**Submission to the report on "Eradicating poverty in a post-growth context: preparing for the next Development Goals"**

*of the*

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**Report submitted by:**

ILGA Asia

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# Table of Contents

## Introduction, pg. 1

**Alternative measures and indicators of social progress, pg. 1**

**Inclusive growth and inequality reduction, pg. 3**

**Obstacles in search of alternative development pathways, pg. 5**

**Recommendations, pg. 6**

# Introduction

Across the globe, discrimination on the basis of sexual orientation, gender identity, expression, and sex characteristics (SOGIESC) has resulted in a variety of economic and social inequalities that disadvantage and limit the human capabilities of lesbian, gay, bisexual, trans, intersex, and queer (LGBTIQ) persons. The reliance on Gross Domestic Product (GDP) as a measure of social development and inclusion, coupled with exclusion of LGBTIQ persons in demographic data collection, has perpetuated the oversight of these disparities. Generally, gaps in data collection hinder any effort to address and eliminate the discriminatory laws, policies, and social practices that undergird the economic and social marginalization of LGBTIQ persons and their exclusion from sustainable development.

ILGA Asia welcomes the opportunity to make a submission to the UN Special Rapporteur on extreme poverty and human rights, highlighting social development issues that disproportionately affect LGBTIQ persons.We are committed to supporting efforts to ensure full compliance with States’ obligations to respect, protect, and fulfill the human rights of all LGBTIQ persons.

1. Has your government designed measurements of social progress that complements GDP, in accordance with target 17.18 of the SDGs? If so, what alternative indicators were designed and how? Have such measurements accounted for unpaid care, reproductive, and household work and, if so, how? Which mechanisms, if any, have been established to increase accountability towards improving the performance of the State according to such indicators? Please share any lessons learned from the use of such alternative measurements of progress and associated monitoring mechanisms.

Several Asian countries have adopted non-traditional measures and indicators of economic and social progress that move beyond just GDP. Such progressive measures allow for a more comprehensive and multifaceted assessment of the economic and social wellbeing of people, especially LGBTIQ persons who are among the most marginalized across Asia. These indicators typically involve the scrutinization of specific issues and drivers of exclusion faced by LGBTIQ persons and communities—be it through demographic data collection on the protection and fulfillment of the economic and social rights of LGBTIQ persons and general SOGIESC data disaggregation, qualitative assessments of the achievement of their human capabilities, or assessments of their inclusion in sustainable development policy implementation, monitoring, and evaluation.

**The Philippines**

The 2022 Statistical Indicators on Philippine Development released by the Philippine Statistics Authority included indicators on justice that referred to the World Justice Project’s Rule of Law Index.[[1]](#footnote-1) WJP’s Rule of Law Index includes an assessment of whether a country’s justice system is free from discrimination based on sexual orientation or gender identity (SOGI).[[2]](#footnote-2) By adopting WJP’s Rule of Law Index as an indicator of development, the Philippine government has demonstrated intent to measure the effects of discrimination on the basis of SOGI. The inclusion of WJP’s Rule of Law Index as a measure of development also provides civil society—who are uniquely poised to tap into local communities and their networks—a framework to contribute to social development data collection efforts, bolstering State efforts and strengthening independent assessments of progress.

**South Korea**

In 2014, Statistics Korea (KOSTAT) first publicly released the Quality of Life Indicators in Korea (KQoL). The KQoL provides qualitative data on the wellbeing of Koreans across eleven dimensions, including live-alone elderly rate, family relationship satisfaction, and access to housing—dimensions of economic and social wellbeing that LGBTIQ individuals commonly experience disparity within.[[3]](#footnote-3) KOSTAT does not, however, appear to disaggregate data on the basis of SOGIESC, making it difficult to determine whether the perspectives and subjectivities

**Bhutan**

In 2008, Bhutan adopted the Gross National Happiness (GNH) Index as an alternative measure of overall social wellbeing and progress. The government periodically surveys 10% of the population and compiles statistics across nine different domains, including psychological wellbeing, offering a more robust perspective on the drivers of mental detriment that inordinately affect the livelihoods and capabilities of LGBTIQ persons in Bhutan.[[4]](#footnote-4)

The adoption of the GNH Index has also created an opportunity for LGBTIQ rights advocates in Bhutan to express barriers to the achievement of their happiness with relevant State actors, including with their parliamentarians.[[5]](#footnote-5) The GNH Index presents important advocacy entry points for young LGBTIQ persons in Bhutan, as they are reportedly more susceptible to mental health challenges compared to their cisgender heterosexual peers.[[6]](#footnote-6)

1. Which measures have been adopted, if any, to ensure that growth primarily benefits the bottom 40 percent of the population, in accordance with SDG target 10.1? Have other tools to assess progress towards the reduction of inequalities been designed and implemented?

LGBTIQ individuals are disproportionately represented within lower social and income brackets, including the bottom 40% of populations.[[7]](#footnote-7) The World Bank reports that the educational capabilities of LGBTIQ individuals are adversely affected by discrimination, bullying, and violence. Additionally, they face increased rates of unemployment and encounter challenges in accessing adequate housing, healthcare, and financial services. LGBTIQ individuals are also denied employment opportunities, workplace promotions, and dismissed from jobs because of their SOGIESC.[[8]](#footnote-8) Against this backdrop, the development and enforcement of comprehensive anti-discrimination laws and policies is necessary to ensure the economic and social inclusion and wellbeing of LGBTIQ individuals.

The legalization of same-sex marriage has been shown to positively contribute to the economic wellbeing of LGBTIQ persons: a study shows that the legalization of same-sex marriage may decrease the economic insecurity of married LGBTIQ couples.[[9]](#footnote-9) Their economic outputs and productivity may also increase through the pooling of resources, legal recognition and protection of conjugal properties, and sharing of living costs such as rent.[[10]](#footnote-10)

**Thailand**

Thailand is on the cusp of same-sex marriage legalization, which would be seen as a transformative step for Thai society.[[11]](#footnote-11) Legalization would allow State agencies and civil society to assess and rectify existing legal gaps that have denied numerous same-sex couples essential rights and protections, including access to healthcare, insurance claims, and inheritance. Advocates and members of the LGBTIQ community further believe that legalization would afford LGBTIQ individuals and couples more societal acceptance and financial stability.[[12]](#footnote-12)

**Taiwan**

Taiwan has adopted laws that specifically prohibit discrimination on the basis of SOGI in the workplace.[[13]](#footnote-13) The Employment Service Act prohibits employer discrimination based on factors such as race, class, language, thought, religion, etc. The Act of Gender Equality in Employment extends labor inspection to prevent gender or sexual orientation discrimination and promotes equality in various aspects of employment.[[14]](#footnote-14) Furthermore, as Taiwan has legalized same-sex marriage in 2019, same-sex couples were given access to benefits such as shared parental leave, honeymoon leave, bereavement leave, and time off for family care. Marriage additionally provides couples with increased flexibility in filing their tax returns.[[15]](#footnote-15) Several prominent multinational corporations have emphasized the potential economic boon that Taiwan could experience due to same-sex marriage legalization. Economists also highlight advantages, including heightened productivity, enhanced labor mobility, and a reduction in workplace stress associated with perceived discrimination.[[16]](#footnote-16)

**Nepal**

In 2021, the government of Nepal introduced tools to assess inequalities faced by LGBTIQ persons, and included LGBTIQ individuals in its census which has been lauded by advocates as a step towards making the struggles of Nepalese LGBTIQ persons and communities more visible.[[17]](#footnote-17) However, the census gender markers only list “male,” “female,” and “other.” Advocates argue that “other” as a gender marker option compels sexual and gender non-conforming individuals to choose the category even if it doesn't align with their gender identity. This mandatory categorization ultimately leads to misrepresentation in data collection.[[18]](#footnote-18)

1. Which obstacles did the State encounter in its search for development pathways not dependent on economic growth, consistent with its economic sovereignty and the prioritization of the wellbeing of the population? Which enabling international environment should be established in order to encourage the search for such alternative development pathways?

Achieving alternative development pathways that prioritize, monitor, and evaluate the wellbeing and needs of LGBTIQ persons (and of all marginalized people) requires enabling legal frameworks and social sensitization campaigns. The existence of discriminatory laws, policies, and social practices targeting LGBTIQ individuals hinders the achievement of sustainable economic and social development.

In various Asian countries, the criminalization of consensual same-sex sexual conduct persists, creating significant barriers to economic and social inclusion and progress. Additionally, attempts to legalize same-sex marriage or enact anti-discrimination laws face opposition, often led by influential political and religious groups.

**The Philippines**

For more than two decades, the strong political influence of religious groups in the Philippines has prevented the passage of a comprehensive national anti-discrimination law and marriage equality law.[[19]](#footnote-19) The absence of such laws leaves LGBTIQ individuals vulnerable to discrimination in the workplace and other social spheres, and prevents them from accessing justice and redress for right violations experienced. In fact, discrimination against LGBTIQ individuals persists throughout the hiring processes of many companies: a 2018 survey conducted by The Philippine LGBTIQ Chamber of Commerce revealed that among the one-hundred companies surveyed, only 17% implement policies that are inclusive of LGBTQ individuals and which prohibit discrimination on the basis of SOGIESC.[[20]](#footnote-20)

# Recommendations

For relevant State actors and institutions:

1. Collect and disaggregate robust quantitative and qualitative data on discrimination and human rights violations on the basis of SOGIESC.
2. Develop and utilize robust qualitative indicators and measures of economic and social inclusion, wellbeing, and capabilities, including those already used by civil society for data accrual through community consultations and focused group discussions.
3. Ensure the full and meaningful participation of LGBTIQ civil society in State data collection efforts, including through the inclusion of LGBTIQ human rights groups in national sustainable development follow up and review processes.
4. Ensure the meaningful participation of LGBTIQ civil society in the implementation of the Sustainable Development Goals and targets, and in national negotiations and priority setting for sustainable development agendas post-2030.

1. Philippine Statistics Authority. *“PSA releases the 2022 Statistical Indicators on Philippine Development.”* <https://psa.gov.ph/content/psa-releases-2022-statistical-indicators-philippine-development#:~:text=The%20StatDev%202022%20reveals%20that,indicators%20met%20their%20planned%20targets>. [↑](#footnote-ref-1)
2. World Justice Project Rule of Law Index. *“Philippines.”* <https://worldjusticeproject.org/rule-of-law-index/factors/2023/Philippines/Fundamental%20Rights/> [↑](#footnote-ref-2)
3. Statistics Korea. “*Quality of Life Indicators in Korea 2022*.” <https://kostat.go.kr/synap/skin/doc.html?fn=2c5e38f161330aee306711e65b2b1e5d641f87085be73071936779ff2a996d2f&rs=/synap/preview/board/0060/> [↑](#footnote-ref-3)
4. Asian Development Blog. *“Your Questions Answered: What is Bhutan’s Gross National Happiness Index?”* <https://blogs.adb.org/blog/your-questions-answered-what-bhutan-s-gross-national-happiness-index> [↑](#footnote-ref-4)
5. Salzburg Global Seminar. *“Happiness and Harmonization as Bhutan Decriminalizes Homosexuality."* <https://www.salzburgglobal.org/news/latest-news/article/happiness-and-harmonization> [↑](#footnote-ref-5)
6. Wangmo, Jigdrel and Dr. Geeta. “LGBT Rights in Bhutan - A Critical Study.” <https://journalppw.com/index.php/jpsp/article/download/7051/4602/8222> [↑](#footnote-ref-6)
7. International Finance Corporation. *“Economic Inclusion of Sexual and Gender Minorities/LGBTI People.”* <https://www.ifc.org/en/what-we-do/sector-expertise/gender/economic-inclusion/lgbti> [↑](#footnote-ref-7)
8. United Nations Development Programme. *“Overcoming Employment Discrimination: Economic Inclusion of LGBTI People.”* <https://www.undp.org/asia-pacific/stories/overcoming-employment-discrimination-economic-inclusion-lgbti-people> [↑](#footnote-ref-8)
9. Nash, Peyton. "A Theoretical and Empirical Analysis of the Wage Effects of Marriage in Same-Sex

   Households."

   <https://digitalcommons.bard.edu/cgi/viewcontent.cgi?article=1001&context=senproj_f2019> [↑](#footnote-ref-9)
10. Aljazeera. *“The economic impact of same-sex marriage.”* <https://www.aljazeera.com/economy/2019/6/26/the-economic-impact-of-same-sex-marriage> [↑](#footnote-ref-10)
11. Reuters. “Thailand edges closer to legalising same-sex marriage” <https://www.reuters.com/world/asia-pacific/thailand-edges-closer-legalising-same-sex-marriage-2023-12-21/> [↑](#footnote-ref-11)
12. Channel News Asia. *“Analysis: Tackling LGBT discrimination still work in progress as Thailand poised to walk down marriage equality aisle.”* <https://www.channelnewsasia.com/asia/thailand-legalise-gay-marriage-gender-equality-3952656> [↑](#footnote-ref-12)
13. <https://outleadership.com/wp-content/uploads/2022/11/CEO_CountryBriefs_Taiwan_Dec18.pdf> [↑](#footnote-ref-13)
14. Taiwan Tongzhi Hotline Association. *“2017 Taiwan LGBTI Rights Policy Review.”*

    <https://hotline.org.tw/sites/hotline.org.tw/files/2017_Taiwan_LGBTI_Rights_Policy_Review_pages.pdf> [↑](#footnote-ref-14)
15. Papaya Global. *“5 Countries to Legalize Same-Sex Marriage & Its Implications for Payroll.”* <https://www.papayaglobal.com/blog/same-sex-marriage-and-its-implications-for-payroll/> [↑](#footnote-ref-15)
16. Reuters. *“Multinationals see benefits in Taiwan same-sex marriage.”*  <https://www.reuters.com/article/idUSKCN1S029B/> [↑](#footnote-ref-16)
17. Reuters. *“Nepal's next census to count LGBT+ people for the first time.”* <https://www.reuters.com/article/idUSKBN20103N/#:~:text=KATHMANDU%2FNEW%20DELHI%20> [↑](#footnote-ref-17)
18. The Kathmandu Post. *“The inclusivity problem with Nepal’s census.”*

    <https://kathmandupost.com/art-culture/2021/05/18/the-inclusivity-problem-with-nepal-s-census> [↑](#footnote-ref-18)
19. Time. *“Southeast Asia’s Most Gay-Friendly Country Still Has No Law Against LGBT Discrimination.”* <https://time.com/6290762/philippines-pride-lgbt-discrimination-sogie-equality-bill/> [↑](#footnote-ref-19)
20. ABS CBN News. *“‘PH job market, business still challenging for LGBTQ’.”* <https://news.abs-cbn.com/business/03/23/23/ph-job-market-business-still-challenging-for-lgbtq> [↑](#footnote-ref-20)