



SALZBURG
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SALZBURG GLOBAL LGBT FORUM

ADVANCING LEGAL AND SOCIAL EQUALITY IN SOUTH ASIA

SALZBURG GLOBAL SEMINAR IS GRATEFUL TO THE FOLLOWING ORGANIZATIONS FOR THEIR SUPPORT OF THIS PROGRAM OF THE SALZBURG GLOBAL LGBT FORUM:



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SALZBURG GLOBAL SEMINAR

SALZBURG GLOBAL
LGBT FORUM

ADVANCING LEGAL AND SOCIAL EQUALITY IN SOUTH ASIA



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SUMMARY

In 2019, the Salzburg Global LGBT* Forum focused on the steps required to achieve full legal and social equality for all, regardless of sexual orientation, gender identity, gender expression, or intersex status. With an emphasis on how progress in South Asia could be accelerated and have a positive influence on developments in the rest of the world, the program sought to enhance Asia's underrepresented role in global LGBT dialogues, and engaged individuals and institutions with the potential to create significant shifts in social attitudes and policy landscapes across the region.

The program contributed to national and regional discussions on LGBT inclusion across the South Asian region by providing a platform for open policy dialogue and debate; creating an opportunity to highlight South Asia's unique legal, religious, and cultural history of LGBT family and community inclusion with policymakers and international organizations active in the region; and by producing multimedia products that can help illustrate the critical importance of inclusive policies.

In South Asia, several LGBT human rights issues are at a “tipping point” at which legal and/or social change could soon be possible. Gender recognition and decriminalization are two such legal tipping point issues for several countries. However even in places where legal progress on these fronts has been made (for example in Nepal, India, Bangladesh and Sri Lanka), social discrimination and violence often persist and serve to exclude LGBT individuals and their families from access to employment, health care, education and other services. Because of this, additional action is needed across South Asia to ensure full legal and social inclusion and recognition for gender and sexual minorities, with special attention to transgender and intersex communities.

As has been the case in other regions, progress in individual countries on these issues could also have a positive influence on other countries in the region. Testimonies from the LGBT Forum's work with Bhutanese parliamentarians, Nepal's Blue Diamond Society, our extensive network of Asian Fellows, and our wider global network including African, European, Latin American and North American Fellows (many of whom are working with or within governments) has shown that bringing together an internationally diverse group of human rights defenders of LGBT equality can multiply impact and spur positive change at critical moments in the development of more inclusive policies.

*** LGBT:
LESBIAN, GAY,
BISEXUAL AND
TRANSGENDER**

We are using this term as it is widely recognized in many parts of the world, but we would not wish it to be read as in any way exclusive of other cultures, groups or terms, either historical or contemporary.



INTRODUCTION

“Look for the rainbow in every crowd,” former Chief Justice Dipak Misra declared following India’s Supreme Court ruling to decriminalize homosexuality in September 2018. “Equality and liberty and this freedom can only be fulfilled when each one of us realizes the LGBT community has the same rights as other citizens.”

The Indian court’s decision to strike down Section 377, a colonial-era law criminalizing same-sex relationships, is just one example of the momentous advocacy work being done by LGBT communities in South Asia; a region where many of these human rights issues are at tipping point. While a region of diverse cultural and religious communities and differing levels of economic development, the progress of legal and social rights for LGBT people in South Asia will have a profound impact on the region at large and globally.

During the sixth gathering of the Salzburg Global LGBT Forum – *Advancing Legal and Social Equality in South Asia* – more than 40 advocates from 17 countries met in Kathmandu, Nepal, to discuss how to enhance Asia’s underrepresented role in global LGBT dialogues, and engage individuals and institutions to create significant shifts in social attitudes and policy landscapes across the region. Appropriately, Nepal is a nation widely seen as a regional leader in progressive attitudes on sexual orientation and gender identity in South Asia. The significance of this was not lost on Forum participants, whose calls for wider social acceptance and rights were amplified by a united energy of strength and leadership.

As with all Salzburg Global LGBT Forum meetings, the gathering brought together a widely diverse group of human rights leaders spanning government, law, diplomacy, religion, media and culture, and built on the explicit goal of the Forum to further develop a network of trust, where both Fellows’ professional expertise and their life experiences are highly valued. Underlining that fundamental human rights concern us all, the Forum meeting connects queer and straight leaders who represent gender and sexual orientation in different expressions, united by their passion to advance LGBT equality globally.

Despite – or rather thanks to – the intricate mix of nationalities, cultures and faiths represented at the Salzburg Global LGBT Forum, boundaries of separation were broken as participants vowed to learn from this collective strength and resilience. “We have much in common; but we also face different challenges, and live in different contexts,” participants – now known as Fellows – were told. “Everyone has something valuable to share.”



BRIDGING DIVIDES: KEY THEMES AND DISCUSSION POINTS

SECTION 377 IMPACT IN INDIA AND SOUTH ASIA

Why was the campaign to abolish Section 377 successful, and what can we learn from that?

The decades-long fight to abolish Section 377 in India, a colonial-era law which threatened imprisonment for those who engaged in “unnatural offences against the order of nature,” began in 1991. Over the next 25 years, Section 377 would be challenged by the Delhi High Court, struck down, and, ultimately, reinstated by the Supreme Court. It wasn’t until September 2018 that the law would be abolished in a landmark ruling by India’s highest court.

The legacy of British colonization is still prevalent in many countries where similar laws obstruct the rights of LGBT citizens. The campaign against Section 377 is already influencing the fight for decriminalization in Kenya and Singapore, highlighting its importance as a case study. “We must not forget the activism that goes along with any legal battle,” one panelist noted during a discussion on Tipping Point Issues of LGBT Equality in South Asia. “We should be inspired by the resilience that happens when you persist.”

Participants emphasized the relevance of the society-focused advocacy campaigns that both lead and follow legal rights battles in order to influence successful campaigns in other countries. LGBT organizations widely worked with writers, filmmakers, photographers and journalists to share personal and positive stories of LGBT lives and amplify the human

dimension of this struggle. Parents groups, such as Sweekar – The Rainbow Parents, spoke out against the criminalization of their children. Indian Christian LGBT groups embarked on a roadshow to make the case for LGBT rights during the fight for decriminalization, using personal stories to emphasize the impact of the law, while inter-faith conferences also sought to establish theological arguments in support of LGBT rights in other religions.

Although many conservative faith leaders did strongly and publicly oppose decriminalization, participants agreed that religious campaigns are pivotal in garnering social acceptance, due to the prevalent role of religion in South Asian societies. Participants called for stronger alliances with both religious leaders and groups who support inclusive communities to help to appeal to the general population and to break down stereotypes within religious communities.

Participants also agreed on the relevance of responsible reporting of violence and prejudice against LGBT people, particularly in countries where social stigma often leads to further violence. A more diversified media approach is needed, with participants exploring and highlighting the importance and relevance of positive stories of LGBT lives.





TRANSGENDER COALITION BUILDING IN SOUTH ASIA

What are the global lessons to be learned from the region's gender recognition legislation and policies, and what are the other tipping point issues for transgender and intersex communities?

Transgender and intersex people have a long and important history in South Asia, where historical references of a third gender are commonly found in cultural and religious contexts. As such, trans and intersex issues are often much more prominent – and progressively dealt with – than they are in much of the rest of the world. Nepal, Pakistan, Bangladesh, India, Sri Lanka and Bhutan have all introduced legal recognition of a third gender, or allow people to change their legal gender. Social discrimination remains, but there is a large and growing acceptance of transgender people and communities as an integral part of the cultural histories in South Asia, which is also demonstrated in the prominent role of transgender leaders in the struggle for LGBT equality.

Forum discussions helped all participants, both from outside of the region and within it, to better understand that transgender and intersex are not only different but face a range of issues that require different legal responses.

While some issues faced by intersex people can be addressed through trans policies, not all can. The use of “transgender” as an umbrella term could thus stand in the way of inclusive policymaking if policymakers are not adequately informed about the difference between trans and intersex, as well as other gender identities and sexual orientations in general.

One suggestion raised by participants included the use of three different identity spectrums; i.e. sexual preference, gender identity, and chromosomal makeup. Further, while LGBT terminology has evolved to include the “I” in many regions, the intersex community is rarely represented. Forum discussions learned greatly from two personal testimonies intersex participants shared, which helped to create a stronger and collective sense of responsibility for a more inclusive approach, both within LGBT communities and in policymaking.

CULTURAL HERITAGE AND DOCUMENTING LIVED EXPERIENCES

How can we reclaim our cultural history through storytelling?

LGBT people have existed throughout history. They have contributed, regardless of their sexual orientation or gender identity, to cultures and societies throughout time, and yet their existence has been largely undocumented, ignored or actively erased. But queer existence is a part of human history; and documenting that existence is key to visibility and acceptance.

Several participants recounted growing up in a world where they felt alone in their queerness without literature or media that represented their sexual orientation or gender expression. In response, each of these participants today is working to

eradicate this issue for the next generation, through digital magazines that will serve as online archives of activism; films in which LGBT characters play a starring role; and works of fiction that document queer lives in the region – rather than only in the West.

Inclusive media representation is not only vital to improving social equality for current and future generations, it also provides visibility for policymakers who require evidence and data to prove our existence and experiences. “If people see more people like us, we will become part of the fabric of society,” one participant declared.



EXPANDING COLLABORATION AND TRANSFORMING SYSTEMS

REFRAMING LGBT ISSUES TO ENGAGE SOCIETY AND POLICYMAKERS

When developing a campaign, what works and with whom?

In the push for legal and social equality, we are all effectively campaigning to change hearts and minds. At their core, LGBT rights are human rights. Effective campaigns tap into society's shared values to ignite changes in attitude. When you touch on shared values, you have the ability to create a common ground despite disagreement and to open a space for cooperation and respect.

Participants agreed that LGBT advocates should form stronger alliances with other minority groups and advocacy campaigns to align LGBT issues with others. This approach has already proven successful. In the Philippines, for example, the Bahaghari LGBT Organization partnered with union groups to protest the issue of temporary employment

contracts and the marginalization of workers, including LGBT minorities. "I believe that it would be difficult to achieve long-lasting victories for the LGBT community without convincing other sectors who are also being excluded to take on the LGBT agenda," remarked one panelist.

Additionally, with such a large rural population in South Asia, Fellows explored the many ways to reach out to different target audiences, especially those who are most marginalized. For example, in South Africa there has been a keen focus on social media advocacy campaigns, but radio continues to be a popular medium in rural areas with low incomes and high illiteracy rates.

LEAVING NO ONE BEHIND

How do we reach those that need it most?

Although LGBT issues aren't specifically mentioned in the United Nations Sustainable Development Goals (SDGs), the pledge of "leaving no one behind" includes LGBT people, their communities and their families. Many LGBT issues directly relate to the SDGs, which are helpful to educate policymakers about our specific needs.

In a discussion on the Sustainable Development Goals, participants emphasized that inclusion goes well beyond human rights. "When dealing with policymakers, think of

areas in your life in which you felt excluded and how that can fit into a policy framework," encouraged a participant working in the sector. How do we address the high number of homeless LGBT youth who are expelled from their families and live on the street? How can trans people access gender neutral bathrooms where they are not confronted with violence? How can urban planners be engaged to build the proper public infrastructure to accommodate this? These issues are all intertwined.

HOW DO WE ENGAGE POLICYMAKERS IN PROMOTING LGBT EQUALITY?

- Data is vital. Policymakers need empirical evidence, no matter the sample size. In 2017, the UK government conducted the largest survey of LGBT people in the world, providing the evidence needed to advance anti-discrimination policies. The 2018 European Union-wide survey of LGBT discrimination informs policymakers about the reality on the ground and possible ways to overcome bullying in schools, work place discrimination, and access problems within the health sector.
- Good government policy has evidence of a problem and evidence that the policy will solve that problem. Don't only bring a problem to the attention of policymakers—suggest a workable solution.
- LGBT advocates must empower themselves with the knowledge of national and international anti-discrimination policies and use this to pressure those who should be implementing these policies.
- Reframe LGBT issues to be broader (i.e. bullying is an education-wide issue, not only one that effects LGBT youth). This will help mainstream the issue rather than it being sidelined to one policymaker.



CAMPAIGN AND PROJECT PROPOSALS

Fellows in Nepal proposed a range of campaigns to be developed in the months after the Forum.

RAINBOW PARENTS

Starting in Bhutan and building on a similar initiative in India, Fellows propose launching a mental health support group for LGBT children and their families, offering counselling services and advice on how to prepare and care for LGBT children to increase happiness and break down societal stereotypes.

INTERFAITH INCLUSIVITY

Fellows aim to initiate dialogues with religious groups to discuss the interpretation of religion and LGBT rights, mapping how many religious leaders are open to these discussions. Eventually, Fellows aim to hold an interfaith conference for faith leaders and the LGBT community.

INTERSEX ASIA

This group aims to raise awareness about intersex communities through targeted outreach programs,

including the production of “greeting cards” containing UN information about intersex identifiers and issues, to be delivered to medical professionals and policymakers.

TRANSGENDER AFFIRMATION

In a campaign targeting media, policymakers and donors, Fellows will create a series of videos, to be translated into local languages, sharing the message of “I am who I am,” promoting the importance of gender affirmation policies and laws. Initial plans include finding funding partners to create a collaborative report.

MOBILIZING LBQ WOMEN

Fellows from India, Nepal and Sri Lanka plan to create an online support platform and hotline targeting lesbian, bi and queer women. The platform will be advertised through online dating apps and social media sites, as

well as targeted campaigns in women’s washrooms and medical centers to target those without internet access—especially important in rural regions.

REFUGEE SUPPORT

Under the slogan “Save Lives with Your Miles,” this group plan to create an online platform where frequent fliers can donate their unused air miles to LGBT refugees. The group will donate miles collected to organizations helping LGBT refugees flee dangerous regions, starting with Rainbow Railroad based in Canada.

ASEAN POLICYMAKERS

Fellows will launch a campaign to develop a Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (SOGIESC) declaration for the ASEAN Intergovernmental Commission on Human Rights. Framing will begin with research of the status of LGBT

rights each ASEAN country and advocating to policymakers.

THE PRODUCERS

Tapping into content creators in film, journalism, visual arts, literary fiction and non-fiction, this group aims to create an online platform and form a sustainable group of LGBT creators to collaborate and inspire each other with creativity and passion. The platform will eventually become an archive of queer content where budding creators can find inspiration and mentorship.

FAKE NEWS

To ensure responsible and accurate reporting of violence and discrimination against the South Asian LGBT community, Fellows plan to create an online platform dedicated to combating “fake news,” providing evidence through fact-checking and interviews with victims, policymakers and policy advocates.

Salzburg Global Seminar plans to maintain contact with each of the Fellows to track the progress of their proposals. Updates and early impact stories will be published later in the year.

CHANGING HEARTS AND MINDS

A key function of the Forum is to deepen our understanding of the complexities of LGBT lives by sharing personal stories of both struggle and triumph. These tales of truth and transformation reveal the astounding resilience, strength and humanity that inspire the collective struggle for LGBT equality. Emphasizing our victories and sharing both pain and joy is key to influencing change within our societies; to change hearts and minds.

LIFE STORIES

Over the course of the week, we heard many inspiring stories from Fellows. During an Open Forum, Daniel Mendonca (India) brought many to tears recounting his life as a proud intersex person, sharing his journey from medical interventions and prostitution, to speaking at the UN. Debanuj DasGupta (USA) also shared deeply personal creative life writing pieces with the group.

Saira Mujtaba (India) shared the story of her uncle whose closeted existence would eventually lead him to end his life by way of suicide, which he referred to as “a murder at the hands of society.” She also recited a poem of his that she had translated, *We Shall Go There* (see page 14). The Forum would later induct Mujtaba’s late uncle as an honorary member of this chosen family.

In conversation with Forum Founder and Chair, Klaus Mueller, participants from Armenia, Nepal, and Bhutan shared their stories of truth and transformation, shedding light on the lived experiences of LGBT people in South Asia and beyond. Their stories revealed the intricacies and difficulties of coming out in conservative societies, many of which deny their existence or lack education about LGBT identities.

An intersex participant from Nepal, who was raised as female but developed as a male during puberty, explained how the lack of understanding about intersex people in his country caused overwhelming frustration and confusion about his identity. Without access to medical professionals who

understood intersex issues, it wasn’t until his mid-20s that he would come to understand his identity as an intersex person.

Similarly, a lesbian participant from Nepal explained how she was expelled from the army after being caught in a same-sex relationship. While being interrogated by her superiors, she was asked if she was a lesbian—a term she had never heard before. She recounted how a lack of education about LGBT identities left her puzzled about her lack of interest in marriage, or men. She would go on to take up activism in an effort to prevent others from facing workplace discrimination on the basis of sexuality.

Yet, despite the confines of conservative societies, those who have the opportunity to experience life as an LGBT person in more liberal countries still feel strong ties to their home. A participant from Armenia explained that he was sent to the US after coming out to his parents as a means of protection. But months of living openly as a gay man incited his determination to fight for social change in his home country.

A straight human rights defender from Bhutan shared a similar experience, noting that it was not until she left the sheltered borders of her country that she witnessed and openly discussed same-sex relationships. Upon meeting several members of Bhutan’s LGBT community, she became the first broadcast journalist to report on the section of Bhutan’s penal code that criminalizes homosexuality and began fighting to improve visibility of the LGBT community.

PHOTOGRAPHIC EXHIBITIONS

Photographers working in India and Bangladesh graced the Forum with their work celebrating LGBT lives. One project, Portraits of Gender Diversity in Bangladesh, showcased the many faces of gender identity within the hijra and wider LGBT community. Sukhdeep Singh, founder and editor-in-chief of India’s *Gaylaxy Magazine* introduced the magazines

2019 Queer Calendar, featuring portraits of 12 out and proud community members. A “choose your own adventure” cartoon project depicting the story of a lesbian girl from Bangladesh offered a new way of capturing audiences.

LGBT SHORT FILM FESTIVAL

A cherished tradition of the Salzburg Global LGBT Forum, the LGBT Short Film Festival, featured the world première of an experimental film and poem about Hanoi from Viet Nam's Bao Chau Nguyen; a screening of Cha Roque's *Slay*, a documentary showcasing the life a homosexual trans-androgynous gender-queer Filipino performance artist; and a live performance of an excerpt of *Contempt*, a play written by Danish Sheikh examining how Indian laws affect the queer experience.

Fellows also paid tribute to Nilu Doma Sherpa. Sherpa, a Fellow of the Salzburg Global LGBT Forum after taking part in *The Many Faces of LGBT Inclusion* in Thailand in 2016, was a Nepalese film director who directed the country's first lesbian film in which she portrays herself through the eyes of her friends. Her sudden passing in 2017 shocked and saddened members of the Forum. Following a moment of silence, Fellows celebrated her life and work by watching a short and innovative self-portrait documentary.

WE SHALL GO THERE

*"Where swallows would fly
And Night would spread
its cloak
And tell a talismanic tale
As long as the Devil's
entrails
We shall go there.*

*Where a ceaseless,
Unbaiting tale,
Beside a hearth of
centuries
Would warm its hands
And with every gone by
hour of the night
Would unearth itself
We shall go there.*

*Where in the ongoing tale,
We would slip in our story
too*

*And no one would know
That it's ours.
We shall go there.*

*Here,
People get startled
And look at us in awe
As if we were naked
We shall go there.*

*Here,
We are so naked
Absolutely stripped!
And alas! How unsafe!
Where cuckoos would sing
And laden with a fragrant
breeze
The swan from the Sun God
Would spread its rainbow
wings
And hover carefree over
wavy paddy fields*

We shall go there."

– Mohammad Aslam,
translate by his niece,
Saira Mujtaba





CONCLUDING THOUGHTS AND NEXT STEPS

By Klaus Mueller, Founder and Chair – Salzburg Global LGBT Forum

This year's program – *Advancing Legal and Social Equality in South Asia* – marked the sixth gathering of the Salzburg Global LGBT Forum and saw us grow both in participation and ambition.

With our second gathering in Asia, we deepened our understanding of our Forum's "globalness." Today more than 40% percent of the Forum's Fellows come from Asia. Asia accounts for 60% of the world population; global progress on equality for LGBT people will depend on advancements in the region. We hope that our meeting can contribute to amplifying Asian voices in the global, yet still strongly Western-dominated, discourse on LGBT legal and social equality.

With our new focus on campaigning and longer-term collaboration, our Fellows proposed ambitious new projects that they will work on together in the coming months and years. We now plan to track the progress of the Fellows' projects and to support them in the roll-out, connecting them to the wider Salzburg Global LGBT Forum network and the Salzburg Global Fellowship as a whole, and continuing close cooperation with our partner UNDP and the Being LGBTI in Asia and the Pacific program. An update report is planned for the Fall.

In our past gatherings, we heard personal stories of truth and transformation from our lesbian, gay, bisexual and transgender Fellows. This year, we learned greatly from our two intersex Fellows, who touched us deeply with their stories of tremendous suffering, isolation – and resilience. We also heard powerful testimonies from our straight allies of why they have joined us as human rights defenders. And while the region flirted with war, participants from Pakistan and India worked closely together. Our Forum prospers on diversity and inclusion, with wonderful and unexpected connections.

Many of the themes we explored in Nepal emerged most prominently in the program's last session where we formed a circle and invited everyone to speak. For some Fellows, the Forum's gathering and sense of community was the first time that their sexual orientation, gender identity or expression was no longer a liability that held them back, but a gift that brought them to a good place, a nurturing community, and access to a global network. In different ways, Fellows turn this recognition into strength and leadership. Again, we

heard from our Fellows that they feel for them this not just a global network, but a “family of choice.”

We remain mindful that the global LGBT community is not homogenous and that our different identities and experiences can lead to tensions. The Forum, however, reminds us how we can thrive as a community when we embrace the richness of our lives, our differences and our commonalities.

Our Nepal program also informs our plans for the future work of the Forum, especially in discussions around the exclusion of LGBT people in their faith communities. We learned in Nepal that thankfully such historical exclusion is beginning to dissolve. Worldwide, LGBT people are insisting on their inclusion in religious and cultural traditions; and religious leaders and their congregations across all denominations have begun to interpret their own beliefs in ways that are more inclusive. Such global positive changes are still nascent,

however, and they must be supported and expanded to achieve the potential they represent for advancing equality. We hope to contribute to ways in which religious and cultural leaders, congregations, and LGBT people can together form inclusive and supportive communities of belief.

Starting with a program in Salzburg in November 2019, Salzburg Global Seminar will begin a new initiative of the Salzburg Global LGBT Forum to address issues of religion, cultural history, and LGBT inclusion (and exclusion) in religious communities. The “Faith Is...?” project will be modelled after our successful “Family Is...?” project, through which we produced a global portrait of our families of birth, choice and those we raise.

We welcome interest from partners and Fellows who wish to support us in taking this new initiative forward.



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Nicole Bogart is an accomplished journalist and writer based in Toronto, Canada. Her work aims to promote the intrinsic value of storytelling in our understanding of global issues, particularly LGBT and women's rights. Nicole is passionate about creating human connections to these issues in an effort to promote understanding and equality. She is a co-author of *Salzburg Global LGBT Forum: Building a Global Community*, a report chronicling the first five years of the Salzburg Global LGBT Forum. She previously served as rapporteur for Salzburg Global's Culture, Arts and Society series, and as an intern with the communications team. Nicole studied journalism at Humber College, Toronto, Canada.

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SALZBURG GLOBAL SEMINAR

Salzburg Global Seminar is an independent non-profit organization founded in 1947 to challenge current and future leaders to shape a better world. Our multi-year programs aim to bridge divides, expand collaboration and transform systems.

Salzburg Global convenes outstanding talent across generations, cultures and sectors to inspire new thinking and action, and to connect local innovators with global resources. We foster lasting networks and partnerships for creative, just and sustainable change.

Over 36,000 Fellows from more than 170 countries have come together through our work, with many rising to senior leadership positions. Our historic home at Schloss Leopoldskron in Salzburg, Austria – now also an award-winning hotel – allows us to welcome all participants in conditions of trust and openness.

SALZBURG GLOBAL LGBT FORUM

The Salzburg Global LGBT Forum advances the human rights of LGBT people and communities around the world. Founded in 2013, it has created a trusted 72-country network of LGBT and human rights leaders to facilitate open exchange and collaboration in highly-diverse contexts, spanning government, law, diplomacy, religion, finance, media and culture.

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