

Promoting Inclusion for People of Diverse Sexual Orientations, Gender Identities and Expressions, and Sex Characteristics

A Toolkit for Legislators in the Pacific Region

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A PGA Parliamentary Delegation from Cook Islands, French Polynesia, New Caledonia, Solomon Islands, Tonga, and Vanuatu engaged in dialogue with leaders from the PIDSOGIESC+ community in April 2024 at the Third Pacific Human Rights Conference on Pacific Islanders of Diverse Sexual Orientation, Gender Identity and Expression and Sex Characteristics. Photo credit: PGA.

Executive Summary

In the heart of Pasifika culture lies a deep, enduring tradition of respect for diverse sexual orientations, gender identities, and expressions (SOGIESC+). From the sacred recognition of *Fa'afafine* in Samoa to the cherished role of *Leiti* in Tonga, Pasifika societies have long embraced the richness of gender diversity. Yet, despite this history, many Pacific nations continue to face legal, social, and cultural barriers that hinder the full inclusion of people with diverse SOGIESC+ identities. These barriers often stem from entrenched misconceptions, colonial legacies, and a lack of awareness about the intersection of human rights and gender equality.

To address these barriers, Parliamentarians for Global Action (PGA), a non-governmental, multi-party, international network of legislators, authored this toolkit to support the work of legislators in the Pacific. Recognizing the intersectional nature of our work, PGA informs and mobilizes parliamentarians globally to advocate for human rights and the rule of law, democracy, human security, inclusion, gender equality, and justice, including climate justice, and the environment.

This practical toolkit is an interactive resource that serves to equip Pasifika legislators with the knowledge, strategies, and tools to promote inclusion, equality, and dignity for all people, regardless of their sexual orientation, gender identity, or sex characteristics. It is a call to action for lawmakers to be champions of human rights and stewards of social justice, leading the charge for legislative reform that embraces the diversity of the Pasifika community. The toolkit provides guidelines, case studies, and recommended actions for effective and inclusive decision-making, representation, and a just society for all.

In a region where SOGIESC+ individuals often face discrimination, violence, and marginalization, this toolkit serves as a roadmap for creating inclusive policies and practices that reflect the region's values of respect, community, and interconnectedness. With an emphasis on cultural sensitivity, human rights, and gender equality, the toolkit offers practical guidance on how parliamentarians can design policies, build coalitions, and advocate for SOGIESC+ rights while respecting the cultural and religious complexities of the Pacific.

Key highlights include:

- Culturally grounded definitions and best practices: Understanding Pasifika identities while framing legislation that respects local traditions while advancing human rights.
- Case studies of regional progress: Insights from countries like Fiji, Vanuatu, and Samoa that have made strides toward SOGIESC+ inclusion, showing how legal reforms can lead to meaningful change.

- Actionable legislative steps: Concrete recommendations on decriminalizing same-sex relationships, enacting anti-discrimination laws, and providing access to healthcare and social services for SOGIESC+ individuals.
- Climate resilience and SOGIESC+ inclusion: An exploration of how addressing the needs of SOGIESC+ individuals in the context of the climate crisis can foster more inclusive, resilient communities.
- A call to action for parliamentarians: Encouraging lawmakers to take bold, decisive action to shape a future where every person, regardless of their sexual orientation, gender identity, or sex characteristics, can thrive without fear of discrimination or violence.

This toolkit is not just a guide — it is a declaration of intent. By using the resources, case studies, and policy recommendations contained within, we believe that you, our Pasifika parliamentary partners, can help shift the region toward greater inclusivity and prosperity. In doing so, you will not only support SOGIESC+ individuals but also strengthen the core values that have always defined the Pasifika people: community, respect, and dignity for all.

The time to act is now. It is time for Pasifika lawmakers to stand for equality, stand for inclusion, and stand for a future where everyone is valued for who they are and their contributions to the community.

Acknowledgments

This Parliamentary Toolkit is the result of extensive consultations with legislators, civil society organizations, and community leaders across the Pacific region. Their invaluable insights, lived experiences, and commitment to equality have shaped this resource, ensuring it is both practical and culturally responsive. Special thanks to consultant Roshika Deo for her important input.

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A Note about Language Use

Pasifika

References to “Pasifika” may be familiar to some readers and less familiar to others. For the purposes of this toolkit, PGA is using the term Pasifika to refer to the people and cultures of the region encompassing the island geographies of Melanesia, Micronesia, and Polynesia in the Pacific. Because these places have been greatly impacted by colonization, we wish to honor the desire of the peoples of this region to identify themselves by the term Pasifika¹, though we may refer to the region itself as the Pacific.

PIDSOGIESC+

PIDSOGIESC+ is a term that extends the concept of SOGIESC (Sexual Orientation, Gender Identity, Expression, and Sex Characteristics) to include additional layers of diversity. The PIDSOGIESC+ framework acknowledges the importance of regional and cultural context, as well as specific issues affecting diverse communities.

The components are as follows:

- **PI:** Refers to Pacific Islanders
- **D:** Includes diverse identities within communities that may not be captured in traditional SOGIESC categories.
- **SOGIESC:** Stands for sexual orientation, gender identity, gender expression, and sex characteristics that capture the plurality of human experiences.
- **The “+” symbol:** Means that this framework is open and flexible, allowing for the inclusion of other identities or experiences that might not fall into traditional categories of SOGIESC, but are important to understand the lived realities of people from diverse backgrounds.

In the context of the Pacific Islands, indigenous communities, and regions with rich cultural histories and complex gender systems (like the recognition of *Mahu*, *Fa'afafine*, *Leiti*, etc.), PIDSOGIESC+ offers a nuanced and inclusive framework that takes into account:

- **Cultural diversity:** The different ways gender and sexuality are understood in various Pasifika cultures.
- **Intersectionality:** It acknowledges that issues related to SOGIESC are experienced differently based on factors like ethnicity, religion, geography, and socioeconomic status.

¹ Pacific Islanders and U.S. Colonization, *The American Education Project*, 6.2.1, available at <https://asianamericanedu.org/pacific-islanders-us-colonization.html>

- Holistic inclusion: The "+" allows for the inclusion of people who might not identify strictly within the traditional SOGIESC categories, including those with intersex conditions or non-binary expressions that don't align with a specific gender or sexual category.

By using the PIDSOGIESC+ framework, policymakers and activists can ensure that the experiences of people across a wide spectrum of gender identities, sexual orientations, and cultural backgrounds are considered in any effort aimed at fostering inclusivity and promoting human rights.

Introduction

The people of the Pacific region believe deeply in the core values of acceptance, love, humanity, respect (*fa'aaloalo* in Samoan), *tausi* (care for all), and culture/*kastom* (in Vanuatu). For centuries, many countries in the region have been rooted in ancient traditions that reflect inclusive perspectives about sexual orientation and gender identity. This can be seen in the acceptance of Pasifika indigenous and traditional communities encompassing a diverse range of sexual and gender identities.

The following are examples of PIDSOGIESC+ communities. They represent individuals assigned a male sex at birth who identify as having a gender identity or expression that is female, individuals assigned a female sex at birth who identify as having a gender identity or expression that is male, or individuals who exhibit both feminine and masculine traits:

- *Akava'ine* in Cook Islands
- *Binabinaine* in Kiribati
- *Fa'afafine* and *fa'atama* in Sāmoa
- *Fakafifine* and *fiafifine* in Niue
- *Fakaleitī* and *fakafefine* in Tonga
- *Māhū* in Hawai'i and French Polynesia
- *Palopa* in Papua New Guinea
- *Pinapinaaine* in Tuvalu
- *Brasto*, *vakasalewalewa*, *hijras*, and *kinnar* in Fiji
- *Whakawāhine* in New Zealand, “sistagirls” and “brother boys” in Australia
- *Vimpininni* in the Tiwi Islands

Despite these acceptances and identifications, the impact of colonialization in the region has given rise to negative social attitudes towards people of gender-diverse roles and expressions that has resulted in the spread of laws and policies leading to greater hostility, harassment, discrimination, violence, exclusion, and stigmatization of these communities².

² VPride Foundation, *Sexual Orientation and Gender Expression and Identity (SOGIE) Booklet*, available at <https://vpri.de.invanuatu.net/wp-content/uploads/sites/51/2023/06/SOGIE-English-compleet.pdf>

Myths, hate, and prejudice against these communities affect their access to education, employment, healthcare, climate resilience, and humanitarian aid. This negatively affects the overall development of Pacific countries and territories and all their people.

The Role of Parliamentarians in Promoting Inclusion

Parliamentarians are uniquely positioned to reverse this trend. As representatives of the people, they introduce and approve legislation, oversee government, and promote and uphold democratic values of inclusion and diversity. In doing so, they have the responsibility to build accountable and effective societies where everyone, regardless of their identity, can participate fully and equally.

Parliamentarians also have the power to challenge the deep-rooted stigma and discrimination that continue to harm PIDSOGIESC+ communities. While raising public awareness is vital, it is through the creation and enforcement of inclusive laws and policies that lasting change becomes possible.

Legislation has the power to dismantle systemic barriers, protect human rights, and foster a culture of equality and safety. Without legal frameworks that promote non-discrimination and protect the rights of PIDSOGIESC+ individuals, marginalization will persist, stalling the social and economic progress of the entire Pacific region.

As a parliamentarian and leader, it is your responsibility to lead with courage and compassion, advancing policies that ensure all individuals can live with dignity, security, and freedom from fear. By doing so, you help build resilient, inclusive nations, where everyone has the opportunity to thrive.

This practical toolkit is an interactive resource that you can use to strengthen your understanding of the topic and build capacity. The toolkit provides guidelines, case studies, and recommended actions for effective and inclusive decision-making, representation, and a just society for all.

The Context of PIDSOGIESC+ in the Pacific

While each country and territory face unique challenges regarding PIDSOGIESC+ inclusion, common issues persist across the Pacific region. These include anti-PIDSOGIESC+ stigma rooted in religious perspectives and the preservation of colonial-era criminal laws. Equally concerning is the lack of implementation of inclusive legislation, such as legal gender recognition, and policies that address the specific needs of PIDSOGIESC+ persons, particularly in healthcare settings where services like gender-affirming care remain limited.

The Pacific Sexual and Gender Diversity Network commissioned a 2024 study³ that provides a snapshot of the status of PIDSOGIESC+:

- 39% of respondents experienced physical or sexual violence and threat of violence.
- 51% of respondents experienced some form of harassment.
- 61% of transgender people and 67% of intersex people never accessed health services related to their gender identity or intersex status.
- 55% of respondents stated that offensive language by politicians was “very common” while 31% noted that it was “fairly common.”

VPride, a PIDSOGIESC+ organization based in Vanuatu, has noted that most of its members experienced sexual abuse by family members as children and were scared to report them to the police⁴. They also experienced bullying, physical assaults, and cyber-harassment by their peers in school, leading many to drop out.

The situation of intersex people deserves particular attention. In Fiji, for example, intersex people are often excluded from official data collection and reporting, rendering the community invisible in public policy and development planning. Yet research shows that intersex people⁵ frequently face significant human rights violations, many of which stem from historical and ongoing medical practices aimed at

³ Professor Jioji Ravulo, Dr. Joel Hollier, Mr. Malakai Waqa, *The Lived Experiences of PIDSOGIESC+ Communities*, A report commissioned by the Pacific Sexual and Gender Diversity Network (PSGDN), published in 2024, available at <https://rainbowpridefoundation.org/wp-content/uploads/2025/01/the-lived-experience-of-pidsogiesc-communities-in-the-pacific.pdf>

⁴ VPrize Foundation, *Sexual Orientation and Gender Expression and Identity (SOGIE) Booklet*, available at <https://vpriide.invanuatu.net/wp-content/uploads/sites/51/2023/06/SOGIE-English-compleet.pdf>

⁵ Rainbow Pride Foundation, *Leaving No One Behind, SOGIESC Handbook for Fiji Parliamentarians*, published in 2021, available at <https://rainbowpridefoundation.org/resources/>

“curing” or “correcting” intersex traits. These practices, rooted in colonial ideologies, have included coercive medical interventions, non-consensual surgeries, and forced sterilization, often carried out in childhood or adolescence without informed consent.

Discrimination against PIDSOGIESC+ is common in schools, workplaces, and family settings. These experiences can lead to mental health problems, substance use disorder⁶, poverty, truancy, houselessness, or unemployment. When PIDSOGIESC+ persons are left unprotected, their ability to contribute to the local workforce and contribute to the cultural fabric of their community decreases⁷, limiting the growth of the Pacific region.

Religion and the PIDSOGIESC+ Community in the Pacific

Before colonization and the introduction of Christianity in the region, diverse gender expressions and sexual identities were culturally and traditionally common⁸. Today, Christianity is the largest religious denomination in the Pacific region with over 90% of the population identifying as Christian in all Pacific Island countries and territories, except for Fiji. This can present challenges for many PIDSOGIESC+ people as religious and political leaders often use Christianity to justify anti-PIDSOGIESC+ sentiments.

In Vanuatu, the traditional *kastom* culture and Christian church leaders tend to support conservative values, but attitudes are slowly changing due to community dialogue around human rights. Historically, *kastom* accepted diverse gender expressions, though this recognition was often kept private. As one person explained, if the chief or the family elder recognizes someone as different, they might call them “special,” and assign them chores typically done by the opposite sex, but this would remain a private matter — something only done at home. It was not an issue within *kastom*. However, when it comes to the church, that is a different matter altogether⁹. This reflects the tension between traditional practices and the influence of external institutions, such as religion, which has shaped conservative views, even as broader discussions around human rights are gradually shifting societal norms.

⁶ Kayla Gill, “Substance Use” vs. “Abuse:” *The Impact of Language*, published on 19 August 2024, available at <https://recovery.com/resources/substance-use-disorder-vs-abuse/>

⁷ VPride Foundation, *Sexual Orientation and Gender Expression and Identity (SOGIE) Booklet*, available at <https://vpri.de.invanuatu.net/wp-content/uploads/sites/51/2023/06/SOGIE-English-compleet.pdf>

⁸ Equality & Justice Alliance, *A Fairer Future, Law reform and advocacy opportunities for women’s and PIDSOGIESC+ rights in the Commonwealth Pacific*, published in September 2019, available at https://www.pgaction.org/pdf/2019/Opportunities_for_women_and_LGBTI_rights_Pacific.pdf

⁹ VPride Foundation, *Sexual Orientation and Gender Expression and Identity (SOGIE) Booklet*, available at <https://vpri.de.invanuatu.net/wp-content/uploads/sites/51/2023/06/SOGIE-English-compleet.pdf>

Religion and inclusion of PIDSOGIESC+ communities do not have to be in conflict; in fact, they can coexist and even enrich one another.

In Samoa, where the government has resisted efforts to abolish sodomy laws¹⁰ citing incompatibility with the country's Christian identity, many PIDSOGIESC+ individuals, particularly within Samoa's *fa'afafine* community, still play vital roles in church life, often serving as leaders of choir groups, youth ministries, and event planners¹¹. This reveals a deeper truth: the lived experiences of the PIDSOGIESC+ community reflect an inherent respect and inclusion. The core Samoan values of *fa'aaloalo* (respect) and *tausi 'āiga* (looking after family¹²) align with the broader Christian principles of care and compassion. In fact, the concept of *tausi* (the care for all) is central to Catholic theology¹³, showing a natural overlap between indigenous cultural values and religious teachings.

Reverend Dr. Cliff Bird, an ordained Minister of the United Church in the Solomon Islands, has pioneered efforts to reconcile Christian beliefs with PIDSOGIESC+ inclusion by developing a theology of gender equality¹⁴ that highlights the compatibility of faith and acceptance. Religious and cultural values can evolve to embrace diversity without compromising foundational beliefs.

¹⁰ John Curtis, Anna Dickson, Eleanor Gadd, Tim Robinson, *LGBT+ rights and issues in Pacific islands*, published on 21 March 2022, available at <https://researchbriefings.files.parliament.uk/documents/CBP-9502/CBP-9502.pdf>

¹¹ Reuters, *Samoa's 'third gender' delicately balances sex and religion*, published on 20 July 2019, available at <https://www.reuters.com/article/uk-pacific-samoa-gender-idUKKCN1UQ020/>

¹² Karl Pulotu-Endemann, *Talking about Pacific and religious values*, published on 7 August 2022, available at <https://e-tangata.co.nz/reflections/talking-about-pacific-and-religious-values/>

¹³ *Ibid*

¹⁴ Uniting World, *Theology of Gender Equality making Waves in the Pacific*, published on 20 December 2018, available at <https://www.unitingworld.org.au/theology-of-gender-equality-making-waves-in-the-pacific/>



Image credit: "[Manase Beach Rainbow](#)" by [Jorge P. Price](#) is licensed under [CC BY 2.0](#).

Gender Equality and PIDSOGIESC+: A Path to Inclusive Prosperity

Gender equality represents the principle that people of all genders deserve equal access to opportunities and resources. This concept extends beyond fairness — it is fundamental to economic growth, social stability, and cultural resilience in the Pacific region. For PIDSOGIESC+ individuals, the barriers to full participation in society remain significant, from employment discrimination to limited healthcare access.

The Importance of Dispelling Myths and Misconceptions

There are many myths and misconceptions surrounding PIDSOGIESC+ persons, often rooted in cultural misunderstandings, prejudice, and misinformation¹⁵. These myths can perpetuate harmful stereotypes. For example, some believe that gender diversity and non-heteronormative identities are

¹⁵ Parliamentarians for Global Action, *Advancing the Human Rights and Inclusion of LGBTI People*, published in 2022, available at <https://www.pgaction.org/inclusion/>

imported “western” concepts, when, in fact, many Pacific cultures have long recognized and respected diverse gender roles and sexual identities. The reality is that PIDSOGIESC+ individuals are integral members of their communities, contributing to society in meaningful ways.

Anti-PIDSOGIESC+ myths often lead to physical and psychological violence against PIDSOGIESC+ individuals. Common misconceptions include:

- denying the pre-colonial existence of PIDSOGIESC+ individuals
- dismissing their identities as "lifestyle choices"
- falsely claiming they seek special privileges rather than equal rights
- overlooking their protected rights to health and education
- attributing natural disasters to divine punishment for homosexuality
- reducing their complex concerns to a singular focus on same-sex marriage

There is a myth, for example, that PIDSOGIESC+ are somehow responsible for natural disasters. The intensity of cyclones in the region has increased because of climate crisis and not because of any actions by PIDSOGIESC+. What is true is the aggravated vulnerability PIDSOGIESC+ experience during natural disasters¹⁶. Such vulnerability exposes them to violence and stigma and deprives them of necessary humanitarian assistance. These experiences are in opposition to the Pasifika religious and cultural values of kinship, care, and community.

Another myth is that being a PIDSOGIESC+ person is inherently incompatible with religion or faith, particularly the belief that it goes against God’s will. The reality is that this myth overlooks the diverse interpretations of religious texts and traditions, as well as the evolving understanding of human rights within faith communities. Many religious traditions, including Christianity, have a history of recognizing and affirming diverse identities. In fact, many Christian denominations emphasize core principles such as love, compassion, and respect for all people, regardless of their sexual orientation, gender identity, or sex characteristics. History, culture and religion are all very important, but all States, regardless of political, economic and cultural systems, have a legal duty to protect the human rights of all. Religious freedom gives everyone the right to hold our own beliefs (or not to), but it does not give us the right to impose our views on others, including by discriminating against or harming them.

¹⁶ Rainbow Pride Foundation, *Leaving No One Behind, SOGIESC Handbook for Fiji Parliamentarians*, published in 2021, available at <https://rainbowpridefoundation.org/resources/>

Understanding the myths versus the realities of PIDSOGIESC+ lives is crucial in fostering inclusivity, respect, and human rights for all.

The Economic Case for Inclusion

Inclusive policies directly contribute to gender equality and unlock significant economic benefits for nations worldwide.

- Countries that promote gender equality experience up to a 20% increase in GDP per capita¹⁷.
- In Fiji, businesses with diversity policies report 20% higher productivity¹⁸.
- While it is difficult to share an estimated dollar amount of the economic impact of PIDSOGIESC+ discrimination in Pacific Island countries, the available research demonstrates that PIDSOGIESC+ persons are confronted with higher poverty rates, food insecurity, economic instability, lack of access to public services such as housing, compared to heterosexual and cisgender persons. Looking at available data in case studies, we can infer that discrimination costs Pacific Island economies millions through lost productivity and healthcare burdens¹⁹.

Culturally aligned solutions that promote gender equality can significantly boost economic performance. Here are some examples of inclusive policies that reflect traditional Pasifika values:

- Strengthening legal protections: Enforcement of anti-discrimination laws in workplaces and public services to uphold traditional Pasifika values of inclusivity and respect.
- Education and awareness: Integration of gender and PIDSOGIESC+ inclusion into school curricula and community dialogues led by respected local leaders.
- Economic empowerment: Supporting PIDSOGIESC+ entrepreneurs and creating safe, equal employment opportunities through government and private sector initiatives.

¹⁷ World Bank Group *Gender Strategy 2024 – 2030: Accelerate Gender Equality to End Poverty on a Liveable Planet*, published in 2024, available at <https://www.worldbank.org/en/topic/gender/brief/gender-strategy-update-2024-30-accelerating-equality-and-empowerment-for-all#:~:text=Gender%20gaps%20in%20labor%20force,policy%20options%20can%20increase%20FLFP>.

¹⁸ The Fiji Times, *Adoption of diversity and inclusion in Fiji | ILO-WEBC business breakfast launch*, published on 24 April 2024, available at <https://www.fijitimes.com.fj/adoption-of-diversity-and-inclusion-in-fiji-ilo-webc-business-breakfast-launch/#:~:text=The%20findings%20revealed%20that%20companies%20actively%20promoting,ranging%20from%205%20to%2020%20per%20cent.&text=These%20studies%20indicate%20a%20correlation%20between%20gender,and%20decrease%20turnover%20rates%20alongside%20increased%20productivity>

¹⁹ World Bank Group, *Enhancing Economic Growth: The Benefits of LGBTI Inclusion in North Macedonia and Serbia*, published on 26 September 2023, available at <https://www.worldbank.org/en/news/press-release/2023/09/26/enhancing-economic-growth-the-benefits-of-lgbti-inclusion-in-north-macedonia-and-serbia>

- Accessible services: Ensuring healthcare, housing, and social protection systems are inclusive and culturally appropriate.

By upholding Pasifika principles of community, respect, and dignity, legislators can ensure that everyone, regardless of gender or identity, contributes to and benefits from a thriving future.

How Parliamentarians Can Promote Care for Vulnerable and Marginalized Communities

Parliamentarians in the Pacific region play a critical role in helping to shape a more informed and empathetic understanding of PIDSOGIESC+ people and advocating for policies that support their greater inclusion in society. Parliamentarians can challenge wrongful narratives on social media²⁰ while promoting PIDSOGIESC+ inclusive messages²¹ and raising awareness. You can share educational materials with your constituents and colleagues that dispel myths from a human rights standpoint.

Parliamentarians can respond effectively to those opposed to equal rights for all by using the language and values of faith, family, and community. When you situate your messaging in Pasifika values of kinship, acceptance, and spirituality, they are helping to convey that PIDSOGIESC+ are “everyday people who want the same opportunity as others to pursue health and happiness, earn a living, be safe in their communities, serve their countries and take care of the people they love²².” Indeed, religious sacred texts affirm the intrinsic value of all of creation. Religious freedom is a fundamental human right that applies to all people, and it does not entitle people to hurt others.

²⁰ Parliamentarians for Global Action, *Advancing the Human Rights and Inclusion of LGBTI People*, published in 2022, available at <https://www.pgaction.org/inclusion/>

²¹ *Ibid*

²² Rainbow Pride Foundation, *Leaving No One Behind, SOGIESC Handbook for Fiji Parliamentarians*, published in 2021, available at <https://rainbowpridefoundation.org/resources/>

The Legal Landscape for Human Rights of PIDSOGIESC+ People

Many Asian and Pacific countries have inclusive family-centric cultures that welcome people of all gender expressions. Each country's legal system must reflect this diversity and inclusivity. Yet, stigma and violence against PIDSOGIESC+ people are still pervasive, affecting their ability to contribute to their families, communities, and country and to reach their full development and potential. When a person's access to education, employment, healthcare, and housing is diminished, the region's inclusive values, development and climate crisis preparedness are similarly negatively affected.

Decriminalization of Same-Sex Relationships in the Pacific Region

To support the rights and inclusion of PIDSOGIESC+ people, it is important to understand the current landscape on de/criminalization of same-sex relationships across the Pacific region. Here is an overview of some of the legislative activity that has taken place to date:

- Australia: It took 22 years to decriminalize consensual same-sex relations between adults across Australia. South Australia was the first state to do so in 1975, followed by other states over time, with Tasmania being the last one in 1997. In response to international obligations and to address ongoing criminalization in some states, the federal government passed the Human Rights (Sexual Conduct) Act in 1994. Public pressure and shifting public attitudes played a significant role in driving these reforms at the state level²³.
- Cook Islands: Same-sex relationships between men were decriminalized in 2023 by amendment of the Crimes Act (1969) through the Crimes (Sexual Offences) Amendment Bill²⁴.
- Federated States of Micronesia: Same-sex sexual activity has never been criminalized.
- Fiji: Private consensual same-sex relationships were decriminalized by *McCoskar v. State* (2005)²⁵ and the Crimes Act 2009²⁶.

²³ NEWS, *Timeline: 22 years between first and last Australian states decriminalising male homosexuality*, published on 23 August 2015, available at <https://www.abc.net.au/news/2015-08-24/timeline:-australian-states-decriminalise-male-homosexuality/6719702>

²⁴ Parliament of the Cook Islands, *Crimes (Sexual Offences) Amendment*, approved on 18 April 2023, available at <https://parliament.gov.ck/wp-content/uploads/2023/09/Crimes-Sexual-Offences-Amendment-2023-No.-04-1.pdf>

²⁵ High Court of Fiji, *McCoskar v The State* [2005] FJHC 500; HAA0085 & 86.2005 (26 August 2005), available at https://www.humandignitytrust.org/wp-content/uploads/resources/Nadan_McCoskar_v_State.pdf

²⁶ Laws of Fiji, *Crimes Act 2019*, available at <https://www.laws.gov.fj/Acts/DisplayAct/3164>

- Kiribati: Homosexual same-sex relationships are criminalized by the Penal Code (Revised 1977)²⁷.
- Marshall Islands: Consensual same sex activity was decriminalized in 2005 by amendment of the Criminal Code²⁸ [31 MIRC Ch 1] through the Criminal Code (Amendment) Act 2005.
- Nauru: Same-sex sexual activity was decriminalized by the Crimes Act 2016²⁹, which repealed the Criminal Code 1899.
- New Zealand: The Homosexual Law Reform Act of 1986 decriminalized sexual relations between men. The Crimes Act 1961 had removed the possibility of life incarceration for sodomy, and the Sexual Offences Act 1967 had only decriminalized consensual homosexual activities between two adult men not in the merchant navy. The LGBT movement found a “parliamentary champion”³⁰ in Labor MP Fran Wilde who consulted with LGBT groups to develop a private member’s bill that she introduced to the House of Representatives in 1985³¹
- Niue: Same-sex relations between consenting adults were decriminalized³² in 2007.
- Palau: Same-sex sexual relations were decriminalized in 2014, and a new Penal Code³³ was introduced.
- Papua New Guinea: Homosexual same-sex relationships are criminalized by the Criminal Code (1974)³⁴ (amended 2002).
- Samoa: The Crimes Act (2013)³⁵ removed articles of the Crimes Ordinance (1961) which criminalized “indecent acts between males,” but sodomy is still criminalized.

²⁷ Pacific Islands Legal Information Institute, Kiribati Consolidated Legislation, *Penal Code*, available at http://www.pacilii.org/ki/legis/consol_act/pc66/

²⁸ Republic of the Marshall Islands, Criminal Code 2011, available at https://rmiparliament.org/cms/images/LEGISLATION/PRINCIPAL/2011/2011-0059/2011-0059_2.pdf

²⁹ RONLAW, Nauru’s Legal Database, *Crimes Act 2016*, available at https://ronlaw.gov.nr/pdfviewer/docs%252Facts%252F2016%252FCrimes%2520Act%25202016_serv3.pdf

³⁰ New Zealand History, *Homosexual law reform*, available at <https://nzhistory.govt.nz/culture/homosexual-law-reform/reforming-the-law>

³¹ New Zealand History, *Homosexual law reform introduction*, available at <https://nzhistory.govt.nz/culture/homosexual-law-reform/homosexual-law-reform#:~:text=The%20Homosexual%20Law%20Reform%20Act,and%20a%20term%20of%20imprisonment.>

³² Parliamentary Counsel Office, *Niue Amendment Act 2007*, available at <https://legislation.govt.nz/act/public/2007/0071/latest/whole.html#DLM968439>

³³ The Law on Police Use of Force, *Penal Code*, available at https://www.policinglaw.info/assets/downloads/Palau_Penal_Code.pdf

³⁴ Pacific Islands Legal Information Institute, Papua New Guinea Consolidated Legislation, *Criminal Code Act 1974*, available at http://www.pacilii.org/pg/legis/consol_act/cca1974115/

³⁵ Pacific Islands Legal Information Institute, Consolidated Acts of Samoa 2018, *Crimes Act 2013*, available at http://www.pacilii.org/ws/legis/consol_act/ca201382/

- Solomon Islands: Same-sex sexual activity is criminalized by the Penal Code (Revised 1996)³⁶.
- Tonga: The Criminal Offences Act (Revised 2016)³⁷ criminalizes same-sex relationships.
- Tuvalu: Homosexual same-sex relationships are criminalized by the Penal Code (Revised Edition 2022)³⁸.
- Vanuatu: Consensual adult same-sex acts have never been criminalized.

This evolving legal landscape demonstrates both the progress made and the challenges that remain, highlighting the critical role of lawmakers in shaping inclusive societies rooted in dignity and equality. International and regional human rights law supports parliamentarians from the Pacific in their efforts to preserve their country's cultural diversity and protect the humanity of all individuals.

International Human Rights Law and Protection from Sexual and Gender Discrimination

While there are no “international gay rights,” human rights exist for *everyone*. All human beings, regardless of their particular identities, are entitled to fundamental rights like education, equality, employment, expression, health, housing, liberty, life, privacy, and religion. As such, the rights of people of all sexual orientations, gender identities, and expressions are firmly rooted in international human rights frameworks, which affirm that every individual, regardless of their SOGIESC+ status, is entitled to the same protections and freedoms.

Below are a few of the human rights frameworks that offer protections to individuals from sexual and gender discrimination:

- The right to equality and non-discrimination are fundamental principles of human rights, set out in the Charter of the United Nations³⁹, the *Universal Declaration of Human Rights*⁴⁰, and other international human rights treaties such as the *International Covenant on Civil and Political Rights* (ICCPR)⁴¹. Article 1 of the Universal Declaration of Human Rights leaves no

³⁶ Pacific Islands Legal Information Institute, Solomon Islands Consolidated Legislation, *Penal Code*, available at http://www.pacilii.org/sb/legis/consol_act/pc66/

³⁷ *Criminal Offences Act*, 2016 Revised Edition, available at https://ago.gov.to/cms/images/LEGISLATION/PRINCIPAL/1924/1924-0010/CriminalOffencesAct_2.pdf

³⁸ *Penal Code*, 2022 Revised Edition, available at https://tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1965/1965-0007/1965-0007_2.pdf

³⁹ United Nations, *Charter*, available at <https://www.un.org/en/about-us/un-charter>

⁴⁰ United Nations, *Universal Declaration of Human Rights*, available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

⁴¹ United Nations, *International Covenant on Civil and Political Rights*, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

room for doubt: “All human beings are born free and equal in dignity and rights.” Article 2 (1) of the ICCPR states: “Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

- Human rights treaty-monitoring bodies of the United Nations have confirmed that sexual orientation and gender identity are included among the prohibited grounds of discrimination under international human rights law. For example, the Human Rights Committee of the International Covenant on Civil and Political Rights has referred to sexual orientation and gender identity as characteristics of people that are not modifiable without detriment to their identity.
- Principle 3 of the *Yogyakarta Principles*⁴² on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity states that: “Each person’s self-defined sexual orientation and gender identity is integral to their personality and is one of the most basic aspects of self-determination, dignity and freedom;” and that “States shall take all necessary legislative, administrative and other measures to ensure that procedures exist whereby all State-issued identity papers which indicate a person’s gender/sex—including birth certificates, passports, electoral records and other documents—reflect the person’s profound self-defined gender identity.”
- The *2030 Agenda for Sustainable Development* and the Sustainable Development Goals (SDGs)⁴³ “seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls. They are integrated and indivisible and balance the three dimensions of sustainable development: the economic, social and environmental.” Central to this agenda is the pledge that “no one will be left behind.” Agenda 2030 explicitly recognizes the role of parliaments in supporting the implementation of the SDGs, “through their enactment of legislation and adoption of budgets and their role in ensuring accountability for the effective implementation of our commitments.”
- The Resolution on combating discrimination, violence and harmful practices against intersex persons⁴⁴ adopted by the Human Rights Council encourages States “to enhance efforts to combat discrimination, violence and harmful practices against persons with innate variations in sex characteristics and to address their root causes, such as stereotypes, the spread of misconceptions and inaccurate information, stigma and taboo, and to work to realize the

⁴² *Yogyakarta Principles*, available at <https://yogyakartaprinciples.org/>

⁴³ United Nations, Department of Economic and Social Affairs, *Transforming our world: the 2030 Agenda for Sustainable Development*, available at <https://sdgs.un.org/2030agenda>

⁴⁴ United Nations General Assembly, Human Rights Council, *Combating discrimination, violence and harmful practices against intersex persons*, adopted on 8 April 2024, available at <https://docs.un.org/en/A/HRC/RES/55/14>

enjoyment of the highest attainable standard of physical and mental health for persons with innate variations in sex characteristics.”

Regional Human Rights Instruments

Building upon these international human rights frameworks, regional human rights instruments offer tailored mechanisms and guidelines that address the unique cultural, social, and political contexts of specific regions, reinforcing the protection and promotion of PIDSOGIESC+ rights at a regional level. These instruments include:

- The 2023 *Revitalised Pacific Leaders Gender Equality Declaration* recognizes “women and girls in all their diversity” and “promotes a coherent and inclusive approach to gender equality and social inclusion.”⁴⁵
- The 2023 *Pacific Regional Framework on Climate Mobility*⁴⁶ explicitly recognizes the PIDSOGIESC+ community as one vulnerable or marginalized group that is “at higher risk of being subjected to discriminatory practices, violence, social disadvantage or economic hardship than other groups.”⁴⁷
- In May 2019, the second Pacific Feminist Forum endorsed the *Pacific Feminist Charter Action Plan*, which incorporates a call for the human rights of PIDSOGIESC+ “including actions to decriminalize homosexuality in all Pacific Small Island States, call for recognition of third gender identities, and for a full review of all legislation, policies and procedures toward compliance with universal human rights.”⁴⁸
- In the 2015 *Pipitea Declaration*, parliamentarians committed to a set of actions. They declared to address legislative gaps by advocating for “human rights principles to be reflected in new laws.” They also encouraged dialogue “on salient human rights issues and challenges in the Pacific, including equality and nondiscrimination, climate change, indigenous peoples’ rights, corruption, and violence against women and children.”⁴⁹

⁴⁵ Pacific Islands Forum, *Revitalised Pacific Leaders Gender Equality Declaration*, published on 21 November 2023, available at <https://forumsec.org/publications/revitalised-pacific-leaders-gender-equality-declaration>

⁴⁶ *Pacific Regional Framework on Climate Mobility*, available at <https://forumsec.org/sites/default/files/2024-02/Pacific%20Regional%20Framework%20on%20Climate%20Mobility.pdf>

⁴⁷ *Pacific Regional Framework on Climate Mobility*, available at <https://forumsec.org/sites/default/files/2024-02/Pacific%20Regional%20Framework%20on%20Climate%20Mobility.pdf>

⁴⁸ Pacific Feminist Forum 2019, *Pacific Feminist Charter Action Plan*, published in May 2019, available at https://www.fwrm.org.fj/images/events/pff/2019/2019ActionPlan_PFF.pdf

⁴⁹ Commonwealth Parliamentary Association, *Pipitea Declaration*, published in August 2015, available at <https://www.cpahq.org/media/pvdnly0f/pipitea-declaration-august-2015.pdf>

- The *2050 Strategy for the Blue Pacific Continent* mandates Pacific governments to “address issues of exclusion and inequality, including gender inequality, marginalized groups, and the importance of protecting human rights and environmental rights.”⁵⁰
- The 2013 Asian and Pacific Ministerial Declaration on Population and Development commits governments “to reduce vulnerability and eliminate discrimination based on sex, gender, age, race, caste, class, migrant status, disability, HIV status, sexual orientation and gender identity, or other status.”⁵¹
- In the 2013 *Moana Declaration: Outcome Statement of Pacific Parliamentarians for Population & Development*, Pacific parliamentarians recognize their “unique position to ensure a whole-of-government approach,” collaborating with CSOs, faith groups, and traditional systems. They advocate to “[s]upport inclusive sustainable development strategies, and respond to specific needs of persons with disabilities, vulnerable and marginalized groups,” and “[e]nsure access to sexual and reproductive health and rights (SRHR) for all our peoples, without discrimination.”⁵²
- The *Pacific Platform for Action on Gender Equality and Women’s Human Rights 2018-2030* “provides a roadmap for achieving gender equality and enhancing the well-being of all women and girls of all diversities [, including] women with diverse sexual orientations and gender identities.”⁵³
- The *Framework for Resilient Development in the Pacific: An Integrated Approach to Address Climate Change and Disaster Risk Management (FRDP) 2017 – 2030* calls on governments to strengthen their capacities through “inclusive gender analysis.”⁵⁴

⁵⁰ Blue Pacific 2050, *2050 Strategy for the Blue Pacific Continent*, published in 2022, available at <https://forumsec.org/sites/default/files/2023-11/PIFS-2050-Strategy-Blue-Pacific-Continent-WEB-5Aug2022-1.pdf>

⁵¹ *Sixth Asian and Pacific Population Conference*, published in September 2013, available at https://www.un.org/en/development/desa/population/publications/pdf/policy/Compendium/Volume%20II/i_Chapter%204.pdf

⁵² UNFPA, AFPPD, IPPF, *Moana Declaration: Outcome Statement of Pacific Parliamentarians for Population & Development*, available at <https://pacific.unfpa.org/sites/default/files/resource-pdf/PACIFICCONFERENCEOFPARLIAMENTARIANSFORADVOCACYONICPDBEYOND2014OutcomeStatement.pdf>

⁵³ Pacific Community, *Pacific Platform for Action on Gender Equality and Women’s Human Rights 2018-2030*, available at https://spccfpstore1.blob.core.windows.net/digitallibrary-docs/files/cb/cbef0520645ef4421e98e755bedb7c51.pdf?sv=2015-12-11&sr=b&sig=DpeU1s3K29qPvUbr8FSjmEDj0F%2FiFL8UEz0uzuzGErM%3D&se=2025-07-29T18%3A56%3A47Z&sp=r&rsc=public%2C%20max-age%3D864000%2C%20max-stale%3D86400&rsct=application%2Fpdf&rscd=inline%3B%20filename%3D%22Gender_Equality_and_Human_Rights_1July_2024_WEB.pdf%22

⁵⁴ Pacific Community, Secretariat of the Pacific Regional Environment Programme, Pacific Islands Forum Secretariat, United Nations Development Programme, United Nations Office for Disaster Risk Reduction and University of the South Pacific, *Framework for Resilient Development in the Pacific*, published in 2016, available at https://prdrse4all.spc.int/sites/default/files/frdp_2016_resilient_dev_pacific.pdf

As parliamentarians, you hold a critical responsibility in ensuring that your governments protect and implement the rights and freedoms guaranteed by both international and regional human rights law. Your leadership can shape the future of equality and inclusion in the Pacific region. You have the power and prerogatives to change the discriminatory narratives on PIDSOGIESC+ persons, including through the ratification and implementation of human rights treaties, scrutinizing existing legislation, and exercising oversight over the executive to ensure it is fulfilling its international, regional and domestic obligations.

The power to advance justice, protect vulnerable communities, and foster a more inclusive society lies in your hands. The time to act is now. Your decisions can create a lasting impact on the lives of countless individuals in the Pacific.

Progress in PIDSOGIESC+ Inclusion in the Pacific

Amid the landscape of criminalization and decriminalization of same-sex relationships noted above, the Pacific region has a history of great progress toward legalizing respect and care for cultural inclusivity, including these developments:

- Fiji became the second country in the world to prohibit discrimination⁵⁵ based on sexual orientation in 1997. The 2013 Constitution of Fiji enshrines protection from discrimination on the grounds of sex, gender, sexual orientation, gender identity and gender expression. Fiji is currently the only country where the Constitution prohibits discrimination based on gender expression⁵⁶.
- The Cook Islands decriminalized homosexuality in 2023, amending⁵⁷ the Crimes Act 1969, which made homosexuality punishable by up to five years in jail. Parliamentarians shared some thoughts⁵⁸.
- New Zealand rolled out a new self-identification process⁵⁹ in 2023 that allows people to amend the gender markers on their legal documents without medical treatment. Cabinet papers related to the change include additional information.⁶⁰
- Three Australian states passed legislation in 2020 and 2021 that forbade conversion therapy aimed at changing a person's sexual orientation or gender identity: Queensland's law⁶¹, Australian Capital Territory's law⁶², and Victorian law⁶³.

⁵⁵ Emily Dwyer and Lana Woolf, Edge Effect, *Down by the River*, available at https://www.edgeeffect.org/wp-content/uploads/2018/02/Down-By-The-River_Web.pdf

⁵⁶ Constitution of the Republic of Fiji, available at <https://www.laws.gov.fj/Home/information/constitutionoftherepublicoffiji>

⁵⁷ *Crimes (Sexual Offences) Amendment*, published on 18 April 2023, available at <https://parliament.gov.ck/wp-content/uploads/2023/09/Crimes-Sexual-Offences-Amendment-2023-No.-04-1.pdf>

⁵⁸ Islands Business, *Cook Islands Parliament decriminalises homosexuality*, published on 17 April 2023, available at <https://islandsbusiness.com/news-break/cook-islands-parliament-decriminalises-homosexuality/>

⁵⁹ New Zealand Government, *Change the registered sex on your birth certificate*, available at <https://www.govt.nz/browse/passports-citizenship-and-identity/changing-your-gender/change-the-registered-sex-on-your-birth-certificate/>

⁶⁰ New Zealand Department of Internal Affairs, *Proactive release of Briefing Titles: 11 May 2023 to 10 July 2023*, available at <https://www.dia.govt.nz/Proactive-Releases#IA>

⁶¹ Queensland, *Health Legislation Amendment Act 2020, Act No. 31 of 2020*, available at <https://www.legislation.qld.gov.au/view/pdf/asmade/act-2020-031>

⁶² *Sexuality and Gender Identity Conversion Practices*, published on 5 March 2024, available at <https://www.legislation.act.gov.au/View/a/2020-49/current/PDF/2020-49.PDF>

⁶³ *Change or Suppression (Conversion) Practices Prohibition Bill 2020*, available at <https://www.legislation.vic.gov.au/bills/change-or-suppression-conversion-practices-prohibition-bill-2020>

Pacific parliamentarians have become champions for the rights of PIDSOGIESC+ in their national parliaments.



Image credit: PGA

In the Cook Islands, Hon. Tina Pupeke Browne, MP, supported the amendment of the Crimes Act in 2023. Hon. Pupeke Browne explained: “I reminded my fellow MPs that it is our jobs as parliamentarians to pass good laws and repeal bad ones. The offending sections in the Crimes Act is [sic] a very bad law because it completely insulted Article 64 of our Constitution, which assures all Cook Islanders of inalienable rights. We, as MPs, had a job to do. We had to do the right thing. I am absolutely thrilled that the amendment has gone through with such a clear majority [19 MPS in support, 4 MPs against].”



*Image credit: Pacific Youth
and Parliamentarians
Regional Dialogue*

In Samoa, Hon. Fiamē Naomi Mata’afa, Prime Minister of Samoa, expressed pride that the “2016 Sentencing Act includes stronger punishments if violence [i]s committed against someone because of their sexual orientation or gender identity.” Hon. Mata’afa acknowledged that there was more work to do but was “delighted that the Government of Samoa is showing leadership in securing equality before the law for our citizens.”



*Image credit: National
Federation Party*

In Fiji, Hon. Biman Prasad, MP, stressed that respecting everyone’s human rights results in progress and development. Hon. Prasad stated: “Respect for human rights including the human rights of the LGBTQI community is fundamental for our progress and our development. It is the duty of everyone including leaders in the community, leaders at the political level or any other level, to ensure that basic human rights of everyone is respected and protected at all times...”

A few Pacific Island countries have worked to integrate principles of sexual orientation and gender identity non-discrimination in their laws.

Case Study: Fiji's Progress on Non-Discrimination Policies for PIDSOGIESC+ Individuals

Fiji stands as a regional leader in the Pacific for advancing non-discrimination protections for PIDSOGIESC+ individuals through both legal and policy frameworks. The country's approach demonstrates a growing commitment to upholding human rights and honoring international obligations, particularly in relation to workplace inclusion and broader societal acceptance. Fiji's institutional structures provide a promising example of how legislation can be used to promote equality and safeguard marginalized communities.

Legal Protections through Employment Law

One of the key pillars of Fiji's progress is the Employment Relations Act (ERA) 2007, which explicitly prohibits discrimination based on sexual orientation, gender identity, and gender expression. Section 75(2) of the ERA clearly states, "an employer must not discriminate against any worker or prospective worker on the grounds of race, gender, sexual orientation, disability, or social origin." This national legislation aligns closely with Fiji's obligations under the International Labor Organization (ILO) Conventions, particularly Convention C111 on Discrimination in Employment and Occupation, which Fiji has ratified. By embedding these protections into employment law, Fiji ensures that the right to work without discrimination is not only acknowledged but also legally protected.

Constitutional Protections for PIDSOGIESC+ Individuals

Further strengthening its legal framework, the Fijian Constitution (2013) became the first in the Pacific region to explicitly prohibit discrimination on the grounds of sexual orientation, gender identity, and gender expression. Section 26 of the Constitution affirms this protection, positioning Fiji as a progressive actor in regional human rights advocacy. This provision reflects the country's commitment to the principles outlined in the Universal Declaration of Human Rights and the Yogyakarta Principles, which emphasize the application of international human rights law to people of diverse sexual orientations, gender identities, and expressions.

Workplace Inclusion Initiatives

Beyond legislation, Fiji has made efforts to promote workplace inclusion through partnerships with international organizations such as the ILO and UNDP. These collaborations have led to training programs for employers on inclusive practices and workplace equity, particularly for PIDSOGIESC+ employees. Encouragingly, some private sector actors — especially in industries such as tourism and

finance — have voluntarily adopted diversity and inclusion policies that recognize and respect the rights of PIDSOGIESC+ individuals.

Challenges and Opportunities for Further Progress

Despite this progress, challenges remain. Social stigma continues to pose significant barriers, with many PIDSOGIESC+ individuals still experiencing discrimination in employment settings, despite the legal protections in place. Enforcement also presents a critical gap; without consistent monitoring or accountability mechanisms, there is a risk that these policies may not fully translate into everyday practice. Addressing these challenges will require targeted efforts, including strengthened labor inspections, broader public awareness campaigns, and the extension of inclusive protections into other sectors such as education and healthcare.

Conclusion: A Model for the Region

Fiji's example highlights how aligning national policy with international standards can foster greater inclusion while honoring cultural values rooted in dignity and respect. As other Pacific nations consider their own paths toward equality, Fiji's progress offers a compelling model. However, the road ahead will depend on ensuring robust implementation and continued engagement with communities to turn legal commitments into lived realities for all.

Case Study: Vanuatu's Integration of Non-Discrimination Policies Based on PIDSOGIESC+

Vanuatu has made notable progress in integrating non-discrimination principles concerning Persons with Diverse Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (PIDSOGIESC) into its national policies. This commitment is evident in several key legislative and policy frameworks.

Vanuatu 2030: The People's Plan

As the nation's highest-level policy framework, *Vanuatu 2030: The People's Plan* outlines a vision for a stable, sustainable, and prosperous Vanuatu. The plan emphasizes social inclusion and human rights, aligning with the Sustainable Development Goals (SDGs). It underscores the importance of empowering vulnerable groups and ensuring equal opportunities for all citizens, reflecting a commitment to non-discrimination.

Teaching Service Act 2013

The *Teaching Service Act No. 38 of 2013* establishes the Teaching Service and the Teaching Service Commission, aiming to ensure effective management and licensing of teachers in Vanuatu. While the

Act does not explicitly mention non-discrimination based on sexual orientation or gender identity, it sets the foundation for equitable treatment within the educational sector.

National Youth Authority

Vanuatu's National Youth Authority plays a pivotal role in advocating for the rights and development of young people. Although specific policies regarding PIDSOGIESC+ are not detailed, the Authority's mandate includes promoting inclusivity and addressing the diverse needs of all youth, which implicitly supports non-discriminatory practices.

Legal Landscape and Challenges

Despite these policy frameworks, challenges persist in fully integrating non-discrimination protections based on sexual orientation, gender identity, and sex characteristics. While Vanuatu does not criminalize consensual same-sex sexual activity between adults, societal stigma and discrimination against PIDSOGIESC+ individuals remain. Additionally, there is a lack of comprehensive anti-discrimination legislation explicitly protecting PIDSOGIESC+ individuals across all sectors.

Conclusion

Vanuatu's policy frameworks, notably *Vanuatu 2030: The People's Plan* and the *Teaching Service Act 2013*, reflect a commitment to social inclusion and human rights. However, ongoing efforts are necessary to translate these policies into concrete legal protections and societal acceptance for PIDSOGIESC individuals. Strengthening anti-discrimination laws and promoting public awareness are crucial steps toward achieving genuine equality and inclusivity in Vanuatu.

A Pathway for Decriminalizing Homosexuality in Tonga

Building on the positive examples of PIDSOGIESC+ inclusive policies in the Pacific, the next step is to explore a prescriptive model for how legislators can take concrete actions to decriminalize homosexuality. Using Tonga as an example, the following section offers a potential scenario describing how legislators can advance decriminalization while respecting Tonga's socio-cultural and religious landscape.

Legal Context: Laws Requiring Amendment

Tonga, a deeply religious and conservative Pacific Island nation, currently criminalizes consensual same-sex relations under the Criminal Offences Act.

The primary legal provisions criminalizing same-sex relations in Tonga are Criminal Offences Act, Sections 81 and 136:

- Section 81: “Any male person who [...] has on or about his person any article intended by him to represent that he is a female or in any other way impersonates or represents himself to be a female shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding \$1,000 or to imprisonment for a period not exceeding one year or to both such imprisonment and such fine.”
- Section 136: “Whoever shall be convicted of the crime of sodomy with another person or bestiality with any animal shall be liable at the discretion of the Court to be imprisoned for any period not exceeding 10 years.”

These colonial-era laws, inherited from the British legal system, conflict with modern human rights principles and commitments under international conventions such as the *Universal Declaration of Human Rights* and the *Yogyakarta Principles on the Application of International Human Rights Law* in relation to Sexual Orientation and Gender Identity.

Concrete Steps for Legislative Action

The following outlines a set of practical actions that parliamentarians from Tonga could pursue to address the country’s existing legal framework concerning PIDSOGIESC+ individuals. While grounded in Tonga’s unique legal and cultural context, this pathway is designed to be adaptable and can serve as a model for parliamentarians across the Pacific. By offering a structured approach to inclusive legislative reform, it supports broader regional efforts to advance human rights, strengthen social cohesion, and promote dignity and equality for all.

Step 1: Cross-Party Political Consensus Building

- Form a bipartisan committee within the Legislative Assembly to assess the impact of decriminalization on Tongan society, drawing on examples from other Pacific nations such as Palau and Fiji, which have successfully repealed similar laws.
- Engage traditional leaders (nobles), religious institutions, and community groups to discuss concerns and highlight the distinction between decriminalization and endorsement.
- Develop a non-partisan policy paper outlining the benefits of decriminalization, including improved international relations, economic advantages (such as aid and tourism), and alignment with Tonga’s commitments under international human rights frameworks.

Step 2: Drafting and Introducing a Decriminalization Bill

- Propose an Amendment Bill to the Criminal Offences Act, specifically repealing Sections 81 and 136, ensuring that cross-dressing while trading in prostitution and consensual same-sex relations between adults are no longer criminalized.

- Introduce a new clause emphasizing protection against sexual violence to reassure the public that repealing these provisions will not lead to moral decay but will focus on human rights.

Step 3: Public Awareness and Community Engagement

- Launch public forums and educational campaigns led by neutral legal experts and cultural scholars to clarify misconceptions and emphasize decriminalization as a human rights issue, not a moral one.
- Work with faith-based organizations that support PIDSOGIESC+ individuals to promote a message of inclusivity while respecting Tonga's Christian values.
- Establish anonymous feedback mechanisms where the public can express concerns without fear of retribution.

Step 4: Ensuring Safe Implementation

- Strengthen anti-discrimination protections by reviewing and amending labor and human rights laws to ensure PIDSOGIESC+ individuals are protected from discrimination.
- Introduce training for law enforcement and judicial officials to prevent harassment and ensure fair legal processes for all citizens, regardless of sexual orientation.
- Encourage a moratorium on arrests under existing laws until full decriminalization is enacted.

Socio-Cultural and Religious Considerations

For legislative reform to be successful and sustainable in Tonga, it must be rooted in the country's unique social, cultural, and religious context. This section offers guidance on how parliamentarians can thoughtfully navigate these dimensions by framing their efforts in ways that resonate with local values and traditions. The following strategies are intended to support constructive dialogue, reduce resistance, and build public understanding around decriminalization and broader human rights goals. By drawing on Christian values, honoring Tongan cultural identity, and taking a gradual, inclusive approach, parliamentarians can foster meaningful change while strengthening community trust and cohesion.

1. Framing the Narrative Around Christian Values

- Engage religious leaders in discussions emphasizing compassion, human dignity, and non-judgment, which align with core Christian teachings.
- Highlight other Christian-majority Pacific nations that have decriminalized homosexuality while maintaining strong religious traditions.

2. Respecting Tongan Cultural Identity

- Emphasize that decriminalization does not impose western values but rather aligns with Tonga's long-standing traditions of respect and inclusivity.
- Acknowledge the historical presence of fa'afafine and other non-binary identities in Pacific cultures to ground the discussion in indigenous perspectives.

3. Mitigating Political Backlash

- Gradually introduce legal reforms rather than pushing for rapid change to allow time for public adaptation.
- Pair decriminalization with broader social protection policies, including gender-based violence prevention, to demonstrate a holistic approach to human rights.

Conclusion: A Strategic Path Forward

For Tonga to move towards decriminalization, legislators from all political backgrounds must work together to navigate the religious and cultural landscape. By following this roadmap, Tongan lawmakers can construct a solution that balances tradition with progress, ensuring dignity and justice for all citizens.

Next Steps:

1. Establish a parliamentary working group on PIDSOGIESC+ legal reform.
2. Draft an amendment bill and submit it for first reading in the Legislative Assembly.
3. Initiate nationwide public consultations to foster open dialogue.
4. Engage with civil society organizations such as the Tonga Leiti's Association on decriminalizing gender expression.
5. Build alliances with regional partners and international human rights organizations for technical and legal support.

Through these actions, Tonga can take a bold yet thoughtful step towards a more inclusive future.



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Advancing PIDSOGIESC+ Inclusion Amid the Climate Crisis

Although their contributions to climate change are negligible, countries and territories in the Pacific are some of the most impacted by the climate crisis⁶⁴. Large coastal communities in the region “rely on the ecological environment for sustenance and sustainability [but] sea level rise, storm surges, high tides, flooding, and cyclones at increasing intensity and frequency are putting communities at risk.”⁶⁵ The direct and consequential impacts of the climate crisis can yield higher levels of anxiety, mental health issues, self-harm, and substance use disorder.

The climate crisis poses other dangers as well. During a climate-related disaster, incidences of gender-based violence increase.⁶⁶ Displacement and job loss after disasters can increase unemployment and

⁶⁴ Global Fund for Women, *Feminist Action for Climate Justice in the Pacific*, available at <https://www.globalfundforwomen.org/movements/climate-justice-in-pacific/>

⁶⁵ Erin Thomas & Megan Lee Candolfi, *Is climate change worsening gender-based violence in the Pacific Islands?*, published on 14 November 2019, available at <https://www.openglobalrights.org/climate-change-worsening-gender-based-violence-in-pacific-islands/>

⁶⁶ UNFPA, *A climate crisis is a gender equality crisis: Life on small island states in the Pacific*, published on 28 May 2024, available at <https://www.unfpa.org/stories/climate-crisis-gender-equality-crisis>

migration.⁶⁷ Emigration risks the loss of citizenship and connection to land and heritage; and it also exacerbates labor shortages.

The Connection between Climate Resilience and Respect for Sexual Orientations and Gender Identities

For PIDSOGIESC+ persons, the climate crisis and climate-induced disasters have compounded repercussions, worsening existing societal inequalities that disproportionately affect their communities.⁶⁸ When PIDSOGIESC+ individuals already face discrimination that leads to houselessness or poverty, they become especially vulnerable during natural disasters. For example, if trans youth are forced to leave their houses at a young age, they might lack the legal documentation necessary to access aid relief⁶⁹.

Religious perspectives can significantly exacerbate challenges in disaster risk management and humanitarian responses. In New Zealand, for instance, a religious leader blamed⁷⁰ the PIDSOGIESC+ community for climate-induced disasters, making them targets of abuse. Similar blame occurred following Fiji's Tropical Cyclone Winston. In an Oxfam report⁷¹, Fijian sexual and gender minorities shared their natural disaster experiences, with several religious participants noting that faith gatherings often excluded them. In Tonga, which faces frequent cyclones, emergency shelters operated by religious organizations often harbor hostility⁷² toward sexual and gender minorities.

Despite these challenges, sexual and gender minorities play crucial roles in humanitarian relief efforts. A 2016 study of Samoan *fa'afafine* people in the aftermath of Tropical Cyclone Evan illustrates this contribution. Embodying both male and female social roles, *fa'afafine* individuals maintain extensive informal networks that make them valued for their contributions and hardworking ethic. Nevertheless, "*fa'afafine* participants who evacuated to public shelters after Cyclone Evan

⁶⁷ Nazneen Ahmed, *Listening to young Pacific Islanders hardest hit by climate crises: A blueprint for global action*, published on 11 July 2024 by UNDP, available at <https://www.undp.org/blog/listening-young-pacific-islanders-hardest-hit-climate-crises>

⁶⁸ Eco-Business, *Why are LGBTQ+ people more at risk from climate change?*, published on 7 May 2024, available at <https://www.eco-business.com/news/why-are-lgbtq-people-more-at-risk-from-climate-change/>

⁶⁹ Context, *Long-sought IDs give trans Indonesians the right to vote*, published on 18 January 2024, available at <https://www.context.news/socioeconomic-inclusion/long-sought-ids-give-trans-indonesians-the-right-to-vote>

⁷⁰ Eco-Business, *Why are LGBTQ+ people more at risk from climate change?*, published on 7 May 2024, available at <https://www.eco-business.com/news/why-are-lgbtq-people-more-at-risk-from-climate-change/>

⁷¹ Emily Dwyer and Lana Woolf, Edge Effect, *Down By The River*, available at https://www.edgeeffect.org/wp-content/uploads/2018/02/Down-By-The-River_Web.pdf

⁷² GiveOut, *Delivering Humanitarian Support During Times of Crisis*, available at <https://giveout.org/delivering-humanitarian-support-during-times-of-crisis/>

experienced discrimination, feeling particularly uncomfortable in shower and toilet facilities where they faced rejection from both men and women."⁷³

Given the unique vulnerabilities of the Pacific region to the impacts of the climate crisis, it is even more important for parliamentarians to take measures to ensure that *everyone* can participate in, contribute to, and benefit from economic, social, cultural, and political development in the region. In doing so, parliamentarians will be honoring deeply held Pasifika values, while also working to ensure equality for all so that no one is left behind.

For more information on advancing PIDSOGIESC+ inclusion, please reference:

<https://www.pgaction.org/inclusion/>.

⁷³ Emily Dwyer and Lana Woolf, Edge Effect, *Down By The River*, available at https://www.edgeeffect.org/wp-content/uploads/2018/02/Down-By-The-River_Web.pdf

How Pasifika Parliamentarians Can Encourage Climate Resilience for All

Parliamentarians can reduce the stigma against PIDSOGIESC+ persons and include them as stakeholders to strengthen climate resilience in the following ways:

- In their legislative function, by:
 - Enacting general laws that adopt a PIDSOGIESC+-sensitive approach to youth development in which measures for their prosperity are harmonious with the environment.
 - Adopting explicit laws that protect sexual orientation and gender identity against discrimination in disaster risk management.
- In their representative function, by:
 - Reaching out to PIDSOGIESC+, especially youth, to participate in national and international climate negotiations and policymaking.
 - Convening PIDSOGIESC+ civil society organizations and faith leaders to discuss disaster preparedness and response planning.
- In their oversight function, by:
 - Mainstreaming PIDSOGIESC+ in national budgets to allocate adequate resources to policies that respond to their needs during climate-induced disasters, including accessing public services and shelters, and anti-discrimination training for aid operators.
 - Ensuring that government plans promote mental health programs to address climate-induced anxiety.
 - Monitoring the implementation of government programs that advance research on the impacts of climate-induced disasters, especially on PIDSOGIESC+ communities.
 - Proposing opportunities for disaster-impacted PIDSOGIESC+ individuals to access micro financing and for recovery programs to support rebuilding livelihoods.

The May 2016 Fiji Government Post-Disaster Needs Assessment (PDNA) for Tropical Cyclone Winston did not address the impact on PIDSOGIESC+. There is a single reference to ensuring no discrimination based on sexual orientation; however, the report notes, “[n]o information was available on issues related to sexual orientation...” and there was no further analysis and no specific recommendations to address this data gap. Invisibility of sexual and gender minorities in the PDNA is significant to the extent that government and other actors used the PDNA to inform their priorities and activities and highlights the need for inclusion of sexual and gender minorities in data collection and assessments.

This oversight underscores a critical gap in disaster response and recovery planning. To ensure a truly inclusive approach, it is imperative for the Government of Fiji—and other nations in similar contexts—to recognize and actively address the specific needs of sexual and gender minorities in future assessments and recovery efforts. By integrating these communities into disaster preparedness, data collection, and policymaking, the government can foster a more resilient, equitable society. It is not only a matter of human rights but also a strategic imperative for comprehensive disaster resilience, ensuring no one is left behind in times of crisis.

Conclusion

The importance of Pacific Islanders of diverse sexual orientations, gender identities, and sex characteristics (PIDSOGIESC+) inclusion in the Pacific cannot be overstated, especially considering cultural sensitivities and the influence of religion. Religion plays a significant role in shaping societal norms in many Pacific nations, and it is essential to approach discussions on inclusion with respect to these deeply ingrained beliefs. However, fostering an environment that embraces diversity, while honoring religious and cultural practices, is fundamental to creating a society where all individuals are treated with dignity and respect.

A Call to Action

This toolkit for parliamentarians emphasizes the importance of integrating PIDSOGIESC+ inclusion into national policies, particularly in the context of gender equality, human rights, and climate resilience. The chapters highlight the legal and social strides made in the region, including the decriminalization of same-sex relationships, progress in non-discrimination policies, and the protection of sexual and gender minorities from violence.

We encourage you, as Pacific parliamentarians to take concrete actions to promote care and equality for vulnerable and marginalized communities, ensuring that legislative frameworks support the dignity of all people, regardless of their sexual orientation or gender identity. Ultimately, PIDSOGIESC+ inclusion is not only a matter of legal reform but also a pathway to more prosperous, just, and resilient societies.

You play a vital part in advancing inclusive communities through the effective execution of your legislative functions, your oversight of government policies, the approval of budget allocations, and your leadership as democratically elected representatives of their communities. The primary ways that you can do this is by:

- Enacting general laws that specifically prohibit discrimination based on real or perceived sexual orientation, gender identity and expression, and sex characteristics.
- Repealing laws that criminalize homosexuality, such as those that impose prison sentences or corporal punishment for “buggery” or sodomy.
- Repealing laws that criminalize trans, intersex, or third gender identities, such as those that impose prison sentences or corporal punishment for the “impersonation of a female.”
- Adopting laws against hate crimes that protect all people from violence, including those attacked because of their real or perceived sexual orientations, gender identities and expressions, and sex characteristics.

- Monitoring reports that governments are required to submit to international human rights bodies to provide transparency and assess whether the State is fulfilling its obligations under international human rights law. These reports often include data, policies, and measures related to human rights, and they are followed by recommendations from the monitoring bodies on how to improve or address gaps in protections and inclusion.
- Using the Voluntary National Review of the Sustainable Development Goals, while mainstreaming PIDSOGIESC+ inclusion.
- Aligning with the *Yogyakarta Declaration* and its principles when proposing legislation.

More specifically, you can take concrete actions to advance equality and inclusion for all. You can do this in your representative role by:

- Consulting with PIDSOGIESC+ youth and communities to learn and understand their experiences and priorities, including challenges to access to health, justice, housing, education, employment, and legal recognition.
- Collaborating with PIDSOGIESC+ leaders and civil society organizations to assist with government oversight monitoring and evaluation.
- Building coalitions with civil society organizations that advocate for the rights of families, children, and women.
- Working with National Human Rights Institutions on promoting and protecting human rights in relation to sexual orientation, gender identity and sex characteristics⁷⁴.
- Attending the next Pacific Human Rights Conference⁷⁵ to advance human rights related to PIDSOGIESC+.

In your oversight role, you can advance equality and inclusion by:

- Ensuring government plans are in place to comply with legal obligations under ratified international human rights treaties.
- Advocating for national budgets to allocate adequate resources to a national HIV strategy and programs to assist the PIDSOGIESC+ community.

⁷⁴ Asia Pacific Forum of National Human Rights Institutions and the United Nations Development, *Promoting and Protecting Human Rights in relation to Sexual Orientation, Gender Identity and Sex Characteristics: A Manual for National Human Rights Institutions*, published in June 2016, available at <https://www.undp.org/asia-pacific/publications/promoting-and-protecting-human-rights-relation-sexual-orientation-gender-identity-and-sex-characteristics-manual-national>

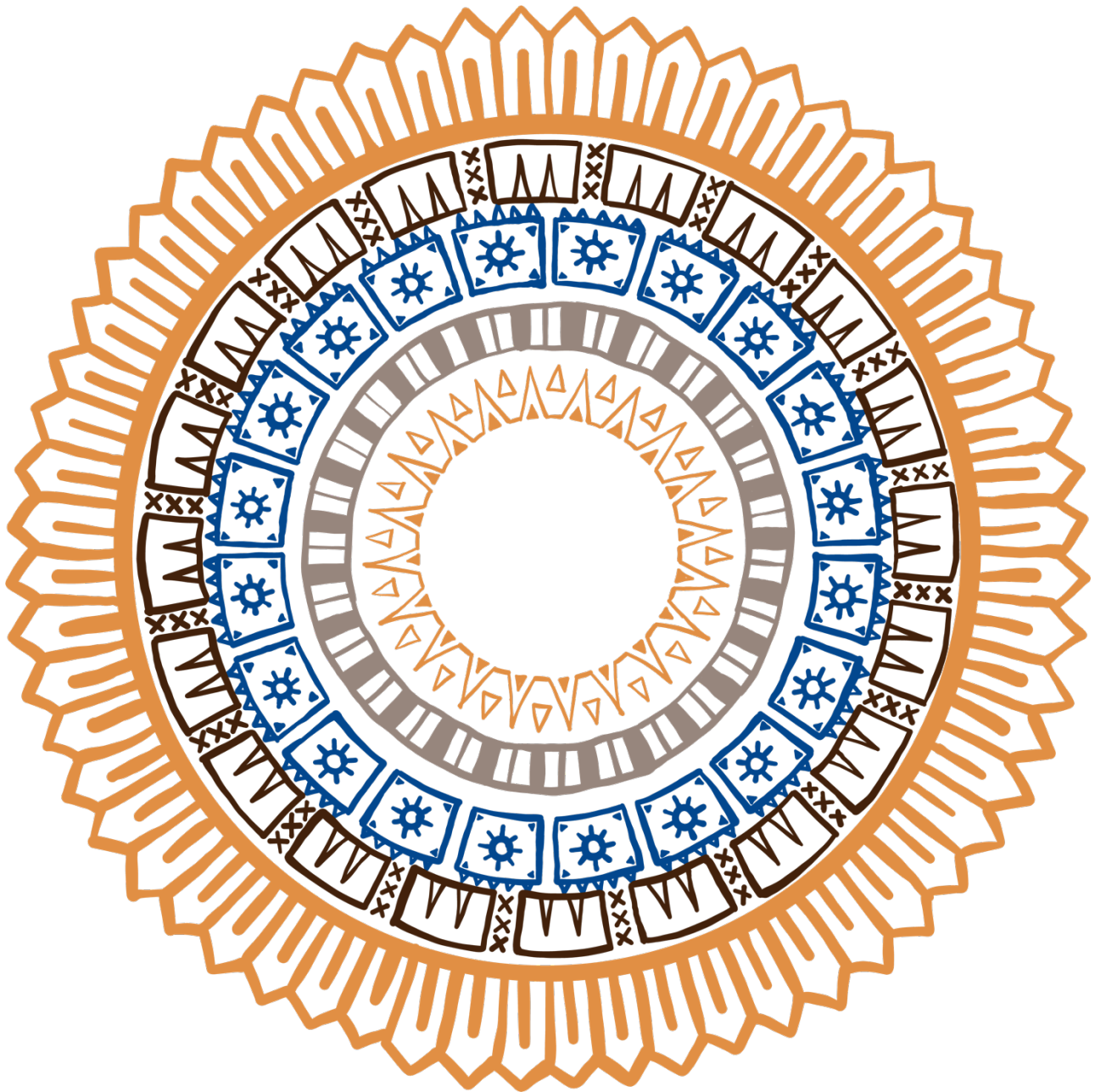
⁷⁵ Institutional Planned Parenthood Federation, *Reflections from the 3rd Pacific Human Rights Conference on SOGIESC*, available at <https://eseaor.ippf.org/blogs/reflections-3rd-pacific-human-rights-conference-sogiesc>

- Posing oral and written questions to ministers to highlight their responsibility in executing laws and opportunities for collaboration.

Examples include:

- To the Ministry of Internal Affairs or Home Affairs: What is the procedure for legal gender recognition? What is required of a person who wishes to change their gender on their identity papers?
- To the Ministry of Health: Are there any health services specifically designed to address the needs of PIDSOGIESC+ people? If so, how accessible are these services?
- To the Ministry of Justice: Is the Ministry tracking killings against PIDSOGIESC+ that may be motivated by hate?
- To the Ministry of Education: Is there an anti-bullying initiative in schools to combat discrimination and violence against youth, including those who are PIDSOGIESC+ or perceived as PIDSOGIESC+?
- To the Ministry of Environment: Is the Ministry tracking the impacts of the climate crisis on PIDSOGIESC+?
- As members of Parliament, you hold the power to shape a prosperous future where every person — regardless of their sexual orientation, gender identity, or sex characteristics — can live with dignity, free from discrimination and exclusion. The call for equality and inclusion of PIDSOGIESC+ people is not separate from the great challenges of our time. Today's climate crisis is already displacing communities across the Pacific, and marginalized communities face heightened risks of exclusion from relief efforts, secure housing, and economic opportunities. Economic inequality, access to healthcare, and human rights protections remain urgent concerns that demand bold and inclusive policymaking.
- You are standing at the precipice of new possibilities and new beginnings for equality and inclusivity. By acting now, you are not only strengthening the social fabric of your nation but also ensuring that no one is left behind as the region navigates through an era of unprecedented change. The policies you champion today will define the resilience, prosperity, and inclusivity of future generations.
- This toolkit provides you with resources, best practices, and legislative pathways to take concrete action. The time to lead is now. Together, we can create a Pacific where diversity is celebrated, inclusion is a reality, and equality is more than just a promise — it is the foundation of our shared future.

Resources



Use Your Voice: Sample Social Media Messages

The following are offered as messages that you can use within your communications to constituents, particularly through your social media channels. To the extent possible, we ask for the inclusion of the #PGAAction hashtag to enable Parliamentarians for Global Action to track communications.

Health for All

A strong and healthy Pacific means ensuring every person — regardless of gender identity or sexual orientation — can access quality healthcare. Inclusive policies save lives. Let us work together for a future where no one is left behind. #HealthForAll #EqualityMatters #PGAAction

Education Without Barriers

Every child deserves a safe learning environment. Schools should be places of opportunity, not discrimination. Let us ensure all young people, including PIDSOGIESC+ youth, can learn, grow, and contribute to our future. #EducationForAll #NoChildLeftBehind #PGAAction

Economic Growth Through Inclusion

When everyone has equal access to jobs and entrepreneurship, our economies thrive. Studies show that inclusion boosts GDP and fosters innovation. Let us build a stronger Pacific by ensuring no one is denied opportunities. #StrongerTogether #InclusiveEconomies #PGAAction

Access to Public Services

Public services should serve ALL members of our communities. No one should face barriers to legal protections, housing, or support systems because of who they are. Fair governance means inclusion. #ServiceForAll #EqualityInAction #PGAAction

Climate Resilience for All

The climate crisis affects everyone, but marginalized communities, including PIDSOGIESC+ individuals, face greater risks in times of disaster. Let us ensure our climate policies protect all Pasifika peoples. #ClimateJustice #LeaveNoOneBehind #PGAAction

Safe Communities, Stronger Nations

Violence and discrimination weaken our societies. By ensuring safety and respect for all — including PIDSOGIESC+ people — we create stronger, more united communities. A secure Pacific is an inclusive Pacific. #SafePacific #RespectForAll #PGAAction

Leadership That Leaves No One Behind

True leadership means standing for fairness and equality. Dividing our people for political gain weakens us all. As we build a future of opportunity and stability, let us reject scapegoating and embrace unity. #LeadershipWithIntegrity #OnePacific #PGAction

A More Prosperous Pacific

Discrimination costs us all. When businesses and workers face exclusion, our economies suffer. We must invest in policies that empower all Pasifika peoples to contribute to our shared prosperity. #InclusiveGrowth #PacificProsperity #PGAction

Strength in Diversity

Our Pacific values of respect, community, and dignity extend to everyone. Embracing diversity makes our nations stronger. Let us build a future where every person is valued and protected. #PacificValues #TogetherWeRise #PGAction

Stand for Justice, Stand for All

Justice and equality are the foundation of strong democracies. By protecting the rights of all people — including PIDSOGLIESC+ individuals — we uphold the values of fairness and dignity that define our Pacific way. #JusticeForAll #EqualityNow #PGAction

Glossary

This list includes terms used in the toolkit as well as other terms that are not. It is not an exhaustive list of terms relevant to the human rights and inclusion of PIDSOGIESC+ people.

Terms listed here are in constant evolution. Their use and the meaning attached to them varies from one place to another and in a way that is appropriate to a particular context and/or culture.

Definitions in this list are drawn (and sometimes expanded) from existing definitions in international texts such as the *Yogyakarta Principles* or written by international organizations or LGBTI organizations.

A

Asexual

Someone who does not experience sexual attraction towards anyone.

B

Biphobia

The fear, unreasonable anger, intolerance or/and hatred toward bisexuality and bisexual people. The phobia may exist among heterosexuals, gay men, lesbians or bisexuals themselves and is often related to multiple negative stereotypes of bisexuals centered on a belief that bisexuality does not exist and on the generalization that bisexuals are promiscuous.

Bisexual

A person who is emotionally and/or sexually attracted to persons of more than one sex.

C

Cisgender

A term referring to persons whose gender identity and gender expression match the sex they were assigned at birth and the social expectations related to their gender.

Comprehensive sexuality education (CSE)

A curriculum-based process of teaching and learning about the cognitive, emotional, physical and social aspects of sexuality. It aims to equip children and young people with knowledge, skills, attitudes and values that will empower them to: realize their health, well-being and dignity; develop respectful social and sexual relationships; consider how their choices affect their own well-being and that of others; and understand and ensure the protection of their rights throughout their lives.

Conversion therapy

An umbrella expression to refer to any sustained effort to modify a person's sexual orientation, gender identity or gender expression. Other terms include: "reparative therapy", "gay cure", "ex-gay therapy", "gender critical therapy" and sexual orientation, gender identity or gender expression change efforts (SOGIECE) (ILGA). Conversion therapy is banned in several countries and has been defined as torture by several national and international instances, such as the UN expert on SOGI.

G

Gay

Usually used to refer to a person who identifies as a man and who is emotionally, affectionally and/or sexually attracted to men, even though women attracted by women may define themselves as gay.

Gender

Refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context and time specific and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Gender is part of the broader socio-cultural context. Other important criteria for socio-cultural analysis include class, race, poverty level, ethnic group and age.

Gender-based violence

An umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private.

Gender binary

A classification system consisting of two opposites: men or women, male or female, feminine or masculine.

Gender expression

The way a person communicates their gender identity externally through their appearance, e.g. clothing, hairstyle, use of cosmetics, mannerisms, way of speaking and demeanor and how these presentations are interpreted based on gender norms.

Gender identity

A person's internal, deeply felt sense of their gender or a combination of genders. A person's gender identity may or may not correspond with her or his sex assigned at birth and their sex characteristics.

H

Heterosexism

Refers to the imposition of heterosexuality as the only normal and acceptable expression of sexuality, resulting in prejudice or discrimination against people who are not heterosexual or who are perceived to not be heterosexual.

Heterosexual

Refers to a person whose romantic, emotional and/or physical attraction is to people of a different gender (sometimes referred to as "straight").

Homophobia

An irrational fear of, aversion to, or discrimination against persons known or assumed to be homosexual, or against homosexual behavior or cultures.

Homosexual

A sexual orientation classification based on the gender of the individual and the gender of her or his sexual partner(s). When the partner's gender is the same as the individual's, the person is categorized as homosexual. It is recommended to use the terms lesbians and gay men instead of homosexuals. The terms lesbian and gay are considered neutral and positive, with a focus on the person's identity rather than their sexuality. Lastly, the term homosexual has, for many, a historical connotation of pathology.

I

Intersectionality

The interaction of different axes of identity, such as gender, gender identity, sexual orientation, sex characteristics, race, ability and socio-economic status, in multiple and intersecting ways, resulting in different forms of oppression affecting a person in interrelated ways.

Intersex

Intersex people are born with physical or biological sex characteristics, such as sexual anatomy, reproductive organs, hormonal patterns and/or chromosomal patterns, that do not fit the typical definitions or social expectations for male or female bodies. These characteristics may be apparent at birth or emerge later in life, often at puberty.

Intersexphobia or interphobia

A range of negative attitudes (e.g. emotional disgust, fear, violence, anger, or discomfort) felt or expressed towards people whose sex characteristics do not conform with society's expectations of how the sex characteristics of a person, understood only as male or female, should look.

K

Key populations

Key populations, or key populations at higher risk of HIV, are groups of people who are more likely to be exposed to HIV or to transmit it and whose engagement is critical to a successful HIV response. In all countries, key populations include people living with HIV. In most settings men who have sex with men, transgender people, people who inject drugs and sex workers and their clients are at higher risk of exposure to HIV than other groups. However, each country should define the specific populations that are key to their epidemic and response based on the epidemiological and social context.

L

Legal gender recognition

Laws, policies or administrative procedures and processes which set out how trans and gender-diverse people can change their sex/gender marker and names on official identity documents.

Lesbian

A person who identifies as a woman and who is emotionally, affectionally and/or sexually attracted to women.

Lesbophobia

An irrational fear of, aversion to, or discrimination against persons known or assumed to be lesbian, or against lesbian behavior or cultures.

LGBTI

This acronym derives from the words lesbian, gay, bisexual, transgender and intersex. It encompasses several groups of individuals. LGBTI is the most commonly used term in the international human rights field. However, it has its origins in the Global North and therefore has its limitations. The term

groups individuals according to identity categories that are not universal: people identify themselves in a myriad of ways or sometimes do not identify within just one given category. The term LGBTI may include, for example, people who are non-binary, gender fluid or pansexual, but also people such as *hijras* in India and Bangladesh, *mahu* in French Polynesia, *muxe* in Mexico or two-spirit in North America. Virtually every language has its own terms for sexual and gender minorities, and while these words may be negative or derogatory, they also demonstrate the universality of sex, and sexual and gender diversity.

What LGBTI people all have in common is that they are considered as defying the gender norms and expectations of society. For example, lesbian, gay and bisexual people counter the gendered expectation that men and women have relationships only with people of their own sex and that people of the same gender cannot have relationships. Trans people counter the assumption that gender identity is always aligned with the sex assigned at birth. Non-binary people counter the assumption that gender identity must fall on one or the other side of the gender binary (male or female). Intersex people counter the expectation that biological sex characteristics can always be classified as male or female without ambiguity.

LGBTIphobia

An umbrella term that covers forms of fear of, aversion to, or discrimination against LGBTI people (or those perceived to be). It includes homophobia, lesbophobia, biphobia, transphobia and interphobia (also called intersexphobia).

M

Men who have sex with men (MSM)

This refers to all men who engage in sexual and/or romantic relations with other men or who experience sexual attraction towards the same sex. As used in this publication, the term is inclusive both of a variety of patterns of sexual behavior by males with members of the same sex and of diverse self-determined sexual identities and forms of sexual and social associations (“communities”). “Men who have sex with men” can include men who identify as gay or bisexual, transgender men who have sex with men and men who identify as heterosexual. Some men who have sex with men also form relationships with, or are married to, women. Some men sell sex to other men, regardless of their sexual identity. Some men who have sex with men do not associate themselves with any particular identity, community or terminology.

O

Out (verb)

To reveal the covert sexual orientation, gender identity or sex characteristics of someone. (noun): The fact of being open about one's SOGIESC. Some LGBTI people "come out" or are out in some social circles and not others.

P

Pronouns

Pronouns are the way we refer to someone without using their name. A person's pronouns are part of a person's identity, just as a name is. It's important that, like a person's name, we take the time to learn a person's pronouns rather than making assumptions about how to refer to them in conversation or writing. While it may be our habit to refer to everyone as "he" or "she" based on appearances, we recognize that gender is a spectrum, and we can't assume a person's gender or a person's pronouns based on appearances.

Pronouns differ from one language to another. In some languages, gender-neutral pronouns exist. In English, common gendered pronouns are "he" or "she". Some people use the gender-neutral "they".

Q

Queer

Originally an offensive term used to degrade sexual and gender minorities, this term has intentionally been re-appropriated (taken back) and now refers to a political, sexual and/or gender identity that is intentionally and visibly different from the norm. 'Queer' is often used as a broad term for all people who are not strictly heterosexual or CIS gendered.

R

Rainbow family

A family in which a child has (or several children have) at least one parent who identifies themselves as lesbian, gay, bisexual, trans, intersex or queer.

S

Sex

The classification of a person as male or female. Sex is assigned at birth and written on a birth certificate, usually based on the appearance of the baby's external anatomy and on a binary vision of sex which excludes intersex people. A person's sex, however, is a combination of bodily characteristics including: chromosomes, hormones, internal and external reproductive organs, and secondary sex

characteristics. Most countries only allow to record “male” or “female” on an infant’s birth certificate (see also “sex binary”).

Sex binary

A system of categorizing all people into two sexes: male or female. It makes people who do not fit this binary invisible, oppressed or stigmatized, and gives power to people who uphold the sex binary. This is especially true for intersex and transsexual people whose experiences are not acknowledged or reflected in society, and who when discovered can be subject to harassment and violence.

Sex characteristics

The characteristics that compose a person’s physio-anatomical sex, including genitals, gonads, hormones, internal organs and chromosome patterns. These characteristics may be apparent from conception or at birth, or emerge later in life, often at puberty.

Sexual and gender minorities

An umbrella term used to designate people who are part of a minority of the population and discriminated against because of their sexual orientation, gender identity or gender expression.

Sexual orientation

Sexual orientation is understood to refer to each person’s capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.

SOGIESC

This acronym derives from the terms sexual orientation, gender identity, gender expression and sex characteristics. These are not specific to LGBTI people: everyone has them. A person can be oppressed because of their sexual orientation, gender identity, gender expression and/or sex characteristics.

State-sponsored homophobia

The practice of criminalizing sexual activity between consenting adults of the same sex.

T

Trans (or transgender)

As used in this publication, transgender describes persons whose gender identity (their internal sense of their gender) is different from the sex they were assigned at birth. Trans is an umbrella term that describes a wide variety of cross-gender behaviors and identities. It is not a diagnostic term and does not imply a medical or psychological condition. This term should be avoided as a noun: a person is not

“a trans”; they may be a trans person. It is important to understand that not all people who are considered trans from an outsider’s perspective in fact identify as transgender, nor will they necessarily use this term to describe themselves. In many countries, there are indigenous terms that describe similar cross-gender identities.

Trans people may have undergone or plan to undergo hormonal treatment or surgery, or they may not, may express their gender in very different ways (see “gender expression”) and may identify with one, multiple genders or no gender at all.

Transition

A series of steps a person may take to live in the gender they identify with. A person's transition can be social and/or medical. Steps may include coming out to family, friends and colleagues; dressing and acting according to one's gender; changing one's name and/or sex/gender on legal documents; medical treatments including hormone therapies and possibly one or more types of surgery.

Transphobia

Prejudice directed at transgender people because of their actual or perceived gender identity or expression. Transphobia can be structural, i.e. manifested in policies, laws and socioeconomic arrangements that discriminate against transgender people. It can also be societal, when transgender people are rejected or mistreated by others. Additionally, transphobia can be internalized when transgender people accept and reflect such prejudicial attitudes about themselves or other transgender people.

Support Organizations

Parliamentarians for Global Action would be pleased to facilitate introductions or connections with PIDSOGIESC+ civil society organizations in the Pacific Region upon request.

Case Study Annexes

Case Study: The Role of Samoa's National Human Rights Institution in Advancing PIDSOGIESC+ Protections

Regional Context

Across the Pacific Islands, legal frameworks addressing hate crimes, including those based on PIDSOGIESC+ are underdeveloped or absent. This legislative gap leaves many at-risk individuals without adequate protection from violence, discrimination, and systemic exclusion. While some countries have taken progressive steps, such as the Cook Islands that decriminalized homosexuality in 2023, many jurisdictions still lack targeted legal responses to hate-motivated crimes. In this context, national human rights institutions (NHRIs) play a pivotal role in advocating for inclusive law reform, with Samoa's NHRI emerging as an important stakeholder.

Samoa National Human Rights Institution (NHRI)

The *Ombudsman (Komesina o Sulufaiga) Act 2013*^[1] established Samoa's NHRI, which operates independently within the Office of the Ombudsman^[2]. Its mandate includes the promotion and protection of human rights, by monitoring the country's compliance with its international human rights obligations, by reviewing current and proposed legislation, by reporting on alleged human rights violations, providing advice to the government on legislative and policy reform, and sensitizing communities to human rights.

Since its inception, the NHRI has identified the protection of vulnerable populations as a priority, including PIDSOGIESC+ individuals. In partnership with the Samoa Fa'afafine Association and with support from international development partners, the NHRI has developed tools to strengthen its institutional capacity and address discrimination based on sexual orientation and gender identity.

Strategic Work and Recommendations

One of the Institution's key outcomes was the development of a National Action Plan (NAP) focused on the rights of Fa'afafine and Fa'afatama, which are Samoan gender-diverse communities with deep cultural roots. This NAP outlines strategic priorities, including improving access to health services, enhancing legal protections, and training key state actors on respectful engagement with PIDSOGIESC+ communities.

In 2018, following a national public inquiry into family violence, Samoa's NHRI drew attention to the heightened risks faced by Fa'afafine and Fa'afatama individuals, who often endure both interpersonal abuse and structural discrimination. The inquiry revealed how gender-diverse people in Samoa face

unique forms of violence and marginalization, prompting the NHRI to urge the government to collect disaggregated data that captures the specific experiences of PIDSOGIESC+ populations. It also called for these protections to be integrated into gender equality and anti-violence national strategies.

Building on these findings, the NHRI issued a series of targeted recommendations:

- Incorporate PIDSOGIESC+ protections in anti-discrimination and hate crime laws.
- Train police, judges, and service providers on recognizing and responding to bias-motivated violence.
- Ensure that public education campaigns promote understanding and respect for sexual and gender diversity.
- Develop confidential and culturally sensitive reporting mechanisms that PIDSOGIESC+ individuals can safely access.

These recommendations were shaped through culturally resonant community engagement processes, including *talanoa*^[3], and met with strong support from civil society groups working to promote inclusion and equality in Samoa.

Ongoing Challenges

Despite the NHRI's leadership, Samoa still lacks specific hate crime provisions that recognize or address violence based on gender and sexual diverse status. There are also gaps in legal language and enforcement mechanisms that leave PIDSOGIESC+ individuals vulnerable to impunity and stigma. Without explicit legislative reform, the work of the NHRI is limited in its ability to offer full legal redress to those targeted because of their identity.

Conclusion: A Possible Way Forward

The experience of Samoa's NHRI illustrates the importance of institutional leadership in the absence of comprehensive laws. Its efforts underscore how culturally informed advocacy, grounded in human rights principles and community partnerships, can shape national conversations and drive progress toward inclusive legal reform.

For Pacific legislators and policymakers, this case offers a practical example of how institutions can lay the groundwork for hate crimes legislation^[4] that reflects regional values of respect, dignity, and collective wellbeing. By enacting and enforcing inclusive legal frameworks, Pacific nations can affirm their commitment to human rights and ensure that no one is left behind, regardless of sexual orientation, gender identity, or sex characteristics.

A Pacific Pathway to LGBTQI+ Inclusion through Hate Crimes Legislation: Insights from New Zealand

Background

New Zealand is a regional leader in recognizing and addressing hate-motivated violence and discrimination. Over the years, the country has steadily strengthened legal protections for LGBTQI+ individuals, and it continues to pursue reforms to close gaps in hate crimes and hate speech legislation. For Pacific Island nations seeking to uphold human dignity, protect vulnerable populations, and maintain social harmony, New Zealand's experience serves as a valuable blueprint. It demonstrates how legislation can be thoughtfully shaped to reflect local realities while addressing harmful and targeted acts of violence.

Why Hate Crimes Legislation Matters

Hate crimes do more than harm individuals, they foster fear through communities. When someone is targeted because of their sexual orientation, gender identity, or sex characteristics, the repercussions are felt across families, churches, villages, and social networks. The implementation of hate crimes legislation communicates three essential messages: that violence rooted in identity is a grave offense; that the state recognizes and values the lives of LGBTQI+ people; and that the law can uphold core cultural values such as dignity, safety, and peace.

A Pacific Pathway to Inclusion: A Systematic Approach for Legislators

Inclusive legislation is not only a legal exercise, but also a cultural and political process that begins with listening and learning. The first step involves engaging local communities through culturally resonant practices like *talanoa*, where LGBTQI+ persons, traditional leaders, women's groups, youth councils, and churches can share their lived experiences of violence, exclusion, and discrimination. This participatory approach builds evidence grounded in Pacific voices and realities.

The next step is to foster political and cultural will. This can be achieved by framing hate crimes legislation as a natural extension of Pacific values, protecting the vulnerable, restoring harmony, and nurturing communal respect. Influential leaders such as parliamentarians, chiefs, and clergy can champion the cause to ensure that all imperatives are considered when drafting policy and legislation. Regional examples such as Samoa's recognition of sexual orientation in its Sentencing Act, or the Cook Islands' decriminalization of homosexuality in 2023, offer compelling models for reform.

Drafting inclusive legal text should ensure explicit references to protected characteristics such as sexual orientation, gender identity, gender expression, and sex characteristics (including intersex status). These protections should be embedded in key areas of the law: sentencing enhancements for hate-motivated crimes, hate speech or incitement-to-violence provisions, and anti-discrimination clauses in employment, housing, and public services.

Beyond the law itself, supportive legal and social infrastructure is essential. Police, judges, and lawyers must be trained to identify and respond appropriately to hate crimes. LGBTQI+ individuals need access to safe, confidential reporting systems that protect them from retaliation or stigma. Civil society organizations should be engaged in delivering public awareness campaigns, rooted in Pacific languages and storytelling traditions that resonate with local communities.

Finally, implementation must be dynamic. Data on hate crimes needs to be disaggregated and regularly analyzed to inform legislative improvements. Parliaments should schedule periodic reviews in collaboration with LGBTQI+ groups, religious leaders, and legal experts to evaluate how the law is functioning. As societies evolve, laws should be adapted.

Conclusion: From the Pacific, for the Pacific

New Zealand's journey illustrates that legal reform is a process, often sparked by tragedy but sustained by decades of advocacy and dialogue. The country's success underscores that cultural values can be powerful allies in legislative reform. Emphasizing values such as national identity, fairness, and kindness made inclusion more palatable to the public.

Legislators in the Pacific region are not starting from a blank slate; they are building on a deep cultural legacy that prioritizes collective wellbeing, diversity, and restorative justice. Inclusive hate crimes legislation is not just a matter of legal progress; it is a bold expression of Pacific leadership and commitment to human dignity. By centering the voices and experiences of LGBTQI+ people, Pacific nations can forge laws that protect, uplift, and unify their societies.

^[1] OMBUDSMAN (KOMESINA O SULUFAIGA) ACT 2013, available at <https://www.ombudsman.gov.ws/wp-content/uploads/2021/11/Ombudsman-Komesina-o-Sulufaiga-Act-2013-Eng.pdf>

^[2] Office of the Ombudsman, *National Human Rights Institution*, available at <https://www.ombudsman.gov.ws/human-rights-unit/>

^[3] A Pacific Island concept referring to a process of inclusive, participatory, and transparent dialogue, often involving storytelling and sharing of ideas.

^[4] Although Pacific Islands do not count on stand-alone hate crimes legislation, New Zealand is a good example of in recognizing and addressing hate-motivated violence and discrimination. See annex for the case study on New Zealand.

On 8 February 2025, the Parliament of Australia passed a Criminal Code Amendment (Hate Crimes) Bill 2025, which strengthens existing offences for urging force or violence and creates new offences for threatening force or violence against targeted groups and members of groups, distinguished by sexual orientation, gender identity, and disability. For reference, the Amendment can be found at

https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r7240