



Fostering Regional Solidarity to Advance Human Rights Protection in ASEAN
Joint Statement of Southeast Asia's LGBTQIAN+ Human Rights Defenders
March 2024

Despite the security incidents and threats we encountered leading up to the planned ASEAN Queer Advocacy Week (AAW) in July 2023, we proudly proceeded with our advocacy week agenda in Indonesia in March 2024, with the participation of 30 human rights defenders.

We—the lesbian, gay, bisexual, transgender, queer, intersex, asexual/aromantic, and non-binary (LGBTQIAN+) human rights defenders, who took part in the AAW, representing various local organisations from across Southeast Asia—strongly push for the improvement of the protection and promotion of human rights within the ASEAN. This statement was prepared during the advocacy week program through a series of discussions and dialogues with different stakeholders.

We commend the progressive advancements in the promotion and protection of the rights of LGBTQIAN+ persons in the past few decades. However, Southeast Asia still faces persistent challenges.

The need for stronger policies

Within the ASEAN, LGBTQIAN+ persons remain unrecognised by the law. They encounter systematic exclusion and discrimination impacting their access to education, employment, housing, and healthcare. Conservative religious interpretations endorsed by some states also fuel stigmatisation and negative stereotypes.

With the rise of authoritarianism, right-wing populism, and anti-rights movements in the region, LGBTQIAN+ persons—particularly human rights defenders and activists—are often subjected to violence, harassment, and criminalization. In early 2023, Singapore repealed the 377a colonial law which criminalises homosexuality. Myanmar, Malaysia, and Brunei, however, are yet to follow suit.

Despite having regional human rights instruments and mechanisms—such as the ASEAN Human Rights Declaration and its ASEAN Intergovernmental Commission for Human

Rights—the ASEAN's principle of consensus continues to hinder the advancement of LGBTQIAN+ rights due to the conservative political views of several ASEAN member states.

Discussions relating to the recognition and protection of LGBTQIAN+ persons often divide ASEAN member states. Furthermore, ASEAN's non-interference principle has prevented it from tackling and addressing the intersectional issues affecting the lives of LGBTQIAN+ persons.

All this has deprived the LGBTQIAN+ community of their fundamental rights and freedoms.

AAW participants have noted the following challenges within Southeast Asia:

Non-inclusive healthcare system

Many non-binary and transgender people in the region have been refused healthcare. Such discriminatory treatment deters health-seeking behaviour within the community. In Malaysia and Brunei, misinformation about persons living with HIV remains prevalent. Although anonymous HIV testing is available, private data leaks have occurred.

Another problem is the lack of gender-sensitive training for healthcare workers. The absence of legal documentation among stateless LGBTQIAN+ persons has only compounded the problem.

ASEAN member states should provide an inclusive healthcare system for all regardless of a patient's legal documentation status and sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC) identity as mandated by Article 29 (1) of the ASEAN Human Rights Declaration, which states that 'every person has the right to the enjoyment of the highest attainable standard of physical, mental and reproductive health, to basic and affordable health-care services, and to have access to medical facilities.'

Anti-rights groups' conversion agenda

Anti-rights movements and conservative groups in the region have been promoting 'conversion therapy' practices to change SOGIESC person's identity. Such practices are normalised under the guise of compassion and religious acceptance.

According to the report of United Nations Independent Expert on SOGIE presented during the 44th Human Rights Council session, *'conversion therapy is used as an umbrella term to describe interventions of a wide-ranging nature, all of which are premised on the belief that a person's sexual orientation and gender identity, including gender expression, can and should be changed or suppressed when they do not fall under what other actors in a given setting and time perceive as the desirable norm, in particular when the person is lesbian, gay, bisexual, trans or gender diverse.'*¹

¹ A/HRC/44/53. *Practices of so-called "conversion therapy" : report of the Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity*

In Thailand, some Buddhist temples try to 'convert' non-binary persons who are assigned male at birth by ordaining them as Buddhist monks. In rural areas, some families force children and youth to undergo exorcism in order to change their SOGIESC.

In Malaysia, state actors alongside conservative non-state actors advocate for 'conversion,' suggesting that LGBTQIAN+ individuals should be treated with civility and compassion in order to facilitate their 'rehabilitation.' Through the use of multilateral state apparatuses—including state policies, national health institutions, and religious authorities—the government has sustained a structural alienation of anyone deemed to be part of the LGBTQIAN+ community. The Malaysian Government has publicly expressed its intention to continue 'conversion practices' through media reports and government documents, including Malaysia's National Strategic Plan for Ending AIDS.² To reduce the likelihood of HIV and STI transmission among gay, bisexual, and queer men as well as men who have sex with men, the Malaysian Government provides 'spiritual support and guidance' as led by The Malaysian Islamic Development Department (JAKIM), Ministry of Health, and islam based non-government organisations (NGOs). This approach discourages people from 'engaging in unnatural sexual practices.'³

ASEAN member states should ban conversion therapy and related practices. ASEAN must establish regional standards outlining forbidden practices, accompanied by suitable legal or administrative policies, guaranteeing that public funds are not utilized, either directly or indirectly, to endorse such practices..

ASEAN should learn from the efforts done by the Vietnam Ministry of Health, which banned conversion practices by issuing Official Dispatch No.: 4132/BYT-PC, August 3, 2022.

Compulsory military service

The Myanmar terrorist junta has recently declared its intent to force women ages 18 to 27 and men ages 18-35 to serve in the military. Apart from the forced conscription, some LGBTQIAN+ individuals have reportedly been coerced into military service as a means of 'conversion.' As a result, they report experiencing severe depression and suicidal thoughts, particularly among transgender and non-binary youth.

In Singapore, all persons assigned male at birth are mandated to undergo National Service. While the service itself does not explicitly promote masculine traits, societal expectations perpetuate traits like masculinity, misogyny, and transphobia. There is a misconception that undergoing service could help promote masculinity. Although transgender men who have legally changed their gender can enlist in the service, gender-based discrimination still persists. For example, an enlisted transgender man was required to live in the male barracks and use

² *Strategy 1: Testing and Treatment to End AIDS; Strategy 2: Improving the Quality and Coverage of Prevention Programmes Among Key Populations; Strategy 3: Reduction of Stigma and Discrimination; Strategy 4: Ensuring Quality Strategic Information and Its Use by Policy Makers and Planners Through Monitoring, Evaluation and Research.*

³ Ministry of Health Malaysia. (2015). [National Strategic Plan Ending AIDS 2016 - 2030](#). pg 75.

common showerrooms, with the Singapore Armed Forces not assuming liability for any potential abuse or sexual assault.

In Thailand, all persons who are assigned male at birth are required to serve in the military once they turn 21. This law forces transgender women and non-binary persons to take part in compulsory military service.

States should abolish mandatory military service.

Shrinking civic space

The restriction of civic space is expanding across the region, impacting the LGBTQIAN+ community.

In Indonesia, many LGBTQIAN+ organisations are unable to legally register as an NGO at the Ministry Law and Human Rights under the pretext of failing to adhere to Pancasila, the country's five basic principles.

In Vietnam, repressive laws—such as tax laws—are used to silence activists and dissolve NGOs.

In Thailand, the royal defamation (lese majesté) law has been used to suppress and criminalise LGBTQIAN+ activists advocating for monarchy reforms.

In the Philippines, the Anti-Terrorism Act grants state security agencies the power to surveil and red-tag individuals and groups as 'terrorists' without proper legal procedures, resulting in the targeting of queer rights groups and various youth organisations under the guise of combating communist insurgencies.

Following the attempted coup in Myanmar, civic space has all but disappeared. The terrorist junta enacted the Organization Registration Law in October 2022 to tightly control civil society organisations (CSOs), including LGBTQIAN+ groups.

Absence of legal protection and recognition

In Southeast Asia, there are no regional standards for the legal protection and recognition of LGBTQIAN+ persons.

Despite efforts in countries like the Philippines to push for a national anti-discrimination law safeguarding the rights of LGBTQIAN+ persons, some legislators are employing tactics to delay the passage of such progressive legislation.

In Vietnam, the proposed Gender Affirmation law determines gender based on medical intervention rather than self-determination. It requires transgender persons to undergo medical intervention—either surgery or hormone therapy—before changing their legal gender.

In Thailand, the Gender Equality Act does not encompass protection for non-binary and gender-diverse individuals. Meanwhile, the Transgender Recognition Bill excludes non-binary and intersex persons. Thailand is also working on a Marriage Equality Bill. If approved, this would be the first in the region and the third in the whole of Asia, following equivalent advancements in Taiwan and Nepal.

While Brunei has stated that Sharia law would only be enforced with a high burden of proof, allowing only the most compelling cases to proceed, the very existence of such laws can still legitimise the oppression of the LGBTQIAN+ community. This can manifest through microaggressions in the form of malicious efforts of luring individuals deemed as part of the community.

In Brunei and Malaysia—where a dual legal system incorporating Sharia law and British colonial laws is in place—LGBTQIAN+ persons are criminalised for cross-dressing and same-sex relationships.

Indonesia's recently enacted Criminal Code includes discriminatory provisions and grants law enforcement expanded powers to introduce discriminatory bylaws at the local level.

Calls to Action

1. ASEAN and its member states should acknowledge the human rights of LGBTQIAN+ persons within the ASEAN framework. This can be done by incorporating a commitment to combat SOGIESC-based discrimination, abuse, and violence into the Terms of Reference of the ASEAN Intergovernmental Commission on Human Rights (AICHR), enabling the AICHR to effectively address the promotion and protection of LGBTQIAN+ rights.
2. UN agencies and the OHCHR regional office should conduct regular consultations with LGBTQIAN+ CSOs in the region as well as with the office of the UN Independent Expert on SOGIE to discuss the challenges faced by LGBTQIAN+ rights defenders.
3. National Human Rights Institutions (NHRIs) in the region alongside the AICHR should engage in regional collaboration to tackle human rights issues affecting LGBTQIAN+ persons. Countries without established NHRIs should also be involved. There is a need to establish joint partnerships and synergies to advance LGBTQIAN+ rights.
4. Donors should allocate more emergency funding to support LGBTQIAN+ activists during crises. Likewise, they should increase support for unregistered LGBTQIAN+ organisations.
5. CSOs should maintain solidarity and support by mainstreaming and integrating SOGIESC issues into their respective works.

These calls to action are only the first of the many steps that are needed to establish a truly inclusive ASEAN. Together, we will continue to advocate for regional solidarity among all stakeholders. We deserve to live in a region that fully recognises, respects, protects, and promotes the rights of the LGBTIQIAN+ community.