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# LGBTI rights: Many challenges in Southeast Asia remain, despite victories in Singapore and Vietnam

Rebecca L Root Wednesday 14 September 2022



In late August Singapore's government announced it would be repealing a law that criminalised sex between men, while Vietnam's Ministry of Health declared that conversion therapy would be banned. While such moves could signify progress for LGBTI rights in Southeast Asia, experts say the region is still locked in a tight grip of archaic laws and attitudes.

'There is a lot of information out there that points out that some of the countries in the region are LGBTI-friendly, but in fact, they're not that friendly,' says Lini Zurlia, Advocacy Officer at ASEAN SOGIE Caucus, which is based in the Philippines and advocates for the human rights of sexual and gender minorities.

In Brunei, homosexuality can result in a maximum penalty of death by stoning. In the Aceh province in Indonesia, it's punishable by caning, and in Malaysia and Myanmar it means a potential prison sentence. Conversion practices also still take place in Indonesia, Malaysia and the Philippines, says Grace Poore, Regional Program Coordinator for Asia at not-for-profit OutRight Action International.

Even in countries where homosexuality is not criminalised, such as Cambodia, Laos, the Philippines and Thailand, 'discrimination against LGBTIQ people, as well as domestic and public violence, remains high', according to OutRight.

The move by Singapore to repeal section 377a of its Penal Code – which was imposed upon countries under British colonial rule – potentially signals that change is coming, says Téa Braun, Chief Executive of The Human Dignity Trust, an organisation using the law to defend the human rights of LGBTI people globally. 'When you have a jurisdiction like Singapore taking charge and doing the right thing, it sends a pretty strong signal within the region, but also globally.'

But Meredith Weiss, Professor and Director of the Department of Political Science at the University at Albany in New York, isn't so sure. She explains that section 377a hasn't been actively enforced for years and that the government's announcement that it would simultaneously add new protections to heterosexual marriage in the institution is 'making sure that this doesn't go too far'.

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## Meredith Weiss

*Professor and Director of the Department of Political Science, University at Albany*

In his speech announcing the changes, Singapore's Prime Minister Lee Hsien Loong said that 'We believe that marriage should be between a man and a woman, that children should be raised within such families, that the traditional family should form the basic building block of society'.

'It's a retrograde step if ever there was one,' says Anthony J Langlois, Associate Professor in International Relations at Flinders University in Adelaide and author of *Sexuality and Gender Diversity Rights in Southeast Asia*. He adds that Lee Hsien Loong's speech 'seemed to be reassuring the conservative establishment that nothing's going to change'.

But Rajen Ramiah, Diversity and Inclusion Officer at the IBA LGBTI Law Committee and Business Development Manager at law firm Nishimura & Asahi in Bangkok, says that elsewhere in the region, progress is being made.

For example, in June, Thailand hosted its first official Pride parade and the Civil Partnership Bill, which would allow for same-sex couples to register their partnership, is currently progressing to the House of Representatives.

Meanwhile, the 'August 2022 public declaration by Vietnam's Health Ministry is an important breakthrough because it officially recognises that homosexuality is not a disease [and] does not need to be cured', says Poore.

Zurlia hopes such positive moves will influence other countries in the region, but there are significant barriers to overcome. These include the religious as well as political systems at play in Southeast Asia.

'If you have a political environment that's simply full-on antithetical to civil liberties, political liberalisation and so forth, that hurts the progress of LGBT rights, as well as any other progressive social issues', Weiss explains.

Some jurisdictions, such as Brunei, Indonesia and Malaysia, have a combination of British colonial law and religious law. In these contexts, Weiss and Ramiah say they have little hope of major legislative change.

The Ulema Council in Indonesia has already stated that the country shouldn't follow Singapore and Vietnam's lead, Zurlia says, while Malaysia's new government under Ismail Sabri Yaakob is 'clamping down on LGBTI freedoms and rights in society', says Langlois.

Elsewhere, for example in Cambodia, Myanmar and Thailand, there's pushback on progressive social issues – including feminist and some green agendas – in general, Weiss says.

So many obstacles can make it difficult to keep fighting for change, says Remy Choo, Secretary of the IBA LGBTI Law Committee and Managing Director of Remy Choo Chambers. Choo is one of the Singapore-based lawyers involved in the 15-year fight to declare section 377a unconstitutional.

'With every setback it was never clear whether or not it was worthwhile persevering, whether or not trying again would get us a different answer', he says. 'At several points in time, there was a concern that we might even be in a worse-off position.'

His team overcame that by focussing on what could be learned from each setback. 'In every judicial pronouncement, there were indications of what arguments might work', Choo explains.




Looking ahead, the larger campaign in the region needs to focus on changing social attitudes, laying the groundwork for eventual legislative changes rather than really focusing so much on legal activism, Weiss says.

This could be achieved by convening liberal progressive leaders and practitioners from different faiths and different Southeast Asian countries, says Poore. 'Let them develop and implement programs to educate their congregations and spheres of influence on how to meaningfully integrate LGBTQ people in all of their diversity', she adds.

Activists in Hanoi, she notes, transformed research findings on stigma into travelling photo exhibits and theatrical productions. For Langlois, effective strategies include local social organising and networking across the region via organisations like the ASEAN SOGIE Caucus, OutRight Action International or ILGA Asia.

Zurlia calls on the international community to put pressure on the next UN Human Rights Council's cycle of universal periodic review (UPR) to provide recommendations related to sexual orientation and gender identity rights to the Philippines and Indonesia. Both are spotlighted for review in November's UPR.

Meanwhile, Ramiah says that activists in the region should continue to highlight the issue. And don't lose hope, Choo urges. 'Never take no for an answer', he says. 'Keep pushing at the door, and one day that door is going to open.'

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