

2017

HUMAN RIGHTS VIOLATIONS REPORT

SOUTH ASIAN HUMAN RIGHTS
ASSOCIATION OF PEOPLE
MARGINALIZED BECAUSE OF THEIR
SEXUALITIES AND GENDER
IDENTITY/EXPRESSION



SAHRA



To deny people their
human rights is to
challenge their very
humanity.

Nelson Mandela

ANNUAL HUMAN RIGHTS VIOLATIONS REPORT 2017



CONTENTS

06

INTRODUCTION

10

ABOUT THIS REPORT

12

COUNTRY CONTEXT

20

FACTS AND FINDINGS

34

HUMAN SUFFERING BEHIND THE NUMBERS

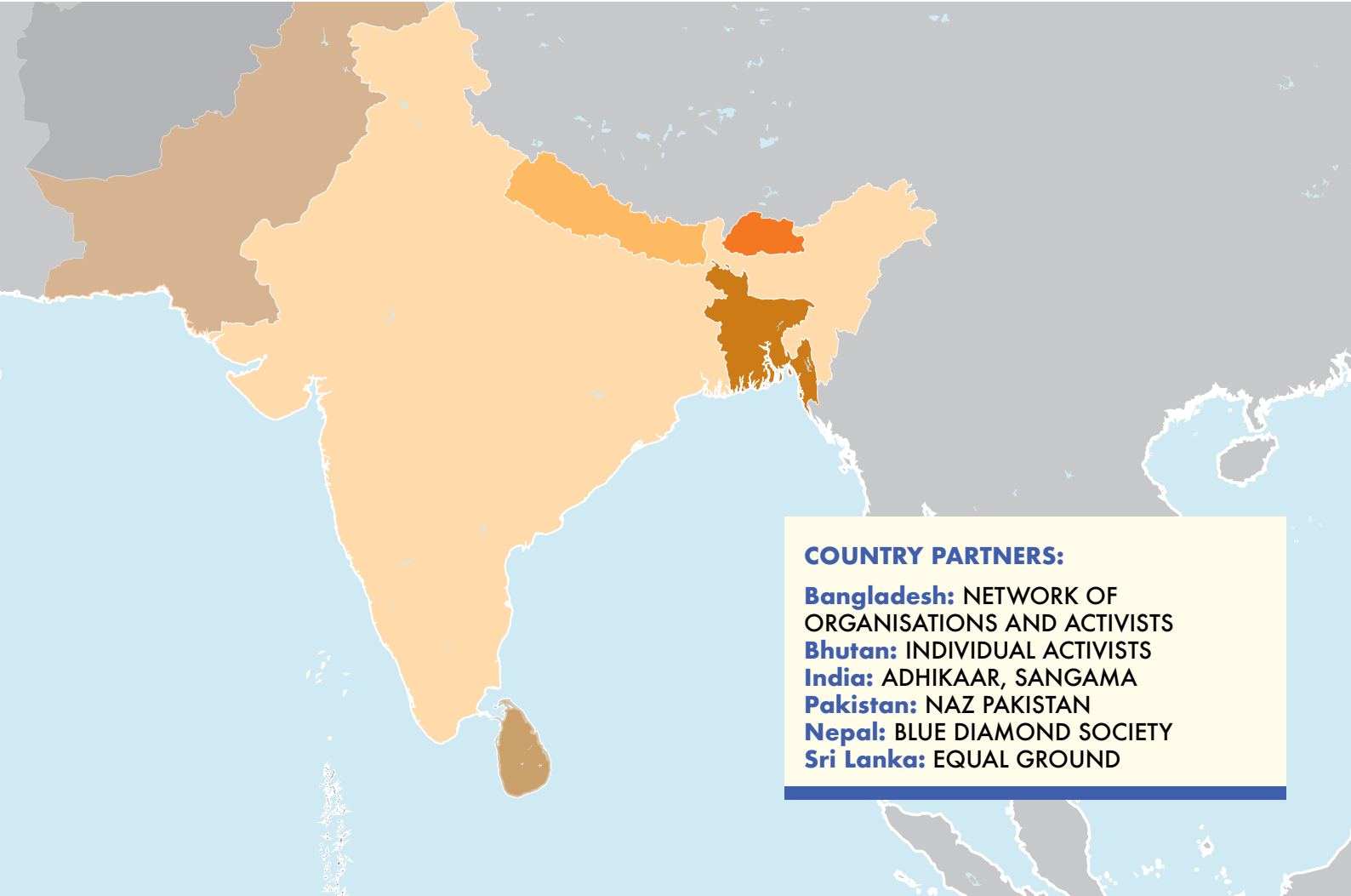
40

CONCLUSIONS

42

RECOMMENDATIONS

INTRODUCTION



COUNTRY PARTNERS:

Bangladesh: NETWORK OF ORGANISATIONS AND ACTIVISTS

Bhutan: INDIVIDUAL ACTIVISTS

India: ADHIKAAR, SANGAMA

Pakistan: NAZ PAKISTAN

Nepal: BLUE DIAMOND SOCIETY

Sri Lanka: EQUAL GROUND

The human rights situation remains austere in South Asia. Repression is on the rise, with clamp down on civil society, increased restrictions on foreign funding, and attempts to make human rights a dirty word.

Bloggers are being hacked to death, foreign exchange laws being used to restrict resources to civil society organisations, religious extremism being used against sexual and gender minorities, labelling political dissent as anti-national and seditious, and increased hate crimes.

In this milieu, terms like “Homophobia” and “Transphobia” are limiting. Sexual and gender minorities are punished for their non-conformance to norms of “masculine” and “feminine” as also for their suspected sexual conduct. Societal expectations of sex and gender are barriers to extending rights to LGBTI within South Asia.

The politicisation of religion for electoral gains as a religious fundamentalists’ strategy is another menace faced by countries like Pakistan, India, Bangladesh and Sri Lanka. “Culture” as a monolithic realm of civilizational values becomes the precinct where political rhetoric, nationalism, religious intolerance combine to exclude sexual and gender minorities.

Most countries in South Asia, except Nepal, continue to have “sodomy” laws, criminalizing consensual homosexual conduct, which is a part of colonial justice system. In addition, Pakistan has a second layer of religious laws against homosexuality, called the Hudood Ordinances, that make it the only country

in the region which enforces whipping and the death penalty for homosexuality.

It is extremely important to acknowledge that sexual and gender minorities are not isolated from dominant structures in the society. Imperialism, capitalism and state hegemony fuels the increase in violations and leads to marginalization.

It is important to critically analyse the legal and policy advocacy of sexual and gender minorities in light of more recent struggles of other marginalised groups that often overlap with the LGBTI populations, such as that of queer women, dalits etc. The law often recognises violence in a way that it does not in many other acts, which opens the possibility of advocacy when documented instances of violence is at the centre. Many social movements have spoken to the law in this language, by highlighting instances of violence, while the issues affecting them might be broader.

Despite the legal status and positive legislations regarding transgender rights in some parts of South Asia, laws against “indecent,” “public nuisance,” and sex work are still in place that allow widespread police harassment of sexual and gender minorities, some more than the other. On a positive note, the sexual and gender minorities’ social status is consolidating in a slow manner, with transgender rights progressing at a faster pace than the rights of sexual minorities.

This consolidation is a result of a concerted effort of grassroots movement in the South Asian countries, led by Community Based Organisations (CBOs) aiming to make governments

ABBREVIATIONS AND LIST OF TERMS¹⁾

Bisexual A person who emotionally and/or sexually is attracted to more than one gender.

Gender identity Refers to each person's internal and individual experience of gender, which may or may not correspond with the sex they were assigned at birth (ILGA).

FRI The Norwegian Organization for Sexual and Gender Identity.

Heteronormativity The widespread idea that everyone is and/or should be heterosexual and identify as the same gender they were assigned by birth.

Homophobia The irrational hatred, intolerance, and fear of lesbian, gay and bisexual people.

Homosexual/Gay A man who is emotionally and/or sexually attracted to men. The terms homosexual and gay are sometimes also used to cover lesbian women and bisexual people, but this is disputed.

Intersex A person with physical traits that lie between stereotypical ideals of male and female.

Lesbian A woman who is sexually and/or emotionally attracted to women.

LGBTI Lesbian, Gay, Bisexual, Transgender and Intersex.

Marginalised genders and sexualities All regional variations that exist of sexual orientation, gender identities and expression, such as hijra, zenana, kothi, nacho, meti, third gender, lesbian, gay, bisexual, transgender, intersex and queer.

NHRC National Human Rights Commission.

SAHRA South Asia Human Rights Association of People Marginalised Because of their Sexualities and Gender Identity/Expression.

Sexual orientation Refers to each person's capacity for profound affection, emotional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender (ILGA).

SOGI Sexual Orientation and Gender Identity.

Transgender A person whose gender identity differs from the gender assigned to them at birth.

Vision

SAHRA believes in the inherent right to dignity, security, equal opportunity, and freedom of all in South Asia, regardless of their sexual orientations and gender identities and expressions. It envisages a world where every LGBTI person enjoys the human rights enshrined in the Universal Declaration of Human Rights (UDHR) and as expressed in the Yogyakarta Principles, and codified in the fundamental rights given in the respective constitutions of the South Asian countries.

Mission

SAHRA's mission is to protect, promote, and fulfil the human rights of LGBTI persons and their defenders in South Asia by strengthening the impact and influence of organisations, advocates and movements working to advance the rights of LGBTI persons in the region; and by holding the South Asian states accountable for these rights.

more responsive to the needs of its citizens, without any discrimination on the basis of their sexual orientation and gender identity, and supported largely with the financial and technical assistance of international development partners.

Technical and financial support has primarily been within the framework of response to sexual and reproductive health needs, with relatively minimal investments for direct work on human rights. These minimal investments have primarily focused on building capacities, increasing human rights literacy and advocacy efforts. Hardly any effort has been made until now in strengthening the research capacity of grassroots level organizations.

This has led to an acute paucity of data for evidence based advocacy work. SAHRA - The South Asia Human Rights Association of People Marginalized Because of their Sexualities and Gender Identity/Expression aims to address this gap through supporting documentation of human rights violation cases which could then be leveraged upon by the country organizations to analyse and generate evidence for their in-country advocacy initiatives.

SAHRA AND THE PROJECT

The South Asia Human Rights Association of People Marginalized Because of their Sexualities and Gender Identity/Expression (SAHRA), is a regional network of grassroots organisations and activists in South Asia with a mission to systematically document human rights violations against sexual and gender minorities in the region, to respond

to these violations, and to strongly advocate for an increase in the recognition, protection and promotion of human rights.

It was founded by a group of 20 human rights activist from Bangladesh, India, Nepal, Pakistan, and Sri Lanka at a regional activist meeting convened in Kathmandu in September 2008. After national consultations with around 500 members from the different lesbian, gay, bisexual, transgender and intersex (LGBTI) communities in Nepal, India, Pakistan, Bangladesh and Sri Lanka, an interim task force was formed.

The interim task force finalised SAHRA's Constitution, identified partner organisations in the different countries and regions, and set up Steering Committees in each country to advise on and assist the partner organisations in the collection of data on human rights violations against sexual and gender minorities. Representatives of the Steering Committees convene annually, and form the highest decision-making body of SAHRA.

This effort is supported by FRI – The Norwegian Organization for Sexual and Gender Equality and implemented through LGBTI organizations in each of the countries. Work in Bhutan has begun in 2016, and work in Pakistan will start in 2017.

ABOUT THIS REPORT



This report is the result of collaboration between grassroots LGBTI organisations and activists from five South Asian countries.

The collected data contributes to filling a gap in the available research on the human rights violations experienced by sexual and gender minorities in South Asia. Sexual and gender minorities have not been a prioritised target group of public and academic research, and there is a dearth of systematic, high-quality data on a regional level.

Furthermore, due to factors such as under-reporting by victims, criminalisation of homosexuality and non-gender conforming expressions, discrimination, lacking resources and corruption, human rights violations against sexual and gender minorities have not been sufficiently taken up and documented in the legal system.

The legitimacy and networks that SAHRA and its grassroots partner organisations have in the communities has given SAHRA a crucial access to, and trust of, populations that are otherwise under-represented in official data and in academic research.

SAHRA believes that this report will strengthen the impact and influence of organisations, advocates, and movements working to advance the rights of marginalised sexualities and genders in the region, and thus contribute towards an increase in the protection, promotion and fulfilment of the human rights of lesbian, gay, bisexual, transgender, and intersex persons and their defenders in South Asia.

It is our hope that the documentation of human rights violations will be beneficial to human rights' organisations in support in crisis intervention, seeking redress and remedies, changing policies, changing behaviour and attitudes of authorities, raising public awareness.

This report includes analysis and presentation of 202 cases of human rights violations against sexual and gender minorities documented across Bangladesh, Bhutan, India, Nepal and Sri Lanka in the year 2016.

COUNTRY CONTEXT



Despite the social and political diversity among the five countries covered under this report, there are commonalities in the social and cultural framework and structural issues that impinge upon the lives and human rights of sexual and gender minorities.

Lives of sexual and gender minorities across South Asia are shrouded in silence and invisibility due to a range of socio-cultural, religious, legal and political issues. The risks and vulnerabilities that sexual and gender minorities face are by-products of biases and prejudices of a predominantly heteronormative society.

Most of the work with sexual and gender minorities across the South Asian countries started in the context of prevention and control of HIV, which not only provided resources and opportunities for collectivization of groups and identities but also platforms for expressing the life situations that shape the risks and vulnerabilities they experience.

It would be fair to suggest that the health umbrella accorded the governments of the region the ‘fig leaf’ to allow work with sexual and gender minorities, even while continuing with discriminatory laws and policies targeting sexual and gender minorities. However the process itself had its own dynamic, wherein, the important role that rights play in the extension of health had an effect on how rights was perceived by the groups formed under the heading of HIV prevention. Resources that were made available under HIV prevention work led to mobilization of communities, which in turn led to an awareness about rights, and a demand for right. This then had the

effect of politicizing these groups to claim rights and advocate for legal and policy changes. The various strategies that were adopted included legal and social interventions, linkages and collaboration with other social movements, and opening up of LGBTI issues within cultural spaces and expressions.

Thus gradually we witnessed an increasing consciousness towards integrating human rights perspective in responses, which were hitherto predominantly concerned with health. However, we cannot yet claim that we have achieved an optimal level of activism for the human rights of sexual and gender minorities.

Most of the work with sexual and gender minorities continue to remain within the framework of prevention of HIV, their human rights continue to be grossly violated in a political environment steeped with scant respect for human rights in general, and funding opportunities for interventions on human rights and sexual and gender minorities continue to remain few and far between. While this remains the overarching characteristic of the environment, the movement is at different stages in different countries.

Bangladesh

The transgender community, more specifically hijra, is accepted in the Bangladeshi society but same-sex sexual activity, whether in public or private, is illegal and punishable with fines and up to life imprisonment under Section 377 of the Penal Code 1860. Although there has been no case filed under Section 377, the law enforcement agency exercise impunity to act against all sexual minorities in an extra legal and extra

judicial manner. Moreover, in a predominant Muslim country, homosexuality is viewed from an Islamic perspective and considered as sin. Government of Bangladesh recognised hijras as third gender in 2013 allowing them the identity of a separate gender on all official documents. The National Human Rights Commission of Bangladesh drafted the first ever Anti-discrimination Bill in collaboration with the Law Commission of Bangladesh and submitted to the government for enactment in 2014. This Act prohibits discrimination on the basis of one's sexual orientation. The government has not yet acted on this draft legislation.

Bhutan

In Bhutan the legal situation is best captured by the statements of one of its members of parliament:

“In Bhutan, we are currently reviewing the legal provisions in Bhutanese law which discriminate and criminalize LGBTI people, and will be making the necessary recommendations for amendments.”

“This opportunity [Salzburg Global LGBTI Forum in Asia] gives us a unique chance to learn about the needs and issues concerning the LGBTI community, and how we, as lawmakers, can make a difference to improve their well-being.”²⁾

India

Section 377 of the Indian Penal code criminalises consensual sodomy, but this provision has been used to effectively criminalise all forms of same sex desires. For legal redress and in pursuit of decriminalization, Section 377 was challenged in the Delhi High Court, and by a judgment passed in July 2009

the Delhi High Court ruled that “We declare that Section 377 of the IPC, insofar as it criminalises consensual sexual acts of adults in private, is violative of Articles 21 [Right to Protection of Life and Personal Liberty], 14 [Right to Equality before Law] and 15 [Prohibition of Discrimination on Grounds of Religion, Race, Caste, Sex or Place of Birth] of the Constitution.

“We hold that sexual orientation is a ground analogous to sex, and that discrimination on sexual orientation is not permitted under Article 15,”

Thus, homosexuality was effectively de-criminalized in India. Thereafter some religious and right wing groups challenged the judgment in the Supreme Court of India, which overturned the judgment by a decision passed in December 2013. This decision was widely criticized by the legal fraternity and the media. In response to the criticism, the Supreme Court of India has agreed to re-examine the matter all over again, and has accepted to hear a ‘Curative Petition’ against its own judgment, to be heard by a constitutional bench of 5 judges. The case is presently pending this scrutiny of the Supreme Court.

Irrespective of how the Supreme Court has handled the matter of same sex sexual relations, via its judgment in the 377 case, it has by a judgment passed in April 2014 granted equal citizenship rights and rights of self-determination to transgender persons. This judgment compels the states of India to form welfare boards to address transgender issues, and instructs the government to institute reservation in education and jobs for transgender persons.

Nepal

is the first country in South Asia to introduce a third legal gender in 2007 by the Supreme Court. Nepal has promulgated its new constitution on 16 September 2015. The new constitution has provisions for sexual and gender minorities, which include rights to citizenship, right to social justice and equality (Articles 12, 18 and 42). Amendment proposal has been made to the Parliament for the new Civil and Criminal Code addressing the existing discriminatory provisions against LGBTI people.

Sri Lanka

The Fundamental Rights Chapter in the Sri Lankan Constitution states that all persons are equal before the law (Article 12.1) and that no person shall be discriminated against on the ground of religion, language, caste, sex, political opinion, place of birth or any such grounds (Article 12.2). Section 365 of the Sri Lankan Penal Code which criminalizes same-sex relations between men, was amended in 1995 to cover men and women. The amendment also introduced Section 365A, gross indecency between persons. Although no one has been prosecuted under aforementioned laws, newspapers report arrests and subsequent fines imposed on LGBTI and heterosexual persons under the charges of gross indecency³). This law is also used by the police to intimidate LGBTI persons and to solicit bribes or sexual favours⁴). Homophobic and transphobic politicians have used this law to harass political opponents who support LGBTI rights in Sri Lanka⁵). In addition to Section 365 and 365A, laws against impersonation (Section 399 of the penal code) and the Vagrants Ordinance are used to harass transgender persons.

RECENT DEVELOPMENTS

Some of the recent developments within the countries are encouraging despite the overall challenges that pervade.

Bangladesh⁶

- ◆ National Human Rights Commission Bangladesh (NHRCB) prioritized marginalized and vulnerable population including sexual and gender minorities in their Strategic Plan 2015-2019
- ◆ A total of 1329 hijras have received educational stipend from the Department of Social Services. Old age pensions were extended to more than 2300 hijras. Government also started vocation trainings where 1500 hijras were trained on computer, beautification, cooking, tailoring and provided BDT 10,000 each as a start-up capital.

Bhutan

- ◆ Transgender persons and MSM included in the Integrated Behavioural and Biological Survey conducted by the National AIDS Control Program.
- ◆ Two members of the Parliament were sent to the Global Salzburg Forum in Thailand for exposure on issues related to sexual and gender minorities.
- ◆ School based sensitization and advocacy on LGBTI+ (Not HIV) were conducted in a large number of schools in the country.
- ◆ National Gender Seminar included LGBTI as one of their topics in the agenda⁷).
- ◆ IDAHOT 2016 day was observed with the raising of the

Equality Flag at the UN House and the state owned national print media (Kuensel) covered the event^{8, 9, 10}.

- ◆ National media (state owned) (Bhutan Broadcasting Service) interviewed representatives from the LGBTI community¹¹.
- ◆ First ever national media advocacy on LGBTI was conducted in the country.

India

- ◆ The Supreme Court passed a judgment in April 2014 (popularly known as the NALSA judgment), granting transgender persons many rights and privileges, including freedom from discrimination by the state, equal employment and education opportunity, recognition of their right to decide their legal gender, reservation in government jobs and in educational institutions, and setting up of transgender welfare boards by states.
- ◆ LGBTI issues are gaining traction in the popular imagination. However, this also leads to reactions and violence by right wing, conservative, and reactionary forces.
- ◆ Media has overwhelmingly (barring a few vernacular and or rights-wing papers) been in favour of LGBTI rights.
- ◆ In the cultural field a lot of things happened in the year 2016 that reinforce LGBTI rights in a positive manner. A movie (Aligarh) was released on the life of late gay University Professor, and the actor who played the professor won the best actor award in the nationally acclaimed Film Fare Awards.
- ◆ Now newer cities are organizing Pride marches (Nagpur, Gurgaon, and Vishakhapatnam).

- ◆ Queer café and gay parties are held in large numbers in big cities.
 - ◆ Flowering of LGBTI literature and writings: there are at least three main LGBTI magazines that are regularly published. There are LGBTI Film and theatre festivals, LGBTI social/Cultural events, first transgender Modelling agency in Delhi working in tandem with the fashion industry.
 - ◆ Formulation of transgender Policy by the state of Kerala
- All of these point to an improving climate in which the violence and violations of LGBTI rights as we witness it are becoming unacceptable to the larger mainstream.

Nepal

- ◆ NHRC has included sexual and gender minorities in its 5-year Strategic Plan in 2014 and has a focal person to address the issue.
- ◆ From 2015 NHRC has incorporated sexual and gender minorities in their Annual Reports.
- ◆ Third Gender people are addressed in the “National Youth Policy”. There is focal person and desk for LGBTI people in the NHRC office, and Human Rights Action Plans and National HIV Strategy and Action plan include LGBTI people.
- ◆ In addition, local level government authorities, district and village development committees and municipalities have started to make provisions for LGBTI people in their budgets.
- ◆ Seven main political parties including three biggest and leading parties have incorporated sexual and gender minorities in their political manifestos.

Sri Lanka

- ◆ The government appointed a parliamentary sub-committee to implement the process of constitutional reform. Subsequently Public Representations Committee (PRC) was established and the PRC gathered public opinions/ recommendations¹²). The fundamental rights section of the PRC final report¹³) included sexual orientation and gender identity as grounds of non-discrimination¹⁴).
- ◆ The Human Rights Commission of Sri Lanka (HRCSL) submitted an LGBTI inclusive recommendations report to the PRC.
- ◆ Gender Recognition Certification was introduced, and transgender/ transsexual persons are presently benefiting from it.
- ◆ Equal Ground, the partner organization of SAHRA in Sri Lanka, sensitized officials of branches of the HRCSL from six districts on sexual orientation and gender identity
- ◆ Sri Lanka's first national lawyers conference on sexual orientation and gender identity was held. 90 lawyers participated in the discourse on legal and social issues affecting sexual and gender minorities in the country.

ARTICULATION OF GOVERNMENT SUPPORT IN STATE BUDGETS

Budgets articulate the intent of the government to translate its policy decisions. Despite the prevalent government apathy, Bangladesh and Nepal are the only two out of five countries where government's budget allocation decisions reflect some interest towards protecting the rights of sexual and gender minorities.

In Bangladesh, the national government allocated US\$ 975,000 (US\$ 1 = BDT 82) for human rights and alternative livelihood projects for hijras. Likewise, in Nepal the Ministry of Women and Children has made budget allocations in 2016 for vocational training for LGBTI community.

The state of Karnataka in India allocated an amount of INR 20,000 per transgender as a seed amount for self-employment initiatives, however this remains an exception that highlights the norm that most states have allocated no budget for transgender welfare activity, and many states have not even set up the transgender welfare boards in spite of the clear directions of the Supreme Court.

CHALLENGES

Despite these developments, the day-to-day lives of sexual and gender minorities are saddled with discrimination and harassment. We continue to see cases of police harassment, discrimination and violence at homes, verbal abuse in social spaces and physical assault. The cases recorded in 2016 further substantiate this.

In Bangladesh there is a degree of recognition of the transgender community, but lesbian, gay, and bisexual persons face stigma, discrimination and non-acceptance in almost all sectors. In recent times, attacks on prominent LGBTI activists and several killings of transgender leaders has led the human rights movement of the LGBTI community into severe challenges and has created an atmosphere of fear.

In India, since recriminalisation, we see a stated increase in the degree of violence, discrimination, abuse and stigma against LGBTI individuals, much of which is perpetrated by the law enforcement agencies and is justified in the name of Section 377. A lot of supportive action for securing LGBTI persons' rights cannot be executed because of the opposition and ideological positioning of state agencies. Even constitutionally guaranteed fundamental rights, which in theory cannot be abridged, are often denied or violated, taking the excuse of Section 377.

Across all countries we see that although some human rights violations faced by gay, bisexual men and trans women are reported, most violation cases faced by lesbian and bisexual women and trans men go unreported.





DATA AND FINDINGS

The 202 cases that SAHRA has collected in 2016 paint a picture of the realities that LGBTI persons in South Asia face. However, the collected cases represent only a very small proportion of the total number of human rights violations committed in South Asia in 2016.

The sample shows that LGBTI persons from all parts and sections of society are exposed to human rights violations, but that the nature and perpetrators of the violations differ, most notably between men and trans women on the one hand, and women and trans men on the other.

While the former group is more likely to be targeted by the police and by strangers, the latter is more likely to be targeted by their families and employers. In very few cases are the police willing or able to sufficiently address the human rights violations, leading to impunity for the perpetrators.

METHODS AND LIMITATIONS

SAHRA has documented cases where we believe that the victim was targeted due his/her/their sexual orientation or gender identity. Cases where this connection has not been clear are not included in this analysis.

HOW ARE CASES DOCUMENTED AND BY WHOM?

- a. Staff and volunteers designated under SAHRA by the country offices, SAHRA Steering Committee members and community members were trained on human rights violation documentation in all countries, except Bhutan where the process has just begun.
- b. All trained staff, volunteers, CBO members, Steering Committee members report cases as and when they get to know of any such instances.
- c. In countries like Bangladesh and Nepal, where the country partners are operating legal helplines/tele-counselling support under other ongoing projects, these provide details of cases to the SAHRA documentation team.
- d. Cases are also reported through the media, social media or connections within existing human rights movements.
- e. Wherever possible and appropriate, witnesses have been interviewed, and information collected and validated.

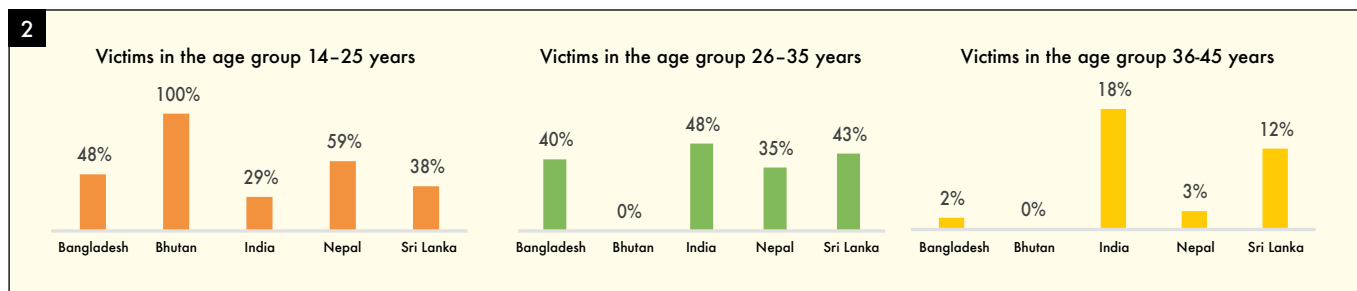
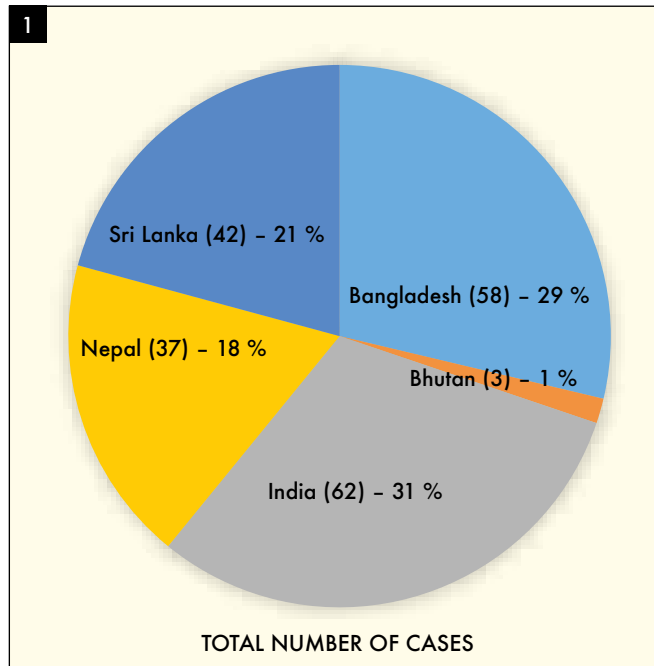
CHALLENGES IN DOCUMENTATION AND QUALITY OF DATA

- a. Victims and witnesses are often unwilling to report the human rights violations that they face. This unwillingness stems from concerns for personal safety, traumatisation of victims, fear of re-traumatisation, fear of archaic laws which criminalizes same sex desires and lacking incentives to report without any remuneration or reward.
- b. Another factor that impedes reporting of violations and violence is the normalization of violence in the lives of many LGBTI individuals, where their existence in a milieu of repeated violations has numbed them to the imagination that they are being violated. In other words, many individuals do not recognise that what is happening to them is a violation of their rights.
- c. As only those victims and witnesses familiar with SAHRA report the human rights violations they have experienced, it may be assumed that the data captures only a small portion of the total violations taking place in the countries. The voices of the most marginalised communities may be under-represented. The project may look at strategies for expanding the reach to such cases. In particular, SAHRA has been unable to capture cases from regions where there is no network of CBOs linked up with the country partner.
- d. The information in the database is verified through interviews with the victims. As such, the database consists of first-hand accounts of human rights violations. As no incentives are offered and no rewards given to the victims, and as they often report at great emotional costs and despite threats to their personal safety, we have little reason to believe that the victims willingly report erroneous data. The victim's

reports are verified through documentation such as medical records, media clips, photographs and witness statements to the extent possible.

DATA ANALYSIS AND LIMITATIONS

- a. The data recorded template is not designed with the rigour needed for advanced statistical analysis. As such basic descriptive statistical tools have been used alongside basic bi-variate analysis of some variables to identify trends.
- b. All trends presented here are valid only for project data and at the most be interpreted as indicative of larger picture, bearing in mind that the database is not adequate for any statistical inferences and hence not be considered as a representative picture of the human rights violations faced by sexual and gender minorities in South Asia as a whole. The vast majority of human rights violations against sexual and gender minorities remain unreported and this report provides only a very small sample of the instances.



VICTIMS AND THEIR SOCIO-DEMOGRAPHIC PROFILE

TOTAL CASES REPORTED BY COUNTRY

In 2016, the SAHRA network recorded 202 cases of human rights violations (*chart no. 1 – page 22*). The largest share of cases is from India (31 per cent), followed by Bangladesh, Sri Lanka and Nepal. Bangladesh and India contribute to 60 per cent of the total documented cases. Bhutan, which was included in the network only in 2016, has already started recording cases and has reported three of them despite training not yet done for Bhutan.

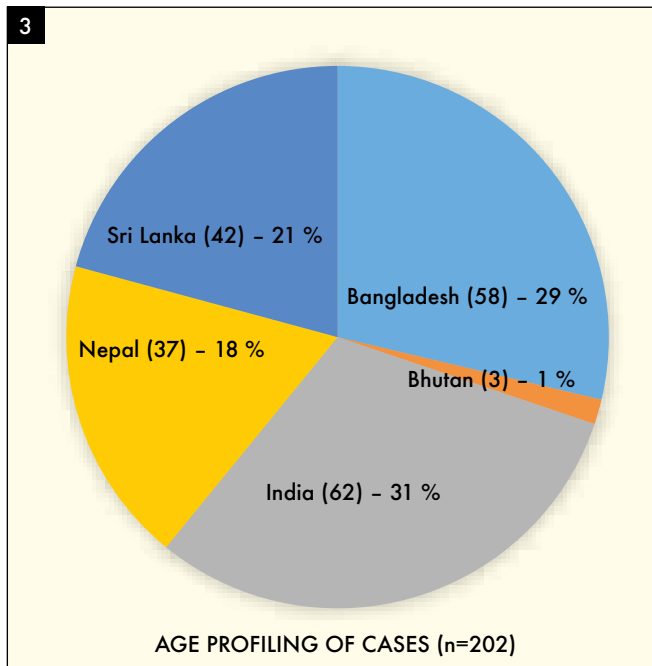
AGE OF VICTIMS¹⁵⁾

The mean age of victims is 26.4 years. Across the five countries, 85% of victims are between 14 and 35 years of age, almost half of whom are between 14 and 25 years. (*Chart no. 3 – page 23*).

Nepal has recorded highest share of victims (59 per cent) in the age group of 14-25 years.

In the age group of 26-35 years, largest share of cases (48 per cent) are from India.

Eighteen per cent of the total cases in India are in the age group of 36-45 years. This is 12 per cent in Sri Lanka and only around 2 per cent to 3 per cent in Bangladesh and Nepal. (*Chart no. 2 – page 22*).



SUMMARY

- Young people are exposed to human rights violations based on their sexual orientation or gender identity.
- Interventions need to focus on adolescent and young LGBTI.

EDUCATIONAL BACKGROUND¹⁶⁾

A large majority (63 per cent) of cases reported across five countries have up to higher secondary level of education. Sri Lanka has the highest share of cases (84 per cent) in this category, followed by Nepal (65 per cent), India (52 per cent) and Bangladesh (50 per cent).

Almost 10 per cent of the victims have no formal education. India and Nepal have 16 per cent of their respective reported victims with no formal education. This is only five per cent in Bangladesh.

For disaggregation of cases by education levels and countries, see the table below (*chart no. 4 – page 24*).

SUMMARY

- Human rights violations based on sexual orientation or gender identity happens across all educational levels.
- SAHRA believes that victims with higher educational level more often report human rights violations, and that there is under-reporting among people with lower educational levels.

PROFESSION OF VICTIMS¹⁷⁾

In 84 per cent of the data (170 cases), we have data about the profession of victims. Among these cases, sex workers constitute 31 per cent. The finding that there is an over-representation of sexual and gender minorities in sex work is consistent with other studies, and point toward the marginalization faced by this community and the difficulty of accessing other forms of employment.

However, the largest share of victims (43 per cent) work in the formal and informal private sector (including domestic workers, casual labourers, agricultural labourers and private sector employees). Students constitute 16 per cent of the total victims and 3 per cent of the victims are unemployed.

Nepal has the highest share (54 per cent) of victims who are involved in sex work, followed by India (42 per cent) and Bangladesh third at 10 per cent. None of the cases documented in Sri Lanka were from sex workers.

4 EDUCATION BACKGROUND OF VICTIMS						
Education Levels	Bangladesh	Bhutan	India	Nepal	Sri Lanka	Total
Higher education, University	13	0	11	1	10	35
Secondary	16	2	21	23	25	87
Pre primary and primary	12	1	20	7	1	41
No education	3	0	10	6	0	19
Missing data	14	0	0	0	6	20
Total	58	3	62	37	42	202

SUMMARY

- A large number of sexual and gender minorities who have reported human rights violations are involved in sex work. This exposes them to more intense, double discrimination.
- With 16 per cent of victims being students, there is a clear need for LGBTI friendly policies within the education sector.

CIVIL STATUS

74 per cent of the victims were unmarried. Of the remaining 26 per cent, 10 per cent were married to partners of their choice, 6 per cent to partners not of their choice and 1 per cent were separated. In only 8 per cent of the cases we did not have this data.

Other studies conducted by SAHRA country partners have revealed that marriage as a form of oppression that many sexual and gender minorities face. Even in cases where marriage

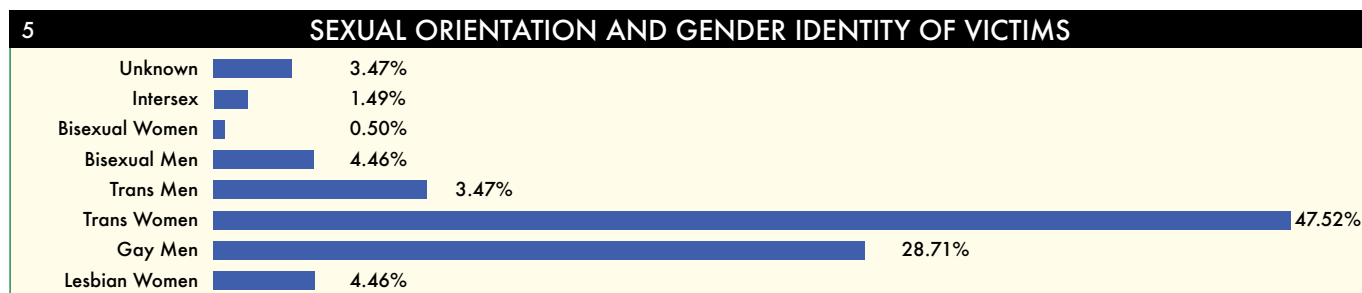
is not forced, the pressure to marry into a heteronormative framework is a severe source of emotional distress for LGBTI persons and their families.

SUMMARY

- Societal pressures that result in marriage lead to many sexual and gender minorities living dual lives, leading to increased vulnerability to human rights violations such as blackmail and oppression, as well as mental health problems.

SEXUAL ORIENTATION AND GENDER IDENTITY¹⁸

48 per cent of the cases across five countries are trans women followed by gay men (29 per cent of the cases, chart no. 5 – below). Lesbian women constituted 4 per cent of the cases. Data from 2016 clearly reveal that trans women and gay men are either more prone to violence or that country partners are able to reach/identify more cases from among trans women and gay



men. In either case, concerted effort needs to be put towards identifying cases of violence experienced by lesbian women, bisexual women and trans men.

A factor that may explain the over-representation of trans women in the data is that trans women are the most visible group among sexual and gender minorities in South Asia. Their visibility is likely to expose them to a greater degree of human rights violations.

This points toward the risks that sexual and gender minorities face in being open about their sexual orientation or gender identity. Another explanation lies in the fact that the human rights of trans women is explicitly recognized by the South Asian countries. This contributes to an awareness of human rights among this group, and increases the likelihood of human rights violations being reported.

SUMMARY

Protecting the human rights of all sexual and gender minorities is equally important

- **Trans women are over-represented among the victims of human rights violations based on sexual orientation and gender identity, possibly due to their visibility in society.**
- **Educating sexual and gender minorities on their human rights is an important tool to increase the reporting of human rights violations, and thereby to have violations addressed.**

NATURE OF VIOLATIONS EXPERIENCED

TYPES OF VIOLATIONS, SEXUAL ORIENTATION AND GENDER IDENTITY

Analysis of data reveals that all 202 documented cases can be broadly categorized into 14 different kinds of violations. See table (*Chart no. 6 – page 28*) for cross tabulation of gender identity-wise types of violations experienced.

Physical assault and verbal abuse constitute an overwhelming 74 per cent of the cases. Data reveals threats are experienced by the sexual and gender minorities in about 5 per cent of the cases and unlawful arrest in 4 per cent. All other categories mentioned in the table above constitute 18 per cent of the cases.

Top five violations that comprise 86 per cent of reported cases are physical assault, verbal abuse, threats of different kinds, unlawful arrest and violations related to property, inheritance rights and eviction from home (*See chart no 7 – page 28*).

Analysis of records related to verbal abuse and physical assault do not reveal a major differential when disaggregated by gender identity or by the age of victims.

Data reveals that lives of LGBTI are punctuated with a range of violations ranging from the most heinous of crimes against humanity, that is murder, to the traumatic event of being

4

**PEOPLE WERE MURDERED BECAUSE
OF THEIR SEXUAL ORIENTATION OR
GENDER IDENTITY**

**FOR LESBIAN AND BISEXUAL
WOMEN AND TRANS MEN,
FAMILIES
AND EMPLOYERS
ARE THE MAIN PERPETRATORS**

14

AGE OF THE YOUNGEST VICTIM

ONLY

9%

**OF THE CASES WERE
REPORTED TO THE POLICE**

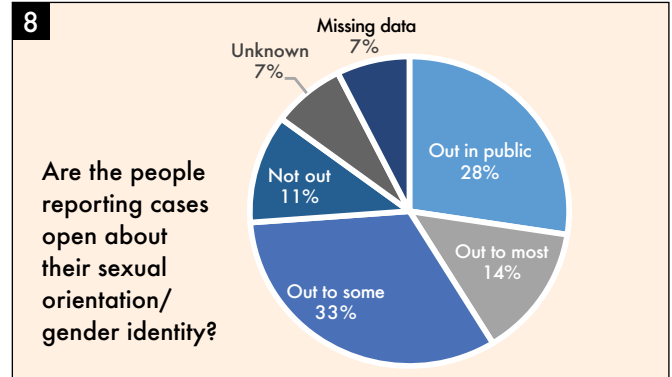
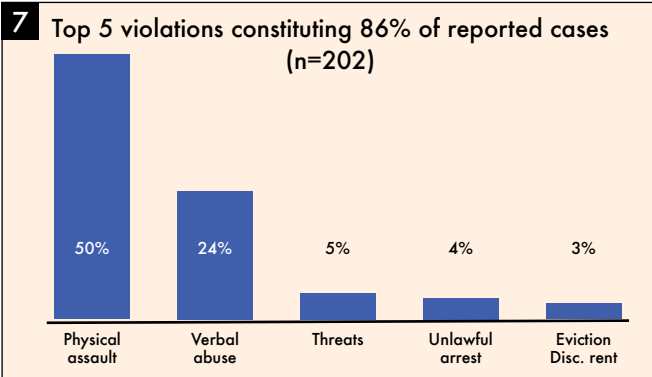
HALF

**OF THE VICTIMS WERE
PHYSICALLY ASSAULTED**

IN ALMOST

1 IN 5

**CASES, THE POLICE
WERE THE PERPETRATOR**



6 Violation by type

Violation by type	Lesbian Women	Gay Men	Trans Women	Trans Men	Bisexual Women	Bisexual Men	Inter-sex	Unknown	Total
Murder		1	2					1	4
Attempted murder		1	1	1					4
Rape		1	2						4
Sexual harassment		1	1						4
Physical assault	4	33	49	2		6	3	3	4
Police custody/fair trial		1	1	1					4
Unlawful arrest			8						4
Outing			1						4
Discrimination, denied service			2	2					4
Threats	2	4	2	3					4
Blackmailing		1	1			2		1	4
Verbal abuse	3	13	23	7	1	1		1	4
Property damage, inheritance		2	1						4
Eviction, discrimination in rent			2	3				1	4
TOTAL	9	58	96	19	1	9	3	7	202

treated differently from others based on who you are. This range of 14 types of violations reported in 2016 reveal how the multi-faceted vulnerability of sexual and gender minorities to pervasive forms of human rights violations and discrimination. Whereas physical assault and verbal abuse predominate, sporadic and equally serious offences such as unlawful arrest, blackmailing, and discrimination are frequent and points to the insecurity faced by many sexual and gender minorities.

OUT-STATUS REGARDING GENDER IDENTITY AND EXPOSURE TO VIOLENCE¹⁹⁾

Nepal has the highest share (46 per cent) of victims who were out in the public about their gender identity. Those who were ‘not out’ about their identity are the highest at 19 per cent in Sri Lanka and India.

Sexual and gender minorities who are open about their sexual orientation or gender identity (either open in public or open to most or open to some) are reporting a greater number of human rights violations.

Almost 73 per cent of the total cases recorded are from individuals who were open about their sexual orientation or gender identity. *(See chart no. 8 – page 28)*

There is strong positive correlation between civil status and those who are open about their gender identity. Most of those who are unmarried are out as well. This substantiates how being in a marital relationship affects expression of one’s own sexual orientation or gender identity in a heteronormative so-

ciety. SAHRA believes that being married prevents sexual and gender minorities from being open about their identities. The overwhelming majority (82 per cent) of those who were out in public were unmarried.

Those ‘out in public’ with their sexual orientation and gender identity are more prone to physical assault.

Those who are ‘out to some’ face significantly higher verbal abuse than physical assault. Case records do not provide qualitative insights into the possible reasons.

Instances of reported physical assault are significantly higher in India as compared to other countries. All other countries report higher levels of verbal abuse.

VIOLENCE AND SOCIO-DEMOGRAPHIC CHARACTERISTICS

There is a prima facie evidence that victims with higher education levels are less prone to being physically assaulted and instead get exposed to greater verbal abuse. This interpretation is based on trends without any statistical robustness for significance of the relationship.

FILING OF COMPLAINTS²⁰⁾

The process of seeking remedies against any human rights violation begins with filing of complaints to some local authorities, police, law enforcement agencies or to the local stakeholders and / or human rights organisations for resolution through



mediation or arbitration or escalation of the case to the relevant authorities for redressal.

For a large share (almost 34 per cent) of the cases, no complaints were filed. Physical assault and verbal abuse constitute 84 per cent of the cases for which complaints were not filed anywhere.

Of those complaints that were received directly by the CBOs, 57 per cent were related to physical assault and verbal abuse.

Reasons for not filing complaints range from fear of being further stigmatized and victimized by the police, fear of sexual orientation and gender identity being revealed to families and relatives, lack of trust in law enforcement agencies to provide non-discriminatory services.

There is also a lack of awareness among the LGBTI about where to file complaints and how to pursue the matter thereafter. This underlines the failure of state agencies in protecting human rights of its citizens.

SUMMARY

- **Being open about your sexual orientation or gender identity exposes you to a higher risk of violence and discrimination.**
- **Even being out to some (to those in close social circles implied) exposes one to greater verbal abuse and the consequent psychosocial stress.**
- **This probably leads to gross under-reporting of human**

rights violations on the basis of sexual orientation and gender identity.

- **The human rights violations experienced are wide ranging. This makes the lives of LGBTI uncertain and affects their ability to freely access services and opportunities.**

WHO ARE THE PERPETRATORS?

THEIR RELATIONSHIP WITH VICTIMS²¹

In almost 28 per cent of total cases, perpetrators are people from the family (including spouses) or the neighbours. This points towards extreme challenges faced by the sexual and gender minorities in terms of hostile social space within which they live. Police (where there is expected to be a relationship of trust between the provider and the service seeker) is the perpetrator in almost 18 per cent of the cases (*Chart no. 11 – page 33*).

And finally, analysis of differentials in the relationship between the victims and perpetrators across verbal abuse and physical assault reveal:

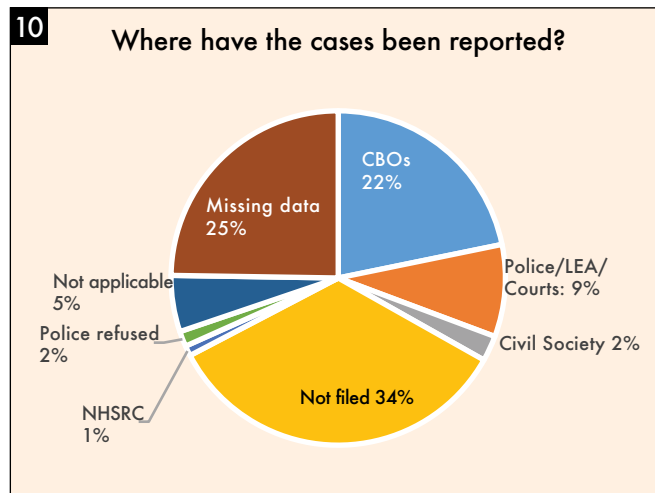
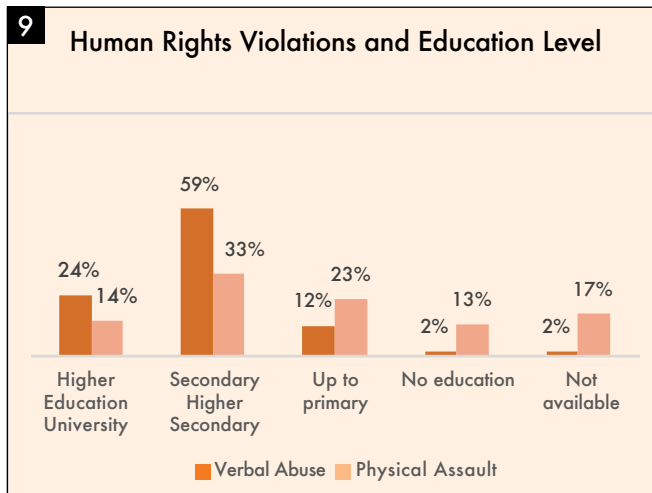
- ◆ Perpetrators who are service providers show instances of greater verbal abuse.
- ◆ Families, relatives and spouses feel more empowered to inflict physical assault.

- ◆ Most striking differential is in police as perpetrators where we see significantly higher instances of verbal assault by them than physical abuse in the cases reported.

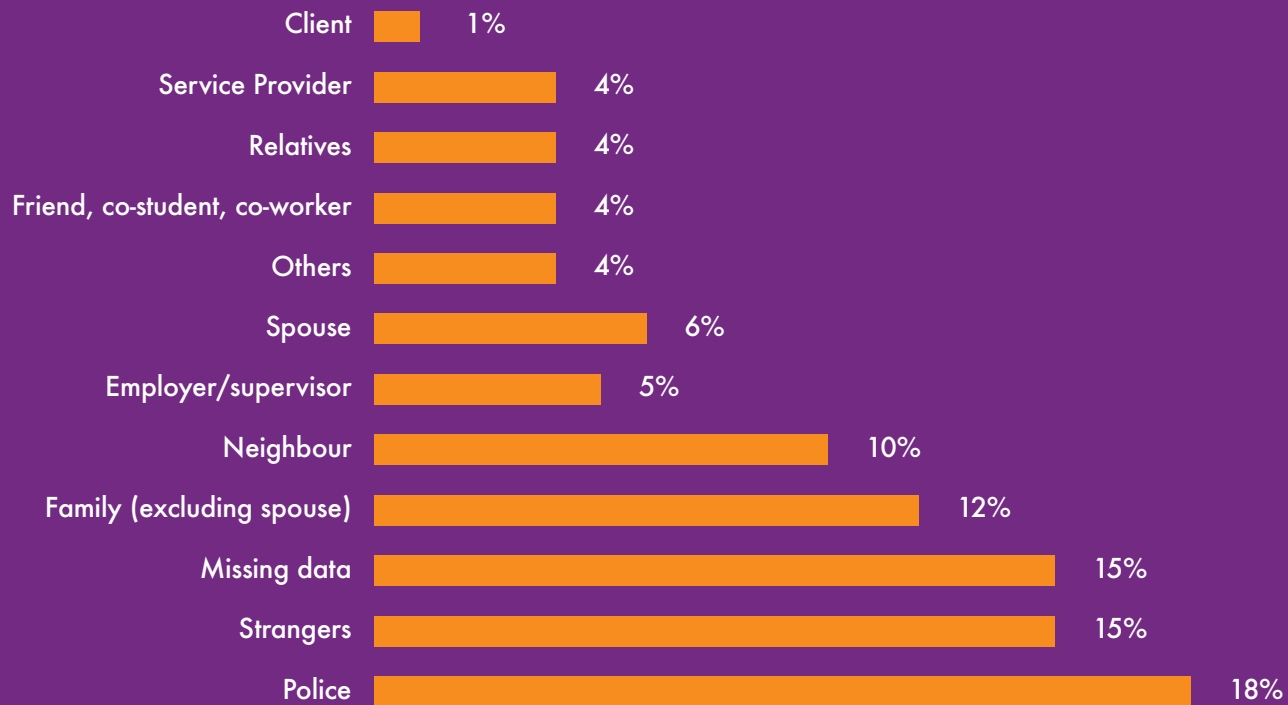
Analysis reveals that while violence against gay men and trans women tend to be in the public sphere (police, strangers, etc.), perpetrators of violence against women and trans men are within their immediate social/personal sphere (families, partners, neighbours, etc.). The table below presents a ranking of perpetrators by the sexual orientation and gender identity of the victims.

SUMMARY

- Disaggregating the type of perpetrators by identities clearly points towards the different interventions required to safeguard the human rights of different groups and one policy advocacy strategy may not be inclusive to address the overall challenge.
- Overall and relatively speaking, gay and bisexual men and trans women are more prone to human rights violations conducted by police, strangers and neighbours, while trans men and lesbian and bisexual women and trans men are more exposed to human rights violations within the family.



RELATION BETWEEN THE PERPETRATOR AND THE VICTIM



(n=202)

HUMAN SUFFERING BEHIND THE NUMBERS

The 1948 Universal Declaration of Human Rights states ‘recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world’.

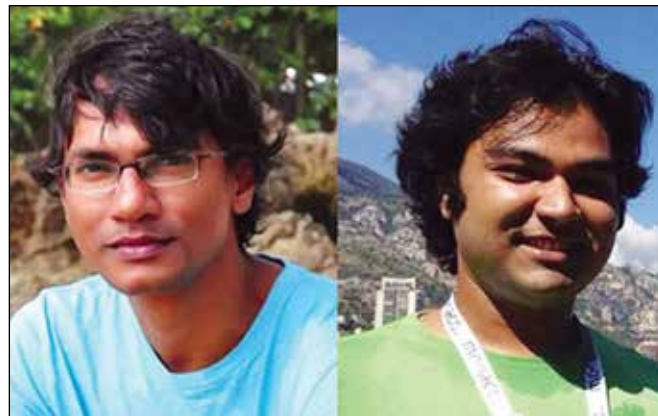
The dignity of the human person is not only a fundamental right in itself, but constitutes the basis of fundamental rights in international law. When human dignity is compromised, it leads to intense emotional stress. The intensity of this cannot be comprehended merely by numbers and captured through statistical tests. When every single life counts, numbers lose their relevance. These short cases from some of the countries present the range and of intensity of trauma that victims go through.

MURDERS IN BANGLADESH

Xulhaz Mannan, 35, was a Political Process Analyst at USAID in Dhaka. He was also an editor of “Roopbaan,” the country’s only known magazine for the LGBTI (lesbian, gay, bisexual and transgender) community and earlier worked as a protocol officer of former US ambassador Dan Mozena for long. His friend was identified as Mahbub Tonoy, 26, a private university student.

In an assault that bears the hallmarks of militant attacks, unidentified assailants on 25th April 2016 hacked to death Xulhaz and his friend Tonoy in a flat in the capital’s Kalabagan area.

A police officer and the building guard were also injured in



the machete attack carried out by a group of five to six around 5:15 pm.

The attack came only hours after Home Minister Asaduzzaman Khan Kamal said the security situation in Bangladesh was better than in many other countries.

Sources: <http://www.thedailystar.net/frontpage/gruesome-1214722>

WHEN LAW ENFORCERS TURN VIOLENT (India)

Shilpa (name changed) is a transgender sex worker who operates from a site on a highway toll plaza. Her main clients are truck drivers. On 29th October 2016, she and others were caught by a group of policemen, who beat her and her friends mercilessly, resulting in extremely severe injuries. Shilpa had to

be hospitalised, because the policemen repeatedly kicked her in the genitals (she is post-operative male-to-female), that caused rupture and severe bleeding.

VIOLENCE AND COERCION WITHIN THE FAMILY (Sri Lanka)

One day Chandrika (name changed) returned home after her tuition classes around 7 p.m. She was in her bedroom when her parents forced themselves in. Her father held her by hand whereas her mother started scolding her saying “we are ashamed that you are our daughter, no woman in our family has ever slept with another woman. You are destroying us, what are you doing this for?” Chandrika resisted and tried to enquire what the problem was. She was repeatedly slapped by her parents. They were forcing their daughter to admit that she is a lesbian. Within a few minutes, her elder brother entered the room and tried to convince her that she will find a boyfriend and be ‘normal’. However, despite the threats, Chandrika refused to accept that she is lesbian. She was mortally afraid. Her parents learnt from some source that she was into a relationship with another woman. They were coercing her to reveal her girlfriend’s name. She refused. They locked her up in her room the following day, and prohibited her from using her phone and computer, to isolate her from any of her contacts. This harassment and trauma led her into depression. Few days later when her parents let her go out of home, she contacted a counsellor for help.

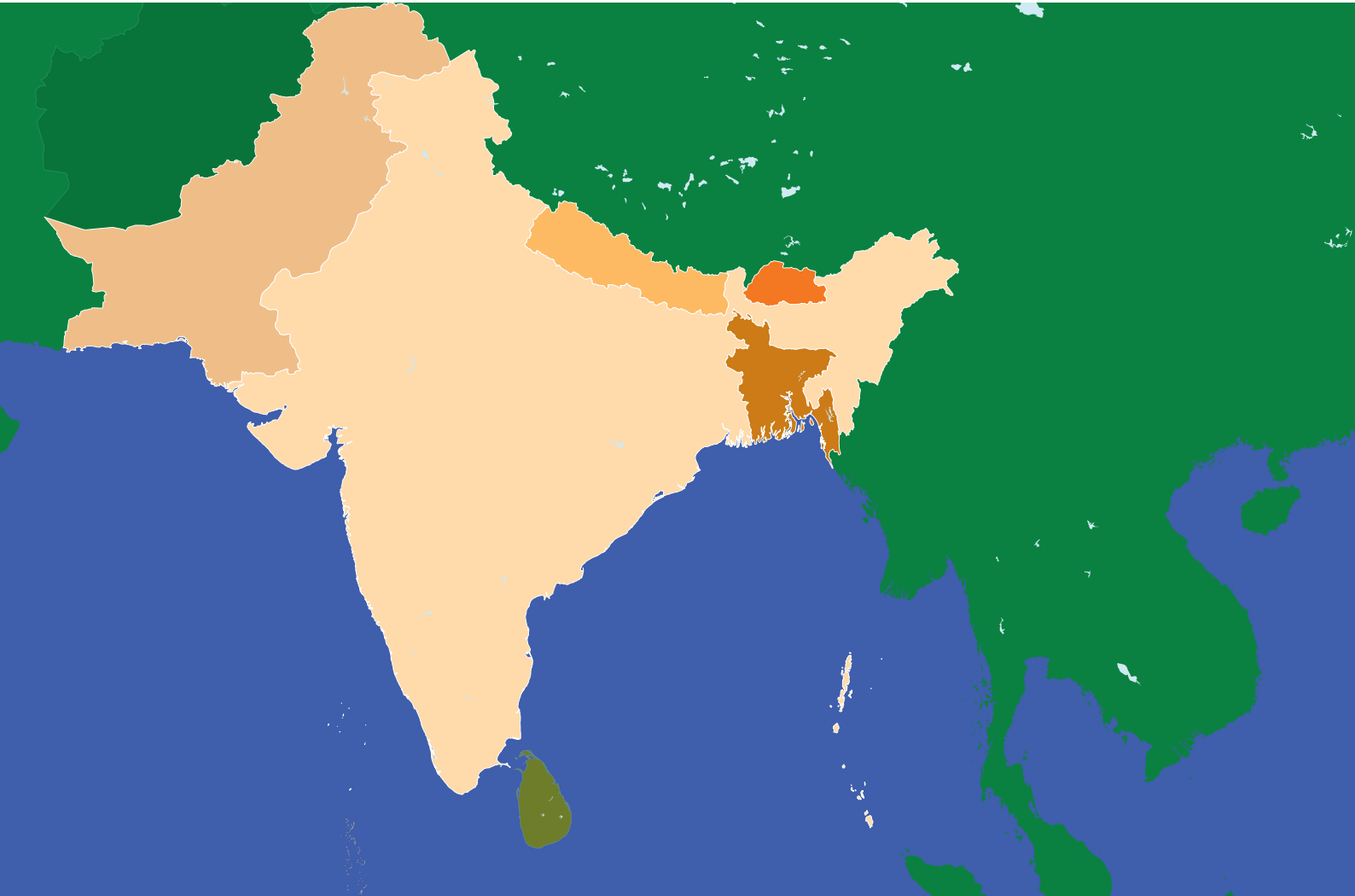
FORCED PSYCHOLOGICAL TREATMENT (India)

Due to his gender identity/expression, Manish a trans man (name changed) was admitted to a mental hospital by his parents where he was chained and forcefully injected medicines. He was hospitalised, unable to take any action due to the sedation by the medicines over 15-20 days. He was undergoing a lot of physical pain and swelling throughout his body, particularly face and hands. He was subjected to devotional music and asked to ‘think like a girl’. After many days, when the medicines were stopped by the hospital authorities, he realized that the only way to get out of the hospital would be to pretend to agree to his family. In this way he negotiated his exit from the hospital.

Once back home, the pressures to be a female person mounted again. Manish tried to report the situation to the nearby police station, but it was advised that this is a family matter and his parents were allowed to take him back. He was confined in his house by his parents. On reporting this to his partner, the partner called another police station. The police came, family informed the police that he was mentally unstable and showed hospital records. This was adequate for the police to return without any action.

Manish and his partner decided to run away from home. It was a great risk to take.

73% OF CASES ARE PHYSICAL ASSAULT AND VERBAL ABUSE



ESCAPING FROM A FORCED MARRIAGE (Nepal)

Simran (name changed) is a student of secondary level. Simran was born female but was never attracted to men. Her parents are unhappy about it, and have always tried to force her to change her behaviour. Simran has fallen in love with a girl studying same grade. One day her parents told her she had to marry a man. Simran rejected them and left home with her partner. Together they travelled to India to live there. After some time her parents found them, and forced them to return home. The parents harassed Simran physically and psychologically due to her sexual orientation. She feels stigmatized by her family and is suffering mentally.

DISCRIMINATION IN HOUSING (Bhutan)

Pema was looking for a house to stay at. He received a phone call from a house owner telling him that an apartment was vacant and invited him come and look at it. When the house owner met Pema to show him the house, he started making excuses like ‘the actual house owner is at Bangkok and he cannot decide on his own to let Pema occupy the vacant apartment’. Pema knew from his body and language posture that he was expecting a female and he didn’t expect him to be trans. The next morning he got a call from the house owner saying that there is no more space available and he didn’t get the space for rent. This type of incidence is not a first time, Pema has been rejected occupancy several times just because he sounded like a woman on the phone but when they met in person, they denied him occupancy because they found out he is a transgender male.

REASONS, CONSEQUENCES AND ACTIONS

“I’m a male to female transgender. I was different from others. The way I walk and my accent was feminine. They considered me as a shame to school and themselves. I was always isolated and I didn’t have any friends. Most of the students hated me, some students didn’t like to sit with me in the same bench. They always insulted me and my parents.”

These words from a trans man in Sri Lanka represent deep-rooted social prejudice and bias stemming from homophobia across South Asian countries which is predominantly heteronormative. It is such prejudices and biases, at times in the name of religion and at time family / social prestige, that inhibit sexual and gender minorities from being themselves. Those who do express their identity are frequently subjected to human rights violations, as substantiated by the analyses in this report. Many do not feel empowered to speak out and take action for the fear of their identity getting revealed and the consequences thereof.

The data reveals that in all cases the victims and/or SAHRA believed that the victims were violated because of their sexual orientation and gender identity. Victims of human rights violations often suffer severe mental and emotional distress. Many a times, physical assaults lead to hospitalization. Relationships end. Victims get dislocated for the fear of being harassed by either the police or the neighbours and many a times even their families. Under such conditions, passive suicidal ideation is not uncommon, with instances of suicide as revealed in other studies by SAHRA country partners²²).



CONCLUSIONS

Consequences of human rights violation including the direct and indirect psychosocial impact is well documented. Human rights violations prevent sexual and gender minorities in South Asia from accessing education, employment, opportunities and affect their potential to contribute to the society. With most of the violations faced by the LGBTI in the economically most productive age group, its impact on the economy at the micro and the macro levels cannot be underestimated.

Anecdotal evidence from the South Asian countries show increasing vulnerability of LGBTI towards risks for mental health disorders. Post-traumatic stress disorders are likely to be quite high among this population. Whereas countries are gearing up their responses to non-communicable diseases and mental health issues and aligning the national responses to the Sustainable Development Goals (SDG), across the South Asia region we do not see any visible effort towards integrating these issues in our response towards protecting the human rights of LGBTI.

The cost of this exclusion and repression is likely to be on the entire economy, more immediately and directly on the health sector due to increasing burden of non-communicable diseases and mental health. SDG Result 3.4 under SDG 3 ‘By 2030, reducing by one third pre-mature mortality from NCD through prevention and treatment and promote mental health well-being’ will remain a distant dream if a concerted and multi-stakeholder (including the government) efforts are not put in place towards protecting the human rights of LGBTI.

The concerns can be best summarized through the words of the UN Secretary General Ban Ki-moon in a speech on Human Rights Day 2010, when he stated: ‘As men and women of conscience, we reject discrimination in general, and in particular discrimination based on sexual orientation and gender identity ... Where there is a tension between cultural attitudes and universal human rights, rights must carry the day’.

RECOMMENDATION

Based on the current social, political, cultural and religious contexts as well as the trends emerging from the documentation of human rights violations, SAHRA would like to submit the following recommendations:

TO GOVERNMENTS²³⁾

- ◆ Acknowledge and accept the existence of the sexual and gender minorities in the country.
- ◆ Reform punitive laws, policies and law enforcement practices to protect the rights of people who are marginalised due to their sexualities and genders
- ◆ Implement the directions laid down by the judicial system in order to recognize and fulfil the human rights of transgender persons
- ◆ End impunity against those who commit violence and discrimination against sexual and gender minorities

TO NATIONAL HUMAN RIGHTS COMMISSIONS

- ◆ Recognise that the rights of sexual and gender minorities are human rights, and integrate this group into your work.

TO FUNDING ORGANIZATIONS

- ◆ Recognize the need to support the promotion of human rights for sexual and gender minorities.

TO CIVIL SOCIETY ORGANIZATIONS²⁴⁾

- ◆ Recognize the rights of sexual and gender minorities within the human rights framework and development agendas
- ◆ Develop an understanding of marginalization, violence and discrimination that includes marginalised sexualities and genders
- ◆ Collaborate with sexual and gender minority movements in the respective countries to demand for their recognition and the realization of human rights

TO ACADEMIC INSTITUTIONS, ACADEMICS AND RESEARCHERS

- ◆ Build knowledge and scholarship on issues related to sexual and gender minorities that are led by and grounded in the realities of the community

TO THE MEDIA

- ◆ Highlight the human rights violations faced by sexual and gender minorities, and sensitize the general public on marginalised sexualities and genders
- ◆ Strive to imbibe rights affirming principles when reporting on issues related to sexual and gender minorities

TO FAITH-BASED ORGANIZATIONS

- ◆ Recognize the human rights and human dignity of sexual and gender minorities
- ◆ Advocate for the acceptance and inclusion of people who

are marginalised because of their sexualities and genders within faith communities

- ◆ Speak out against violence and enticement to violence by religious leaders.

As we move ahead...

Journey towards social inclusion of sexual and gender minorities continue to be a bed of thorns.

The fight against sexual prejudice and stigma needs to continue. Decades of denial need to end. Specific forms, causes, and consequences of abuses based on sexual orientation and gender identity need to be more comprehensively documented and researched.

SAHRA will continue to support the cause with its limited resources as we believe this has a strong leveraging effect on the ongoing human rights work by the country partners supported through other donors.



FOOTNOTES:

1) The list is adapted from ILGA – International lesbian, gay, bisexual, trans and intersex association

2) <http://LGBTI.salzburgglobal.org/overview/article/stronger-partnerships-are-needed-between-government-and-civil-society-to-advance-LGBTI-inclusive-soci.html> Site Visited on 10/02/17

3) Two men fined for gross indecency at <http://www.dailymirror.lk/23546/two-men-fined-for-gross-indecency-> (accessed on 15th February, 2017)

3) <http://www.dailymirror.lk/48554/two-swan-boat-riders-arrested-for-indecent-behaviour>(accessed on 15th February, 2017)

4) Damith Chandimal (2015), Culture of Transphobia

5) <http://mirrorcitizen.dailymirror.lk/2015/06/09/mangala-violated-penal-code-by-voting-for-gay-rights-wimal/>(accessed on 15th February, 2017)

6) Source: Department of Social Services of Bangladesh <http://www.dss.gov.bd/site/page/>

7) <http://www.sherubtse.edu.bt/?p=1999> accessed on February 10, 2017

8) <http://www.kuenselonline.com/LGBTI-community-mark-anti-discrimination-day/> accessed on February 10, 2017

9) <http://www.kuenselonline.com/seeking-space-and-understanding/>

accessed on February 10, 2017

10) <http://www.kuenselonline.com/reaching-out-to-invisible-third-gender-community/> accessed on February 10, 2017

11) <http://www.bbs.bt/news/?p=59183> accessed on February 10, 2017

12) <https://www.colombotelegraph.com/index.php/constitutional-reforms-committee-calls-for-public-opinion/>(accessed on 15th February, 2017)

13) <https://www.colombotelegraph.com/wp-content/uploads/2016/05/PRC-Report-English-Final.pdf> (accessed on 15th February, 2017)

14) <https://www.colombotelegraph.com/index.php/final-report-of-public-representations-committee-on-constitutional-reform-full-texts-in-three-languages/> accessed on 17th February, 2017

15) For nine of the 202 cases recorded we do not have the age of the victims.

16) We do not have education related data for about 10 % of total cases. This gap is substantial in Bangladesh with almost 24 % of its total recorded cases not having education related data. For Sri Lanka, we do not have education related data for 18 % of the recorded cases.

17) Of the total cases (n = 202) recorded in 2016, we do not have profession related information for 16 % (32 cases) of them. Bangla-

desh and Sri Lanka contribute to almost 78 % of missing information related to profession of victims. In Sri Lanka almost 44 % of its total cases (17 out of 39 cases) do not have this information. In Bangladesh, this information gap was seen in 14 % of the cases recorded in the country (8 out of 58 cases).

18) *We do not have any information for about 3 % of the cases.*

19) *For 22 % of the cases from Bangladesh we do not have this information.*

20) *For almost 25 % of the cases we do not have this information in the database.*

21) *This was 22 % in the earlier figure where the profession of perpetrators is presented. The difference is on account of different baseline numbers in the two separate interview questions of what the profession of the perpetrator is, and in what capacity the perpetrator conducted the human rights violation.*

22) *SAHRA documentation template does not include suicide or attempted suicide as a consequence of the mental stress that sexual and gender minorities go through.*

23) *Including policy makers, legislative members and law enforcement agencies.*

24) *Civil Society Organizations include community based and national organizations, human rights organizations, development organizations, and, organizations working with several constituencies including young people and women.*

CREDITS

This report is written by country officers of the partner organizations with Rajesh Jha, Offbeat Innovation, as lead author.

Report design by Arne Walderhaug
Photographs by Shutterstock (pages 10, 39, 45), Arne Walderhaug (pages 4, 19, 30)

Contact: www.sahra.asia



SAHRA