

Asia: A Small Step Forward for ASEAN LGBT Rights

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LGBT activists face a tough battle winning acceptance in Southeast Asia, but there are some modest signs of change.

Photographs show Myo Min Htet and Tin Ko Ko clad in traditional Burmese garb, hands clasped as they walk down the aisle past smiling guests. They pour champagne over a stacked tower of glasses [1]. Another photo shows Tin Ko Ko giving his partner a kiss on the cheek.

Although they still have no legal status as a married couple, the ceremony was Myanmar's very first public gay wedding [2].

It's a small step towards acceptance of the lesbian, gay, transgender, bisexual, intersex and questioning (LGBTIQ) community in Myanmar. It's a trend that activists and advocates in the region want to encourage, but they're not stopping there: they want recognition of sexual orientation, gender identity and gender expression throughout ASEAN too.

With 10 Southeast Asian countries represented, the ASEAN SOGIE Caucus is a network of human rights activists doing work related to issues of sexual orientation, gender identity and expression (SOGIE). They want SOGIE to be included in the ASEAN Human Rights Mechanism, thus affording legal protection to the LGBTIQ community.

It's not going to be easy, and they know it. "Because of the ASEAN principles of non-interference and consensus decision-making, combined with the problematic emphasis on regional particularities, it is really an uphill climb for LGBTIQ activists in asserting SOGIE inclusion in the ASEAN," writes Filipino activist Ging Cristobal in an email.

An infographic produced by the caucus highlights the laws in ASEAN countries that target and discriminate against LGBT people [3]. For example, section 377 of the penal codes of Brunei, Malaysia, Myanmar and Singapore – a leftover from these countries' history as British colonies – still outlaws sex between consenting male adults, and is often also known as the "sodomy law." There are also laws prohibiting transgender people from changing their name and gender in Malaysia, Vietnam, Thailand and the Philippines. Media regulations mean that there is a dearth of the kind of LGBT characters and content that might improve social understanding and acceptance.

But it's not just about laws. Violence and harassment in society can make life hellish for LGBTIQ people. A study carried out in Thailand last November found that one-third of 2,000 LGBT students had been physically harassed. A report by the International Gay and Lesbian Human Rights Commission found that 15 lesbians had been murdered in Thailand in the six years from 2006 to 2012. This, despite it being the only ASEAN country that supported the UN declaration of LGBT rights. Hate crime also occurs in the Philippines [4], despite studies reporting that it is among the most "gay-friendly" countries in the world.

Residents of ASEAN countries can be just as conservative as their legislators, if not more so. A webpage published by Singapore's Health Promotion Board addressing questions on homosexuality and bisexuality ignited a firestorm of debate after conservative Christians both in and out of Parliament raised objections. They had taken exception to the webpage stating that homosexual relationships were "not that different" from heterosexual ones, saying that it was a signal to young Singaporeans that there was nothing wrong with homosexuality.

A Malay Studies professor at the National University of Singapore also attracted complaints after posting a Facebook note describing lesbianism as a "cancer" and a "social disease" that needed to be "cleansed." The backlash led to the university affirming its commitment to respecting sexual orientation within the institution, yet worries remain about the voices of conservatives dominating the discussion on LGBT rights.

These situations show how strong the opposition to granting the LGBTIQ community equal rights and protection can be. With societies resistant to the idea of granting LGBTIQ equal rights and recognition, governments can often find easy excuses to oppose any change.

"SOGIE issues are deliberately being excluded within ASEAN," Cristobal writes. "There have been directives from the governments of Malaysia, Brunei and Singapore to oppose any inclusion of SOGIE in any human rights instruments such as the ASEAN Intergovernmental Commission on Human Rights and the recent declaration on the elimination of violence against woman and children."

That's not to say that there aren't any encouraging developments. The Vietnamese government announced in 2012 that they were considering legalizing same-sex marriage. "It was a nice surprise. We expected to have this in 2015," LGBT rights advocate Le Quang Binh told me in 2012. Although the government ultimately didn't move forward, it did decriminalize same-sex weddings and now allows same-sex couples to live together.

The caucus was present at the ASEAN People's Forum over three days in March, where it reached out to other advocacy groups and built alliances. "This way, we educate mainstream groups to see the relevance of SOGIE inclusion in all human rights works of the different sectors of society," Cristobal explains.

In the run-up to the forum the group had launched the 'We Are #ASEANtoo' online campaign, encouraging supporters to post photographs of themselves asserting their inclusion in ASEAN. The campaign received the support of the deputy head of the Office of the High Commissioner for Human Rights (OHCHR)'s Southeast Asian office [5], as well as the Indonesian representatives [6] to the ASEAN Intergovernmental Commission on Human Rights and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children, among others.

But activists may not necessarily be as supportive as one might imagine. In a context where LGBTIQ issues are seen as highly controversial, some groups find the subject of SOGIE far too "contentious." The caucus' blog quoted Siriporn Skrobanek, a member of the ASEAN Women's Caucus as saying, "We would like to include SOGIE, but as if ASEAN will consider LGBT in its considerations!" [7]

Taking up such a battle is seen not just as a lost cause, but a potential danger: advocacy groups could lose whatever influence and support they currently enjoy in their country. SOGIE issues are therefore put on the backburner, and neglected.

This reluctance to include LGBTIQ people in the collective struggle makes the campaign even more difficult; how can activists make governments acknowledge the rights of LGBTIQ people when even

other advocacy groups refuse to include them?

“We were concerned that the lack of protection and recognition of LGBTIQ persons in the ASEAN Human Rights Declaration would... leave them vulnerable to systematic violence and discrimination endorsed by the state,” the caucus wrote in a blog post summarizing some of their thoughts on the forum [8].

Until ASEAN officially recognizes and protects the rights of LGBTIQ people, activists will continue to struggle in their fight against discrimination and prejudice. But if Myo Min Htet and Tin Ko Ko’s joyful wedding has taught us anything, it is that change will come, slowly and surely, with or without official recognition.

Kirsten Han, March 28, 2014

P.S.

* <http://thediplomat.com/2014/03/a-small-step-forward-for-asean-lgbt-rights/>

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Footnotes

[1] <http://globalvoicesonline.org/2014/03/04/first-public-gay-marriage-in-myanmar/>

[2] <http://blogs.wsj.com/searealtime/2014/03/04/photos-first-same-sex-marriage-a-gay-affair-for-myanmar/tab/slideshow/#slide/1>

[3] <https://infogr.am/laws-that-discriminate-lgbtqi-in-asean?src=web>

[4] 31493

[5] <http://instagram.com/p/l2KH4TxnQr/>

[6] <http://aseantoo.tumblr.com/post/79354842353/the-indonesian-representative-for-the-asean>

[7] <http://aseansogie.wordpress.com/2014/03/23/apf-day-2/>

[8] <http://aseansogie.wordpress.com/2014/03/22/asean-peoples-forum-a-quick-update-from-day-1/>