroes: zero new infections, zero AIDS-related deaths, and, importantly, zero discrimination.³³ And it is explicit. The program demands decriminalization of laws that obstruct HIV work. That means laws against prostitution, laws against homosexual acts, laws against cross-dressing.

In addition, you know, Mr. Ban Ki-Moon, the Secretary-General of the United Nations?³⁴ Every other week now he mentions LGBTIQ rights. I do not think he is gay. No, in Southeast Asia if you talk too much about LGBTIQ rights or SOGI, they gossip, "Oh, maybe she's lesbian. Or maybe she's gay. Or maybe she's a closet *fa'afafine* or something."

Globally is where the resolutions at the U.N. level become very important, because they allow the U.N. bodies to actually start working with them. Now special rapporteurs always have to report human rights violations against LGBTIQ people. UNFPA, the United Nations Population Fund,³⁵ works with youth and transgender people. Even UNICEF, the United Nations Children's Fund,³⁶ has talked about BSB, boys who have sex with boys, and GSG, girls who have sex with girls. They cannot be ignored. In Tagalog we have the term *baklita*, which means little transgender boy or girl. So there has to be a program for these people

³² See *Where We Work: Asia*, USAID FROM THE AMERICAN PEOPLE, <http://www.usaid.gov/where-we-work/asia> (last visited Jan. 20, 2013).

³³ See *About UNAIDS*, UNAIDS, <http://www.unaids.org/en/aboutunaids/> (last visited Jan. 20, 2013).

³⁴ Ban Ki-moon has been the Secretary-General of the United Nations since 2007. He has become known, among other reasons, for his strong commitment to the elimination of discrimination in connection with HIV and AIDS work as well as on the basis of sexual orientation and gender identity. See *UN Secretary-General Speaks Against Discrimination Based on Sexual Orientation*, UNAIDS, Jan. 30, 2012, <http://www.unaids.org/en/resources/presscentre/featurestories/2012/january/20120130ausgrights/>; see *UN Secretary-General Outlines New Recommendations to Reach 2015 Goals for AIDS Response*, UNAIDS, Mar. 31, 2011, <http://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2011/march/20110331prsgreport/>.

³⁵ See UNFPA, <http://www.unfpa.org/public/> (last visited Jan. 20, 2013).

³⁶ See UNICEF, <http://www.unicef.org/> (last visited Jan. 22, 2013).

Third, youth. There is an interesting development. Two interesting networks have emerged. One is Youth Voices Count.³⁷ This is in the name of HIV and sexual and reproductive health organization for young gay men, other men who have sex with men, and transgender women. The other is the Asia-Pacific Youth Network,³⁸ which works around sexual and reproductive health and rights. Many of the activists are LGBTIQ, and this organization is known to the fundamentalists. The likes of C-FAM³⁹—the Catholic Family & Human Rights Institute—and all those conservative organizations know that we are actually using these networks.

Fourth, I would like to discuss the importance of knowledge production. This conference will certainly make an impact. People will read about it. People will understand. There have been Asia-Pacific queer conferences that are a bit stagnant right now. Professor Sriprapha organized the conference in Thailand in 2005. There is biannually the Asia-Pacific Conference on Reproductive and Sexual Health and Rights.⁴⁰ I always feel, especially now that I am in Hawai‘i, it is too bad that whenever I suggest that we invite someone from Hawai‘i, they say, “Oh, well that’s the United States.” It is like, “No, they’re Pacific.” So I think we should get more people in all these Asia-Pacific states together in collaboration.

And there is the International Conference of Asian Studies.⁴¹ Asian Studies has finally been queered. It is possible to have panels on diversity in sexuality and gender. In the past the attitude of Asianists towards such a topic was, “Oh, well that is for conversations in common rooms and things like that. It’s not worthy of serious scholarship.”

³⁷ See YOUTH VOICES COUNT: COLLECTIVE VOICES OF YOUNG SM AND TG COMMUNITIES FOR AIDS, <http://www.youthvoicescount.org/> (last visited Jan. 20, 2013).

³⁸ See ASIA PACIFIC YOUTH NETWORK, <http://www.apyouth.net/> (last visited Jan. 20, 2013). “The Asia Pacific Youth Network is a network of . . . young individuals who first began communicating online through Facebook in June 2008, following a consultation meeting in May 2008 hosted by Amnesty International.” *Vision, Mission and Values*, ASIA PACIFIC YOUTH NETWORK, <http://www.apyouth.net/2010/06/vision-mission-and-values/> (last visited Jan. 20, 2013). The Asia Pacific Youth Network seeks “[a]n Asia Pacific region where human rights are universally respected and young people are actively engaged in the promotion and protection of human rights.” *Vision, Mission and Values*, ASIA PACIFIC YOUTH NETWORK, <http://www.apyouth.net/2010/06/vision-mission-and-values/> (last visited Jan. 20, 2013).

³⁹ See CATHOLIC FAMILY & HUMAN RIGHTS INSTITUTE, <http://www.c-fam.org/> (last visited Jan. 20, 2013). According to the author, C-Fam is a conservative organization that works against universal access to sexual and reproductive health services and LGBTIQ rights.

⁴⁰ See A.P.C.R.S.H.R.: CLAIMING SEXUAL AND REPRODUCTIVE RIGHTS IN ASIAN AND PACIFIC SOCIETIES, <http://www.apcrshr6.org/> (last visited Jan. 20, 2013).

⁴¹ See ICAS 2013: Second International Conference on Asian Studies 2013, <http://www.asianstudy.info/> (last visited Feb. 16, 2013).

And then last, but not least, there is the International Association for the Study of Sexuality, Culture, and Society.⁴² It is trying to produce knowledge, books like the ones by Peletz and Graham Davies, with data that actually comes from this area.

It is a lot, I know. Thank you for your attention and we will have more conversation in the Q&A. Thank you.

⁴² See IASSCS: INTERNATIONAL ASSOCIATION FOR THE STUDY OF SEXUALITY, CULTURE, AND SOCIETY, <http://www.iasscs.org/> (last visited Jan. 20, 2013).