



A Policy Brief on the Peer-led Study on the Rights and Social Experiences of Trans and Gender Diverse People

Fiji, Samoa, and Papua New Guinea 



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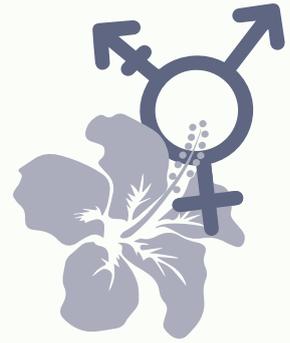
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Context / The Pacific Islands have a long record of gender diversity which extends deep into their country's history, society and culture across generations. These identities include Fa'afafine and Fa'atama in Samoa, Vakasalewalewa and Brastos/Viaviatagane in Fiji, and Palopa in Papua New Guinea which embody a distinct identity¹ beyond the binary male and female.



In the 16th to 18th century, colonisation brought laws prohibiting diverse gender and sexual orientations that contributed to the suppression of these roles and identities in Pacific society. The persisting negative attitudes towards trans and gender diverse people today are rooted in the colonial legacy.

"THE CURRENT NATIONAL LEGAL FRAMEWORKS OF COUNTRIES IN THE PACIFIC DO NOT PROVIDE SUFFICIENT PROTECTIONS TO TRANS AND GENDER DIVERSE PEOPLE."

There has been very limited research on the experiences of

trans and gender diverse people in the Pacific beyond HIV/AIDS behavioral or prevalence studies or as a very small component of more general research across the Asia Pacific region. APTN conducted a peer-led study on the rights and social experiences of trans and gender diverse people in Fiji, Samoa, and Papua New Guinea in collaboration with partner organisations based in these Pacific countries.

Currently, 77 out of the 148 Pacific Island states and territories criminalise same-sex sexual acts between consenting adults. While no Pacific countries allow for a person's gender marker to be changed, Niue, Fiji, and Tonga do allow for a legal change of name.

The current national legal frameworks of countries in the Pacific do not provide sufficient protections to trans and gender diverse people. Trans people are often criminalized under the so-called "cross-dressing" laws and laws prohibiting same-sex relationships, either directly or indirectly.

The findings from APTN's Social Experience Study (SES) bring to the fore a diverse and complex population of trans and gender diverse people across the three Pacific nations. There are some similarities across the three countries; Fiji, Samoa, and PNG all lack legal protections and safeguards as well as gender-affirming services for trans people. In all three countries, trans people



¹ There are challenges to using Western terminology to describe the gender of people in the Pacific as these terms are often simplistic, binary, or based on physical characteristics or expressions. People across each of the countries use broad local and traditional ways as well as Western terms to define their gender identity.

experience discrimination in education, health care, and employment settings. Yet, the data also indicates differences such as higher levels of access to HIV service for trans and gender diverse people in PNG and lower levels of negative exposure to law enforcement and comparatively positive experiences in employment and education settings for Samoa's trans and gender diverse population.

"CURRENTLY, 77 OUT OF THE 148 PACIFIC ISLAND STATES AND TERRITORIES CRIMINALISE SAME-SEX SEXUAL ACTS BETWEEN CONSENTING ADULTS."

Trans people experience high levels of violence in all three countries, especially in PNG. In PNG, at the core of this gender-based violence are rigid binary gender norms and gender

inequality despite long histories of sociocultural and traditional roles for trans and gender diverse people.

The population has high levels of poverty, is largely rural, and geographically dispersed with limited access to education and services. Furthermore, violence is committed with impunity as a result of the weak legal and justice mechanisms available to trans and gender diverse people.

Positively, the findings also highlight some level of acceptance in the region, as evidenced by families, churches, and schools where trans and gender diverse people feel that they have a cultural or traditional role to play as members of the society. This is particularly the case in Fiji and Samoa.

"IN ALL THREE COUNTRIES (FIJI, SAMOA, AND PNG), TRANS PEOPLE EXPERIENCE DISCRIMINATION IN EDUCATION, HEALTH CARE, AND EMPLOYMENT SETTINGS."



² In the Samoa report, there were 8 cases with missing data in the first section of the questionnaire, along with some missing data in the qualitative responses. However, these cases did have data for most of the other sections of the questionnaire, and so have been included in this report.

BASIC DEMOGRAPHICS /²

The average age across all study participants was 33 in Fiji, 30 in Samoa, and 31 in PNG, with the oldest participant being 59 (from Samoa).

TABLE 1. AVERAGE AGE OF KEY PARTICIPANTS.

COUNTRY	MEAN AGE	AGE RANGE
Fiji	33.36	19-54
PNG	30.48	19-52
Samoa	30.38	18-59

Gender Identity and Expression / On average, a little under a third of the sample (44 respondents) experienced some kind of disrespect and abuse from family members across all three countries.



The data for PNG also highlighted that despite the abuse perpetrated by family members, the family is still an important source of support and acknowledgement for trans and gender diverse people.

The trans and gender diverse respondents across all three countries reported having received support, acceptance,

and acknowledgement of their preferred gender identity from their friends. Unfortunately the finding also highlights that despite private acceptance, friends who do not belong to the same gender identity group (that is, cisgender people) are also likely to be disrespectful, especially in public. This may be associated with perceived social taboos and the stigma

of being associated with trans and/or gender diverse people.

The majority of all respondents across the three countries said they had expressed their gender identity to their intimate partners. As many as 76 respondents (49% of the sample) stated that they always felt appreciated by their partners.

Education / The Fiji sample had the highest number of respondents (96% or 49) with formal schooling, followed by Samoa (83% or 43) and PNG (79% or 41).

Trans and gender diverse people from all three countries experience bullying, harassment, and physical and sexual violence in educational institutions throughout their schooling years, the perpetrators being both students and teachers.

The data illustrates the need for greater interventions for trans and gender diverse students in educational institutions. In particular, trans and gender

diverse students must be provided with avenues to report bullying and harassment by their peers and teachers.

The impunity with which teachers seem to perpetuate bullying, including physical violence, is particularly concerning.



"THE FINDING ALSO HIGHLIGHTS THAT DESPITE PRIVATE ACCEPTANCE, FRIENDS WHO DO NOT BELONG TO THE SAME GENDER IDENTITY GROUP (THAT IS, CISGENDER PEOPLE) ARE ALSO LIKELY TO BE DISRESPECTFUL, ESPECIALLY IN PUBLIC. THIS MAY BE ASSOCIATED WITH PERCEIVED SOCIAL TABOOS AND THE STIGMA OF BEING ASSOCIATED WITH TRANS AND/OR GENDER DIVERSE PEOPLE."

Employment Opportunities / Currently Fiji is the only country with a law that prevents discrimination on employers based on their SOGI.

Hearteningly, about 75% of the sample from 3 countries indicated they had never been refused employment based on their gender identity, and 79% of the sample stated they had never lost their jobs due to their gender identity. However, this could be because most of the respondents were employed in the few sectors (for instance, hairdressing, beauty industry, development) that typically are more open to employing trans

and gender diverse people. The minority who were refused employment were asked to conform to gender norms according to sex assigned at birth as a major reason of the refusal of employment.

Few respondents among the sample had had an opportunity to work in an environment cognizant of the needs of trans and gender diverse people, equipped with physical



(including gender-neutral toilets) and administrative (including forms which allow for affirming gender markers and use of preferred names) facilities that recognize and affirm gender identity.

Gender Affirming Healthcare / Across the three countries, 15% of the sample (24 respondents) stated that their gender identity and/or expression affected how they were treated when trying to access public healthcare services.

The majority of the community interviewed (83% or 129 respondents) had never sought transition-related services from a healthcare professional. The reasons cited varied, with 41 respondents (26%) stating that such services were not available and 38 respondents (25%) stating they did not want or need these services.

Fear, expenses, and a lack of information on where to seek

such services also featured in the responses as well as a preference for NGO/CBOs as a source of information on gender-affirming support.

The rate of access to HIV and sexual health services, especially HTC, was highest among the PNG sample. This could be in part due to the higher HIV prevalence in PNG and the resultant increased funding for HIV services, enhanced service delivery,

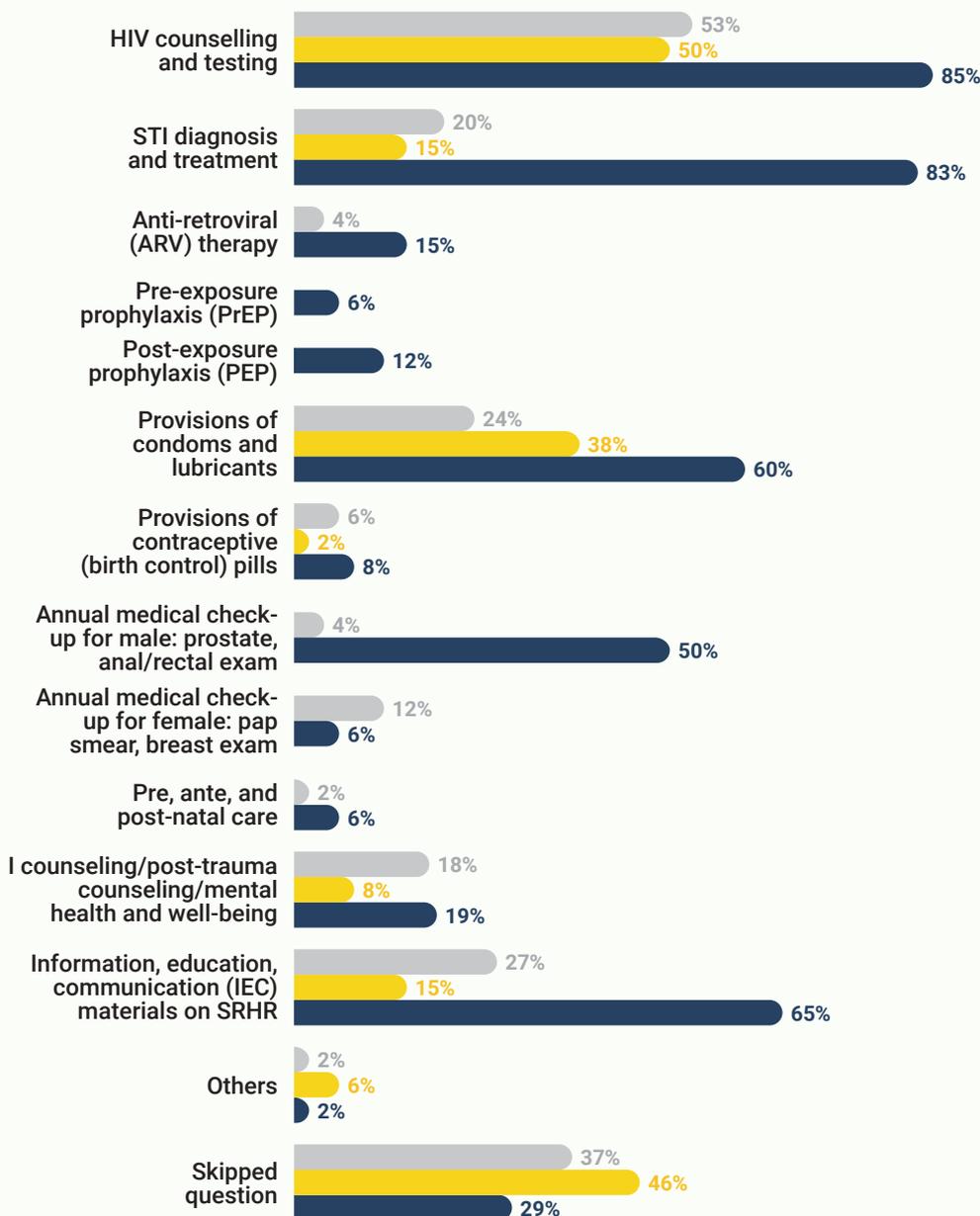


and a higher number of HIV programmes than in the other countries.

"THE RATE OF ACCESS TO HIV AND SEXUAL HEALTH SERVICES, ESPECIALLY HTC, WAS HIGHEST AMONG THE PAPUA NEW GUINEA SAMPLE."

FIGURE 1. SRHR SERVICES ACCESSED.

Fiji Samoa PNG



Access to Legal and Criminal Justice System
 / At least 30% of the respondents in Fiji (15) and PNG (16) and 4% of the respondents from Samoa (2) said they had experienced police harassment due to their gender identity.



The majority of respondents responded that they do not file complaints in response to violence and harassment

that they face for their gender identity. This can be attributed to the discrimination and stigma trans and gender diverse

people have to deal with when dealing with the police and laws that criminalise certain behaviours as unnatural and

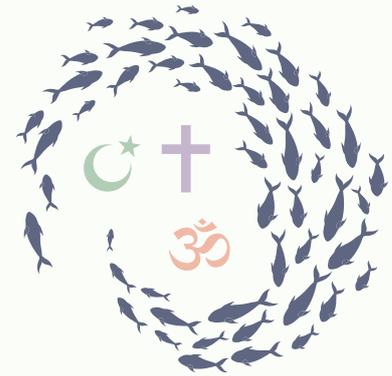
indecent, including sex work, cross-dressing, and sodomy as well the violence they face from the enforcers of criminal justice.

When asked to rate the police's behaviour towards trans and gender diverse people during arrests on a scale of "very respectful" to "very disrespectful," most of the respondents selected "neutral." This was especially

the case in the Fiji sample, where 15 out of 21 respondents selected this answer. Potentially, this rating could reflect an ambivalence towards unpredictable treatment, rather than true neutrality.

Of the respondents that had been incarcerated (11 in Fiji and 5 in PNG), more than half were put into jails cells that did not align with their gender identity.

Across the three countries, 4 respondents (2 from Fiji and 2 from PNG) were physically attacked, 4 (3 from Fiji and 1 from PNG) reported exclusion, bullying, and insults, and 2 (1 from Fiji and 1 from PNG) stated that they had been sexually assaulted by other inmates and/or prison officers.



Religion, Culture, and Tradition / The majority of the respondents (94% of the sample) identified as Christian.

Interestingly, 62% of the sample (96 respondents) across the 3 countries indicated that they did not feel as though their gender identity and/or expression affected how they are received or treated in their religious and/or spiritual community. Yet, when asked if they could be open about their gender identity and expression in their religious

community, 47% of the sample (73 respondents, 31 from Fiji, 24 from Samoa, and 18 from PNG) stated they could not.

Despite this, it is clear from the qualitative responses that for some, the church is a place of acceptance. As many as 28 respondents from PNG, 24 from Samoa, and 17 from Fiji

stated that they felt as though they could express their gender identity and expression in their religious and spiritual community.

This is very promising as religious institutions play a central role in Pacific communities in fostering acceptance and erasing discrimination in the broader society.

FIGURE 2. REVEALING GENDER IDENTITY AND EXPRESSION WITHIN RELIGIOUS COMMUNITIES.



Recommendations

1.0

Reduce and Aim to Eliminate Stigma and Discrimination

More resources need to be allocated to understand the situation and specific instances of trans and gender diverse people in the region. National and regional consultations is key to these as well as promoting dialogues with faith based institutions, initiatives targeting educational institutions and creating long-lasting trust based partnerships.

2.0

Increase Access to and Availability of Trans-Competent Healthcare

While educating healthcare professionals is important, the study highlights a lack of health literacy among trans and gender diverse peoples in the Pacific which must be addressed simultaneously. Advocacy on inclusion of trans and gender diverse people in the health services and allocation of resources at the national level will be key to achieving this recommendation.

3.0

Strengthen Access to Justice and Legal Systems

Lack of Legal Gender Recognition and continued active criminalisation of gender non conformity, same sex sexuality and other perceived “aberrations” which are a legacy of colonialism in the region must be addressed through sustained advocacy in compliance with international human rights mechanisms.

4.0

Build the Capacity of Trans and Gender Diverse Organisations

Within the LGBT space in the region, it is only recently that trans-led groups have emerged as a separate entity from the umbrella groups for LGBT, MSM and gay men’s movement. The movement is young and under-resourced. Sustaining advocacy led by the communities themselves will need to see investment in organisational sustainability of trans and gender diverse organisations in the Pacific



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