



Advancing the human rights of lesbian, gay, bisexual, transgender and intersex people in the Asia Pacific region!

## Newsletter Issue 1 November 2014

### Welcome to the first Kaleidoscope Australia Human Rights Foundation Newsletter.

#### President's Message

Anniversaries are a good time to take stock, reflect on the past and look to the future. Kaleidoscope Australia has now been in existence for a year, and as I reflect on the past 12 months, I realise we have achieved a lot, but there is still so much more to do.

We would not have accomplished what we have without the passionate commitment of our many supporters and volunteers. Whether you donated money, pro bono services, time as a volunteer or simply gave us your moral support, it is very much appreciated. Without you, the Board of Kaleidoscope Australia would have achieved very little! As it is we can rightly be proud of all we have undertaken in such a short time.

An especially big thank-you goes to our Patron, The Hon Michael Kirby AC CMG. He did not hesitate to support Kaleidoscope from the very beginning, and has been a tireless advocate of our work, including via this short video message:

<http://youtu.be/kal4T56cmoA>

We have established good relationships with politicians from all parties and regularly engage in practical discussions about Australia's role in promoting LGBTI rights in the Asia Pacific region. We were delighted to be able to participate in the DFAT NGO Forum on Human Rights in August 2014, where we were able to encourage the Government to ensure that, within its foreign policy work, it engages in constructive dialogue with our near neighbours on promoting and protecting the rights of LGBTI people.

Kaleidoscope has been actively engaging with various UN human rights bodies to raise concerns about the violation of rights of LGBTI people in a number of countries in the Asia Pacific region. We do this by researching and writing Shadow Reports, with pro bono assistance from a number of law firms, including DLA Piper and K&L Gates, and in full collaboration with activists on the ground in each country. So far we have submitted reports for Nepal, Cambodia, Japan and Sri Lanka. We will share more about the impact of these Shadow Reports in our next newsletter.

Our online presence has grown rapidly. We are now able to connect with our supporters in Australia and activists throughout the Asia Pacific region through [our website](#), [twitter](#), [Facebook](#) and [LinkedIn](#). In a relatively short space of time we have become a trusted voice for issues relating to the protection and promotion of LGBTI rights in our corner of the world.

We have also created a [website](#) that documents the 79 countries that continue to criminalise homosexuality and sets out the specific criminal law provisions along with the international human rights treaties that these governments have agreed to abide by. This site has quickly become a reliable, up-to-date source of data on which countries still treat homosexuality as a crime and the penalties they impose for these 'offences'.

I look forward to keeping you informed of our work, and its impact, via our newsletters. Please do not hesitate to get in touch with me if you have any questions about activities, or would like to get involved with Kaleidoscope's work.

**Dr Paula Gerber, President, Email: [paula.gerber@monash.edu](mailto:paula.gerber@monash.edu)**



# Newsletter

## Issue 1



### International Conference: Promoting the human rights of LGBT persons: next steps for international institutions and civil society?

In September 2014, Kaleidoscope Australia's President, Dr Paula Gerber attended this invitation only event in the UK (<https://www.wiltonpark.org.uk/conference/wp1312/>). Organised by Wilton Park, and held in a secluded castle in West Sussex, this conference brought together policy makers, legislators, civil society and academics to consider different



perspectives on LGBT equality and identify how best to approach national legislators and promote equality; identify the challenges and potential areas for progress in promoting the human rights of LGBT persons; share lessons learned and best practice measures amongst representative civil society groups to increase capacity to provide

protection from harm; and strengthen international focus and collaboration on the issue of promoting the human rights of LGBT persons.

Approximately 50 LGBT activists and allies from such diverse countries as Uganda, Belize, Tonga, China, Switzerland and many others were given the time and space to engage in strategic discussions and negotiations about advocating for LGBT rights and appropriate international, regional and local activities to combat homophobia, persecution and discrimination.

Paula was able to make a valuable contribution, not only through chairing a working group, but also by making an impromptu presentation on intersex issues, when she was able to convince the organisers that this was a topic that had not been included in the program, and needed to be addressed.

The Final Conference Report used the 'I', noting that:

*"It is widely recognised that the current international climate presents both a time of great danger and of opportunity. The human rights situation for many LGBTI persons around the world continues to be in urgent need of improvement, and in some cases is getting worse. However, there is currently significant international attention focused on the issue and some important steps forward have been made."*

The full report can be accessed at: <https://www.wiltonpark.org.uk/wp-content/uploads/WP1312-Report.pdf>

In the coming years Kaleidoscope Australia will work with many of the activists and advocates at this conference to improve respect for the rights of LGBTI persons at both the local, regional and international levels.

#### QUICK FACTS:

**Kaleidoscope Australia Human Rights Foundation**

**Founded** 2013

**ABN** 49165832986

**Location** Melbourne & Sydney, Australia

**Focus** Kaleidoscope Australia Human Rights Foundation is a not-for-profit organisation committed to promoting and protecting the human rights of lesbian, gay, bisexual, transgender and intersex people in the Asia Pacific region.

We work directly with local activists to enhance their capacity to combat prejudice, hostile authorities and discriminatory laws, helping them achieve the freedom and equality essential to living a life of dignity.

#### Web:

[www.kaleidoscopeaustralia.com](http://www.kaleidoscopeaustralia.com)

#### Follow us:



@KaleidoscopeHRF



"Kaleidoscope Australia Human Rights Foundation"



## The state of LGBTI human rights in our region in 2013/14

### SOUTH EAST ASIA

The last year has seen a number of setbacks in attempts to reform laws criminalising homosexuality in South East Asia, including:

- the Indian Supreme Court, in December 2013, overturning the lower court decision which found that the laws criminalising sexual conduct between consenting men was unconstitutional;
- the announcement by the Government of Brunei, in April 2014, that it will be introducing the death penalty for homosexuality as part of its implementation of Sharia law;
- an increase in the penalty for male homosexuality in the Aceh province of Indonesia in September 2014; and
- Singapore's highest court ruling, in October 2014, that the law that criminalises sex between men is consistent with the Constitution and does not violate human rights.



But in the midst of this gloom there are still reasons to be positive. The reintroduction of the anti-sodomy law in India has triggered a massive upswing of truly imaginative activism across the continent that bodes well for the future. In China, Vietnam and Taiwan, activists are finding new confidence in challenging the prejudices in highly conservative societies. The formation of the first ever gay magazine in Bangladesh gives hope that for some at least, the idea of gay rights is no longer an alien concept. In addition, Pakistan, India and Bangladesh have all decriminalised and/or provided protection to third gender “Hijra” minorities. Indeed, in Pakistan, the Hijra are being employed by the state to help recoup tax arrears! Similarly a court judgement in early November saw anti-trans sharia law in Negeri Sembilan state struck down when challenged by three trans women. We hope that the debate in India will progress further in the coming year, and repeal of the odious criminal laws be effected through Parliament rather than through the courts.

### PACIFIC

The wonderful news that Palau decriminalised male homosexuality in July 2014, capped off a year otherwise devoid of significant developments in Oceania. We congratulate the Palau Government on taking this positive action, and all the LGBTI activists in the region who worked towards achieving this goal.

It's never a good idea to try to predict when reform might happen in other nations, but we are optimistic that there may be progress in repealing the laws criminalising homosexuality in the Cook Islands and Nauru where the Australian and New Zealand Governments have been providing assistance with the drafting of new criminal laws.



Otherwise most other oceanic nations that criminalise homosexual conduct (Samoa, Tonga, Tuvalu, Kiribati, PNG and Solomon Islands) do not show any signs that they are ready to repeal these laws, a legacy of the British Empire. Though most of the island nations do not actively enforce the sodomy laws, their very existing can be used to justify discrimination against LGBT people.

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### Sydney Working Group

Kaleidoscope Australia set up a Sydney Working Group in July 2014, to focus on building connections and relationships with local groups in Sydney and to strengthen our relationship with LGBTI activists in the Pacific Region. If you would like to get involved or are part of a local group that is interested in working with Kaleidoscope, please contact board member Bruce Pywell at [bruce.pywell@gmail.com](mailto:bruce.pywell@gmail.com).

We are looking at establishing a similar working group in Melbourne that will focus on our activities in the South East Asia region. If you would like to be involved in that group, please contact us via the website contact form: <http://www.kaleidoscopeaustralia.com/contact/>

### A message from our colleagues at Kaleidoscope Trust (UK)

The Kaleidoscope Trust was set up in 2011, to address the fact that no UK organisation bringing to bear, the substantial resources of Britain, to support LGBT communities across the world. As many, though not all, of the challenges facing LGBT people in the UK have been overcome, it is important that the UK community joins the international struggle against the persecution, discrimination and criminalisation faced by LGBT people in many parts of the world.

In our short history, we have had many successes. We have been able to secure cross-party support for the rights of LGBT people in the international space. The issue of whether the UK should support LGBT in the global arena has been truly answered. We have been honoured to work closely with the amazing and inspiring activists at the forefront of the battle to secure equal rights for LGBT people and we continue to work closely with activists in Africa, the Caribbean and Eastern Europe.

We are incredibly excited about the launch of the Kaleidoscope Australia Human Rights Foundation. Australia has an important role to play in the international struggle for LGBT equality. It is an important regional and international voice and we know that the brilliant and dedicated KHRF team will ensure that that voices of LGBT people in the Asia Pacific region are raised in the most productive and effective way.



Struggles internationally and at home are not separate, but are part of the same battle. The fight to secure equality, dignity and human rights for all LGBT people is global, and it's great to have our sister organisation in Australia bringing such experience and expertise to the global struggle.

*Alistair Stewart, Acting Executive Director Kaleidoscope Trust*

Please feel free to let us know what you think about this newsletter or make suggestions. Just complete the form on this page: <http://www.kaleidoscopeaustralia.com/contact/>