



Joint submission to the report on “Development of practical tools to assist law enforcement bodies in promoting and protecting human rights in the context of peaceful protests”, to be presented at the 55th session of the UN Human Rights Council

of

the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association

to

the Human Rights Council at its 55th session

Date:

22 September 2023

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Introduction

Lesbian, gay, bisexual, trans, intersex, and queer (LGBTIQ) persons around the world have long fought for their basic human rights and to be treated equally, with dignity, and free from discrimination. In pursuit of this advocacy, and in a clear exercise of the right to freedom of assembly, Pride marches and other LGBTIQ events have been held in at least 105 countries in 2022.² However, LGBTIQ activists and protesters have been subjected to arrests, harassment, and violence by law enforcement officials and non-state actors.

ILGA Asia welcomes the opportunity to make a submission to the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association with inputs received from a member organization based in Singapore that demonstrates how the rights of LGBTIQ persons are violated or protected during protests. We are committed to supporting efforts to ensure full compliance with states' obligations to respect, protect, and fulfill the human rights of all LGBTIQ persons in the context of peaceful protests.

Policies in preventing unlawful arrests, torture, ill-treatment, sexual- and gender-based violence during protests

1. Are you aware of any protocols for law enforcement and have you observed any positive measures taken by law enforcement authorities to prevent and protect protesters and activists from sexual and gender-based violence in the context of protests? How can these be improved?

Gender sensitivity training to sensitize law enforcement officials about LGBTIQ issues is common in some Asian countries. While most of these sensitization programs are general in application to police operations and are not focused on policing in protest situations, these programs are nevertheless implemented with the goal to help law enforcement authorities when engaging with LGBTIQ protesters.

² Outright International. *Pride Around the World*. (2023). <https://outrightinternational.org/pride-map>



The Philippines

In the Philippines, in 2003, the conduct of Gender Sensitivity Training was institutionalized by the National Police Commission.³ While these trainings originally focused on issues related to assisting women, in 2013, several LGBTIQ rights organizations “partnered with the Philippine National Police (PNP) Human Rights Affairs Office (HRAO) to convene a gender and sexuality training program to sensitize police officers when engaging with LGBT people.”⁴ Further, the Philippine National Police Manual mandates that a corresponding number of female police personnel shall be included in any team during police operations.⁵ No evidence is available measuring the rates by which these policies actually reduce the incidence of sexual and gender-based violence in the context of protests. However, the policies have been introduced under the assumption that they might improve how police officers interact with LGBTIQ persons where police presence is necessary, including situations of peaceful protest.

In the last Pride march held in Quezon City, Philippines, the organizers of the March believe that the City Mayor issued a “No Catcalling” order to the police officers who secured the grounds and the streets for the march.⁶

Taiwan

The National Policy Agency's report on the implementation of Gender Equality Policy Guidelines highlighted that in 2015, they conducted a considerable number of training sessions related to gender issues, law enforcement, and gender mainstreaming. Specifically, there were 412 of these sessions, with a total attendance of 51,551

³ National Police Commission. *Guidelines in Establishing PNP Gender and Development (GAD) Mechanisms To Ensure That GAD Concerns of the PNP And its Clientele are Recognized And Addressed*. (2003). <https://napolcom.gov.ph/pdf/mc%202003-004.pdf>

⁴ UNDP, USAID, *Being LGBT in Asia: The Philippines Country Report*. (2014). https://www.undp.org/sites/g/files/zskgke326/files/migration/asia_pacific_rbap/rbap-hhd-2014-blia-philippines-country-report.pdf

⁵ Philippine National Police. (2021). *Revised Philippine National Police Operational Procedures*. <https://pro8.pnp.gov.ph/wp-content/uploads/2022/02/PNP-POP-2021.pdf>

⁶ Vince Liban, interview by Benjie Aquino online, July 26, 2023.



participants. They conducted a separate session focused solely on gender equity education.⁷

Bhutan

In 2017, the Chief of Police Colonel Chimi Dorji, declared that The Royal Bhutan Police would develop a procedural guide book concerning the LGBTIQ community within the country. The objective was to enhance understanding of the community's sensitivity and needs for more appropriate and considerate handling by law enforcement. He also said that police officers who are found to be guilty of misconduct against LGBTIQ person should and will be held accountable.⁸ In 2022, Namgay Zam, director of the Journalists' Association of Bhutan and LGBTIQ rights activist said that the Royal Bhutan Police have become more queer-sensitive.⁹

Singapore

In Singapore, there are regulations surrounding protests and demonstrations in public, which could potentially impact LGBTIQ activists. Public demonstrations are regulated by the Public Order Act and organisers are required to seek permission from the police for any public assembly that is held, specifically those that are political, religious or racial in nature. Such regulations may impact the ability for activists to gather and protest.¹⁰ While such rules exist, law enforcement authorities typically do not discriminate against LGBTIQ persons.

2. What measures should be adopted by law enforcement authorities to prevent unlawful arrests and detention in the context of protests; as well as to ensure the human rights of those lawfully detained in the context of protests are respected according to the international standards, including being protected from torture and ill-treatment or sexual and gender-based violence?

⁷ Taiwan Tongzhi Hotline Association. *2017 Taiwan LGBTI Rights Policy Review*. (2018). https://hotline.org.tw/sites/hotline.org.tw/files/2017_Taiwan_LGBTI_Rights_Policy_Review_pages.pdf

⁸ Rai, R. Police sensitised on LGBT community. *Kuensel Online*. (November 29, 2017). <https://kuenselonline.com/police-sensitised-on-lgbt-community/>

⁹ Godbole, T. Are LGBTQ rights blossoming in Bhutan? *Deutsche Welle*. (July 7, 2022). <https://www.dw.com/en/are-lgbtq-rights-blossoming-in-bhutan/a-62394405>

¹⁰ Ministry of Home Affairs. *Maintaining Public Order*. <https://www.mha.gov.sg/what-we-do/maintaining-law-and-order/maintaining-public-order>



- a. Kindly share any positive examples of measures and practices by law enforcement to protect protesters and activists from arbitrary arrest and detention, and to protect the human rights of those lawfully detained in the context of the protest.

The Philippines

In the Philippines, the Philippine National Police Manual particularly requires separate custodial facilities and comfort rooms for male and female persons under police custody to avoid certain forms of abuse.¹¹ Further, the Manual also requires that female police officers handle female persons under police custody.¹² Batas Pambansa 880 also requires police officers to exercise “maximum tolerance” when responding to protest actions. Maximum tolerance is the highest degree of restraint that the military, police and other peacekeeping authorities shall observe during a public assembly or in the dispersal of the same.¹³

Specific to LGBTIQ persons, in 2018, the Philippine Bureau of Jail Management (BJMP) and Penology adopted the Policy on the Treatment of LGBTQI Persons of Deprived of Liberty (PDL) in the BJMP to set out guidelines on how to protect the rights of LGBTIQ PDLs.¹⁴

Pakistan

In 2022, the Union Ministry of Home Affairs sent a directive to Heads of Prisons in the States and the Union Territories concerning the right to privacy and dignity of Transgender PDLs in Pakistan. Among others, it required that searches be done only by persons of the preferred gender of the PDL.¹⁵

¹¹ Philippine National Police, *supra* at note 5.

¹² *Ibid.*

¹³ Batas Pambansa 880.

¹⁴ Bureau Of Jail Management and Penology. *Policy on the Treatment of LGBTQI PDL of Liberty in the BJMP.* (2018). <http://r5.bjmp.gov.ph/wp-content/uploads/2022/01/22-12.04.2018-POLICY-ON-THE-TREATMENT-OF-LGBTQI-PDL-IN-THE-BJMP.pdf>

¹⁵ Kumar, S.V. Transgender persons to get separate jail wards, facilities. *The Hindu.* (January 11, 2022). <https://www.thehindu.com/news/national/transgender-persons-to-get-separate-jail-wards-facilities/article38238322.ece>



South Korea

The National Human Rights Commission of South Korea made a recommendation to the prison warden to come up with measures to accommodate requests of LGBTIQ PDLs. This recommendation was made after one LGBTIQ PDL's request to have a separate cell was denied. The Commission also suggested that a special counselor be made accessible to LGBTIQ PDLs. This recommendation is yet to be implemented.¹⁶

Measures, strategies, and tools used in harming or minimizing harm against specific sectors such as LGBTIQ persons and journalists

1. What strategies, tools and techniques implemented by law enforcement authorities did you observe/experience to be successful (and which of these have been harmful and should be absolutely avoided) in order to facilitate the exercise of the right to freedom of peaceful assembly and protect the rights of groups particularly at risk in the context of protests, including:
 - a. children and youth;
 - b. women and girls;
 - c. LGBTI persons;
 - d. people with disabilities;
 - e. indigenous peoples;
 - f. minority groups;
 - g. Migrants;
 - h. refugees and asylum seekers.

The Philippines

One good practice in the Philippines that has benefited LGBTIQ protesters is the designation of certain areas as freedom parks. A freedom park refers to a public area situated in a central location, where political gatherings, rallies, and demonstrations can take place without requiring prior permission from government authorities. Each city and

¹⁶ Park, J. NHRC recommends prison grant individual cell to LGBTQ prisoner. *The Korea Herald*. (May 15, 2023). <https://www.koreaherald.com/view.php?ud=20230515000726>



municipality is mandated to have at least one designated space fulfilling this purpose. In 2020, a Pride March was organized in a freedom park in Kawit Cavite.¹⁷

However, police officials have also targeted LGBTIQ protesters. Under the guise of enforcing quarantine rules or health-related policies, the Philippine police targeted LGBTIQ protesters. In 2020, the Philippine police arrested at least 20 people at a Pride March held in Manila. The police justified the arrest on the allegations that the protesters violated quarantine protocols in the middle of the pandemic. This is not the first time that the police have been reported to interfere with peaceful protests and using health protocols as a justification for such interference.¹⁸

South Korea

In 2015, a Korean court overturned a police decision to block a Pride event. In 2023, this decision was used as a basis by the police to allow a pride parade to proceed in the city of Daegu. Under Korea's Assembly and Demonstration Act, organizing a Pride parade does not necessitate obtaining permission from the city authorities. Instead, the organizers are only required to register the event and the estimated number of participants with the police.¹⁹

In contrast, a pride event in Seoul was denied a venue after city officials gave preference to a Christian youth concert that conflicted, in terms of schedule, with the pride event.

A Seoul City ordinance prohibits discrimination based on gender, when it comes to, among others, allocating or approving venues for events. However, the ordinance also allows the City to give preference to events that serve the "public interest," are related to "culture and art," or pertain to "children or young adults" in cases where there are overlapping requests. This has been used to deny an LGBTQ festival in South Korea

¹⁷Manila Standard Showbiz. Biggest pride march today in Kawit. *Manila Standard*. (February 28, 2020). <https://manilastandard.net/showbitz/celebrity-profiles/318433/biggest-pride-march-today-in-kawit.html>

¹⁸Talabong, Rambo. Manila prosecutor junks police complaint vs 'Pride 20'. *Rappler*. (December 29, 2020) <https://www.rappler.com/nation/manila-prosecutor-dismissal-complaint-pride-20-protesters/>

¹⁹Son, J. Daegu mayor blasts police chief over Pride parade. *Asia News Network*. (June 19, 2023). <https://asianews.network/daegu-mayor-blasts-police-chief-over-pride-parade/>



from securing a venue as the city officials decided to reserve the venue for a Christian youth concert that conflicted with the schedule of the festival.²⁰

Sri Lanka

In Sri Lanka, an LGBTIQ rights organization's amicable relationship with the police was reported to be beneficial in securing a permit for a Pride march. Rosanna Flamer-Caldera, founder and Executive Director of EQUAL GROUND, reports to CIVICUS that the upcoming Pride march has received official authorization from the police, making it the first organization to obtain such permission. Currently, the organizers have been in contact with an accommodating Inspector General of Police.²¹

Taiwan

To prevent LGBTIQ individuals from frequenting certain places, Taiwan police implemented a curfew specifically to areas where LGBTIQ people would usually gather. One such place is the Taipei New Park, now known as 228 Peace Memorial Park. Moreover, law enforcement conducted extensive road checks on Changde Street, a known location for LGBTIQ activities, resulting in the detention of approximately 40 to 50 individuals who were taken back to the police station. During this process, some of them were unlawfully held in custody, subjected to overnight interrogations, compelled to have their pictures taken, and even threatened with the prospect of their family members being notified.²²

Lebanon

In Lebanon, the limitation of LGBT individuals' right to gather peacefully has been rationalized using customs, traditions, and religious beliefs. In June 2022, the country's Interior Ministry issued an order to close down events that sought to advocate for what they referred to as "sexual perversion."²³ Following these directives, the police have

²⁰ Yeung, J. South Korea's LGBTQ festival bumped from venue in favor of Christian youth concert. *Cable News Network*. (May 5, 2023)
<https://edition.cnn.com/2023/05/05/asia/seoul-lgbt-festival-christian-concert-intl-hnk/index.html>

²¹ CIVICUS. SRI LANKA: 'We've held Pride celebrations since 2004; we're very proud of what we have achieved'. (2023).
<https://www.civicus.org/index.php/media-resources/news/interviews/6430-sri-lanka-we-ve-held-pride-celebrations-since-2004-we-re-very-proud-of-what-we-have-achieved-3>

²² Shen, G. Live from Taiwan LGBTI Movements: That Night on Changde Street. *Age of Queer*. (May 17, 2016)

²³ Scary to be queer': Lebanon cracks down on LGBTQ rights. (July 7, 2022). *France 24*.
<https://www.france24.com/en/live-news/20220707-scary-to-be-queer-lebanon-cracks-down-on-lgbtq-rights>



focused on events specifically designed for the LGBTIQ community, pressuring the organizers to ultimately call off these gatherings.²⁴ Law enforcement has also refused to act to protect organisers and attendees of LGBTIQ-related events amidst threats made by religious extremist groups.²⁵

Lebanese authorities have also been reported to force LGBTIQ individuals or organizers of activities catered to LGBTIQ individuals into signing pledges stating they will not convene or will desist from continuing to convene any events “promoting debauchery and violating public morality.” This was implemented by Lebanese security forces as a means to more quietly and less publicly quell LGBTIQ-related protests or assemblies and make them seem like cases of voluntary desistance on the part of the organizers.²⁶ On 23 August 2023, an extremist religious group violently raided a bar frequented by LGBTIQ people in Beirut while local authorities did nothing to protect patrons.²⁷

Recommendations

For governments and relevant state actors and institutions:

1. Develop and implement monitoring mechanisms together with gender sensitivity trainings for law enforcement to ensure that the impact of such trainings on reducing or eliminating violations against LGBTIQ persons during police operations is measured and assessed.

²⁴ Beirut Pride canceled after organizer held overnight by authorities. *NBC News*. (May 17, 2018). <https://www.nbcnews.com/feature/nbc-out/beirut-pride-canceled-after-organizer-held-overnight-authorities-n874626>

²⁵ Helem. The Universal Periodic Review of LGBTQ+ Rights in Lebanon. (July 2020). <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=8301&file=EnglishTranslation>

²⁶ El Deeb, S. Lebanon LGBT scene empowered despite crackdown. *AP Images*. <https://apimagesblog.com/blog/2018/5/28/lebanon-lgbt-scene-empowered-despite-crackdown>

²⁷ “Lebanon drag show derailed by crowd of angry conservative men.” *Reuters* (2023). <https://www.reuters.com/world/middle-east/lebanon-drag-show-derailed-by-crowd-angry-conservative-men-2023-08-24/>



2. Hold accountable law enforcement officers who deliberately refuse to protect LGBTIQ protesters from threats of violence and harassment by private individuals.
3. Enact and implement policies concerning the issuance of permits for public assemblies and protests in a way that will ensure non-discrimination against advocacy, campaigns, and ideas supportive of LGBTIQ rights.
4. Designate adequate public spaces, in terms of accessibility, size, and quantity, such as freedom parks that are exempt from the requirement of permits and readily available for public assemblies and protests.
5. Repeal laws that have been traditionally and wrongfully interpreted to justify restraint of speech supportive of LGBTIQ rights under the guise of protecting public morals or suppressing indecency.