



SOGIESC FACT SHEET SERIES

Fact Sheet 1:

Understanding sexual orientation, gender identity, gender expression and sex characteristics

Introduction

Every person has a sexual orientation (SO), gender identity (GI) and sex characteristics (SC). Lesbian, gay, bisexual (LGB), transgender (T) and intersex (I) people experience discrimination, and are at risk of further human violations, because of one or more of these attributes.

The use of inclusive, positive terminology empowers individuals and gives needed visibility to the human rights issues they face. Every individual has the right to choose what terms best describe their sexual orientation, gender identity or expression, or their sex characteristics.

Every individual also has the right to privacy in choosing whether or when to disclose their sexual orientation, gender identity, or variation of sex characteristics.

1. Concepts and terminology

The importance of terminology

Terminology that describes such intrinsic parts of a person's identity or characteristics carries a heavy weight and significance. This is particularly so for groups that have been stigmatised and whose existence has been denied. In those circumstances, terms validate who someone is and may help them to feel connected to others who share that identity or those characteristics.

Having some shared knowledge of these terms enables NHRIs and community groups to communicate more clearly about the common and distinct human rights issues that are faced by lesbian, gay, bisexual, transgender and intersex people in their country and across the region.

Terminology evolves over time. What remains constant is the importance of treating each person with dignity, in a way that protects the person from discrimination and violence.

Relevance of terms to NHRIs in this region

The provisions of international law extend in full to all people and prohibit discrimination against anyone, including because of their sexual orientation, gender identity or expression or sex characteristics. There is a growing understanding of how international human rights law applies to these issues.

Across the Asia Pacific region, NGOs working on human rights issues in relation to sexual orientation, gender identity and expression, and sex characteristics use a range of terms to describe their work, including in their submissions to national, regional and international human rights bodies.

2. Definitions

Sexual orientation refers to each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, another person.

A person who is attracted solely to someone of the same sex might identify as *gay* or as *lesbian*. Someone who is attracted to another person regardless of their sex might use the term *bisexual* or *pansexual*. In some parts of the region, the term *queer* has been reclaimed as an umbrella term for lesbian, gay and bisexual people, particularly among young people. *Asexual* typically refers to a person who does not experience sexual attraction to others.

The assumption that all people are heterosexual – and the design of laws, policies and practices based on that assumption – is called *heteronormativity*. Dislike or prejudice against people because they are lesbian, gay or bisexual, or are assumed to be not heterosexual, is called *homophobia*. Homophobic discrimination or violence breaches lesbian, gay and bisexual people's right to equality and security.

Gender identity is a person's internal sense of being a man or a woman or a third or other alternative gender, or a combination of genders.

This course uses the umbrella term *transgender* to encompass a wide range of people whose gender differs from their sex assigned at birth. This includes people who identify with binary identities such as:

- **trans boys or trans men** who identify and live as boys / men, who were assigned female at birth (AFAB),
- **trans girls or trans women** who identify and live as girls / women, who were assigned male at birth (AMAB).

In addition, both Asia and the Pacific have long traditions of *non-binary* or *third gender* identities, including many culturally specific terms. Non-binary people do not identify exclusively as solely a man or a woman (or as a boy or a girl) and may identify as both or neither.

Cisgender is an opposite term to transgender. It describes people who are not transgender, because their assigned sex at birth matches their gender identity.

Transitioning is the process that a transgender person undergoes to live in their self-defined gender identity. It may involve social, legal and/or medical steps.

- Social transition steps may include changes to clothing, hairstyle, mannerisms and/or the name or pronoun someone uses in everyday interactions.
- Legal transition steps involve formally changing the person's name, title, sex or gender on official identification documents.
- Medical transition steps that affirm a transgender person's gender identity include, for example, hormone treatment and a range of surgeries.

Dislike of or prejudice against someone because they are, or are assumed to be, transgender is called *transphobia*. It is often an underlying cause of discrimination and violence against transgender people.

Gender expression refers to a person's ways of communicating masculinity or femininity (or both or neither) externally through physical appearance (including clothing, hair styles and the use of cosmetics) and mannerisms, ways of speaking and behavioural patterns when interacting with others.

As gender expression is visible, it is often an element in discrimination against any lesbian, gay, bisexual, transgender or intersex (LGBTI) person who is considered to be stepping outside gender-based norms.

Sex characteristics refers to the chromosomal, gonadal and anatomical features of a person.

Some are primary characteristics (for example, reproductive organs, genitalia, chromosomes, and hormones). Some are secondary characteristics (such as muscle mass, hair distribution or breast development).

Intersex is an umbrella term used to describe people born with sex characteristics (such as genitals, gonads and chromosome patterns) that do not fit typical binary notions of male or female bodies.

Preferred terms that local communities may use include *intersex people* or *people with variations of sex characteristics*. When talking about the relevant ground of discrimination, the terms most commonly used are *intersex status* or *variations of sex characteristics*.

Umbrella identity terms such as LGB, T and/or I are designed to include anyone who shares a specific characteristic. They do not replace local terms from a specific cultural tradition or language, including terms that have existed for a long time. Umbrella terms should be used accurately. For example, a broad umbrella term such as SOGISC (or SOGIESC to encompass gender expression too) or LGBTI is appropriate when the work being described covers all of these issues and communities. Otherwise, it is better to use narrower terms to reflect the tighter focus of your work.

APF's manual published in 2016 used the term SOGISC, partly because the original Yogyakarta Principles combined gender expression within the definition of gender identity. Increasingly the term SOGIESC is used to make both gender identity and expression visible.

3. Regional-specific terms

More visible identities

In all parts of the Asia Pacific region, the most visible culturally or regionally specific identities relating to sexual orientation and gender identity describe people assigned male at (AMAB) birth who identify as a woman or as another gender (sometimes described as a “third gender” in parts of South Asia or the Pacific).

In Asia, these include identities like *kathoey* (Thailand), *mak nyah* (Malaysia), *waria* (Indonesia), *hijra* (Bangladesh, India and Pakistan), *thirunangai* and *aravani* (India), *khwaja sira* (Pakistan), and *meti* (Nepal).

In some countries, the most common terms combine English and local words. For example, *transpinay* for transgender women and *transpinoy* for transgender men in the Philippines. In Indonesia, two similar terms are *transpuan* for trans women and *transpria* for trans men.

In some parts of Asia, including China, most terms used to describe trans people are new and have been influenced by Western terms used internationally. These include *bian xing ren* (变性人) to describe someone who has transitioned through medical interventions. Other new terms are *kua xing bie* (跨性别, transgender), *xiong di* (兄弟 for trans men, meaning ‘brothers’) and *jie mei* (姐妹, for trans women, meaning ‘sisters’). In Thailand, some activists have used the terms *kon* (or *phuying*, *phuchaaï*) *khaam phet* (a person who has crossed sex), and *khon* (or *phuying*, *phuchaaï*) *plaeng phet* (a person who has changed sex).

Many countries in the Pacific, particularly in Polynesia, have a long history of recognising and accepting gender diversity amongst those AMAB. For example, *fa’afafine* are an intrinsic part of the fabric of Samoan culture and communities, and this term affirms their cultural identity. Other indigenous language terms used in the Pacific include *leiti/fakaleiti* (Tonga), *fakafifine* (Niue), *akava’ine* (Cook Islands), *pina* (Tuvalu), *māhū* (Tahiti and Hawaii), *vakasalewalewa* (Fiji) and *palopa* (Papua New Guinea). Some

people who use these terms may also identify with Western terms such as transgender or gay. In Fiji, trans people of Indian descent are referred to as *hijra* or by the Fiji Hindi term *jiji*.

While terms such as non-binary, gender non-conforming or genderqueer are less common in Asia than in Australasia, North America, or Western Europe, they are increasingly used, particularly among trans young people. Many *brastos* in Fiji also describe themselves as gender non-conforming.

In Australia, *sistergirl* is a term used by Aboriginal and Torres Strait Islander people to describe gender diverse people who have a female spirit and take on female roles within the community. The word *whakawahine* is one of the terms used by indigenous transgender women in New Zealand though the broader term *takatāpui* is most commonly used to embrace indigenous people of diverse SOGIESC identities.

Less visible identities or populations

In some countries in this region there are few, if any, local words that describe someone's identity based on their sexual orientation. For example, in Cambodia there are no words in the Khmer language that specifically describe sexual preferences and behaviour, such as heterosexual, homosexual, lesbian, gay or bisexual. In Sri Lanka it is difficult to convey the concepts of sexual orientation and heteronormativity (or gender identity or gender expression) in the Sinhala and Tamil languages.

There is even less regional information available about:

- women who are solely or sometimes attracted to women; for example, lesbians and bisexual women
- women who have a masculine gender expression; for example, 'butch' women, who may or may not be lesbian
- transgender men and
- intersex people.

The words *tomboy*, *tomboy* and *toms* are used frequently in South East Asian countries, including Indonesia, the Philippines and Thailand, and also in China to describe lesbians. Specifically, they refer to 'butch' lesbian and bisexual women who are perceived to have a 'masculine' gender expression, and are considered to be stepping outside sexuality and/or gender norms for someone AFAB. In Malaysia the terms *pengkid* and *peng* are used within the Malay community. Local words that describe feminine lesbians tend to focus on their behaviour or their identity as the partner of a butch lesbian, for example *cewek* (Indonesia), *dees* (Thailand), and *mars* (Philippines).

Unlike the abundance of gender identity terms for transgender women, traditional local terms that refer to transgender men are unusual. Even where these terms exist, transgender men may find it difficult to be acknowledged as male, as frequently others refer to them using more common terms that describe butch lesbians.

Some culturally specific, local language terms for trans men include *thirutambi* and *kua xing* (Malaysia), *fa'atama* (Samoa) and *viaviatagane* (Fiji). *Brotherboy* in Australia and *tangata ira tane* in New Zealand are used by indigenous trans men in those countries. Some terms are of more recent origin, though they may frame transgender men's identities within an historical or cultural context. Examples include *laki-laki trans* in Indonesia, *transpinoy* in the Philippines, *bandhu* in Bangladesh and the slang term *brastos* used by trans masculine people in Fiji, which is an acronym from English language words.

Some regional terms for intersex people

Culturally-specific terms to describe intersex people are not common in the Asia Pacific region but do exist in some languages. For example, in Nepal the term for intersex people is अन्तरलिंगी or arntarlingi. There is also significant conflation between terms for transgender and intersex people. For example, in South Asia intersex people are often misunderstood as *hijra*, even though there are some traditional terms distinguishing between these groups. This conflation obscures the specific experiences and distinct human rights issues affecting each group.

In some countries it has been difficult for intersex people to identify respectful local language terms to describe themselves. When APF's manual was published in 2016, intersex activist Small Luk described how the preferred term for intersex people in Taiwan, 陰陽人, was not appropriate in Hong Kong or mainland China where the term 雙性人 was used.

Since Intersex Asia was formed in 2018, it has translated its public statement, including terms such as intersex and variations of sex characteristics, into 12 Asian languages (Bengali, Filipino, Hindi, Indonesian, Korean, Malay, Nepali, Tamil, Telugu, Traditional Chinese, Urdu and Vietnamese).

Key points

- Sexual orientation and gender identity are fundamental elements of a person's identity, while sex characteristics are intrinsic parts of a person's physical make-up.
- These distinct concepts help to differentiate the impact of discrimination against lesbian, gay and bisexual people because of their sexual orientation, against transgender people because of their gender identity or expression or against intersex people because of their sex characteristics.
- Increasingly, the terms 'sexual orientation', 'gender identity', 'gender expression' and 'sex characteristics' are being used by human rights bodies and civil society and listed explicitly as prohibited grounds of discrimination. 'Gender expression' is a separate, but related, term that refers to people's outward expression of masculinity and/or femininity.

- Many regional identities combine elements of sexual orientation, gender identity, gender expression or, less commonly, sex characteristics. Using these concepts acknowledges both traditional and evolving identities in this region and the shared and distinct human rights issues faced by lesbian, gay, bisexual, transgender and intersex people.
- By understanding these concepts and how they apply to lesbian, gay, bisexual, transgender and intersex people, NHRIs can choose the most appropriate individual and umbrella terms to use in specific pieces of work.
- Being lesbian, gay, bisexual, transgender or intersex is not a medical illness. Viewing people this way (pathologisation) has increased stigma, discrimination and violence against people, including in medical settings, because of their sexual orientation, gender identity or sex characteristics,
- Every person has the right to choose whether, when and how they disclose their sexual orientation, gender identity or intersex status. By enabling lesbian, gay, bisexual, transgender and intersex people to choose how much they disclose, NHRIs respect people's privacy and help to create an inclusive environment.