

# RAINBOW SIGHTINGS AMID LEGAL TYPHOONS

Justice  
For Sisters



A report based on a roundtable discussion, "Connect & Learn with LGBTIQ human rights defenders" on 23 May 2025, in Kuala Lumpur.





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## Justice for Sisters

Justice for Sisters is a human rights group working towards meaningful protection, promotion, and fulfilment of human rights of lesbian, gay, bisexual, transgender, intersex, queer (LGBTIQ+) and gender diverse persons in Malaysia.



## ASEAN SOGIE CAUCUS

ASC is a legally registered human rights organization that works for the advancement of the human rights of LGBTQIAN+ persons in the Southeast Asian region. It conducts capacity development, and organizational accompaniment to ensure that LGBTQIAN+ persons and communities effectively influence human rights mechanisms. Since its founding in 2011, ASC has collaborated with more than 500 LGBTQIA+ organizations, and collectives from ASEAN. In 2021, ASC obtained a Special Consultative Status from the UN ECOSOC.

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# ACKNOWLEDGMENT

**This report is based on a roundtable discussion jointly organised by Justice for Sisters, ASEAN SOGIE Caucus, Garabtaag, Pride Borneo, and JEJAKA on 23rd May 2025, with additional research by Justice for Sisters on the state of LGBTIQ inclusion in Southeast Asia,**

The hybrid discussion was attended by LGBTIQ human rights defenders and other stakeholders from the region, including representatives of ASEAN Intergovernmental Commission on Human Rights (AICHR). Moderated by Riska Carolina of ASEAN SOGIE Caucus, the discussion included interventions by human rights defenders on developments surrounding inclusion of LGBTIQ and gender diverse people in their respective context within the region.

We would also like to express our gratitude to Megan Steven, Hazri Haili, and others for their efforts in organising the roundtable discussion.

**Contributors:**

Afiqa Rahman, Bloom  
Siriwattakanon, Richa F. Shofyana  
(Chacha), Gavin Chow, Len, Phong  
Vuong, Thant

**Compiled by:**

Kamal A. K., Nemo Young

**Editors:**

thilaga and Pang Khee teik

**Layout design:**

Breena Au

**Cover Illustration:**

Zariq Rosita-Hanif



# FOREWORD

**In 2015, lesbian, gay, bisexual, trans, intersex, queer (LGBTIQ) activists from across Southeast Asia came together in Kuala Lumpur for the ASEAN<sup>1</sup> Civil Society Conference/ASEAN People's Forum (APF) in conjunction with the ASEAN Summit. We brought stories of discrimination, erasure, violence, and oppression from every corner of the region. But more importantly, we also brought our hopes for a more compassionate and inclusive ASEAN. Ten years later, we are back in Kuala Lumpur again for the same event, and, unsurprisingly, our advocacy recommendations today are not so different from those we made a decade ago:**

- 1. Repeal laws and policies that criminalise LGBTIQ persons, and enact comprehensive anti-discrimination legislations;**
- 2. Widen spaces for meaningful participation of LGBTQIA+ civil within ASEAN;**
- 3. Ensure the inclusion of SOGIESC in ASEAN frameworks and programmes for human rights and social justice.**

Yes, there have been some positive shifts in terms of LGBTIQ inclusion in Southeast Asia in a few countries. But in many ways, many of the challenges we faced from the lack of rights and protection remained the same, or have deteriorated.



Among the biggest rainbow sightings we have had in the region are the repeal of 377 in Singapore and the passage of the marriage equality law in Thailand. There has also been a significant increase in Universal Periodic Review (UPR) recommendations about LGBTIQ rights. Almost all countries in Southeast Asia have received LGBTIQ-related recommendations. In Cambodia, more than 10 recommendations were accepted by the government.<sup>2</sup>

Globally, there have been huge changes moving forward toward the acceptance of sexual orientation, gender identity and expression, and sexual characteristics (SOGIESC) language in international human rights frameworks as well as the creation of an Independent Expert on SOGIE since 2015. In contrast, there is still a lack of a clear regional framework with regard to addressing LGBTIQ rights in Southeast Asia.

There have also been more discussions and progress in the inclusion of SOGIESC language and protection of LGBTQ persons at the regional level. The ASEAN Regional Plan of Action on the Elimination of Violence Against Children, for example, subsumes LGBT children under the “vulnerable groups of children” category<sup>3</sup> opening up avenues for inclusion. However, these instances of inclusion remain difficult as there are still countries which resist.

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**2** “Factsheet: 4th Cycle UPR SOGIESC Rights and SRHR Cambodia [Final-GVA]”, Rock Cambodia, February 7, 2024, <https://rockcambodia.org/4th-cycle-upr-sogiesc-srhr-cambodia/>

**3** For example, “ASEAN Regional Plan of Action on the Elimination of Violence Against Children”, adopted by ASEAN in 2016. The plan of action covers the period of 2016 to 2025. The document provided a list of “vulnerable groups of children” which the plan of action must provide specific focus, and one of which is “children from the lesbian, gay, transgender or transsexual community”.



In general, ASEAN has remained apprehensive toward having a consensus on the inclusion of SOGIESC or LGBTIQ in its human rights documents or frameworks. There are countries with regressive laws and conservative stance towards LGBTIQ human rights. Meanwhile, some countries have started taking positive measures albeit from various entry points and degrees of policy inclusion: Thailand on the marriage equality legislation; Philippines on the legal protection of LGBTIQ persons from online and offline forms of harassment; and Vietnam's Ministry of Health calling for LGBTIQ inclusive health care. The varying levels of inclusion may be a challenge to consensus building, but can be a good opportunity for AICHR and ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) in facilitating conversations and sharing good practices among states.

At the same time, we're still seeing a lack of progress with the minimum points that we are pushing to governments. For example, there has been little progress with the passage of anti-discrimination legislation in the Philippines. Meanwhile, Malaysia, Brunei, Myanmar and Indonesia maintain various laws that criminalise LGBTQ and gender-diverse people.

Furthermore, we need to identify new frontiers to push our actions further. Presently, there are LGBTIQ groups working on economic inclusion, environmental justice, child rights, and defense of democratic institutions, among others. Meanwhile, ASEAN SOGIE Caucus (ASC) and other groups have also been furthering the messages through the cultural sphere, influencing and leveraging the arts and culture, as well as reclaiming histories in order to assert that LGBTIQ and gender-diverse people have always been a fundamental part of our region.

Therefore, we need to continue identifying new frontiers for our actions, without overlooking the basic minimum points that we have been pushing toward regional governments for the past years.



The major question remains: how can we continue to move forward as a collective? The U.S. funding freeze under the Trump administration has also significantly impacted LGBTIQ organisations and human rights defenders.

Amid these global pressures, it is more important than ever that we do not work alone. We must continue to advocate and collaborate with civil society organisations beyond our movements. We must continue cultivating allies across movements and spaces, including climate justice organisations, women's rights organisations, and child rights organisations, who can also help us in pushing our advocacy within those strategic frontiers.

**Ryan Silverio**

Executive Director of ASEAN  
SOGIE Caucus



# INTRODUCTION

**Amid the global rise of anti-gender movements, gendered disinformation, and anti-rights movements, Southeast Asia presents a small source of hope to some extent. In countries such as Thailand, Cambodia, Vietnam, and the Philippines, we are witnessing the rise of LGBTIQ-inclusive legal reforms, positive statements about LGBTIQ rights from political leaders, and different types of social inclusion towards LGBTIQ and gender-diverse people.**

Admittedly, these positive legal reforms and social inclusion are in their nascent stages. While they present opportunities for broader social changes, challenges persist, particularly, with the lack of comprehensive protection of LGBTIQ and gender-diverse people from discrimination and violence.

However, human rights defenders observe that the state of democracy and broader human rights is still on the decline. In conflict-stricken regions such as Myanmar, decriminalisation and inclusion of LGBTQ people have been stagnant in the context of backsliding democracy and growing authoritarianism.

Meanwhile, in other countries such as Malaysia, Indonesia, and Brunei, the repression of LGBTIQ rights is very extreme. There has been increased criminalisation targeting all aspects of the lives of LGBTIQ and gender-diverse people, including their freedom of expression and visibility.

LGBTIQ human rights defenders are more visible than ever in non-LGBTIQ-specific human rights areas, prompting discussion surrounding their protection and well-being. Many LGBTIQ and gender-diverse people work in environmental justice, migrant rights, workers' rights, Indigenous People's rights, abolition of death penalty, and democracy issues.



Meaningful equality would therefore require working with LGBTIQ people across all contexts, and demanding open civic spaces where LGBTIQ voices can advocate freely not just in LGBTIQ contexts but across all social and political movements. We do not only want inclusion for ourselves but also equal rights for everyone within a healthy democracy.

**Table: Laws targeting LGBTIQ people in Southeast Asian Countries**

| Countries       |                                                                                     | Criminalisation of    |                 | State-sponsored wconversion practices | Legal gender recognition      | Positive laws     |                                  |
|-----------------|-------------------------------------------------------------------------------------|-----------------------|-----------------|---------------------------------------|-------------------------------|-------------------|----------------------------------|
|                 |                                                                                     | Same-sex relationship | Gender identity |                                       |                               | Marriage equality | SOGIESC Anti-discrimination laws |
| Brunei          |    | X                     | X               |                                       |                               |                   |                                  |
| Cambodia        |    |                       |                 |                                       |                               |                   |                                  |
| Indonesia       |   |                       |                 | X                                     |                               |                   |                                  |
| Laos            |  |                       |                 |                                       |                               |                   |                                  |
| Malaysia        |  | X                     | X               | X                                     |                               |                   |                                  |
| Myanmar         |  | X                     |                 |                                       |                               |                   | X                                |
| Singapore       |  |                       |                 |                                       | Based on medical intervention |                   |                                  |
| Thailand        |  |                       |                 |                                       |                               | X                 |                                  |
| The Philippines |  |                       |                 |                                       |                               |                   | X                                |
| Timor-Leste     |  |                       |                 |                                       |                               |                   |                                  |
| Vietnam         |  |                       |                 |                                       | Based on medical intervention |                   |                                  |

X = yes, such laws or policies are present at the national or provincial level



## **SOGIESC anti-discrimination laws**

### **Myanmar**

- The Child Rights Law (The Pyidaungsu Hluttaw Law No. 22, 2019) (23 July 2019) - provides children the legal protection from violence and discrimination on the basis of sexual orientation.

### **The Philippines**

- Safe Spaces Act - provides protection from online and offline harassment on basis of SOGIE
- Magna Carta of Women
- Anti-SOGIESC discrimination ordinance at local government level<sup>4</sup>

<sup>4</sup> Michelle Abad, LIST: Philippine local governments with anti-discrimination ordinances, The Rappler, 3 July 2022 <https://www.rappler.com/newsbreak/iq/list-local-governments-philippines-anti-discrimination-ordinances/>

# The spectrum of LGBTIQ inclusion in Southeast Asia:

- Increased legal reforms and protections, or state readiness for inclusion, as well as social inclusion
- Inclusion of SOGIESC language reflected within national or state laws
- Official engagement with IE SOGI and participation in global platforms

- Unfavourable political context

- Increased criminalisation of LGBTQ identities and other aspects of life. For example, there was a shift from criminalisation of sexual acts toward criminalisation of Freedom of Expression, etc.
- Faith-based conversion practices is on the rise
- Higher risks for human rights defenders (HRD) and allies

**Growing  
Inclusion or  
conditional  
inclusion**

**Regression**





# LGBTIQ-INCLUSION IN SOUTHEAST ASIA

**Progress is taking place on two fronts:**

- 1) legal reforms through the introduction of positive laws, the inclusion of SOGIESC as grounds of discrimination in general legislation, and the repeal of discriminatory laws**
- 2) enabling access to the highest attainable standards of health for LGBTQ people.**

Some countries in Southeast Asia have demonstrated their readiness for LGBTIQ-inclusion and legal protections. For example, Cambodia in 2024 hosted a visit by the UN Independent Expert on SOGIE, who made several key recommendations for the country.<sup>5</sup>

During its 4th UPR cycle that same year, Cambodia accepted all [12 recommendations](#) related to SOGIESC, which include continued progress towards recognition of legal marriage equality, legal gender recognition (LGR) for transgender and gender-diverse persons, and adoption of effective measures protecting from discrimination based on SOGIESC.<sup>6</sup> Though this might be a unique incident, it marks an increase of positive reception towards SOGIESC-specific Universal Periodic Review (UPR) recommendations.

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**5** UN General Assembly, Visit to Cambodia: Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, A/HRC/56/49/Add. 2 (OHCHR, April 16, 2024), <https://cambodia.un.org/sites/default/files/2025-05/IE%20SOGI%20Report%20ENGLISH.pdf>

**6** “Factsheet: 4th Cycle UPR SOGIESC Rights and SRHR Cambodia [Final-GVA]”, Rock Cambodia, February 7, 2024, <https://rockcambodia.org/4th-cycle-upr-sogiesc-srhr-cambodia/>

## Legal reforms

Legal reforms have focused on three areas

1. Introduction of positive laws at the federal or provincial, or other level of government
2. Repeal of discriminatory laws
3. Inclusion of SOGIESC language as grounds of discrimination in general or non-LGBTIQ specific laws

## Introduction of positive laws

### Marriage equality

Thailand crossed a historic milestone with the passing of the Marriage Equality Act, which came into effect on January 23, 2025, making Thailand the first Southeast Asian country, and the second in Asia after Taiwan, to recognise marriage equality. According to the Act, same-sex couples would be afforded [equal access](#) to the legal, financial, and medical rights granted to heterosexual married couples, including inheritance, adoption rights, and healthcare consent.<sup>7</sup>

With the introduction of marriage equality in Thailand, LGBTIQ groups are calling for the legislation to extend also to LGBTIQ migrants and non-citizens seeking registration in Thailand.

Currently, LGBTIQ non-citizens seeking to register their marriage in Thailand are subject to further legal procedures, which would force them to verify their legal status with their countries of origin, where they are often at risk of anti-LGBT laws. Some LGBTIQ groups noted that the marriage registration process must be simplified and improved in order to protect LGBTIQ migrants from discrimination and the risk of being outed.

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<sup>7</sup> Amnesty International, "Thailand: Passing of marriage equality bill a triumphant moment for LGBTI rights", Amnesty International, June 16, 2024, <https://www.amnesty.org/en/latest/news/2024/06/thailand-passing-of-marriage-equality-bill-a-triumphant-moment-for-lgbti-rights/>



In Vietnam, there has been growing public acceptance and political tolerance for LGBTIQ people. A [2023 poll](#) found that public acceptance of same-sex marriage was at 65%,<sup>8</sup> almost double the public acceptance in [2013](#), which was at 33.7%.<sup>9</sup> However, there have been limited LGBTIQ-inclusive legal reforms. This can be attributed to Vietnam's political systems and dynamics. In navigating this, LGBTIQ groups have adopted [creative campaigns](#) to sustain social acceptance,<sup>10</sup> while gaining [entry points](#) toward policy-making.<sup>11</sup>

## Legal gender recognition in the pipeline

Following the introduction of the Marriage Equality Act in Thailand, a [Gender Recognition](#) draft Bill has also been submitted to Thailand's cabinet for review, making another step toward legal acknowledgement for transgender and non-binary people.<sup>12</sup> However, this could be delayed due to the political situation in Thailand, as the political party that made this commitment has been banned and is no longer in power.<sup>13</sup>

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- 8 Sneha Gubbala and William Miner, "Across Asia, views of same-sex marriage vary widely," Pew Research Center, November 27, 2023, <https://www.pewresearch.org/short-reads/2023/11/27/across-asia-views-of-same-sex-marriage-vary-widely/>
  - 9 Health Policy and Strategy Institute (HPSI), Institute of Sociology (IOS), and Institute for Studies of Society, Economy and Environment (ISEE), Results of the Referendum on Same-Sex Marriage, 2013, <https://thuvien.lgbt/documents/ket-qua-trung-cau-y-kien-nguoi-dan-ve-hon-nhan-cung-gioi-2013>
  - 10 AFP, "Vietnam hosts third gay pride parade as attitudes soften," New Straits Times, August 3, 2014, <https://www.nst.com.my/news/2015/09/vietnam-hosts-third-gay-pride-parade-attitudes-soften>. LGBTIQ groups in Vietnam have been organising Pride-themed bike rides in lieu of rallies or demonstrations where civic space is limited.
  - 11 Sogicampaigns, Phong Vuong, and Advertising Vietnam, "Vietnam: "Leave with Pride": How a campaign towards the health authorities goes ... viral," Sogicampaigns, 2016, <https://sogicampaigns.org/portfolio/vietnam-going-viral-with-the-ministry-of-health/>
  - 12 Panisa Suwanmatajarn, "Thailand Takes Major Step Towards Gender Equality with Proposed Recognition Act," Global Law Experts, May 8, 2024, <https://globallawexperts.com/thailand-takes-major-step-towards-gender-equality-with-proposed-recognition-act/>
  - 13 Sebastian Strangio "Thai PM Anutin Affirms Intention to Dissolve Parliament in January", The Diplomat, September 25, 2025 <https://thediplomat.com/2025/09/thai-pm-anutin-affirms-intention-to-dissolve-parliament-in-january/>

## Repeal of discriminatory laws

In Vietnam, the [draft law](#) on Gender Reassignment is also underway, which would recognise the right of transgender persons to change gendered information on all official documents. The law also recognises the rights of transgender persons to retain parent-child relationships, including child adoption, as well as the right to own property prior to legal gender change. The law will come into effect by 2026.<sup>14</sup>

In 2022, Singapore [repealed](#) Section 377, a colonial law that criminalises consensual sexual relationships between adults, thereby decriminalising same-sex sexual relationships. However, with that, a concurrent legislative amendment was made to Section 12 of the [Women's Charter](#) to stress that only legal marriages between a man and woman are legally recognised.<sup>15 16</sup>

According to activists in Singapore, LGBTIQ people perceive this conditional inclusion, coupled with the restrictive civic space, as a form of conditional acceptance, whereby they are tolerated so long as they do not criticise the government.

<sup>14</sup> “In the Pipeline Draft Law on Gender Reassignment released to protect transgender people”, Vietnam Law & Legal Forum, January 6, 2024, <https://vietnamlawmagazine.vn/draft-law-on-gender-reassignment-released-to-protect-transgender-people-71063.html>

<sup>15</sup> Goh Yan Han, “Parliament repeals Section 377A, endorses amendments protecting definition of marriage,” The Straits Times, November 29, 2022, <https://www.straitstimes.com/singapore/politics/parliament-repeals-section-377a-endorses-amendments-protecting-marriage-definition>

<sup>16</sup> Republic of Singapore, Women's Charter 1961 (Avoidance of marriages between persons of same sex), (Singapore Statutes Online, August 21, 2025), 25–26, <https://sso.agc.gov.sg/Act/WC1961?ValidDate=20250309&ProvlDs=P13-#pr12->



Similar colonial-era sodomy laws still exist in Brunei,<sup>17</sup> Malaysia<sup>18</sup> and Myanmar<sup>19</sup> at the federal or national level. Malaysia and Brunei both have amended their respective Section 377 to increase its penalties. Malaysia, in a 2017 amendment, introduced mandatory whipping to Sections 377 A and B of the Penal Code, which criminalise “carnal intercourse” or anal and oral sex between adults of any gender.<sup>20</sup> Likewise, the same year, Brunei also amended its Section 377 to introduce whipping and increase the maximum penalty from 10 years to 30 years’ imprisonment.<sup>21</sup>

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Moreover, both Malaysia and Brunei subject Muslim LGBTQ people to additional criminalisation based on SOGIE under the syariah laws at the Federal or state/provisional levels. In the last decade, Brunei, Malaysia and Indonesia have not only strengthened existing criminalisation of LGBTQ people, but have also introduced new anti-LGBTQ laws at both national and provincial levels.

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- 17** Human Dignity Trust, “Brunei: Country Profile,” Human Dignity Trust, updated December 17, 2024 <https://www.humandignitytrust.org/country-profile/brunei/>
- 18** Human Dignity Trust, “Malaysia: Country Profile,” Human Dignity Trust, updated December 17, 2024 <https://www.humandignitytrust.org/country-profile/malaysia/>
- 19** Human Dignity Trust, “Myanmar: Country Profile,” Human Dignity Trust, updated December 17, 2024 <https://www.humandignitytrust.org/country-profile/myanmar/>
- 20** Bernama. “Mandatory whipping for sexual offenders”, Free Malaysia Today, April 6, 2017 <https://www.freemalaysiatoday.com/category/nation/2017/04/06/mandatory-whipping-for-sexual-offenders>
- 21** UNFPA, UNESCO, UNAIDS, UNICEF, UNDP, Youth LEAD and Y-PEER Asia Pacific Center. 2020. Young People and the Law: Laws and Policies Impacting Young People’s Sexual and Reproductive Health and Rights in the Asia-Pacific region: 2020 update. [https://asiapacific.unfpa.org/sites/default/files/pub-pdf/young\\_people\\_and\\_the\\_law\\_-\\_laws\\_and\\_policies\\_impacting\\_young\\_peoples\\_sexual\\_and\\_reproductive\\_health\\_and\\_rights\\_in\\_the\\_asia-pacific\\_region\\_2020\\_update\\_2.pdf](https://asiapacific.unfpa.org/sites/default/files/pub-pdf/young_people_and_the_law_-_laws_and_policies_impacting_young_peoples_sexual_and_reproductive_health_and_rights_in_the_asia-pacific_region_2020_update_2.pdf)
- 22** Constitution Of Brunei Darussalam, Penal Code (Amendment) Order, 2017, 24 July 2017 [https://www.agc.gov.bn/AGC%20Images/LAWS/Gazette\\_PDF/2017/EN/S061.pdf](https://www.agc.gov.bn/AGC%20Images/LAWS/Gazette_PDF/2017/EN/S061.pdf)

## Section 377 in Brunei, Myanmar and Malaysia's Penal Codes

Table 2: Section 377 in Brunei, Myanmar and Malaysia's Penal Codes

| Country  | Fine                    | Prison                 | Whipping       |
|----------|-------------------------|------------------------|----------------|
| Brunei   |                         | Not more than 30 years | Yes, mandatory |
| Myanmar  | Yes, unspecified amount | Not more than 10 years |                |
| Malaysia |                         | Not more than 20 years | Yes, mandatory |

### Brunei

#### Unnatural offences

377. Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished with imprisonment for a term not exceeding 30 years and whipping.

Explanation — Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

(2) Whoever commits an offence under subsection (1) against a person under the age of 14 years, shall be punished with imprisonment for a term of not less than 15 years and not more than 30 years and whipping with not less than 12 strokes, and in the case of a second or subsequent conviction, imprisonment for a term of not less than 20 years and not more than 50 years and whipping with not less than 20 strokes.

(3) In any case in which section 258 of the Criminal Procedure Code (Chapter 7) applies, the Court shall sentence the offender, instead of whipping, to imprisonment for a term which may extend to 12 months, in addition to the punishment to which he has been sentenced under this section.”.

## Myanmar

### Unnatural offences

377. Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. \*

## Malaysia

### 377A. Carnal intercourse against the order of nature

Any person who has sexual connection with another person by the introduction of the penis into the anus or mouth of the other person is said to commit carnal intercourse against the order of nature.

Explanation—Penetration is sufficient to constitute the sexual connection necessary to the offence described in this section

### Section 377B. Punishment for committing carnal intercourse against the order of nature

Whoever voluntarily commits carnal intercourse against the order of nature shall be punished with imprisonment for a term which may extend to twenty years, and whipping.

\* Myanmar’s Penal Code <https://www.burmalibrary.org/docs6/MYANMAR>



## Inclusion of SOGIESC as grounds of discrimination in legislation

In the Philippines and Cambodia, SOGIESC language and terminology have been increasingly adopted and incorporated into general legislation.

The Philippines' [Safe Spaces Act](#) is an example of the adoption of SOGIE terminology beyond LGBTQ-specific laws. The law protects against all forms of gender-based harassment, including misogyny, transphobia, and homophobia.<sup>23</sup> However, other legislative reforms, such as the Sexual Orientation and Gender Identity Expression Equality Bill, have been repeatedly stalled due to political opposition.<sup>24</sup>

Meanwhile, Cambodia has taken steps to include LGBTIQ and gender-diverse people in national policies and action plans. One major step was taken by the Ministry of Women Affairs when it included lesbian, bisexual and transgender (LBT) persons within the [National Action Plan](#) to Prevent Violence Against Women (NAPVAW; 2019–2023).<sup>25</sup>

There have also been efforts by the Ministry of Education to incorporate SOGIESC in the comprehensive sex education (CSE) curriculum of schools as part of efforts to eliminate discrimination on the basis of SOGIESC.<sup>26</sup>

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- 23** Republic of the Philippines, Republic Act No. 11313: An Act Defining Gender-Based Sexual Harassment in Streets, Public Spaces, Online, Workplaces, and Educational or Training Institutions, Providing Protective Measures and Prescribing Penalties Therefore (The LawPhil Project, July 23, 2018), [https://lawphil.net/statutes/repacts/ra2019/ra\\_11313\\_2019.html](https://lawphil.net/statutes/repacts/ra2019/ra_11313_2019.html)
  - 24** Chad De Guzman, Southeast Asia's Most Gay-Friendly Country Still Has No Law Against LGBT Discrimination, Time, June 30, 2023 <https://time.com/6290762/philippines-pride-lgbt-discrimination-sogie-equality-bill/>
  - 25** Rainbow Community Kampuchea Organisation et al., Joint Submission to the United Nations Human Rights Council for the Universal Periodic Review (UPR) of the Kingdom of Cambodia (Fourth Cycle, 46th session of the UPR Working Group) Sexual Orientation, Gender Identity and Expression and Sex Characteristics (SOGIESC) Rights and Sexual Reproductive Health and Rights (SRHR) in Cambodia (Cambodian Center for Human Rights, October 9, 2023), [https://cchrcambodia.org/en/publications/general-reports/joint-submission\\_4th-upr\\_sogiesc-srhr](https://cchrcambodia.org/en/publications/general-reports/joint-submission_4th-upr_sogiesc-srhr)
  - 26** Ibid.

## Enabling access to the highest attainable standards of health for LGBTIQ people

### Gender-affirming healthcare for trans people

Significant progress was made by the Health Ministries in Thailand and Vietnam in the depathologisation of LGBTIQ people and the enabling of gender-affirming healthcare for trans people. These good practices present models for inclusion in other countries in Southeast Asia.

In Thailand, the Public Health Ministry announced in 2025 that it would [subsidise](#) 145.63 mil Thai Baht (THB) (over \$4.3 mil USD) in gender-affirming healthcare, including hormone replacement therapy (HRT), in the upcoming national budget.<sup>27</sup> The victory reflects the longstanding advocacy led by transgender and non-binary activists through engagement with the Public Health Ministry in Thailand. Like the legal development surrounding LGR, this could also be delayed due to the uncertain political situation in Thailand.

### Depathologisation of LGBTIQ people and banning of conversion practices

Following efforts by LGBTIQ and civil society groups, Vietnam's Health Ministry had legally banned conversion practices in 2022 and declared that LGBT people "[are not diseased](#)" and should never be treated as such.<sup>28</sup>

Vietnam's Ministry of Health also took [measures](#) to align its policy with the latest edition of the International Classification of Diseases (ICD), which acknowledges that being transgender is not an illness or disorder.<sup>29</sup> It even circulated internal guidelines for healthcare practitioners, emphasising the importance of equitable access to gender-affirming care for transgender people as well as prohibiting discrimination on the basis of SOGIESC.

<sup>27</sup> Abby Monteil, "Thailand's Public Health Ministry Will Allocate More Than \$4 Million for Trans Health Care," Them, January 28, 2025, <https://www.them.us/story/thailand-gender-affirming-care-funding-government>

<sup>28</sup> Asia Pacific Transgender Network, "NEWS: Vietnam's Health Ministry Stresses 'LGBT Is Not a Disease' in Response to Rise in 'Gay Cure' Clinics," APTN, August 23, 2022, <https://www.weareaptn.org/2022/08/23/news-vietnams-health-ministry-stresses-lgbt-is-not-a-disease-in-response-to-rise-in-gay-cure-clinics/>

<sup>29</sup> Asia Pacific Transgender Network, "NEWS: Vietnam's Health Ministry Stresses 'LGBT Is Not a Disease' in Response to Rise in 'Gay Cure' Clinics," APTN, August 23, 2022, <https://www.weareaptn.org/2022/08/23/news-vietnams-health-ministry-stresses-lgbt-is-not-a-disease-in-response-to-rise-in-gay-cure-clinics/>

Indeed, the Ministry's action was prompted by the government's plan to introduce a Law on Gender Reassignment. The law would allow trans people who are 18 years old and above to seek legal gender recognition based on medical interventions. It reportedly will include safeguards to protect trans people's right to adoption and reproductive rights, in spite of limitations.<sup>30</sup> The guidelines are only expected to be in effect after the government introduces the Law on Gender Reassignment in 2026.

## Overlooked Health Areas

### Sexual and Reproductive Health and Rights (SRHR) for transgender, non-binary and gender-diverse people

Sexual and reproductive health and rights (SRHR) for transgender, non-binary and gender-diverse people remain overlooked and under-researched. One especially overlooked area is the issue of female genital mutilation or cutting (FGM or FGC) and its impacts on transgender and non-binary people. FGC is an urgent public health issue which affects cisgender women as well as transgender, non-binary, and gender-diverse people alike.

In 2020, an [online survey](#) conducted by End FGC Singapore found that 3 in 4 Muslims assigned female at birth in Singapore were cut as babies and children.<sup>31</sup> Anecdotes from non-binary survivors of FGC in Singapore include feelings of loneliness due to the lack of publicly available information on their experiences, as well as the feeling of being forced into a specific box that defines what an adult heterosexual cisgender woman should be.

**30** Draft Law on Gender Reassignment released to protect transgender people, Vietnam Law and Legal Forum, 1 June 2024, <https://vietnamlawmagazine.vn/draft-law-on-gender-reassignment-released-to-protect-transgender-people-71063.html>

**31** End FGC Singapore, Female Genital Cutting in Singapore: A Pilot Study, 2020, 2, <https://www.endfgcsg.com/research>



More research is needed to understand the impacts of FGC on transgender, non-binary, and gender-diverse people in contexts where it remains prevalent due to cultural and religious reasons, including Singapore, Malaysia, and Indonesia.

Global medical and human rights experts and bodies, including the World Health Organisation (WHO), have [resoundingly called](#) for the end of any form of genital cutting or mutilation due to its harm.<sup>32</sup> Additionally, End FGC Singapore recommends implementing a two-step assessment consisting of counselling to parents that FGC is medically, socially, and religiously unnecessary, followed by a 48-hour waiting period before proceeding with the procedure.<sup>33</sup>

## Intersex health

Access to intersex-affirming health services and information in Southeast Asia is an overlooked area. Intersex children are often subjected to unnecessary medical interventions, including Intersex Genital Mutilation or sex-selective surgeries to fit them within gender binary identities, expressions, and bodies — male / female — due to the pathologisation of intersex conditions such as “Disorders of Sex Development” in national health guidelines, policies, or laws.<sup>34</sup>

**32** World Health Organisation (WHO), “WHO issues new recommendations to end the rise in “medicalized” female genital mutilation and support survivors”, World Health Organisation (WHO), 28 April 2025, <https://www.who.int/news/item/28-04-2025-who-issues-new-recommendations-to-end-the-rise-in--medicalized--female-genital-mutilation-and-support-survivors>

**33** Ibid., 6.

**34** Intersex Asia, Submission For The Preparation of The Report Of The High Commissioner For Human Rights Pursuant To The Human Rights Council Resolution A/HRC/Res/55/14 On “Combating Discrimination, Violence And Harmful Practices Against Intersex Persons” <https://www.ohchr.org/sites/default/files/documents/cfi-subm/hc-hcr-res-55-14/subm-preparation-hc-hr-cso-66-intersex-asia.pdf>

For example, in Malaysia, the 4th Edition of the Paediatric Protocols by Malaysian Paediatric Association's (MPA) recommends gender assignment and sex-specific rearing for intersex babies based on 'most probable adult gender identity and potential for adult function' and medical and non-medical measures to reinforce the assigned gender.<sup>35</sup> Sex-selective procedures against intersex infants and children are common in the Philippines, which is enabled by a lack of legislation to ban such medical interventions.<sup>36</sup>

Meanwhile, in Thailand, doctors note that "when a child is born with ambiguous sex characteristics, standard medical procedure involves gender-selection surgery. Doctors consult with parents to choose a sex for their child."<sup>37</sup>

Medical practitioners often misuse the best interests of the child safeguard under Section 22 of Thailand's Child Protection Act, B.E. 2546 (2003) to justify unnecessary medical interventions against intersex children. A joint report on the rights of LGBTIQ youth and children highlighted a 2014 case of a five-year-old intersex child who was forced to undergo gender reassignment surgery to be "normal", although their medical examination showed that they were male. The procedure was justified by medical practitioners in the child's best interests.<sup>38</sup>

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**35** PAEDIATRIC PROTOCOLS For Malaysian Hospitals 4th Edition (2019), page 322 and 323 [https://mpaeds.my/wp-content/uploads/2019/09/Paediatric\\_Protocols\\_4th\\_Edition\\_\(MPA%20Version\)\\_2nd\\_Print\\_Aug\\_2019.pdf](https://mpaeds.my/wp-content/uploads/2019/09/Paediatric_Protocols_4th_Edition_(MPA%20Version)_2nd_Print_Aug_2019.pdf)

**36** *ibid*

**37** Pratch Rujivanarom "Beyond the binary: Thailand's intersex push for recognition bill," Hard Stories, 17 August 2025 <https://hardstories.org/stories/gender-equality/intersex-people-in-thailand-wait-for-true-equality>

**38** Joint UPR Submission: The Rights of LGBTIQ+ Youth and Children in Thailand [https://upr-info.org/sites/default/files/documents/2021-10/js14\\_upr39\\_tha\\_e\\_main.pdf](https://upr-info.org/sites/default/files/documents/2021-10/js14_upr39_tha_e_main.pdf)

These surgeries have irreversible long-term psychological and physical damages into adulthood. Further, intersex children, being minors, are neither legally or mentally competent to consent to such medical interventions. With limited access to information, parents or guardians of intersex children often consent to such procedures due to the advice of medical professionals, who have likely based their advice on social norms of their contexts.<sup>39</sup>

In 2024, the Human Rights Council adopted a historic resolution to combat discrimination, violence and harmful practices against intersex people. The resolution recognises “persons with innate variations in sex characteristics may face multiple and intersecting forms of discrimination in all areas of life, such as access to education, health, employment, sports and social security, as well as restrictions on the exercise of legal capacity and in access to remedies and justice.” The resolution also expressed concern over the “unnecessary or deferrable medical interventions, which may be irreversible [...] performed without the full, free and informed consent of the person, and in the case of children without complying with the provisions of the Convention on the Rights of the Child”.<sup>40</sup>

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**39** Intersex Asia, Submission For The Preparation of The Report Of The High Commissioner For Human Rights Pursuant To The Human Rights Council Resolution A/HRC/Res/55/14 On “Combating Discrimination, Violence And Harmful Practices Against Intersex Persons” <https://www.ohchr.org/sites/default/files/documents/cfi-subm/hc-hcr-res-55-14/subm-preparation-hc-hr-cso-66-intersex-asia.pdf>

**40** OHCHR, A “big victory” for intersex people and their rights, 5 April 2024 <https://www.ohchr.org/en/stories/2024/04/big-victory-intersex-people-and-their-rights>



# NEW TRENDS AND CHALLENGES AMID LGBTIQ INCLUSION

**Progress towards substantive and meaningful LGBTIQ inclusion strongly correlates with the availability of civic space as well as a healthy democracy and state of human rights in Southeast Asia. Amid growing LGBTIQ inclusion in Southeast Asia, LGBTIQ human rights defenders and civil society organisations are also observing new trends and challenges to inclusion. This comes in the form of:**

- 1. Rise in violence**
- 2. Shrinking civic space, democracy, and human rights**

## **Rise in violence**

Following significant positive developments in Thailand, there has been increased backlash. According to Amnesty International Thailand, the passing of the Marriage Equality Act in Thailand has not decreased the [digital violence](#) targeting LGBTIQ activists. Instead, digital violence has intensified, especially against those advocating for legal gender recognition (LGR) and gender-affirming care for “being greedy”.<sup>41</sup>

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**41** Amnesty International. “Why does digital violence against LGBTI people in Thailand and Taiwan continue even after marriage equality?” Amnesty International, 16 May 2025 <https://www.amnesty.org/en/latest/campaigns/2025/05/why-does-digital-violence-against-lgbti-people-in-thailand-and-taiwan-continue-even-after-marriage-equality/>

Amnesty International's 2024 report, launched before the passing of marriage equality, documents a range of online gender-based violence (OGBV) against LGBTIQ and non-binary people and human rights defenders by diverse actors, including anti-feminists and right-wing actors.<sup>42</sup> Alarming, much of this corresponds with global anti-rights movements. Based on anecdotal evidence from HRDs in the region, similar trends can also be observed in other countries in Southeast Asia.

Physical violence against LGBTIQ people is also rising, highlighting legal gaps in protection. In April 2025, a transgender sex worker in Pattaya was brutally [murdered](#).<sup>43</sup> The incident corresponds with the findings by the Thai Health Promotion Foundation, which found that trans women are three times higher at risk of violence compared to the general population.<sup>44</sup> It also found that over 30,000 trans and cis women, as well as children, are affected by violence annually.<sup>45</sup>

To that end, LGBTIQ groups in Thailand are calling for comprehensive anti-discrimination protections, which would protect LGBTIQ and gender-diverse people while holding perpetrators accountable.

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- 42** Amnesty International Thailand, "Being ourselves is too dangerous": Digital violence and the silencing of women and LGBTI activists in Thailand, ASA 39/7955/2024 (Amnesty International, May 16, 2024), <https://www.amnesty.org/en/documents/asa39/7955/2024/en/>
- 43** New Straits Times, "Man confesses to killing, butchering transgender woman after sex deal goes bad", New Straits Times, April 28, 2025, [https://www.nst.com.my/world/world/2025/04/1208637/man-confesses-kill-ing-butchering-transgender-woman-after-sex-deal-goes?tblci=GiBajjf-MYuVRUWqmbOzYoJpETnNcBFqYxhVBYBFY5GJMHYc\\_k0c](https://www.nst.com.my/world/world/2025/04/1208637/man-confesses-kill-ing-butchering-transgender-woman-after-sex-deal-goes?tblci=GiBajjf-MYuVRUWqmbOzYoJpETnNcBFqYxhVBYBFY5GJMHYc_k0c)
- 44** TEAMADD LOVE, Ending Violence Against Women Children and Transgender Women : An HIV Perspective, Love Foundation, 25 November 2024 <https://lovefoundation.or.th/en/ending-violence-against-women-children-and-transgender-women-an-hiv-perspective/>
- 45** Ibid.

## Shrinking civic space, democracy, and human rights

LGBTIQ inclusion does not exist in isolation. Respect for all human rights, the rule of law, and democracy are part and parcel of meaningful LGBTIQ inclusion. While some countries in Southeast Asia, such as Vietnam, Cambodia, and Singapore, are demonstrating positive progress in LGBTIQ inclusion, their civic spaces continue to shrink, making true inclusion and civic participation illusory.

In Cambodia, three human rights defenders (HRD), including two prominent LGBTIQ HRDs — Srun Srorn and Pheung Sophea — are [facing charges](#) under Articles 494 and 495 of the Criminal Code for “incitement to commit a felony or cause social unrest” for hosting a live discussion on their social media platforms about the Cambodia-Laos-Vietnam Triangle Development Area or CLV.<sup>46</sup> Their arrest and detention is part of a major government crackdown on human rights defenders who criticised the CLV project.<sup>47</sup> Since July 2024, [94 HRDs](#)<sup>48</sup> have been reportedly [arrested](#) by the government.<sup>49</sup>

Meanwhile, Vietnam regulates the activities of international NGOs with the passing of the 2018 Cybersecurity Law and the 2022 Decree No. 58/2022/ND-CP.<sup>50</sup> This could have an impact on LGBTIQ organisations, especially those with international funding and networks.

<sup>46</sup> Buth Reaksmey Kongkea, “Paris Peace Agreement activists go on trial in Phnom Penh”, Khmer Times, September 4, 2025 <https://www.khmer-timeskh.com/501750956/paris-peace-agreement-activists-go-on-trial-in-phnom-penh/>

<sup>47</sup> RFA Khmer, “Police arrest activists after Facebook video angers Cambodia’s Hun Sen”, Radio Free Asia, 23 July 2024 <https://www.rfa.org/english/news/cambodia/arrests-facebook-video-hun-sen-07232024154719.html>

<sup>48</sup> LICADHO, Cambodia’s Prisoners of Interest [https://www.licadho-cambodia.org/prisoners\\_of\\_interest/](https://www.licadho-cambodia.org/prisoners_of_interest/)

<sup>49</sup> Human Rights Watch, “Cambodia: Arrests Target Critics of Regional Development Zone,” Human Rights Watch, August 28, 2024 <https://www.hrw.org/news/2024/08/28/cambodia-arrests-target-critics-regional-development-zone>

<sup>50</sup> Huy Ha, “Marriage Equality: Could Vietnam Be Next?,” Fulcrum, July 29, 2025, <https://fulcrum.sg/marriage-equality-could-vietnam-be-next/>



The repression of civic spaces, including freedom of association, assembly and expression, has a direct impact on LGBTQ groups' ability to exist and engage in human rights advocacy without fear of reprisals. Meanwhile, in contexts where LGBTIQ people face criminalisation and social exclusion, LGBTIQ groups feel even more restricted from engaging in human rights advocacy. As activists observe, many instead opt to establish support or other forms of services for LGBTIQ people.

In Singapore, there has been a systematic crackdown on diverse human rights defenders advocating for, among others, the abolition of the death penalty,<sup>51</sup> destigmatisation of substance use, and LGBTQ rights. For this purpose, the government has been known to use both the Protection from Online Falsehoods and Manipulation Act (POFMA) and the Public Order Act (POA).<sup>52</sup>

The POA has significantly affected LGBTIQ people's freedom of assembly and expression, as well as their ability to advocate for their human rights. Following amendments to the Act in 2017, which required organisers to apply for a police permit 28 days prior and with the possibility of the [permit being denied](#) due to participation of foreigners,<sup>53</sup> non-citizens were [barred](#) from participating in the annual [Pride Event](#).<sup>54</sup>

- 51** CIVICUS, "Singapore: Government continues its crackdown on anti-death penalty activism and other forms of expression," CIVICUS, February 5, 2024, <https://monitor.civicus.org/explore/singapore-government-continues-its-crackdown-on-anti-death-penalty-activism-and-other-forms-of-expression/>
- 52** CIVICUS, "Singapore: Harassment and Criminalisation of Activists, The Media and Critics under the Public Order Act and POFMA Ahead and After Elections," CIVICUS, August 5, 2025, <https://monitor.civicus.org/explore/singapore-harassment-and-criminalisation-of-activists-the-media-and-critics-under-the-public-order-act-and-pofma-ahead-and-after-elections/>
- 53** CIVICUS and Forum Asia, Joint Submission to the UN Universal Periodic Review 38th Session of the UPR Working Group, CIVICUS, 15 October 2020 <https://www.civicus.org/documents/Singapore.JointUPRSubmission.pdf>
- 54** Michaela Morgan, "Foreigners have been barred from attending Singapore's Pride event," SBS, May 16, 2017, <https://www.sbs.com.au/voices/article/foreigners-have-been-barred-from-attending-singapores-pride-event/g2g67urv9>; CIVICUS, "Singapore Public Order Act used to restrict or criminalise expression and peaceful assembly," CIVICUS, 26 July, 2025, <https://monitor.civicus.org/explore/singapore-public-order-act-used-restrict-or-criminalise-expression-and-peaceful-assembly/>

This drew criticism from LGBTIQ people against the organisers, weakening community-building efforts and support for their advocacy towards the repeal of Section 377.

In 2021, three student activists were arrested for “[illegal public assembly](#)” for protesting in front of the Ministry of Education against the lack of protections for LGBTIQ students.<sup>55</sup> One activist was issued a 24-month conditional warning for organising the protest and for breaching a direction by the police to cease activities, while two others were issued a 12-month conditional [warning](#) for protesting without a permit.<sup>56</sup>

In May 2015, a trans woman was [charged](#) under Section 15(2) and Section 16(2) of the Public Order Act for organising a one-person protest without a permit at a prohibited area. The protest was to bring attention to the unjust treatment of trans women prisoners in Singapore, who are often placed in male prisons.<sup>57</sup>

Earlier in the same year, End FGC Singapore members were summoned by the police for [distributing](#) free educational booklets on female genital mutilation.<sup>58</sup> They were also forced to change their public forum “Breaking the Silence: Perspectives on Sunat Perempuan in Singapore” into a private event, after being [informed](#) by the police that their event may be infringing the Public Order Act.<sup>59</sup>

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**55** Daryl Choo, “3 people arrested for allegedly staging protest on behalf of LGBTQ students outside MOE HQ,” Today Online, January 27, 2021, <https://www.todayonline.com/singapore/3-people-arrested-allegedly-staging-protest-behalf-lgbtq-students-outside-moe-hq>

**56** Wong Shi Ying, “6 warned for transgender protest outside MOE,” December 1, 2021, Asia One, <https://www.asiaone.com/singapore/6-warned-transgender-protest-outside-moe>

**57** CIVICUS, “Singapore: Harassment and Criminalisation of Activists, The Media and Critics under the Public Order Act and POFMA Ahead and After Elections,” CIVICUS, August 5, 2025, <https://monitor.civicus.org/explore/singapore-harassment-and-criminalisation-of-activists-the-media-and-critics-under-the-public-order-act-and-pofma-ahead-and-after-elections/>

**58** End FGC SG, “Eid Mubarak,” Instagram, April 1, 2025, <https://www.instagram.com/p/DH4cctjuueq>

**59** End FGC SG, “Important Announcement on the February 9th ‘Breaking the Silence’ Event,” Instagram, January 25, 2025, <https://www.instagram.com/p/DFPvM4yISi/?igsh=NGE2a3JrZDJiNjAx>

## The Public Order Act in Singapore

The Public Order Act in Singapore does not even come close to meeting the minimum standards of freedom of assembly. This, among others, includes the duty of the state to “ensure that any restrictions on the rights to freedom of peaceful assembly and of association are prescribed by law, necessary in a democratic society, and proportionate to the aim pursued, and do not harm the principles of pluralism, tolerance and broadmindedness.”<sup>60</sup>

It imposes excessive and unnecessary restrictions on people to exercise their freedom of assembly by among others, necessitating event organisers to apply for a police permit for assemblies even if it involves one person. Organisers’ failure in seeking a permit can result in fines and a prison sentence for no longer than a year.

Conversely, the police permit can be denied on various grounds, including obstruction of any public road, participation of non-Singaporean citizens, and for being “directed to a political end”, which includes advocating for legal changes to laws in or outside of Singapore. In granting the permit, the police can also impose restrictions on the number of people, types of banners, and other aspects of the assembly.<sup>61</sup> Some of these restrictions were introduced through an amendment in 2017.

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<sup>60</sup> OHCHR, “Minimum standards in a shrinking space for peaceful assembly and association”, OHCHR, June 2021 <https://www.ohchr.org/en/press-releases/2012/06/minimum-standards-shrinking-space-peaceful-assembly-and-association?LangID=E&NewsID=12266>

<sup>61</sup> Republic Of Singapore, “Public Order Act 2009”, 2020 <https://sso.agc.gov.sg/Act/POA2009?ProvIds=P11-#pr4->

# LGBTIQ-EXCLUSION IN SOUTHEAST ASIA

**While some countries in the region are moving towards decriminalisation, adoption and integration of SOGIESC-language in legislation, and equal inclusion and legal protections for LGBTIQ people, others, such as Malaysia, Indonesia, and Brunei, are witnessing worsening regression. The regression of LGBTIQ people can be observed in**

- 1. Strengthening of criminalisation of LGBTQ people**
- 2. Arrests and detention of LGBTQ people**
- 3. Increased conversion practices**

The regressive legal reforms taking place at both the federal and state or provincial level governments play a critical role in enabling more widespread discrimination against LGBTIQ people. In 2025, the Terengganu state government, a state on the east coast of Malaysia, defended anti-LGBTIQ signboards that it placed near public universities and hospitals as a public health effort to prevent HIV.<sup>62</sup>

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**62** MalaysiaKini, “Kelantan poised to join T’ganu in waging war on ‘LGBTQ+ enemy,’” MalaysiaKini, May 21, 2025, <https://www.malaysiakini.com/news/743827>



Since 2016, the anti-LGBTIQ movement in Indonesia has increasingly advocated criminalisation and “rehabilitation” of LGBTIQ people. This has culminated in the introduction of new by-laws and increased incidents of anti-LGBT speeches and other incidents of discrimination in Indonesia.<sup>63 64</sup>

LGBTIQ human rights defenders in these countries face even graver risks to their advocacy due to this context.

## Strengthening of criminalisation of LGBTQ people

In addition to the criminalisation of “carnal intercourse” under Malaysia and Brunei’s respective versions of Section 377 in their Penal Code, both countries also maintain additional criminalisation under the syariah laws, applied at the Federal or state levels.

Criminalisation of LGBTQ people in countries such as Malaysia, Brunei, and Indonesia at both the Federal and state or provincial levels has intensified over the past two decades. This takes shape in the form of

- Strengthening of existing laws that criminalise LGBTQ people through amendments to
  - o increase punishments. This can be observed in Malaysia and Brunei, where the existing penalties under Section 377 Penal Code were increased

<sup>63</sup> Rizky Adha Mahendra, “Polisi gerebek pesta gay di puncak Bogor, 75 orang diamankan,” Detik, June 23, 2025, <https://news.detik.com/berita/d-7978897/polisi-gerebek-pesta-gay-di-puncak-bogor-75-orang-diamankan>

<sup>64</sup> Anita Dhewy, Luthfi Maulana Adhari, Pito Agustin, “Celebrating Pride Month 2025, How LGBT Survives in a Situation of Discrimination: Konde.co Research”, Konde.co, September 26, 2025 <https://www.konde.co/2025/09/celebrating-pride-month-2025-how-lgbt-survives-in-a-situation-of-discrimination-konde-co-research/>

- o expand the scope of criminalisation. Two states in Malaysia amended laws criminalising trans people to enable their arrest in private spaces or private spaces accessible to the public, simply based on their attire
- Introduction of new discriminatory laws at the Federal and state or provincial levels targeting freedom of assembly and expression or other aspects of LGBTIQ people's lives. This also includes broad, vague, or indirect laws that can disproportionately affect LGBTIQ people.

Human rights groups in Indonesia have reported more than 50 national and local regulations and policies, which either target transgender women specifically or broadly classify LGBTIQ people as disturbing the “public order.” These regulations enable persecutions and arrests of LGBTIQ people even in private spaces. [Cianjur](#)<sup>65 66</sup> in 2019 and [Bogor](#)<sup>67</sup> in 2022 introduced by-laws to curb and prevent LGBTQ behaviour through ‘rehabilitation’ and other measures.

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**65** Dewan Perwakilan Rakyat Daerah (DPRD), Rancangan Peraturan Daerah Kabupaten Cianjur Tentang Pencegahan Penanggulangan Perilaku Menyimpang LGBT, Jaringan Dokumentasi dan Informasi Hukum PU (JDIH) DPRD Kabupaten Cianjur, June 27, 2019, <https://jdihsetwan.cianjur-kab.go.id/raperda/rancangan-peraturan-daerah-kabupaten-cianjur-tentang-pencegahan-penanggulangan-perilaku-menyimpang-lgbt>

**66** Arya Dipa, “Cianjur encourages anti-LGBT sermons,” The Jakarta Post, October 18, 2018, <https://www.thejakartapost.com/news/2018/10/18/cianjur-encourages-anti-lgbt-sermons.html>

**67** Admin Institute for Criminal Justice Reform, “Peraturan Daerah Kota Bogor No 10 Tahun 2021 tentang Pencegahan dan Penanggulangan Perilaku Penyimpangan Seksual: Pelanggaran Hak Asasi Manusia,” Institute for Criminal Justice Reform (ICJR), March 19, 2022, <https://icjr.or.id/peraturan-daerah-kota-bogor-no-10-tahun-2021-tentang-pencegahan-dan-penanggulangan-perilaku-penyimpangan-seksual-pelanggaran-hak-asasi-manusia/>

Additionally, there has been an increased push for anti-LGBTIQ bills, including the “Family Resilience Bill” (Ketahanan Keluarga), proposed in 2020, which frames LGBTIQ people as a [threat to families](#).<sup>68</sup> While the debates on the bill have been discontinued, it would have mandated rehabilitation for LGBTIQ and gender-diverse people if passed.

In 2022, Indonesia made substantial amendments to its Penal Code. Notably, it introduced new laws to [regulate morality](#) and sexual conduct, raising concerns over unnecessary state intrusion into the private lives of everyday people.<sup>69</sup> While consensual same-sex sexual relationships are not explicitly criminalised, the prohibition of consensual sexual relationships and cohabitation outside of marriage raises concerns over their disproportionate use against LGBTQ people in a context of growing state and societal discrimination. The new Penal Code will be [enforced](#) in January 2026.<sup>70</sup>

Meanwhile, Kelantan, a state in Malaysia run by an Islamist party, introduced a new law in 2019 to prohibit people from changing their gender.<sup>71</sup>

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- 68** Max Walden and Hellena Louisa, “Indonesia could force LGBT people into rehabilitation under draft ‘family resilience’ law,” ABC News, February 20, 2020, <https://www.abc.net.au/news/2020-02-20/indonesia-could-force-lgbt-bdsm-communities-into-rehab/11979880>
- 69** Kate Lamb and Ananda Teresia, Politics and Islam bring Indonesian compromise on criminal code, Reuters, December 20, 2022 <https://www.reuters.com/world/asia-pacific/politics-islam-bring-indonesian-compromise-criminal-code-2022-12-20/>
- 70** ILGA Asia, Indonesia: 75 people arrested in discriminatory raid on alleged “gay party”, ILGA Asia 25 July, 2025 <https://ilgaasia.org/news/indonesia-jul2025/>
- 71** Ashman Adam, “How Kelantan’s latest Shariah criminal code law affects the marginalised and minorities”, The Malay Mail, 24 March 2022, <https://www.malaymail.com/news/malaysia/2022/03/24/how-kelantans-latest-shariah-criminal-code-law-affects-the-marginalised-and/2049203>

## Criminalisation of LGBTQ people under syariah laws

Brunei's Syariah Penal Code Order 2013 introduced whipping and stoning to death as penalties for *liwat*, criminalising anal sex between all genders. Meanwhile, the maximum penalty for *musahaqah* (sexual relations between women) is a fine not exceeding \$40,000 Brunei Dollars (BND) or about 31,000 USD, imprisonment for a term not exceeding 10 years, whipping not exceeding 40 strokes, or a combination of any two of these.<sup>72</sup> The law has been implemented in three phases, with the last phase implemented in 2019, after which, the syariah courts will be fully equipped to deal with cases punishable by death.<sup>73</sup>

Conversely, in Malaysia, there are over 52 state Syariah laws criminalising LGBTIQ and gender-diverse people.<sup>74</sup> Eight new laws have been introduced since 2019 targeting transgender men, transmasculine, and gender-diverse people based on their gender expression and identity.

In Aceh, members of the public can report people for suspected violation of Syariah laws, which include being LGBTQ and gender-diverse. The evidence needed to satisfy the so-called “crime” is very low and includes name, clothes, and voice.

These practices are legitimized through several local qanun (bylaws) that institutionalise discrimination under the framework of Syariah enforcement, including:

- Qanun No. 11/2002 on the Implementation of Islamic Law in the Areas of Worship, Aqiqah, and Islamic Symbols;

<sup>72</sup> Human Dignity Trust, “Brunei: Country Profile,” Human Dignity Trust, updated December 17, 2024 <https://www.humandignitytrust.org/country-profile/brunei/>

<sup>73</sup> Outright International, Last Phase of Sharia Law Implemented in Brunei, Outright International, April 3, 2019 <https://outrightinternational.org/insights/last-phase-sharia-law-implemented-brunei>

<sup>74</sup> “Criminalisation,” Justice for Sisters, <https://justiceforsisters.org/en/topics/criminalisation/>



**Table: Comparison between the Syariah laws criminalising LGBTQ and gender diverse people in Malaysia and Brunei**

- Qanun No. 6/2014 on the Jinayah (Criminal) Law, which criminalises consensual same-sex relations and gender expression; and
- Qanun No. 14/2013 on Khalwat (Close Proximity or “Indecency”).

| Country             | Brunei                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Malaysia                                                                                                                                                                                                                                                                                                                                       |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Similarities</b> | <ol style="list-style-type: none"> <li>1. Criminalisation of liwat, musahaqah and trans and gender diverse people based on their gender identity and expression</li> <li>2. Liwat in Brunei and some states in Malaysia is defined as sexual relations between men and/or anal sex between people of any gender</li> <li>3. Brunei and six states in Malaysia criminalise trans men, trans masculine and gender diverse identities. All 14 jurisdictions in Malaysia maintain gender-based criminalisation against trans women</li> <li>4. Allow whipping or caning for liwat and musahaqah</li> <li>5. The criminalisation of liwat specifically under the Syariah laws overlaps with the criminalisation of “carnal intercourse” under the Penal Code, creating excessive criminalisation of LGBTQ people and breaching the principle of the rule of law and equality before the law.</li> </ol> |                                                                                                                                                                                                                                                                                                                                                |
| <b>Differences</b>  | <ol style="list-style-type: none"> <li>1. Applied at the Federal level</li> <li>2. Primarily applicable to Muslim persons. However, non-Muslim persons could also be implicated</li> <li>3. Allows capital and other punishments, including stoning.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <ol style="list-style-type: none"> <li>1. Applied at the state level</li> <li>2. Only applies to Muslim persons</li> <li>3. The state syariah courts’ jurisdiction for punishment is limited. It can only impose a maximum fine of 5,000 Malaysian Ringgit (MYR) (about 1,200 USD), 3 years of imprisonment, and 6 strokes of cane.</li> </ol> |

## Increased pathologisation and conversion practices

Globally, some countries are beginning to outlaw SOGIE change efforts and conversion practices. In Malaysia and Indonesia, however, SOGIE change efforts and conversion practices by state and non-state actors, particularly faith-based conversion practices, are alarmingly on the rise.

In Malaysia, the Department of Islamic Development reported that as of December 2024, over 2,460 “[ex-LGBTQ](#)” individuals attended spiritual guidance camps organised by the state, while 250 individuals were referred for psychospiritual therapy through government clinics.<sup>75</sup>

Section 52 of the Indonesian Ministry of Health’s Ministerial Regulation No. 2 of 2025 concerning reproductive health pathologises non-heterosexual sexual orientation as a “dysfunction” and “disorder” (see Annexe 4). The Regulation allows promotive, preventive, curative, and rehabilitative methods to address such “dysfunction” and “disorder”.<sup>76</sup> Prior to that, in 2016, the Indonesian Psychiatrists Association (PDSKJI) claimed that “people who are homosexual and bisexual are categorized as people with psychiatric problems,” and “a person who is transsexual is categorized as a person with a mental disorder (ODGJ)” while citing Law No. 18/2014 on Mental Health and Guidelines for the Classification of Mental Disorder Diagnosis (PPDGJ)-III.<sup>77</sup>

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- 75** Diana Azis, “2,460 komuniti hijrah LGBT ikuti kem bimbingan Jakim,” Sinar Harian, December 6, 2024, [https://www.sinarharian.com.my/arti-cle/700818/berita/nasional/2460-komuniti-hijrah-lgbt-ikuti-kem-bimbingan-jakim#google\\_vignette](https://www.sinarharian.com.my/arti-cle/700818/berita/nasional/2460-komuniti-hijrah-lgbt-ikuti-kem-bimbingan-jakim#google_vignette)
- 76** Ministry of Health Indonesia, “Regulation Of The Minister Of Health Of The Republic Of Indonesia Number 2 Of 2025 Concerning The Implementation Of Reproductive Health Efforts” [https://wplibrary.co.id/sites/default/files/PERMENKES%202%20TAHUN%202025\\_0.pdf](https://wplibrary.co.id/sites/default/files/PERMENKES%202%20TAHUN%202025_0.pdf)
- 77** Liza Yosephine, “Indonesian psychiatrists label LGBT as mental disorders”, The Jakarta Post, Jakarta, February 24, 2016 <https://www.thejakartapost.com/news/2016/02/24/indonesian-psychiatrists-label-lgbt-mental-disorders.html>

SOGIE change efforts are also reported in the education sector. In West Java, Indonesia, the local governor reportedly organised “student development programmes” to send troubled students, including LGBTIQ and gender-diverse students, to military training for mandatory rehabilitation.<sup>78</sup> In May 2025, the Human Rights Minister made announcements that it would expand this program to all secondary schools.<sup>79</sup>

Amnesty International reported similar trends of conversion practices through education in Southern Thailand. Muslim LGBTI young people are reportedly sent to private all-boys religious schools to be “corrected”, where they face corporal punishments, including public hair-shaving and physical violence.<sup>80</sup>

## Arrests and detention of LGBTQ people based on SOGIE

Against the backdrop of increasing criminalisation and discrimination, both Malaysia and Indonesia are witnessing sporadic yet consistent disruptions, including raids of LGBTIQ events and activities, ranging from social activities to health and educational programmes. These raids are conducted based on alleged public tip-offs or complaints, as well as police surveillance.

There are commonalities in these arrests. Many of the raids target private events and activities attended by gay men. In addition to condoms and lubricants being used as evidence of sexual activity, HIV status and test results are also disclosed in the media. These actions violate a range of human rights and are counterproductive to public health efforts to promote safer sex practices.

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- 78** CNN Indonesia, “Suspected LGBT students in Cianjur will also be sent to military barracks for ‘guidance’,” Indoleft, May 5, 2025, <https://www.indoleft.org/news/2025-05-05/suspected-lgbt-students-in-cianjur-will-also-be-sent-to-military-barracks-for-guidance.html>
  - 79** Human Rights Minister Pigai backs military training for problematic students, Indoleft, May 7, 2025 <https://www.indoleft.org/news/2025-05-07/human-rights-minister-pigai-backs-military-training-for-problematic-students.html>
  - 80** Amnesty International. “Why does digital violence against LGBTI people in Thailand and Taiwan continue even after marriage equality?” Amnesty International, 16 May 2025 <https://www.amnesty.org/en/latest/campaigns/2025/05/why-does-digital-violence-against-lgbti-people-in-thailand-and-taiwan-continue-even-after-marriage-equality/>

In June 2025, an alleged gay party was raided in Bogor, resulting in the mass arrests and detention of 75 people for violating the Pornography Law of 2008. The 75 were subjected to medical tests, including HIV and other sexual health tests. The test results were shared to the media,<sup>81</sup> further reinforcing HIV-related stigma and stereotypes against LGBTQ people.

Documentation by human rights groups establishes a trend in these raids dating back to 2017. According to Amnesty International, two other similar raids occurred in South Jakarta in February and May 2025, resulting in a total of 65 people being arrested.<sup>82</sup> In August 2020, nine people were arrested in a raid by the police. All of them faced charges under the Pornography Law, among other laws.

Meanwhile, in Malaysia, Justice for Sisters reported that at least 65 LGBT people were arrested under various civil and syariah charges between January and July 2025. Of which, 61 are trans women. Concurrently, in June alone, at least six events faced police disruptions. This includes a raid of a health event in Kelantan, Malaysia, which was later misreported by the police as a “gay party”, resulting in moral panic in Kelantan.<sup>83</sup>

Three people were arrested at the event and charged under Section 292 of the Penal Code for possession of sexual materials or pornographic materials on their phones. While all three pleaded guilty to the charges, the prosecution could potentially be defective as Section 292 can only be applied in the context of sale, public distribution, or exhibition of the materials, none of which were present in this case.

**81** CNN Indonesia, “Pesta Gay di Puncak Bogor: 30 Orang Reaktif HIV-Sifilis”, CNN Indonesia, 25 June 2025 <https://www.cnnindonesia.com/nasion-al/20250625091434-12-1243561/pesta-gay-di-puncak-bogor-30-orang-reaktif-hiv-sifilis>.

**82** Amnesty International, Indonesia: Police must release 75 people arrested in discriminatory raid on “gay party”, Amnesty International, June 2025 <https://www.amnesty.org/en/latest/news/2025/06/indonesia-police-must-release-75-people-arrested-in-discriminatory-raid-on-gay-party/>.

**83** Sharifah Mahsinah Abdullah, Secret ‘gay party’ in rural Kelantan sparks outrage among villagers, New Straits Times, July 19, 2025 <https://www.nst.com.my/news/crime-courts/2025/07/1246963/secret-gay-party-rural-kelantan-sparks-outrage-among-villagers>



A 2025 survey assessing the impact of the Kelantan raid found that 10 out of the 28 (36%) LGBTIQ respondents from Kelantan experienced microaggression by people in their communities and SOGIE-change pressure from their family, respectively. Seventy percent of the 143 LGBT and non-LGBT people who participated in the survey were concerned about their own and other LGBTIQ people's safety, while 61% expressed fear and hesitation in attending NGO or government-organised events following the raid.<sup>84</sup>

## Increased censorship

Censorship of LGBTIQ symbols, expressions, and human rights defenders has seen a marked increase in Malaysia. It was reported that between 2019 and May 2025, over 13 LGBTIQ-related books and items have been [banned](#) under the Printing Presses and Publications Act (PPPA) on grounds that these materials are threats to public morality, public order, and national security.<sup>85</sup>

Representation of LGBTIQ and gender-diverse individuals are also being restricted in films<sup>86</sup> and mainstream media.<sup>87</sup> Additionally, LGBTIQ human rights defenders have been prevented from speaking at public events in [universities](#).<sup>88</sup>

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- 84 Justice for Sisters. **Brief survey findings: Impacts of the Kelantan health event raid on LGBTIQ and non-LGBTIQ people in Malaysia.** Justice for Sisters. August 5, 2025 <https://justiceforsisters.org/resources/brief-survey-findings-analysis-the-police-raid-of-the-health-event-in-kelantan-significantly-increased-concerns-about-personal-safety-among-lgbtq-people-nationwide/>
- 85 Bryan Cheah et al., "Report: Censorship of LGBTIQ Expression under the Printing Presses and Publications Act (PPPA)", Justice for Sisters, July 2025, <https://justiceforsisters.org/resources/report-censorship-of-lgbtq-expression-under-the-printing-presses-and-publications-act-pppa/>
- 86 Justice for Sisters, Freedom of Expression <https://justiceforsisters.org/en/topics/censorship/>
- 87 Patrick Frater, "After 'Thor' and 'Lightyear,' Malaysia Government Commits to Banning More LGBT Films", The Variety, August 11, 2022 <https://variety.com/2022/film/news/malaysia-ban-lgbt-films-thor-lightyear-1235338721/>
- 88 IIUM Academic Staff Association (ASA), "Statement by IIUM Academic Staff Association (ASA) on the Cancellation of the Forum on "Faith-Based Approaches to Gender Identity and Sexual Identity in Islam", April 22, 2025 <https://www.facebook.com/photo/?fbid=1130377182225025&set=a.493089915953758>

## Resisting regression

Despite the increasing hostility and persecution, LGBTIQ groups are adopting multiple strategies to resist the further regression of human rights in their countries and the region. One common strategy is the use of the judiciary to challenge the unconstitutionality of laws and discriminatory practices.

In Malaysia, a 2021 legal challenge to a state syariah law that criminalised “sex against the order of nature” has had a ripple effect on the legality of other similar state syariah laws in Malaysia, even if they still remain in their respective state enactments.<sup>89</sup> The law was declared unconstitutional by the Federal Court, citing an overreach of state jurisdiction.<sup>90</sup> Prior to that, in 2010, a group of trans women challenged a state syariah law criminalising their gender identity and expression. The Federal Court in 2025 set aside the Court of Appeal’s decision declaring the state law unconstitutional on a technicality. The decision was later disputed by a panel of Federal Court judges, as the decision in the trans women case was made “per incuriam.” (through lack of care, mistake).<sup>91</sup>

Additionally, there has been an increase in intersectional coalition- and movement-building between LGBTIQ and non-LGBTIQ groups, LGBTIQ-friendly safe spaces, as well as increased engagements with LGBTIQ-affirming service providers.

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**89** Justice for Sisters. **Constitutional review of Section 28 of the Selangor state Syariah Enactment.** Justice for Sisters. February 2025 <https://justiceforsisters.org/resources/constitutional-review-of-section-28-of-the-selangor-state-syariah-enactment/>

**90** Iki Putra Bin Mubarrak vs. Kerajaan Negeri Selangor & Anor.

**91** Justice for Sisters, “Constitutional review of Section 66 of the Negeri Sembilan state Syariah Enactment,” Justice for Sisters, February 2025, <https://justiceforsisters.org/resources/constitutional-review-of-section-66-of-the-negeri-sembilan-state-syariah-enactment/>

# SPOTLIGHT ON MYANMAR: EXCLUSION AND INCLUSION WITHIN CONFLICT

**In Myanmar, the increased violence by military actors has presented challenges for LGBTIQ people as well as opportunities for growing inclusion within democratic movements.**

Since the coup d'état by the military junta in 2021, LGBTIQ people in Myanmar have been actively and visibly participating in the non-violent protests and pro-democracy movements. This has led to an increased visibility of LGBTIQ and gender-diverse activists within pro-democracy spaces with many gender and human rights organisations collaborating and working to integrate LGBTIQ and gender-diverse people within their initiatives.

At the same time, many human rights defenders, including LGBTIQ and gender-diverse activists, remain detained by the junta to this day. LGBTIQ, feminist, and other groups have documented various human rights violations, including conflict-related sexual and gender-based violence against LGBTIQ and gender-diverse people, in order to seek transnational justice and accountability.

The National Unity Government (NUG) of Myanmar strongly emphasises human rights protection in terms of transitional justice policies, humanitarian policies, and gender policies. Beyond acknowledging the inclusion of LGBTIQ people in pro-democratic and human rights movements, the NUG has also enacted policies which recognise the diversity of sexual orientation, gender expression, and gender identity.

The military government, on the other hand, enforced the People's Military Service Law, 2010, in 2024 to forcibly enlist young people and adults to serve in the military due to the low number of conscripts in the intensifying civil war. The law allows men aged 18 to 35, or women aged 18 to 27, to be [conscripted](#) for up to five years in an emergency situation.<sup>92</sup>

Transgender women are not exempt. Many have been forcibly conscripted. In order to avoid or delay the mandatory conscription, young people, particularly LGBTIQ and gender-diverse people, have fled Myanmar. Some pay a fine or even bribes to the military, intensifying corruption and abuse of power. As the fines or bribes have been much higher on LGBTIQ people, many are unable to afford them.

However, some have reported that the bribes no longer work. Due to the low number of military conscripts, the military junta has been reportedly abducting young people on the streets or during household inspections.<sup>93</sup> Additionally, migrant workers from Myanmar who do not have legal documents while residing in another country have been deported back to Myanmar, whereupon they face forcible conscription by the Myanmar military.

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**92** Rebecca Ratcliffe and Aung Naing Soe, "They have lists of everyone's names': Myanmar conscription law unleashes wave of fear", The Guardian. 28 February 2024 <https://www.theguardian.com/global-development/2024/feb/28/myanmar-military-conscription-law-details>

**93** "Junta dragnet: More youth abducted in desperate conscription drive". Frontier Myanmar. 24 January 2025. <https://www.frontiermyanmar.net/en/junta-dragnet-more-youth-abducted-in-desperate-conscription-drive/>



# RECOMMENDATIONS: 6 KEY POINTS FOR LGBTIQ INCLUSION IN ASEAN

Despite being at nascent stages of LGBTIQ inclusion, some countries in Southeast Asia present good practices and models to address LGBTIQ discrimination and expand LGBTIQ inclusion throughout the region. Indeed, the intensifying criminalisation, conversion practices, and arrests and detention of LGBTQ people are urgent human rights violations that need to be addressed.

The following recommendations to ASEAN member states and the ASEAN Intergovernmental Commission on Human Rights (AICHR) supports adoption of evidence and rights-based approaches in ending all forms of discrimination faced by LGBTQIA and gender-diverse people in ASEAN:

## **ASEAN Intergovernmental Commission on Human Rights (AICHR)**

1. Include SOGIESC as protected grounds of discrimination in all ASEAN related documents
2. Cooperate with UN human rights mechanisms, including the UN Independent Expert on SOGI, as well as ASEAN Member States in developing measures for LGBTIQ equality and inclusion
3. Develop an ASEAN regional redress mechanism that is accessible to LGBTIQ persons facing discrimination and violence



## **ASEAN member states**

4. Implement the Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (SOGIESC)-related Universal Periodic Review and treaty body recommendations
5. Introduce comprehensive anti-discrimination laws to protect LGBTIQ and gender-diverse people from discrimination and violence
6. Ensure sustainable resources and address barriers to healthcare access for affected populations, including GBQ men, sex workers, and people who use substances towards achieving the global commitment to end AIDS by 2030



# ANNEXE 1 - SINGAPORE

## WOMEN'S CHARTER 1961<sup>94</sup>

Avoidance of marriages between persons of same sex

12.—(1) A marriage solemnised in Singapore or elsewhere between persons who, at the date of the marriage, are not respectively male and female is void.

(2) Subject to sections 5, 9, 10, 11, 11A and 13, a marriage solemnised in Singapore or elsewhere between a person who has undergone a sex re-assignment procedure and any person of the opposite sex is and shall be deemed always to have been a valid marriage.

[Act 3 of 2022 wef 25/09/2023]

(3) For the purpose of this section —

the sex of any party to a marriage as registered under the National Registration Act 1965 at the time of the marriage is prima facie evidence of the sex of the party; and

[Act 3 of 2022 wef 30/12/2022]

a person who has undergone a sex re-assignment procedure is identified as being of the sex to which the person has been re-assigned.

(4) Nothing in subsection (2) validates any such marriage which had been declared by the High Court before 1 May 1997 to be null and void on the ground that the parties were of the same sex.

<https://sso.agc.gov.sg/Act/WC1961?ValidDate=20250309&ProvlDs=P13-#pr12->

<sup>94</sup> Republic of Singapore, Women's Charter 1961 (Avoidance of marriages between persons of same sex), (Singapore Statutes Online, August 21, 2025), 25–26, <https://sso.agc.gov.sg/Act/WC1961?ValidDate=20250309&ProvlDs=P13-#pr12->

# ANNEXE 2 – BRUNEI

## Penal Code 377: Unnatural offences

377. Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished with imprisonment for a term not exceeding 30 years and whipping.

*Explanation* — Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.<sup>95</sup>

## Syariah Penal Code Order, 2013 <sup>96</sup>

### Liwat

**82.** (1) Any person who commits liwat is guilty of an offence and shall be liable on conviction to the same punishment as provided for the offence of zina.

(2) For the purposes of this Order, “liwat” means sexual intercourse between a man and another man or between a man and a woman other than his wife, done against the order of nature that is through the anus.

<sup>95</sup> Constitution Of Brunei Darussalam, Penal Code (Amendment) Order, 2017, 24 July 2017 <https://www.agc.gov.bn/AGC%20Images/LAWS/Gazette/PDF/2017/EN/S061.pdf>

<sup>96</sup> Constitution Of Brunei Darussalam, Syariah Penal Code Order, 2013 <https://www.agc.gov.bn/AGC%20Images/LAWS/BLUV/Syariah%20Penal%20Code%20Order,%202013.pdf>

## Punishment for zina.

- 69.** (1) Any Muslim who commits zina and it is proved either by ikrar of the accused, or by syahadah of at least four syahid according to Hukum Syara' after the Court is satisfied having regard to the requirements of tazkiyah al syuhud, is guilty of an offence and shall be liable on conviction to hadd punishment as follows –
- (a) if he is muhshan, stoning to death witnessed by a group of Muslims; or
  - (b) if he is ghairu muhshan, whipping with 100 strokes witnessed by a group of Muslims and imprisonment for a term of one year.
- (2) Any Muslim who commits zina and it is proved by evidence other than that provided under subsection (1) is guilty of an offence and shall be liable on conviction –
- (a) if he is muhshan, whipping with not exceeding 30 strokes and imprisonment for a term not exceeding 7 years; or
  - (b) if he is ghairu muhshan, whipping with not exceeding 15 strokes and imprisonment for a term not exceeding 3 years.
- (3) Any non-Muslim who commits zina with a Muslim and it is proved either by ikrar of the accused, or by syahadah of at least four syahid according to Hukum Syara' after the Court is satisfied having regard to the requirements of tazkiyah al syuhud, is guilty of an offence and shall be liable on conviction to the same punishment as provided under subsection (1).
- (4) Any non-Muslim who commits zina with a Muslim and it is proved by evidence other than that provided under subsection (3) is guilty of an offence and shall be liable on conviction to the same punishment as provided in subsection (2).



## Proof of liwat

**83.** Liwat shall be proved in the same manner as provided for the offence of zina.

## Attempt to commit liwat

**84.** Any person who attempts to commit liwat or attempts to cause the commission of liwat is guilty of an offence and shall be liable on conviction to the same punishment as provided under the section 71 or 72, as the case may be.

### Attempt to commit zina.

**71.** Any person who attempts to commit zina or attempts to cause the commission of zina is guilty of an offence and shall be liable on conviction –  
 (a) if he is muhshan, to a fine not exceeding \$14,000, imprisonment for a term not exceeding 3 years or both, and to whipping not exceeding 20 strokes; or  
 (b) if he is ghairu muhshan, to a fine not exceeding \$8,000, imprisonment for a term not exceeding 2 years or both, and to whipping not exceeding 10 strokes.

#### *Illustration*

A, a mukallaf man, lies on a bed with B, a mukallaf woman who is not A's wife. A and B are committing the offence under this section.

### Attempt to commit zina where offender is not mukallaf or has not attained age of baligh.

**72.** Any person, who is not mukallaf or has not attained the age of baligh, who attempts to commit zina or attempts to cause the commission of zina is guilty of an offence and shall be liable on conviction to whipping not exceeding 10 strokes and shall be detained in any rehabilitation centre as the Court thinks appropriate for a term not exceeding one years.

## Abetting commission of liwat

**85.** Any person who abets the commission of liwat is guilty of an offence and shall be liable on conviction to the same punishment as provided under the section 73 or 74, as the case may be.

## **Abetting commission of zina.**

73. (1) Any person who abets the commission of zina under section 69(1) is guilty of an offence and shall be liable on conviction to a fine not exceeding \$28,000, imprisonment for a term not exceeding 7 years or both and, to whipping not exceeding 40 strokes.

(2) Any person who abets the commission of zina under section 69(2) or (4) is guilty of an offence and shall be liable on conviction to a fine not exceeding \$16,000, imprisonment for a term not exceeding 4 years or both, and to whipping not exceeding 20 strokes.

## **Abetment to commit zina where the offender is not mukallaf or has not attained age of baligh.**

74. Any person who is not mukallaf or has not attained the age of baligh who abets the commission of zina is guilty of an offence and shall be liable on conviction to whipping not exceeding 15 strokes and shall be detained in any rehabilitation centre as the Court thinks appropriate for a term not exceeding 3 years

## **Musahaqah**

**92.** (1) Any Muslim woman who commits musahaqah is guilty of an offence and shall be liable on conviction to a fine not exceeding \$40,000, imprisonment for a term not exceeding 10 years, whipping not exceeding 40 strokes or combination of any two of the punishment.

(2) Any non-Muslim woman who commits musahaqah with a Muslim woman is guilty of an offence and shall be liable on conviction to a fine not exceeding \$40,000, imprisonment for a term not exceeding 10 years, whipping not exceeding 40 strokes or a combination of any two of the punishment.

(3) In this section, “musahaqah” means any physical activities between a woman and another woman which would amount to sexual acts if it is done between a man and a woman, other than penetration.

## **Man posing as woman or vice versa.**

**198.** (1) Any man who dresses and poses as a woman or any woman who dresses and poses as a man in any public place without reasonable excuse is guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000, imprisonment for a term not exceeding 3 months or both.

(2) Any man who dresses and poses as a woman or any woman who dresses and poses as a man in any public place for immoral purposes is guilty of an offence and shall be liable on conviction to a fine not exceeding \$4,000, imprisonment for a term not exceeding one year or both.

# ANNEXE 3 - MALAYSIA

## **Section 292 Sale, etc., of obscene books, etc. of the Penal Code**

292. Whoever—

(a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever;

(b) imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation;

(c) takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation;

(d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person; or

(e) offers, or attempts to do any act which is an offence under this section,  
shall be punished with imprisonment for a term which may extend to three years or with fine or with both.



*Exception—This section does not extend to any book, pamphlet, writing, drawing, or painting kept or used bona fide for religious purposes or any representation sculptured, engraved, painted or otherwise represented on or in any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.*

Source: Act 301 Printing Presses And Publications Act 1984 <https://tcclaw.com.my/wp-content/uploads/2025/07/Printing-Presses-and-Publications-Act-1984.pdf>

## Laws that criminalise LGBTQ people in Malaysia

The criminalisation of LGBTQ and gender-diverse people can be classified into 3 categories:

1. Laws that criminalise LGBTQ and gender-diverse people based on sexual orientation, gender identity, and gender expression (SOGIE) or consensual sex between adults
2. Laws that are disproportionately used against LGBTQ and gender-diverse people
3. Other legal barriers

### 1. Laws that criminalise LGBTQ and gender-diverse people based on sexual orientation, gender identity, and gender expression (SOGIE) or consensual sex between adults

#### Federal laws

- Sections 377 A & B of the Penal Code criminalise carnal intercourse between consenting adults of any gender. It carries mandatory whipping and a maximum of 20 years of imprisonment.<sup>97</sup>
- Section 377D, which penalizes gross indecency, has been used in cases of political extortions based on actual or perceived sexual orientation.<sup>98</sup>

<sup>97</sup> Penal Code Act 574 <https://www.ilo.org/dyn/natlex/docs/ELECTRON-IC/61339/117909/F1085941047/MYS61339%202015.pdf>

<sup>98</sup> Zainul. E. (2020) No prosecution — AG <https://www.theedgemarkets.com/article/no-prosecution-%E2%80%94-ag>

## State syariah laws

- **Musahaqah** criminalizes sexual relations between women. Musahaqah is criminalized in 13 states except Pahang
- **Attempt of musahaqah** is criminalized in Kelantan
- **Liwat** criminalizes sexual relations between men. Liwat is criminalized in 10 states except for Pahang, Perak, and Terengganu,
- **Attempt to liwat** is criminalized in 3 states - Melaka, Kelantan and Terengganu,
- **Male person posing as a woman** criminalizes trans women and gender-diverse people based on gender expression and gender identity in all 14 states in Malaysia,
- **Female person posing as a man** criminalizes trans men and gender-diverse people based on gender expression and gender identity in 6 states in Malaysia - Sabah, Perlis, Pahang, Negeri Sembilan, Kelantan, and Terengganu,
- **Sex against the order of nature** is criminalized in 4 states - Selangor, Sabah, Melaka, and Negeri Sembilan,
- **Sexual relations between persons of the same gender** is criminalized in Selangor
- **Changing gender** is criminalized in Kelantan.

*\* Note: All sex against the order nature and liwat laws are null and void following the Federal Court decision in the Iki Putra and Nik Elin cases, which affirmed that the enactment of those laws is beyond the state legal assemblies' legal competency or jurisdiction.*

## 2. Laws that are disproportionately used against LGBTQ and gender-diverse people

### Federal laws

- Various provisions in the Dangerous Drugs Act are often used to raid LGBT-friendly clubs, saunas, and other establishments, events or activities
- Section 372B of the Penal Code criminalizes sex work or solicitation of sex for prostitution
- Section 7 of the Printing Presses and Publication Act to censor LGBT-themed books and other items with any form of an imprint, including watches
- Section 233 of the Communication and Multimedia Act has been used to prosecute LGBT-related content creators
- Section 9(5) of the Peaceful Assembly Act has been consistently used to investigate organisers' of LGBT-inclusive public assemblies
- Section 21 of the Minor Offences Act, which penalizes drunkenness and disorderly behaviour in public places have been used in the past against trans women based on gender expression and gender identity and alleged sex work

### State syariah laws

- Encouraging vice has been used in a range of context, including trans women for alleged sex work, event organisers for events inclusive of or attended by LGBT people.
- Insulting religion has been used to prosecute trans women based on gender identity and gender expression and restrict LGBT-inclusive religious discourse building
- Other gendered laws, such as failure to perform friday prayers against trans women

### 3. Other legal barriers

#### Change of name and gender marker

- Fatwas concerning LGBTQ persons have adverse impacts specifically on self-determination, access to healthcare, and the right to live with dignity. Some key fatwas concerning trans and gender-diverse persons that have been discussed by the Fatwa Committee of the National Council for Islamic Affairs are:
  - o [Gender affirmation surgery](#) (1982). This fatwa declares trans people as haram or illegal and prohibits gender-affirmation surgeries
  - o Position of transgender persons (1983 and 1989). This fatwa declared trans people as haram or illegal.
  - o Ruling on national Identity Card. Only gazetted in Selangor.
  - o [Fatwa on pengkid](#) (trans-masculine identity). At least seven states in Malaysia have declared pengkid as haram in their state gazette – Johor, Kedah, Perak, Melaka, Kuala Lumpur, Pulau Pinang, and Terengganu.
  - o Other fatwas include [the prohibition to organise and participate in MSM-related events](#) (Pahang, unclear if gazetted). There are also [fatwas issued against COMANGO for supporting the human rights of LGBTpersons](#) among other things. (Pahang, unclear if gazetted).



# ANNEXE 4 – INDONESIA

## **Regulation of The Minister Of Health Of The Republic Of Indonesia Number 2 of 2025 Concerning The Implementation Of Reproductive Health Efforts**

### CHAPTER V

#### SEXUAL HEALTH EFFORTS

##### Article 52

(1) Sexual health efforts are aimed at ensuring that everyone can live a healthy sexual life, including:

- a. free from sexual orientation dysfunction and disorders; and
- b. free from physical and mental violence, including sexual violence.

(2) Sexual health efforts as referred to in paragraph (1) are implemented through promotive, preventive, curative, and rehabilitative efforts.

(3) Sexual health efforts as referred to in paragraph (1) are implemented in the form of sexual health services, consisting of:

- a. Health services for cases of dysfunction, genetic disorders, and sexual disorders;
- b. Health services for victims of sexual violence; and
- c. Health services for cases of sexually transmitted infections, including HIV.

## **Bogor City Regulation No. 10 of 2021 Concerning the Prevention and Eradication of Sexual Deviant Behavior**

### **Provisions of Concern**

The regulation criminalizes and institutionalizes stigma against lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ+) persons by explicitly categorizing homosexuality, lesbianism, bisexuality, and transgender identity as forms of sexual deviance.

## Article 6 – Forms of “Sexual Deviance”

The Regulation defines “sexual deviant behavior” to include:

- a. Men attracted to men (Gay);
- b. Women attracted to women (lesbians);
- c. Bisexuals;
- d. Waria (transgender persons);

...alongside pedophilia, voyeurism, bestiality, incest, necrophilia, and other criminal or non-consensual acts.

By listing consensual same-sex attraction and gender diversity alongside crimes and paraphilic disorders, the Regulation explicitly pathologizes LGBTIQ+ identities and legitimizes social persecution.

## Scope of the Regulation

- **Chapter IV–V (Articles 7–18)** authorize the local government to conduct “prevention, counseling, monitoring, and rehabilitation” for individuals deemed to engage in “sexual deviance.”
- **Article 12** allows “counseling services” to be conducted voluntarily or at the initiative of officials, creating space for **forced or coercive interventions** against LGBTIQ+ persons.
- **Article 18** establishes rehabilitation measures, including mental, spiritual, and medical guidance, effectively institutionalizing **conversion practices**.
- **Article 25** provides for sanctions “under existing laws,” enabling prosecution under the **Criminal Code** or **local public order regulations**.

## Explanation and Implementation

The **Explanatory Memorandum** accompanying the Regulation frames same-sex relations and gender diversity as social diseases that threaten moral order, family integrity, and reproduction.

This framing encourages “rehabilitation” and “re-education” efforts targeting LGBTIQ+ individuals, giving moral legitimacy to **conversion therapy, arbitrary detention, and social surveillance.**

| No. | Year | Instrument Title                                           | Jurisdiction/<br>Institution | Main Concern                                                  |
|-----|------|------------------------------------------------------------|------------------------------|---------------------------------------------------------------|
| 1   | 1974 | Law No. 1/1974 on Marriage                                 | National                     | Defines marriage solely between a man and woman               |
| 2   | 2000 | City Regulation No. 21/2000 on Prohibition of Immoral Acts | Tarakan City                 | Used to target LGBT gatherings and trans women                |
| 3   | 2001 | District Regulation No. 7/2001 on Prostitution Ban         | Way Kanan Regency            | Targets transgender sex workers                               |
| 4   | 2002 | Provincial Regulation No. 13/2002                          | South Sumatra                | Eradication of Immorality                                     |
| 5   | 2002 | City Regulation No. 6/2002                                 | Batam City                   | Social Order and Public Morality                              |
| 6   | 2002 | Qanun No. 11/2002                                          | Aceh Province                | Implementation of Islamic Law (Aqiqah, Worship, Syi'ar Islam) |
| 7   | 2003 | District Regulation No. 6/2003                             | Mandailing Natal             | Islamic Dress Code for Men and Women                          |
| 8   | 2003 | District Regulation No. 7/2003                             | Mandailing Natal             | Prevention of Social Illnesses                                |
| 9   | 2003 | District Regulation No. 5/2003                             | Bulukumba, South Sulawesi    | Enforcement of Muslim Dress                                   |
| 10  | 2003 | District Regulation No. 3/2003                             | Lahat, South Sumatra         | Ban on Prostitution and Immorality                            |

|    |      |                                  |                               |                                                      |
|----|------|----------------------------------|-------------------------------|------------------------------------------------------|
| 11 | 2004 | District Regulation No. 2/2004   | Palembang City                | Prohibition of Prostitution                          |
| 12 | 2004 | Provincial Regulation No. 6/2004 | North Sumatra                 | Anti-Trafficking (includes moral clauses)            |
| 13 | 2004 | District Regulation No. 2/2004   | Padang Pariaman Regency       | Eradication of Immorality                            |
| 14 | 2004 | District Regulation No. 4/2004   | Lampung Selatan Regency       | Prohibition of Prostitution, Gambling, and “Maksiat” |
| 15 | 2005 | District Regulation No. 3/2005   | Muara Enim Regency            | Prevention of Immoral Acts                           |
| 16 | 2005 | District Regulation No. 16/2005  | Maros Regency, South Sulawesi | Religious Morality Enforcement                       |
| 17 | 2006 | District Regulation No. 7/2006   | Lampung Utara                 | Ban on Prostitution                                  |
| 18 | 2006 | District Regulation No. 19/2006  | Sawahlunto–Sijunjung          | Prevention of Immorality                             |
| 19 | 2006 | District Regulation No. 23/2006  | Ogan Komering Ulu             | Eradication of Immorality                            |
| 20 | 2007 | District Regulation No. 10/2007  | Banjar Regency                | Social Order and Morality                            |
| 21 | 2007 | District Regulation No. 2/2007   | Berau Regency                 | Prohibition of Prostitution                          |
| 22 | 2007 | District Regulation No. 5/2007   | Bantul Regency                | Prohibition of Prostitution                          |
| 23 | 2007 | Provincial Regulation No. 4/2007 | South Sulawesi                | HIV/AIDS Prevention (includes morality clause)       |



|    |      |                                      |                     |                                                                 |
|----|------|--------------------------------------|---------------------|-----------------------------------------------------------------|
| 24 | 2007 | Provincial Regulation No. 8/2007     | Jakarta (DKI)       | Public Order – used to detain trans women                       |
| 25 | 2007 | District Regulation No. 25/2007      | Serdang Bedagai     | Ban on Immoral Acts and Begging                                 |
| 26 | 2008 | Law No. 44/2008                      | National            | Pornography Law – defines “deviant sexual acts” broadly         |
| 27 | 2008 | District Regulation No. 32/2008      | Labuhanbatu         | Ban on “Amoral Acts” and Homelessness                           |
| 28 | 2009 | City Regulation No. 12/2009          | Tasikmalaya City    | “Islamic Values in Public Life”                                 |
| 29 | 2009 | Law No. 36/2009 on Health            | National            | Ambiguous morality clause on “sexual health”                    |
| 30 | 2010 | City Regulation No. 9/2010           | Padang Panjang City | Eradication of “Social Diseases”                                |
| 31 | 2011 | Circular Letter No. SE-460/90/Dinsos | National            | “Family Strengthening Against Sexual Deviance”                  |
| 32 | 2012 | Ministerial Regulation No. 8/2012    | National            | Lists “sexual deviance” as social welfare problem               |
| 33 | 2012 | District Regulation No. 11/2012      | Tulang Bawang Barat | Ban on “Amoral and Immoral Behavior”                            |
| 34 | 2013 | Qanun No. 14/2013                    | Aceh Province       | Khalwat (Seclusion/Immorality)                                  |
| 35 | 2014 | Qanun No. 6/2014                     | Aceh Province       | Hukum Jinayat (Islamic Criminal Law) – lashes for same-sex acts |

|    |      |                                             |                        |                                                                    |
|----|------|---------------------------------------------|------------------------|--------------------------------------------------------------------|
| 36 | 2014 | Law No. 61/2014                             | National               | Reproductive Health<br>– includes moral guidance clause            |
| 37 | 2014 | Regional Regulation No. 1/2014              | Yogyakarta (DIY)       | Handling of Beggars and Homeless – used against trans people       |
| 38 | 2015 | District Regulation No. 13/2015             | Garut                  | Moral Behavior Control                                             |
| 39 | 2017 | City Regulation No. 17/2017                 | Bukittinggi            | Morality and Public Decency                                        |
| 40 | 2018 | City Regulation No. 10/2018                 | Pariaman               | “Prevention of LGBT and Immoral Acts”                              |
| 41 | 2018 | Circular Letter 460/90/Dinsos               | National               | Anti-LGBT “social rehabilitation” message                          |
| 42 | 2019 | Cianjur Regency Program                     | Cianjur Regency        | “LGBT Rehabilitation” policy through religious counseling          |
| 43 | 2020 | Ministerial Regulation No. 5/2020           | National               | Private Digital Services (PSE) – allows censorship of LGBT content |
| 44 | 2021 | City Regulation No. 10/2021                 | Bogor City             | Prevention and Eradication of “Sexual Deviance”                    |
| 45 | 2021 | Circular Letter No. 420/8437/Disdik Sul-Sel | South Sulawesi         | Ban on LGBT in schools and universities                            |
| 46 | 2021 | Circular Letter ITERA (Lampung)             | Higher Education       | “Prevention of LGBT Behavior”                                      |
| 47 | 2022 | District Regulation No. 3/2022              | Parigi Moutong Regency | Public Order and Moral Conduct                                     |

|    |      |                                             |                        |                                                            |
|----|------|---------------------------------------------|------------------------|------------------------------------------------------------|
| 48 | 2023 | Dean Circular No. 2480112/UN1/FTK/I/KM/2023 | Gadjah Mada University | Ban on LGBT students                                       |
| 49 | 2023 | District Regulation                         | Garut Regency          | Prohibition of LGBT and immoral acts                       |
| 50 | 2024 | City Regulation No. 2/2024                  | Bukittinggi            | Public Order – bans “immoral behavior and LGBT propaganda” |
| 51 | 2024 | Draft Broadcasting Law (DPR Baleg)          | National               | Restricts positive portrayal of LGBT in media              |



**Justice  
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