

## AMNESTY INTERNATIONAL JOINT STATEMENT

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# PACIFIC: TRANSGENDER RIGHTS PROGRESS, BUT MUCH MORE NEEDS TO BE DONE

Trans Day of Visibility (TDoV) is an annual awareness day held on 31 March, celebrating the accomplishments of transgender and gender non-conforming people while raising awareness of the work that still needs to be done to achieve trans justice. The United Nations Office of the High Commissioner for Human Rights (OHCHR) Regional Office for the Pacific, ILGA Oceania, Haus of Khameleon and Amnesty International joined hands and marked the day in the Pacific by raising awareness around discrimination and violence that trans people face through a regional roundtable dialogue with 30 participants, held at the Grand Pacific Hotel, Suva, Fiji on 31 March 2022 followed by a celebration of performances in the afternoon as the Hotel was lit up with transgender colours throughout the night. The UN Flag was hoisted next to the rainbow flag in front of Grand Pacific Hotel, for the first time in Fiji as a show of solidarity towards promoting equality for all.

The Regional Representative of the United Nations Human Rights Office, Ms. Heike Alefsen, in her opening remarks stated that, "Almost 11 years have passed since the first SOGI resolution at the United Nations, affirming that protections guaranteed by the Universal Declaration of Human Rights apply to lesbian, gay, bisexual, trans and gender diverse (LGBT) persons. But broader acceptance of the rights of LGBTI people in legislation and policies remains challenging – in the world and in the Pacific."

Among the PICS, the Cook Islands, Kiribati, PNG, Samoa, Niue, the Solomon Islands, Tonga and Tuvalu continue to criminalize male homosexuality and many countries do not have adequate laws to protect from discrimination on the basis of sexual orientation, gender identity and expression and sex characteristics in the provision of goods and services or in the workplace. There is legislative protection given by Fiji in its 2013 Constitution that prohibits discrimination on the basis of sexual orientation or gender identity and expression. The OHCHR Regional Representative called on States to make headway with providing comprehensive protection of the rights of trans and gender diverse persons and combating the discrimination based on sexual orientation, real or perceived gender identity, and physical diversity.

The fa'afafine of Samoa, the leiti of Tonga, the fakafifine of Niue, the pinapinaaine of Tuvalu and binabinaine of Kiribati, the vakasalewalewa and hijras of Fiji, the palopa of PNG, the akava'ine of the Cook Islands all represent diverse gender identities that have existed for a very long time, and some are unique to the Pacific Islands. These long-standing traditions of celebrating diverse and fluid gender identities are an important part of the cultures of the Pacific and provide a certain degree of societal security for some LGBTI persons in the region. Several of these local cultures create a safe space enabling gender-diverse persons to live and work in their communities.

A closer look, however, shows that any push by gender-diverse people for fundamental change in laws and national policies is often seen as a threat to the largely heteronormative cultures of the Pacific Island Countries.

Lady Miki Charlamagne Wali, the Co-Chair of ILGA Oceania and Director of Haus of Khameleon stated that, "For transgender people across the Pacific, a community among the most marginalized groups in Pacific society, visibility is a constant challenge - one that is heightened in times of crisis. A lack of visibility of the transgender community correlates to continued transphobia that exists around the world. Deeply ingrained social norms, prevalent myths, and in most countries, discriminatory legislation, all serve to keep trans people invisible and unable to reach their full potential. Countries across the Pacific, even lack legal gender recognition laws. This goes hand-in-hand with the lack of laws protecting transgender people from the multiple and intersecting forms of discrimination in employment, housing, and public accommodation - which are both daily needs and human rights".

Although Fiji, Vanuatu, Samoa and Palau have made considerable progress in promoting LGBTI rights and have repealed laws against homosexuality, more work is needed in other PICs, such as PNG and the Solomon Islands. Despite LGBTI rights now being recognized and enshrined in domestic legislation in the Pacific, reports show that LGBTI persons continue to be marginalized and face discrimination on a daily basis.

Amnesty International Pacific Researcher Ms. Kate Schuetze remarked that, "A significant number of trans people work in the informal sector, which is by its nature precarious and uncertain. They have been indirectly excluded from relief programs that only apply to those working in the formal sector. This often leads to trans people struggling to pay housing

and basic living costs. Many roundtable participants shared how the Covid-19 pandemic and natural disasters such as the tsunami in Tonga increased their social and economic marginalization.”

Joint statement by Amnesty International, the Office of the High Commissioner for Human Rights (Suva), ILGA Oceania and Haus of Kameleon following a roundtable event held on 31 March 2022.