A *Queer Eye* on Southeast Asia:

Unveiling the Causes of LGBTQ+ Rights Policy Disparities

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Introduction

The United Nations (UN) has actively advocated for promoting LGBTQ+ rights in Asia, yet the responses from individual countries remain contradictory.[1] While some nations have made significant advancements in recognizing and protecting LGBTQ+ rights, the pace and extent of these developments still lag behind the more progressive policies observed in select global northern states. The persistence of anti-LGBTQ+ policies and discriminatory treatment by governments contributes to the ongoing marginalization of sexual and gender minority groups in Southeast Asia, fostering adverse socioenvironmental conditions for these individuals.[2] This study seeks to find the root causes behind the divergence in the adoption of pro-LGBTQ+ policies among Southeast Asian governments. The evident disparities in policy acceptance raise critical questions about the factors influencing governmental attitudes toward LGBTQ+ rights. By systematically examining these factors and identifying commonalities or patterns that have catalyzed the initiation of pro-LGBTQ+ policies in some nations, this research aims to shed light on the intricacies of policy formation and implementation in the region. Such insights are pivotal for understanding the dynamics that formulate the varying levels of acceptance of LGBTQ+ rights across Southeast Asia.

The overarching objective of this study is to equip advocacy groups with essential knowledge that can inform and enhance their efforts in promoting pro-LGBTQ+ policy reforms throughout the region. This research aims to provide a foundation for more targeted and strategic advocacy approaches by uncovering the underlying variables behind policy decisions.

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[1] Douglas Sanders, "Sex and Gender Diversity in Southeast Asia," *Journal of Southeast Asian Human Rights* 4, no. 2 (2020): 357.

[2] Abhijit Maity, "Anthony J. Langlois, Sexuality and Gender Diversity Rights in Southeast Asia," Southeast Asian Review of English, January 1, 2022: 216–19. https://www.academia.edu/99210332/Anthony_J_Langlois_Sexuality_and_Gender_Diversity_Rights_in_Southeast_Asia.

Ultimately, the goal is to contribute to the discourse regarding LGBTQ+ individuals in Southeast Asia that could lead to the progression of equal rights, protection, and societal acceptance.

Table 1: A Brief Overview of Southeast Asia

Countries in SE Asia	**Largest Religion[3]**	**Global Freedom Scores[4]**	**KOF Globalisation Index[5]**	**Democracy Index and System of Government[6]**	**Policy Position towards LGBTQ+[7]**
Thailand	Buddhism	30, Not Free	72	6, Military Junta	Pro LGBTQ+
Philippines	Christianity	58, Partly Free	66	6.6, Presidential	Pro LGBTQ+
Cambodia	Buddhism	24, Not Free	56	2.9, Constitutional Monarchy	Pro LGBTQ+
Singapore	Buddhism	47, Partly Free	82	6.2, Parliamentary Republic	Pro LGBTQ+
Laos	Buddhism	13, Not Free	44	1.8, One-party	Pro LGBTQ+
Vietnam	Buddhism	19, Not Free	63	2.9, One-party	Pro LGBTQ+
Timor-Leste	Christianity	72, Free	46	7.1, Parliamentary Republic	Anti LGBTQ+
Myanmar	Buddhism	9, Not Free	45	1, Military Junta	Anti LGBTQ+
Malaysia	Islam	53, Partly Free	80	7.2, Constitutional Monarchy	Anti LGBTQ+
Indonesia	Islam	58, Partly Free	62	6.7, Presidential	Anti LGBTQ+
Brunei	Islam	28, Not Free	62	N/A, Absolute Monarchy	Anti LGBTQ+

[3] "Religious Composition by Country, 2010-2050." Pew Research Center, December 21, 2022. https://www.pewresearch.org/religion/interactives/religious-composition-by-country-2010-2050/
[4] "Countries and Territories." Freedom House. (2022). https://freedomhouse.org/countries/freedom-world/scores.
[5] Gygli, Savina, Florian Haelg, Niklas Potrafke and Jan-Egbert Sturm (2019): The KOF Globalisation Index – Revisited, Review of International Organizations, 14(3), 543-574
[6] "Most Democratic Countries 2023." Wisevoter, May 2, 2023. https://wisevoter.com/country-rankings/most-democratic-countries/.
[7] "LGBT Equality Index: Equaldex." LGBT Rights by Country, 2023. https://www.equaldex.com/equality-index?region=Southeast%2BAsia.

Table 1 presents several Southeast Asian countries, highlighting key aspects such as the largest religion, Global Freedom Scores, KOF Globalisation Index (2020), Democracy Index, and the system of government, along with each country's policy position towards LGBTQ+. From this broad understanding of Southeast Asia, we can set the stage for possible assumptions to be made throughout this study. Globalization levels, democracy indices, system of government, and the largest religion demonstrate considerable variation across the region. The policy position towards LGBTQ+ rights seems influenced by factors such as religion, political structures, governance systems, and regional context. With all this variation, a deeper study must be conducted in order to understand the influences on Southeast Asian LGBTQ+ policy positions.

Literature Review

The exploration of LGBTQ+ policy adoption is critical within the overarching discourse on human rights and societal advancement. This literature review aims to dissect the factors that play a pivotal role in shaping the adoption of LGBTQ+ policies in Southeast Asia. The primary objective is to offer a comprehensive and analytical examination of the key elements influencing the legislative landscape for LGBTQ+ rights in Southeast Asia. This literature review is divided into three parts: the roles played by civil society engagement, transnational influences, and religious dynamics within a political context. In defining the influence of these variables, we can then explore the influences that shape legislative decisions regarding LGBTQ+ policies. The first section will scrutinize the role of civil society engagement, acknowledging its historical significance and contemporary relevance. Civil society organizations (CSOs) have emerged as crucial actors in advocating for human rights, including LGBTQ+ rights. The second section will look into the impact of transnational influences on LGBTQ+ policies in Southeast Asia. The interconnectedness of global networks and international development organizations significantly shapes the capacity and reach of LGBTQ+ non-governmental organizations (NGOs). Lastly, this literature will present the complex relationship between religion and LGBTQ+ policies. Recognizing the diversity of religious beliefs, practices, and interpretations, the review will analyze how religiosity influences societal attitudes toward LGBTQ+ issues. Ultimately, this review aspires to contribute valuable insights to the ongoing discourse and inform future endeavours aimed at advancing LGBTQ+ rights in the region.

The Role of Civil Society in the Adoption of Pro-LGBTQ+ Policies

In 2020, the "Milk Tea Alliance" emerged, connecting pro-democracy and rights advocacy groups across Southeast Asia through social media platforms.[8] This alliance supported cross-national protests and rallies in solidarity with the civil disobedience movement in Myanmar and against the military coup d'état. It is one of the many examples of how CSOs play a part in the fight for human rights. They play a critical role in advocating for the recognition and protection of human rights, including LGBTQ+ rights. They bring attention to human rights issues and hold governments accountable by raising awareness among the public, engaging in dialogue with policymakers, and using various advocacy tools to create pressure for change.[9] Through their efforts, civil society organizations can influence public opinion and promote human rights as universal principles that governments should uphold. This is the very baseline of the potential of CSOs in the legal mobilization of policies.

Weiss and Hansson's study addresses two theoretical perspectives regarding the role of civil society and its relationship to the state. The neo-Tocquevillian perspective, influenced by the ideas of Alexis de Tocqueville, suggests that in societies where the state has high legitimacy and capacity, civil society tends to be self-limiting.[10] According to this perspective, civil society channels its claim-making and political engagement through the existing political process. It emphasizes the importance of civic engagement and participation within established institutions and political parties. On the other hand, the neo-Gramscian perspective, influenced by the theories of Antonio Gramsci, argues that in societies where the state is contested and/or society is

[8] Meredith L. Weiss Hansson Eva, "Civil Society in Politics and Southeast Asia in Civil Society: Conceptual Foundations," in *Routledge Handbook of Civil and Uncivil Society in Southeast Asia* (Routledge, 2023): 12.
[9] Lake Dziengel, "Advocacy Coalitions and Punctuated Equilibrium in the Same-Sex Marriage Debate: Learning from Pro-LGBT Policy Changes in Minneapolis and Minnesota," *Journal of Gay & Lesbian Social Services* 22, no. 1/2 (January 2010): 117, https://doi.org/10.1080/10538720903332578.
[10] Hansson and Weiss. "Civil Society in Politics." 3.

deeply divided, civil society tends towards conflictual, counterhegemonic, and zero-sum interactions.[11] This perspective emphasizes the potential of civil society to challenge the existing power structures and work against dominant ideologies. It sees civil society as a site of struggle and resistance against oppressive forces. These two perspectives provide contrasting frameworks for understanding civil society and its role in political change. While the neo-Tocquevillian perspective sees civil society as working within the existing political system, the neo-Gramscian perspective highlights its transformative and oppositional potential. The neo-Tocquevillian perspective depends on the type of governance in which civil society organizations reside. It implies that civil society can potentially contribute to democratic governance and political change. However, if the state is authoritarian, it may restrict civil society's activities and limit its potential influence on political processes.[12] A similar limitation is imposed on the neo-Gramscian perspective where civil society may engage in oppositional activities that challenge the dominant power structures but ultimately lead to little to no progress.

This then leads to the possible limitations of civil society. It is highly dependent on a democratic regime when authoritarian regimes are states that likely necessitate the most push for better humanitarian policies. In a study conducted by Weiss and Aspinall, they acknowledge the previous literature that provides evidence for the political salience of civil society and social movements.[13] But, there is evidence to prove the contrary. One example is in Indonesia, where despite the emergence of a diverse range of civil society organizations and associations in the late 1980s and 1990s, they could not significantly challenge the ruling elite or affect the

[11] Hansson and Weiss. "Civil Society in Politics." 3.
[12] Hansson and Weiss. "Civil Society in Politics." 3.
[13] Edward Aspinall, Meredith L. Weiss "The Limits of Civil Society: Social Movements and Political Parties in Southeast Asia." In *Routledge Handbook of Southeast Asian Politics*. Routledge, 2011. 225

composition of the government.[14] They state that even though some of their political programs were embodied in legislative and constitutional changes, civil society activists were largely unable to challenge the oligarchy's access and distribution of state resources that served their interests. This led to impotent hostility and acknowledgment of the limits of their influence among civil society activists. So, despite numerous associations and organizations pursuing reform and social justice agendas, the core institutions of state power remained largely dominated by the oligarchic forces that had governed during the past authoritarian regimes.

The Effect of International and Regional Organizations on Human Rights Policies

The historical overview of LGBTQ+ NGOs shows that their development and influence in intergovernmental organizations, such as the UN, has evolved. The rise of these NGOs can be traced back to the interwar period, with transnational connections and networks linking them from the 1970s onwards.[15] The UN has played a crucial role in promoting LGBTQ+ rights and creating international treaties to address discrimination and inequality. One of the significant treaties is the International Covenant on Civil and Political Rights (ICCPR), which includes provisions that protect LGBTQ+ individuals from discrimination and uphold their privacy rights. Toonen v. Australia, a case brought before the UN Human Rights Committee in 1994, resulted in the recognition that anti-sodomy laws violated the ICCPR's anti-discrimination provisions.[16] This decision prompted the Australian federal government to repeal the state statute criminalizing same-sex sexual acts. The case marked a significant milestone in the global

[14] Aspinall and Weiss, "The Limits of Civil Society." 223; James Gomez and Robin Ramcharan, "The Protection Of Human Rights In Southeast Asia: Improving The Effectiveness Of Civil Society," *Asia-Pacific Journal on Human Rights and the Law* 13, no. 2 (January 1, 2012): 38, https://doi.org/10.1163/138819012X13323234710062.
[15] Aylward, Erin. "Intergovernmental Organizations and Nongovernmental Organizations: The Development of an International Approach to LGBT Issues." In *The Oxford Handbook of Global LGBT and Sexual Diversity Politics*. Oxford University Press, 2020: 104.
[16] Kristopher Velasco, "A Growing Queer Divide: The Divergence between Transnational Advocacy Networks and Foreign Aid in Diffusing LGBT Policies," *International Studies Quarterly* 64, no. 1 (March 1, 2020): 120–32, https://doi.org/10.1093/isq/sqz075.

recognition of LGBTQ+ rights as human rights. Various UN bodies, such as the Organization of American States, the European Union, and the African Commission for Human and People's Rights, have since passed resolutions in support of LGBTQ+ communities.[17] These resolutions contribute to the global efforts to protect and promote LGBTQ+ rights.

In addition to gaining access and legitimacy within the UN, the proliferation of LGBTQ+ NGOs has also depended on funding from major donors, such as countries like Sweden, the Netherlands, and Norway, as well as private foundations and international development organizations.[18] This financial support has contributed to the capacity and global connections between LGBTQ+ organizations. Furthermore, there have been efforts to integrate LGBTQ+ rights into intergovernmental bodies like the World Bank, although this work is still in its early stages.[19] In a study conducted by Julie Hollar, she discusses the concept of transnational influence as a causal factor in the spread of same-sex marriage and other pro-LGBTQ+ laws.[20] Hollar highlights that transnationally networked LGBTQ+ activist organizations have played a significant role in persuading policymakers that same-sex union rights are human rights. Transnationally networked LGBTQ+ activist organizations persuaded European policymakers that same-sex union rights are human rights. These lawyers have been instrumental in advocating for the recognition of same-sex marriage by using legal arguments and principles to challenge discriminatory laws and policies. Outside of the European context, the success of Argentina in passing the first same-sex marriage law was partially attributed to transnational influence from

[17] Velasco. "A Growing Queer Divide." 122.
[18] Julie Hollar, "Beyond Belief? The Rapid Expansion of Same-Sex Marriage," in *The Oxford Handbook of Global LGBT and Sexual Diversity Politics*, ed. Michael J. Bosia, Sandra M. McEvoy, and Momin Rahman (Oxford University Press, 2020): 323, https://doi.org/10.1093/oxfordhb/9780190673741.013.20.
[19] A. B. Shamsul, "Globalization and Democratic Developments in Southeast Asia: Articulation and Social Responses," in *Globalization and Democratization in Asia* (Routledge, 2002): 195.
[20] Hollar. "Beyond Belief." 319.

Spanish activists, who provided resources and support to their Argentine counterparts.[21] By emphasizing the importance of international norms and human rights standards, LGBTQ+ activist organizations were able to gain traction in their advocacy efforts and shape the discourse on same-sex marriage.

In a study by Hiro Katsumata, the study presents a few arguments as to how international norms and organizations can pressure ASEAN as an organization. One strategy is to apply material pressure by utilizing their economic leverage or threatening to boycott meetings, thereby questioning the legitimacy of the local government.[22] For example, external partners may boycott meetings and threaten to disrupt bilateral economic ties unless certain policies are implemented.[23] The concept of legitimation is important in this argument as adopting human rights policies can legitimize a country or organization in the international community. In the case of ASEAN, the Southeast Asian nations have been voluntarily adopting the norm of human rights in order to secure ASEAN's identity as a legitimate institution in the community of modern states.[24] By aligning themselves with the liberal norms of the advanced industrialized democracies, ASEAN seeks to be recognized as an advanced and legitimate member of the global community. In this sense, adopting human rights policies acts as a form of legitimation for ASEAN. Furthermore, utilizing the social/normative environment surrounding the local government is another form of international legitimation. External partners can boost concern for the local government's international standing by engaging in dialogue on human rights at a global scale and openly assessing its human rights record in international settings.[25] By doing so,

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[21] Hollar. "Beyond Belief." 320.
[22] Hiro Katsumata, "ASEAN and Human Rights: Resisting Western Pressure or Emulating the West?," *The Pacific Review* 22, no. 5 (November 3, 2009): 633. https://doi.org/10.1080/09512740903329731.
[23] Katsumata. "ASEAN and Human Rights." 630.
[24] Katsumata. "ASEAN and Human Rights." 625.
[25] Katsumata. "ASEAN and Human Rights." 631.

external partners can give social rewards for positive developments and social sanctions for shortcomings, thereby influencing the local government's behaviour. These social measures may include organizing conferences on human rights, adopting resolutions, exchanging delegations, and even concluding cooperation agreements. It is important to consider, that despite these pressures, the progress of ASEAN's liberal reform has been modest, and there is a discrepancy between their promises and tangible institutional development. This can be attributed to a policy dilemma that ASEAN is facing, as they seek to display the adoption of a legitimate external model without fully implementing liberal reform.[26] The US, for example, has imposed sanctions on Myanmar but has carefully maintained its bilateral economic ties with other Southeast Asian countries.[27] The EU, while critical of ASEAN at the rhetorical level, continues to negotiate a free trade agreement with the association. This suggests that the pressures given by external partners have not resulted in significant changes in ASEAN member countries' policies.

Religion and its Influence on Secular and Nonsecular Governments

A study by Jacob Poushter and Nicholas Kent revealed that the importance of religion, both in individuals' lives and their particular religious affiliations, significantly shapes perceptions of homosexuality across various societies globally.[28] Individuals who are not affiliated with any religion generally exhibit a higher level of acceptance toward homosexuality. This lays a foundational perspective on how religion affects the perception of queer individuals. It is essential to approach the relationship between religion and LGBTQ+ policies with nuance and recognize the diversity of religious beliefs, practices, and interpretations. Attitudes towards LGBTQ+ issues can differ significantly even within the same religious tradition, depending on

[26] Katsumata. "ASEAN and Human Rights." 626-629.
[27] Katsumata. "ASEAN and Human Rights." 624.
[28] Jacob Poushter and Nicholas Kent, "The Global Divide on Homosexuality Persists," June 25, 2020, https://policycommons.net/artifacts/813313/the-global-divide-on-homosexuality-persists/1686876/.

factors such as cultural context, individual beliefs, and interpretation of religious texts. Momin Rahman presents the intersectional critical inquiry, which challenges the existing dogma and facilitates critical inquiry when discussing marginalized groups.[29] In understanding intersectionality, it can be said that religiosity exists on a spectrum, thus the results of each study provide caveats for each case.

Generally, more conservative religious groups tend to be less supportive of LGBTQ+ rights, while more liberal religious groups and those who are religiously unaffiliated tend to be more tolerant.[30] To understand why that is, it is important to explore how religion affects perspectives on queer individuals, which then impacts policy adoption in secularist governments. In the United States, the influence of religion on LGBTQ+ policy adoption can be seen in state-level legislation. States with higher religiosity scores, which measure factors like worship attendance and the importance of religion, are more likely to be slower in adopting laws protecting LGBTQ+ employees from discrimination.[31] Religion plays a significant role in shaping societal norms and values. Many religious organizations, such as Christians in Action, REFORM, and Anglican Mainstream, have strongly opposed same-sex marriage based on theological grounds, stating that homosexuality is sinful and morally debased.[32] These groups argue that changing the definition of marriage goes against their foundational beliefs. They then use identity politics by framing their political issues in terms of their group identity and appealing to notions of minority rights. This approach allows them to align themselves with

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[29] Momin Rahman, "Queer Muslim Challenges to the Internationalization of LGBT Rights: Decolonizing International Relations Methodology through Intersectionality," in *The Oxford Handbook of Global LGBT and Sexual Diversity Politics*, ed. Michael J. Bosia, Sandra M. McEvoy, and Momin Rahman (Oxford University Press, 2020), 0, https://doi.org/10.1093/oxfordhb/9780190673741.013.27. 428-429.
[30] Tesa Rigel Hines. "Variables Which Influence the Early State Adoption of Pro-LGBT Legislation." *Journal of Homosexuality* 68, no. 3 (February 2021): 394-395. https://doi.org/10.1080/00918369.2019.1657751.
[31] Rigel Hines. "Early State Adoption of Pro-LGBT Legislation." 405.
[32] Steven, Kettell. "I Do, Thou Shalt Not: Religious Opposition to Same-Sex Marriage in Britain." *The Political Quarterly* 84, no. 2 (2013): 249. https://doi.org/10.1111/j.1467-923X.2013.12009.x

liberal and secular values, making their demands for equal treatment and respect for difference more compelling. Other religious groups omit theological justifications and instead focus on secular themes and arguments, such as tradition, social utility, democratic values, and religious freedom.[33] Campaign groups like Campaign for Marriage (C4M) and Scotland for Marriage present themselves as broad-based, non-sectarian movements comprising like-minded individuals from various faiths and the faithless. By framing their opposition in secular terms, these groups aim to resonate with a wider range of people and generate support beyond their specific religious affiliations; this shows a few things. First, the emphasis on secular arguments reflects the influence of secularism in British society, with religious groups recognizing that relying solely on religious appeals may not be as effective in gaining societal or political traction.[34] Secondly, despite countries identifying as secularist states, religious groups and lobbyists have still found themselves politically recognized. It appertains to the framing of their beliefs that is integral for their fight, rather than how secularist a state may be. However, it is important to note that in a matter of intersectionality, not all religious people hold conservative views on these issues, and there are individuals and religious groups who are supportive of LGBTQ+ rights and equality.

Furthermore, religious institutions may have significant political influence in some countries. They can go against LGBTQ+ rights and policies based on religious teachings or principles.[35] Political leaders who rely on religious support may be hesitant to advocate for or enact LGBTQ+ inclusive policies, fearing backlash from religious communities or losing their

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[33] Kettell. "I Do, Though Shalt Not." 252.
[34] Kettell. "I Do, Though Shalt Not." 254.
[35] Vidhu Verma et al., "Introduction: Secularism, Religion, and Democracy: Changing Landscapes." In *Secularism, Religion, and Democracy in Southeast Asia*, 0. Oxford University Press, 2020: 5. https://doi.org/10.1093/oso/9780199496693.003.0001.

political base.[36] This can be seen in Indonesia and the Philippines. In Indonesia, the rise of anti-LGBTQ+ groups and discourses can be attributed to the influence of fundamentalist Muslim and conservative religious forces.[37] These groups and individuals view homosexuality as sinful and morally wrong, and they actively promote discriminatory practices and laws against the LGBTQ+ community. In the Philippines, the Catholic Church performs important quasi-state functions and has historically been a major force in the country's political landscape.[38] However, the rise of evangelical churches and other conservative institutions is challenging the Church's moral authority. Some religious groups, like the Iglesia Ni Cristo, have supported political leaders who have contributed to democratic regression, including policies on LGBTQ+ rights.[39]

To conclude, the outcome of this review is to provide a sufficient understanding of the existing research that tackles factors that shape the adoption of pro-LGBTQ+ policies. The literature reinforces the concept of globalization, regime type, and religion all playing a part in the adoption of pro-LGBTQ+ policies. In reflecting on the literature, several notable themes emerge. By raising awareness, engaging in dialogue with policymakers, and employing various advocacy tools, CSOs play a pivotal role in influencing public opinion and promoting human rights as universal principles. However, there are limitations to civil society's influence in legislation in the context of authoritarian regimes. On the other hand, transnational influences have significantly contributed to the capacity and global connections of LGBTQ+ NGOs. The integration of LGBTQ+ rights into international bodies like the UN reflects a positive trajectory,

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[36] Verma et al.. "Secularism, Religion, and Democracy." 13.
[37] Hendri Yulius et al.. "The Globalization of LGBT Identity and Same-Sex Marriage as a Catalyst of Neo-Institutional Values: Singapore and Indonesia in Focus." In *Global Perspectives on Same-Sex Marriage: A Neo-Institutional Approach*, edited by Bronwyn Winter, Maxime Forest, and Réjane Sénac, 171–96. Global Queer Politics. Cham: Springer International Publishing, 2018: 173. https://doi.org/10.1007/978-3-319-62764-9_9.
[38] David Camroux. "Conclusion: Southeast Asia's Glocalised Civil Society Landscapes: National Topographies and Transnational Contours." In Routledge Handbook of Civil and Uncivil Society in Southeast Asia. Routledge, 2023. 363
[39] Camroux. "Southeast Asia's Glocalised Civil Society Landscapes." 363.

but challenges persist in achieving global consensus on LGBTQ+ issues. The literature suggests that further exploration is needed to understand the evolving role of transnational networks in shaping LGBTQ+ policies on a global scale. Furthermore, religion can also be seen as an influential factor in shaping societal attitudes and policy outcomes regarding LGBTQ+ issues. The diversity of religious beliefs and practices within Southeast Asia underscores the need for nuanced exploration. While more conservative religious groups tend to resist LGBTQ+ rights, the intersectionality of religiosity highlights variations within religious traditions.

The literature reinforces the concept of globalization, regime type, and religion all playing a part in the adoption of pro-LGBTQ+ policies. In the context of Southeast Asia, the current political climate may not apply to the previous literature presented. Thus, this research thesis is meant to fill the gaps and provide specific case studies directed at the Southeast Asian region. It is now important to stray away from how LGBTQ+ policies came to be, and rather ask why they have been adopted. As the literature stated, such patterns are subjective to the landscape in which these theoretical approaches are used. Reframing those theories into Southeast Asian case studies can lead to a more precise and strategic approach to advocating for pro-LGBTQ+ policy reforms specific to Southeast Asia. This understanding enables advocacy groups to employ a more targeted and strategic approach when pushing for reforms in pro-LGBTQ+ policies.

Research Question

The main basis of my research is asking why certain Southeast Asian countries adopt LGBTQ+ policies while others refrain from doing so. This can be broken down further into a singular question:

> *Research Question: Why do certain Southeast Asian countries adopt LGBTQ+ policies while others refrain from doing so?*

This research is meant to draw upon both global advocacy efforts for LGBTQ+ rights and the specific socio-political dynamics of Southeast Asia. Beginning with the acknowledgment of active advocacy by entities like the United Nations, this research highlights the persistent disparities in responses among individual countries in the region. It underscores the urgency of understanding why some nations are more receptive to LGBTQ+ policies while others remain resistant, particularly considering the adverse socioenvironmental conditions faced by LGBTQ+ individuals due to discriminatory policies and treatment by governments. Moreover, the thesis emphasizes the need to systematically examine the factors influencing governmental attitudes toward LGBTQ+ rights, recognizing that policy decisions are shaped by a complex interplay of political structures, governance systems, regional context, and global trends such as globalization. Furthermore, by articulating the overarching objective of equipping advocacy groups with essential knowledge to enhance their efforts in promoting pro-LGBTQ+ policy reforms, this positions itself as a practical contribution to the ongoing advocacy for LGBTQ+ rights in Southeast Asia. It aims to look into the intersectionality of factors such as religion, government regime, and globalization, acknowledging the complexity of policy formation and recognizing that multiple factors may interact to either facilitate or hinder the adoption of

pro-LGBTQ+ policies. Overall, the justification of this research is meant to provide a comprehensive framework for understanding the motivations and objectives of policy adoption. Its purpose is to offer valuable insights into the discourse on LGBTQ+ rights in Southeast Asia, with the goal of guiding advocacy endeavours toward fostering increased acceptance and protection for the LGBTQ+ community in this region.

Hypothesis

As I focus on three key concepts in assessing the factors influencing pro-LGBTQ+ policy adoption, I hypothesize this major causal relationship:

H1: Conservative religious states are less likely to adopt pro-LGBTQ+ policies.

The literature provided examples of which religion plays a role in legislation adoption for both secular and nonsecular states. Religious groups and individuals can still find ways to affect these governments, politicians, and legislative adoption. Religion shaping social norms in the United States and religious lobbying in the UK both prove that there is still a substantial population that views morality through religious lenses and politicians can find ways to pander to such perspectives in the hopes of political gain. In such cases, policies might be shaped more by political considerations tied to religious sentiments than by the influence of transnational or civil society organizations. This then leads to the assumption that political actors may use religion as a tool to appeal to a religiously conservative voter base, thereby prioritizing religious values in policy decisions. Certain religious interpretations can strongly oppose LGBTQ+ rights, and policymakers may align their decisions with these beliefs to maintain social cohesion and avoid potential backlash. This assumption may apply to Southeast Asia, especially in nonsecular governments, in which states welcome religion as a part of their national identity. Thus, it can be argued that conservative religious states are indeed more likely to adopt policies that are not supportive of LGBTQ+ rights, as policymakers may prioritize religious values and beliefs in their decision-making processes.

Methodology

This research employs a most similar systems case study methodology, focusing on two sets of Southeast Asian countries with similar religious backgrounds but opposing perspectives on LGBTQ+ policy positions. For clarification, the policy stance for all of these countries is assessed through the Equality Index developed by Equaldex. This index combines a Legal Index which evaluates thirteen different issues regarding LGBTQ+ rights, and the Public Opinion Index, which is an average of survey results from the region. The first case, comprising Timor-Leste and the Philippines, both predominantly Christian nations, demonstrates divergent stances towards LGBTQ+ rights despite sharing the same religious affiliation. The second case involves Thailand and Myanmar, both primarily Buddhist countries, yet exhibiting conflicting attitudes towards LGBTQ+ policies. The selection of cases is guided by the most similar systems approach, which aims to compare countries that are similar in most respects but differ in terms of the dependent variable—in this case, LGBTQ+ policy positions. Timor-Leste and the Philippines offer a pertinent case study due to their contrasting policy positions towards LGBTQ+ rights, despite being predominantly Christian. Similarly, Thailand and Myanmar, both Buddhist-majority nations, present an intriguing case study as they exhibit differing attitudes towards LGBTQ+ issues despite sharing the same religious tradition. Through the literature review, three primary dependent variables have been highlighted as the themes that will shape the policy outcome: civil society engagement, transnational influences, and religious dynamics.

The first factor will be focusing on civil society engagement which refers to the active involvement of non-governmental organizations, advocacy groups, and grassroots movements in advocating for LGBTQ+ rights and influencing policy outcomes. Existing literature shows civil society plays a crucial role in shaping public discourse, mobilizing support, and pressuring

governments to enact pro-LGBTQ+ policies. Active involvement of civil society indicates a more democratic system, serving as a barometer of freedom within a society. Therefore, civil society engagement serves as a key dependent variable in this study, reflecting the degree to which non-state actors influence LGBTQ+ policy outcomes in Southeast Asian countries.

Secondly, transnational influences, another dependent variable, encompass external factors such as international norms, human rights treaties, transnational advocacy networks, and global media that shape the policy landscape regarding LGBTQ+ rights. The literature suggests that transnational influences can exert significant pressure on governments to adopt and implement pro-LGBTQ+ policies, particularly in regions where there is a growing awareness of global human rights standards. Furthermore, transnational influences may facilitate cross-border collaborations among civil society organizations and amplify advocacy efforts. Thus, transnational influences represent an important dependent variable in this study, reflecting the extent to which external factors shape LGBTQ+ policy outcomes in Southeast Asia.

Lastly, religious dynamics encompass the influence of religious institutions, doctrines, beliefs, and social attitudes on LGBTQ+ rights and policies. The literature highlights the complex relationship between religion and LGBTQ+ rights, with some religious institutions advocating for inclusivity and acceptance, while others espouse conservative values and oppose LGBTQ+ rights. In Southeast Asia, where religion often plays a significant role in shaping societal norms and values, religious dynamics can have a profound impact on governmental attitudes toward LGBTQ+ rights. Therefore, religious dynamics serve as a crucial dependent variable in this study, reflecting the influence of religious factors on LGBTQ+ policy outcomes in the region.

In defining a country's stance on LGBTQ+ policy, the findings will be comprised of three sub-dimensions: same-sex marriage policies, trans recognition policies (such as legal recognition of gender identity and access to gender-affirming healthcare), and same-sex adoption policies. These policies are chosen based on their significance in LGBTQ+ rights advocacy and their potential to reflect the overall stance of governments towards LGBTQ+ rights. Same-sex marriage policies, for example, represent a fundamental aspect of legal recognition and equality for LGBTQ+ individuals, while trans recognition policies highlight the recognition of gender diversity and the protection of transgender rights. Similarly, same-sex adoption policies reflect attitudes toward family rights and LGBTQ+ parenting. Together, these policies provide a comprehensive assessment of governmental attitudes towards LGBTQ+ rights and serve as the independent variable in this study, influencing civil society engagement, transnational influences, and religious dynamics within the Southeast Asian context.

Primary data will be sourced from official documents such as government reports, legislative records, policy documents, and statements from governmental and non-governmental organizations regarding LGBTQ+ rights and policies in the selected countries. This will provide insights into the legal frameworks, policy initiatives, and public discourse surrounding LGBTQ+ issues, with a focus on recent developments. Data within the last 10 years will be prioritized to ensure relevance, as well as add to the existing literature. The collected data will be analyzed using thematic analysis and comparative analysis techniques. This analysis will involve identifying recurring themes and patterns within the data related to factors influencing LGBTQ+ policy positions, such as religious dynamics, political structures, societal attitudes, and global influences, with a focus on recent developments. Comparative analysis will focus on comparing and contrasting the LGBTQ+ policy landscapes of the selected countries within each case study,

examining similarities, differences, and potential causal relationships, with attention to recent progressions.

One of the primary limitations of this study is the inability to capture the full diversity of LGBTQ+ policy positions and experiences within the region. While the chosen cases provide the best similarities for the chosen system of comparison, the findings may not be generalizable to all countries in Southeast Asia or other regions with different socio-political contexts. Specifically, with Myanmar, the current state of their politics, characterized by military rule could skew the external validity of this study. The authoritarian regime in Myanmar imposes severe limitations on civil society groups, NGOs, and advocacy networks. Restrictions on freedom of association, assembly, and expression may hinder the activities of LGBTQ+ rights organizations and grassroots movements. Civil society groups advocating for LGBTQ+ rights may face harassment, surveillance, or even legal repercussions, leading to self-censorship and reluctance to engage in activism. Consequently, the ability of civil society to influence LGBTQ+ policy outcomes may be curtailed, impacting the breadth and depth of advocacy efforts and limiting the diversity of perspectives represented in the data. However, this can be mitigated by adopting a comparative approach with Thailand. If a consistent pattern fails to emerge, it can be inferred that any shortcomings in the case selection process are evident.

As always, with research done on vulnerable groups like the LGBTQ+ community, there must be an understanding of ethical dilemmas and moral responsibilities. While the study of legal cases and policies may contribute valuable insights to understanding the legal landscape of LGBTQ+ rights, researchers must guard against inadvertently legitimizing or perpetuating oppressive regimes. It is imperative to maintain ethical integrity and avoid complicity with human rights abuses by adhering to principles of academic integrity, independence, and social

responsibility. This entails rigorous verification of data to prevent the dissemination of misinformation or biased interpretations. Specifically, under authoritarian regimes, the dissemination of research findings may inadvertently expose marginalized groups to heightened risks of surveillance, discrimination, or persecution. Therefore, precautions are taken to protect the identities and privacy of individuals involved in legal cases or affected by policies related to LGBTQ+ rights, prioritizing their safety and well-being above academic interests.

Findings

Legal Challenges and Advocacy Efforts for LGBTQ+ Rights in the Philippines

Starting with same-sex marriage, the Philippines demonstrates legal frameworks that do not recognize or outright prohibit such unions. In the Philippines, attempts to introduce bills recognizing civil partnerships for same-sex couples have faced substantial hurdles in the legislative process. For context, Article 1 of Executive Order No. 209: The Family Code of the Philippines*,* highlights that a marriage is "a special contract of permanent union between a man and a woman."[40] Since this establishment of the meaning of marriage, there have been numerous efforts in trying to remove gender binaries from the definition of marriage in the Family Code. In 2015, Attorney Jesus Falcis III filed a petition to the Supreme Court of the Philippines that sought to question the constitutionality of the provision in the Family Code of the Philippines that defines marriage as exclusively "between a man and a woman," citing a violation of the Equal Protection Clause.[41] After years of legal processing, on September 3rd, 2019, the Supreme Court dismissed the petition, citing "lack of standing" and the failure to raise an actual, justiciable dispute.[42] The court emphasized the need for factual evidence and "real adversarial presentations" for their decision-making. They mentioned that Falcis III could not claim injury as he was not personally seeking marriage nor had he presented an actual case. The Supreme Court further justified that the 1987 Constitution does not discriminate as they do not explicitly restrict same-sex marriage and suggested that Congress should address the issue through legislative measures. The petitioners were also cited in indirect contempt by the high court for their

[40] Official Gazette of the Republic of the Philippines. "Executive Order No. 209, s. 1987 | GOVPH," July 6, 1987. https://www.officialgazette.gov.ph/1987/07/06/executive-order-no-209-s-1987/.
[41] Jesus Nicardo M. Falcis, Iii, v. Civil Registrar General, G.R. No. 217910, (2019), https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65744
[42] Jesus Nicardo M. Falcis, Iii, v. Civil Registrar General, G.R. No. 217910

disregard of court procedure and decorum. The court criticized their exploitation of legal proceedings for propaganda purposes and emphasized the importance of upholding the high standards of the legal profession. On January 6, 2020, the Supreme Court of the Philippines announced its decision to dismiss a motion seeking reconsideration of its September 2019 ruling, which denied a petition advocating for the legalization of same-sex marriage in the country. This announcement effectively concluded the case "with finality."[43] The Court reasoned that granting the petitioner's request would necessitate the amendment of multiple statutes beyond just the Family Code, a task that falls within the purview of the Philippine Congress through the legislative process, rather than the judiciary.

Reactionary to the decision, Catholic prelates praised the Supreme Court's decision to reject the petition for same-sex marriage, stating that it upholds the sanctity and stability of marriage.[44] Bishop Ruperto Santos commended the High Court for affirming the just, natural, and ethical nature of marriage. At the same time, Bishop Arturo Bastes expressed contentment with the ruling, emphasizing the Catholic Church's stance against legalizing same-sex marriage. Manila Auxiliary Bishop Broderick Pabillo welcomed the decision, urging lawmakers to prioritize strengthening families. This then led to advocates shifting focus, in hopes of finding success in Congress. Instead of redefining the meaning of marriage, there has been a fight for the inclusivity of same-sex couples in civil unions. Civil unions are often validated under court as opposed to marriages which are done before the Catholic church. Representative Bernadette Herrera reintroduced the proposed Civil Partnership Act in the 19th Congress, aiming to benefit

[43] Library of Congress, Washington, D.C. 20540 USA. “Philippines: Supreme Court Rules on Same-Sex Marriage.” Web page. Accessed April 14, 2024. https://www.loc.gov/item/global-legal-monitor/2020-01-24/philippines-supreme-court-rules-on-same-sex-marriage/.
[44] “Prelates Laud SC Dismissal of Plea for Same Sex Marriage.” Accessed March 15, 2024. https://www.pna.gov.ph/articles/1079551.

members of the LGBTQ+ community.[45] Herrera, with advocacy efforts from Representative Pantaleon Alvarez, filed House Bill 1015 after similar bills she filed during the 17th and 18th Congresses did not progress.[46] Expressing optimism for the bill's success in the new Congress, Herrera stressed the importance of granting adequate legal recognition to couples, irrespective of their sexual orientation, to uphold dignity and equality before the law. Highlighting the persistent lack of basic civil rights for couples ineligible for marriage under current laws, Herrera emphasized the plight of the LGBTQ+ community, who are often excluded from legally recognized unions. She lamented the limitations faced by LGBTQ+ individuals in terms of social security benefits, inheritance rights, and other liberties available to most citizens. The proposed Civil Partnership Act aims to address these disparities by providing civil rights, benefits, and responsibilities to couples unable to marry under existing laws, thereby offering them due recognition and protection from the state. Couples would be required to file separate applications with the local civil registrar and could establish property relations through pre-civil partnership agreements. Civil partnership couples would be entitled to the same benefits and protections as married spouses under existing laws. The proposed legislation also includes penalties for individuals or institutions engaging in discriminatory practices against civil partnership couples, including refusal to issue authority for civil partnership contracts, denial of rights and benefits, discriminatory employment practices, and mistreatment of children of civil partnership couples. Offenders could face fines or imprisonment, as determined by the court. There have been previous versions of this bill that have been sent to a committee for deliberation, but none proceeded to the second and third readings.[47]

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[45] Manila Bulletin. "Will Proposed Civil Partnership Act Prosper in 19th Congress? Herrera Has Fingers Crossed." Accessed April 14, 2024. https://mb.com.ph/2022/07/06/will-proposed-civil-partnership-act-prosper-in-19th-congress-herrera-crosses-fingers/.
[46] "Civil Partnership Bill Pushed Anew." Accessed March 15, 2024. https://www.pna.gov.ph/articles/1195220.
[47] "Civil Partnership Bill Pushed Anew."

Furthermore, Senator Robin Padilla, who was elected in 2022, introduced Senate Bill 449, also known as the proposed Civil Unions Act, aiming to institutionalize civil unions for same-sex couples in the Philippines.[48] Senator Padilla underlined that the Constitution does not prohibit such unions and advocated for equal rights and recognition for same-sex couples. The bill delineates requisites for civil unions, including legal capacity, consent, and a civil union ceremony. Similar to Bill 1015, Padilla outlines benefits, protections, and responsibilities for civil union couples, encompassing marital relations, inheritance rights, and access to insurance and health benefits. Additionally, the bill includes provisions for the dissolution of civil unions and imposes penalties for individuals who discriminate against civil union couples. While none of these bills have yet to be rejected or approved, a shift in direction in their advocacy might be what they need to push for the marriage rights of LGBTQ+ individuals.

In terms of gender affirmation healthcare, the Philippines challenges in providing comprehensive support for transgender individuals. In the Philippines, estrogen is accessible at government clinics, and trans women can obtain hormones without needing a prescription. However, trans men must have a prescription to access testosterone. NGOs play a big role in providing and improving access to trans-affirmative healthcare services, such as hormone therapy, for transgender individuals in the Philippines.[49] Love Yourself is an NGO founded in July 2011 by Ronivin Pagtakhan, has been a prominent organization that has accommodated the increasing demand for information on STIs, HIV, sexuality, and gender among the Youth & LGBTQ+ community.[50] In December 2016, LoveYourself inaugurated the Philippines'

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[48] News, HANA BORDEY, GMA. "Padilla Wants Same-Sex Unions Institutionalized." GMA News Online, August 11, 2022. https://www.gmanetwork.com/news/topstories/nation/841251/padilla-wants-same-sex-unions-institutionalized/story/

[49] Abesamis, Luis Emmanuel A. "Intersectionality and the Invisibility of Transgender Health in the Philippines." *Global Health Research and Policy* 7, no. 1 (September 30, 2022): 35. https://doi.org/10.1186/s41256-022-00269-9. 2

[50] LoveYourself Inc. "About Us." Accessed April 14, 2024. https://loveyourself.ph/about-us/.

community-led transgender health center, Victoria by Love Yourself. This initiative aimed to fill the gap in services tailored to transgender health needs, particularly biomedical transitioning.[51] Victoria by Love Yourself provides comprehensive transgender health care, including gender-sensitive HIV testing and specialized transition counseling services. They provide a space in which trans people are open to free consultations regarding their transition, leading to better accessibility to often disproportionately marginalized groups. These efforts have been instrumental in reaching trans communities beyond major urban centers like Metro Manila and Cebu, thereby enhancing the accessibility of essential healthcare services for transgender individuals.[52] The initiatives undertaken by NGOs in providing hormone therapy and other healthcare services for transgender individuals highlight the importance of community-based organizations in addressing the unique health needs of the transgender community in the Philippines. By collaborating with healthcare providers and policymakers, NGOs contribute to bridging the gaps in the healthcare system by advocating for inclusive policies and enhancing the cultural competence of healthcare professionals in serving transgender clients.

Regarding legal recognition of gender transition, under Articles 407 and 408 of the Civil Code (Republic Act No. 386) (1949), name changes are permitted and must be documented in the Civil Registry.[53] This facilitates the alteration of names on birth certificates, enabling corresponding changes in other official records. However, these regulations are not specifically tailored to transgender individuals. To initiate a name change, a petition must be submitted to the local court along with supporting documentation demonstrating the necessity for the change. The applicant is required to publish a notice of the hearing in a widely circulated newspaper once a

[51] LoveYourself Inc. “Trans Health.” Accessed April 14, 2024. https://loveyourself.ph/trans-health/.
[52] Abesamis. “Intersectionality and the Invisibility.” 2.
[53] Official Gazette of the Republic of the Philippines. “Republic Act No. 386 | GOVPH,” June 18, 1949. https://www.officialgazette.gov.ph/1949/06/18/republic-act-no-386/.

week for three consecutive weeks. Before 2007, many transgender individuals were able to amend their gender marker on their birth certificates. This was facilitated by the Administrative Error Law (Republic Act No. 9048) (2001), under which applicants could petition for a gender marker change based on clerical errors during registration.[54] Despite the law explicitly stating that it did not apply to changes involving "change of sex," transgender applicants often succeeded in obtaining these changes through petitions filed in local courts with minimal government intervention.[55] However, the landscape changed with the Supreme Court case of Silverio v Republic of the Philippines (2007).[56] The case of Rommel Jacinto Dantes Silverio involved a trans male seeking to change his name and sex in his birth certificate to reflect his sex reassignment surgery. The trial court initially granted his petition, stating that it would be in line with justice and equity to do so,[57] as he had undergone a sex change operation. However, the Court of Appeals ruled against Silverio, stating that there is no law allowing the change of name or sex in a birth certificate on the grounds of sex reassignment through surgery.[58] They concluded that changing the sex entry in a birth certificate requires a judicial order under Article 412 of the Civil Code, while first name changes based on sex reassignment are not permissible. The court highlighted that granting the changes sought by the petitioner, particularly changing the sex entry in the birth certificate to align with sex reassignment surgery, would have serious legal and public policy consequences. They noted that allowing such changes could reconfigure and greatly alter laws concerning marriage, which is traditionally defined as a union between a man

[54] The LawPhil Project “REPUBLIC ACT NO. 9048” (2001). https://lawphil.net/statutes/repacts/ra2001/ra_9048_2001.html.
[55] “The LawPhil Project “REPUBLIC ACT NO. 9048”
[56] International Commission of Jurists. “Silverio v. Philippines, First Division of the Philippines Supreme Court (22 October 2007).” Accessed April 14, 2024. https://www.icj.org/sogicasebook/silverio-v-philippines-first-division-of-the-philippines-supreme-court-22-october-2007/.
[57] International Commission of Jurists. “Silverio v. Philippines.” 3.
[58] International Commission of Jurists. “Silverio v. Philippines.” 4.

and a woman. Furthermore, various laws specifically related to women, such as those in the Labor Code and the Revised Penal Code, could be substantially affected by granting the petition. The court emphasized that these laws underscore public policy regarding women, which could be significantly impacted if the changes were allowed. Despite progress, there remains a need for further advocacy and policy reform to ensure equitable access to healthcare and legal recognition for transgender individuals in both countries.

Regarding same-sex adoption, the Philippines exhibit legal frameworks that do not explicitly recognize or prohibit such arrangements. While same-sex adoption is illegal, there are no explicit laws barring LGBTQ+ individuals from adopting children.[59] However, prospective LGBTQ+ adopters may face scrutiny based on interpretations of "good moral character," potentially limiting their ability to exercise parental authority.[60] As mentioned previously, politicians and activists in the legislature have advocated for pro-LGBTQ+ bills, which encompass policies regarding same-sex adoption. These efforts aim to broaden the scope of opportunities available to these couples following legal recognition by the state. However, the current ambiguity in the law reflects broader societal attitudes towards LGBTQ+ individuals and families, with the state's discretion playing a significant role in determining parental suitability.

Legal Landscape and Societal Attitudes Towards LGBTQ+ Rights in Timor-Leste

Within Timor-Leste's constitution, Article 1517 highlights the conditions under which a marriage is considered legally nonexistent.[61] Notably, Subsection II explicitly states that a

[59] Philippine Family Law perspectives. "Can a Foreign Homosexual Couple Successfully Adopt a Filipino Child through Inter-Country Adoption?," September 28, 2013. https://philippinefamilylawperspectives.wordpress.com/2013/09/28/can-a-foreign-homosexual-couple-successfully-adopt-a-filipino-child-through-inter-country-adoption/.
[60] Philippine Family Law perspectives. "Can a Foreign Homosexual Couple"
[61] Civil Code of Timor-Leste. "Law No. 10/2011 approving the Civil Code." (2011). https://faolex.fao.org/docs/pdf/tim210023.pdf

marriage contracted by two persons of the same gender is considered legally inexistent in Timor-Leste. This provision directly relates to the issue of same-sex marriage in Timor-Leste. Similarly, there is no legal reference to same-sex adoption, although adoption by single individuals is permitted. The absence of specific provisions addressing same-sex adoption reflects the prevailing societal norms and lack of legal recognition for LGBTQ+ families within the country. By categorizing marriages between individuals of the same gender as legally nonexistent, the Constitution effectively prohibits such unions from being recognized or legally valid within the country. This stance reflects the current general attitudes towards same-sex relationships in Timor-Leste, where there is no legal framework or support for same-sex marriage. Although cases and bills have not been pushed or seen, a lot of the support for the LGBTQ+ community comes from advocacy groups. Support for LGBTQ rights in Timor-Leste has seen notable progress, especially in terms of government involvement and community participation. There have been positive developments, such as the signing of a joint statement by Timor-Leste in 2011 to end acts of violence and human rights violations based on sexual orientation and gender identity.[62] This demonstrates a step towards recognizing and protecting LGBTQ rights at the government level. Moreover, Prime Minister Rui Maria De Araujo openly voiced support for LGBTQ rights in 2017, becoming the first Asian head of state to do so.[63] This marks a significant shift in the government's stance towards supporting LGBTQ rights in Timor-Leste. There have also been efforts within the Catholic Church to support the LGBTQ community, with congregations getting involved to show solidarity.[64] On the community level, initiatives like the Pride Parade in Dili have attracted a growing number of participants, reaching

[62] Renaldi, Adi. “Asia’s Newest Nation of Timor-Leste Is Fighting for LGBTQ Rights.” Accessed March 14, 2024. https://www.vice.com/en/article/wjvgqn/asias-newest-nation-of-timor-leste-is-fighting-for-lgbtq-rights.
[63] Renaldi. “Asia’s Newest Nation of Timor-Leste.”
[64] Renaldi. “Asia’s Newest Nation of Timor-Leste.”

1,500 attendees annually.[65] LGBTQ activists like Natalino Guterres have played a key role in organizing events and advocating for LGBTQ rights.[66] Despite challenges faced by LGBTQ individuals, there is a sense of optimism and resilience within the community, with activists like Bella Galhos running shelters for LGBTQ victims of violence.[67] The evolution of support for LGBTQ rights in Timor-Leste has seen a shift towards greater government involvement, as well as increased community participation in advocating for and celebrating LGBTQ+ rights. While challenges remain, there have been significant strides towards promoting inclusivity and equality for the LGBTQ community in the country.

Timor-Leste lacks any laws or policies allowing transgender persons to change their gender identity on official documents.[68] This lack of legal recognition exacerbates the marginalization and discrimination faced by transgender individuals, hindering their access to employment, healthcare, and education. As previously mentioned, despite the absence of formal legal recognition, many of the advancements and challenges encountered by transgender communities stem from societal interactions. In Bella Galhos's influential research on the trans community in Timor-Leste, she highlighted an overwhelming amount of discrimination amongst trans individuals. Many trans individuals are subjected to corrective rape, physical and psychological abuse, ostracism, discrimination, and marginalization by family members and society as a whole.[69] Despite constitutional guarantees of non-discrimination, there is a lack of legal protections for lesbian, bisexual, and transgender (LBT) individuals in the country. The

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[65] Renaldi. "Asia's Newest Nation of Timor-Leste."
[66] Renaldi. "Asia's Newest Nation of Timor-Leste."
[67] Renaldi. "Asia's Newest Nation of Timor-Leste."
[68] "Regional Mapping Report on Trans Health, Rights and Development in Asia – Asia Pacific Transgender Network." Accessed April 14, 2024. https://weareaptn.org/resource/regional-mapping-report-on-trans-health-rights-and-development-in-asia/.
[69] Iram Saeed, and Bella Galhos. "A Research Report on the Lives of Lesbian and Bisexual Women and Transgender Men in Timor-Leste," (2017): 3.

prevailing cultural norms and beliefs in the country often dictate strict gender roles and expectations, leading to stigma and prejudice against individuals who do not conform to traditional gender identities.[70] This societal pressure results in the marginalization and ostracism of transgender individuals, pushing them to the fringes of society.[71] Religion plays a significant role in the prejudice and discrimination faced by LBT women. Many individuals come from religious families that hold orthodox beliefs, leading to fear and rejection when disclosing their sexual orientation or gender identity.[72] There have been instances in which families use religious beliefs to justify violence and abuse towards LBT women, such as forcing them to drink chicken blood for purification or making them promise to end same-sex relationships in front of religious statues.[73] Furthermore, societal attitudes influenced by religious norms contribute to the marginalization and exclusion of LBT individuals. The fear of rejection due to sexual orientation or gender identity is a major reason for many respondents not coming out, with concerns about violating religious values being a significant factor.[74] Additionally, the lack of understanding and acceptance of sexual orientation, gender identity, and expression (SOGIE) within religious communities also contributes to the challenges faced by LBT women in accessing support systems and legal protections.[75]

Legal Battles and Progress Towards Marriage Equality in Thailand

On February 15th, 2020, two women, Miss Puangpetch Hengkam and Mrs. Permsup Sae-eung attempted to register their marriage at the Bangkokyai District Office in Bangkok.[76]

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[70] Saeed and Galhos. "A Research." 6.
[71] Saeed and Galhos. "A Research." 3.
[72] Saeed and Galhos. "A Research." 18.
[73] Saeed and Galhos. "A Research." 13.
[74] Saeed and Galhos. "A Research." 15.
[75] Saeed and Galhos. "A Research." 18.
[76] Constitutional Court of Thailand. "Constitutional Court Ruling No. 20/2564." (2021): 1

The Registrar of the Office rejected their request citing Section 1448 of the Civil and Commercial Code as the basis for the rejection. A year later, the petitioners then filed a motion with the Central Juvenile and Family Court requesting an order to accept their marriage registration. The petitioners believed that the rejection of their marriage registration based on the fact that they are of the same sex violates their constitutional rights to equality before the law and protection from discrimination.[77] They contended that the provision contradicts various constitutional principles, particularly those concerning the restriction of individuals' rights or freedoms and equality under the law.[78] According to Section 1448, marriage can only take place between a man and a woman who have completed their seventeenth year of age, unless there are appropriate reasons for allowing them to marry before reaching that age.[79] In this ruling, the Court argued that marriage between people with gender diversity, other than male and female, may not create the same delicate bond as that between a man and a woman. They believe that marriage is a social institution meant for a man and a woman to cohabit as husband and wife, form a family, have children, inherit property, and pass on familial bonds according to natural norms.[80] Additionally, the Court emphasized the importance of tradition and custom in Thai society, stating that long-standing beliefs have perpetuated the idea that marriage should only be between a man and a woman. They argued that this provision in the Civil and Commercial Code is in accordance with the state of nature and reflects the cultural and societal norms of Thailand.[81] Furthermore, the Court raised concerns about the potential disruptions to public welfare benefits if marriage between genders other than male and female were allowed. They expressed worries about the administrative complexities that could arise if sex was not specified

[77] Constitutional Court. “Constitutional Court.”
[78] Constitutional Court. “Constitutional Court.” 1
[79] Thailand Law Library. “Civil and Commercial Code: Marriage (Section 1448-1460).” n.d. https://library.siam-legal.com/thai-law/civil-and-commercial-code-marriage-section-1448-1460/
[80] Constitutional Court. “Constitutional Court.” 14
[81] Constitutional Court.. “Constitutional Court.” 13

in certain cases involving welfare benefits, medical expenses, tax deductions, and other social welfare programs. Allowing same-sex marriage could lead to confusion, delays, and unfairness in the administration of these benefits, affecting the majority of straight couples.[82]

In June of 2022, when the Cabinet took a historic step by endorsing the Draft Act to Amend the Civil and Commercial Code (2022), colloquially known as the "Marriage Equality Bill."[83] This bill aims to safeguard the fundamental rights to marriage and family for all individuals, irrespective of sexual orientation or gender identity. The proposed marriage equality bill seeks to amend Section 1448 of Thailand's Civil and Commercial Code by replacing the terms "husband" and "wife" with "spouse" and substituting "man" and "woman" with "person."[84] These amendments would allow legal marriage between any two individuals, regardless of their sexual orientation or gender identity. Such recognition would grant LGBTQ+ couples equal access to marital rights, including welfare, adoption, healthcare consent, property management, inheritance, and spousal benefits such as tax deductions and government pensions. The Move Forward Party presented this updated version of the Marriage Equality Bill to parliament on June 8, after the previous version faced rejection by the Cabinet.[85] The earlier draft was dismissed as redundant to the Civil Partnership Bill, which was previously approved back in 2020. While the Civil Partnership Act allows for the registration of same-sex relationships and grants certain rights, it fails to provide full equality, particularly concerning spousal benefits. By amending the Civil and Commercial Code, the marriage equality bill aims to bridge these gaps and ensure equal treatment for LGBTQ+ couples.

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[82] Constitutional Court.. "Constitutional Court." 18
[83] "Thailand: Approve Marriage Equality Bill, End Discrimination of LGBTI+ Persons - Fortify Rights," accessed April 15, 2024, https://www.fortifyrights.org/tha-inv-2022-06-07/.
[84] Law Library. "Civil and Commercial Code."
[85] "Thailand: Approve Marriage Equality Bill."

The National Human Rights Commission of Thailand released a statement on September 6, 2022, urging the House of Representatives to advance the marriage equality bill to its second and third readings.[86] The commission emphasized that doing so would bolster the protection of human rights and dignity for LGBTQ+ individuals, while also working towards eliminating sexual and gender-based discrimination within Thailand. The statement underscored the importance of aligning Thai laws with the country's obligations under the International Covenant on Civil and Political Rights (ICCPR), to which Thailand is a signatory, as well as the Yogyakarta Principles, which serve as internationally recognized legal standards concerning sexual orientation and gender identity.[87] Article 23 of the ICCPR states the right to family and marriage, stipulating that the right to marry and establish a family shall be recognized for men and women of marriageable age.[88] Thailand, as a state party to the ICCPR, is obligated to take appropriate measures to ensure equality of rights and responsibilities among spouses throughout the marital union and its dissolution, as outlined in Article 26. Furthermore, the principle of non-discrimination, considered a fundamental right under customary international law, is binding on all states, including Thailand. The Thai Constitution, in Section 27, similarly prohibits discrimination in all its forms.[89] Therefore, endorsing the marriage equality bill not only aligns with international human rights standards but also upholds the constitutional commitment to equality and non-discrimination within Thailand.

On March 27th, 2024, after several rewrites and resubmissions of the Marriage Equality Bill, Thailand achieved a significant milestone towards marriage equality with the passage of a bill by the lower house, by a vote of 400 of 415 members who were present, granting legal

[86] Fortifyrights, “Thailand: Prioritize the Marriage Equality Bill in New Legislative Session,” Fortify Rights, November 1, 2022, https://www.fortifyrights.org/tha-inv-2022-11-01/.
[87] Fortifyrights, “Thailand.”
[88] Fortifyrights, “Thailand.”
[89] Fortifyrights, “Thailand.”

recognition to same-sex marriage.[90] While awaiting approval from the Senate and royal endorsement to become law, it is anticipated to be finalized by the end of 2024, positioning Thailand as the sole Southeast Asian nation to acknowledge same-sex unions. This advancement solidifies Thailand's reputation as a welcoming environment for LGBTQ+ couples within a region where such inclusive attitudes are rare. In December, the lower house consolidated four proposed bills on same-sex marriage from both government and opposition factions into a single bill, culminating in this bill's passage.[91] MP Danuphorn Punnakanta, leading the lower house's committee on marriage equality, emphasized the bill's role in initiating equality, portraying it as a foundational step toward addressing disparities.[92] The legislation redefines marriage as a partnership between two individuals, extending equal rights to LGBTQ+ couples in areas such as tax benefits, inheritance, and medical decision-making for incapacitated partners. The law permits married same-sex couples to adopt children, yet the lower house refrained from adopting the committee's proposal to use the term "parents" instead of "fathers and mothers." Despite Thailand's existing anti-discrimination laws regarding gender identity and sexual orientation, achieving marriage equality has been the result of prolonged advocacy efforts. Previous endeavours to legalize same-sex marriage encountered obstacles despite widespread public support, with recent surveys indicating overwhelming approval for the bill. This development marks a historic triumph for LGBTQ+ rights advocates, like Tunyawaj Kamolwongwat, a gay MP from the opposition Move Forward party, who has championed marriage equality for over a decade.[93] The path to this legislative victory was paved by promises from various political parties

[90] "Thailand: Promptly Pass Same-Sex Marriage Bill | Human Rights Watch," March 27, 2024, https://www.hrw.org/news/2024/03/27/thailand-promptly-pass-same-sex-marriage-bill.
[91] Jonathan Head, Kelly Ng. "Thailand Moves to Legalise Same-Sex Marriage," March 27, 2024, https://www.bbc.com/news/world-asia-68672318.
[92] Head and Kelly. "Thailand Moves."
[93] Head and Kelly. "Thailand Moves."

before the last election, and Prime Minister Sretta Thavisin's administration, in particular, has been vocal in its support.

In Thailand, the availability and regulation of hormones for gender-affirming therapy are present and progressive as opposed to other states. The Medical Council Regulation briefly mentions hormonal therapy and how it does not require a diagnosis and letters from mental health professionals for overseas patients seeking surgeries. Until 2009, regulations for gender reassignment treatment in Thailand were ambiguous.[94] Incidents of unauthorized castrations performed on teenagers prompted the Thailand Medical Council to establish guidelines. As a result, the Council issued the "Criteria for the treatment of sexchange, Census 2009," effective from November 2009.[95] These criteria included stipulations such as patients being over 20 years old or between 18-20 with guardian consent, approval from two psychiatrists, and adherence to the Standards of Care (SOC) of HBIGDA/WPATH, necessitating a real-life experience for at least one year. Moreover, the Thai legal system mirrors societal attitudes towards transsexual individuals.[96] Male-to-female transsexuals are legally recognized as men, encountering challenges such as the inability to change gender on official documents like ID cards or passports, resulting in employment and border crossing difficulties. The legal system's reflection of societal attitudes towards transsexual individuals is apparent, with challenges such as the inability to change gender markers on official documents.

Unfortunately, a draft bill proposing legal gender recognition, title, and protection of gender-diverse individuals was rejected by Parliament on February 21st, 2024. The vote tallied

[94] Prayuth Chokrungvaranont et al., "The Development of Sex Reassignment Surgery in Thailand: A Social Perspective," *The Scientific World Journal* 2014 (March 19, 2014): 3, https://doi.org/10.1155/2014/182981.
[95] Chokrungvaranont. "Development of Sex." 3
[96] Chokrungvaranont. "Development of Sex."

154 in favour and 257 against, with one abstention and one uncast vote.[97] The bill, put forth by Move Forward party-listed MP Tunyawaj Kamolwongwat and colleagues, aimed to establish specific legislation recognizing and safeguarding the human dignity, rights, freedom, and equality of gender-diverse individuals. Its primary objective was to grant transgender and non-binary individuals the option to choose titles of their preference on legal documents, departing from the practice of using titles reflecting their assigned gender at birth. Tunyawaj argued that the requirement to use birth gender titles posed challenges for gender-diverse individuals in self-representation and determining their sexual orientation, which significantly impacted their daily lives.[98] However, Thirachai Saenkaew, Pheu Thai MP voiced concerns that allowing individuals to freely alter their titles could potentially lead to an uptick in crimes such as fraud and sexual assault.[99] He also noted potential complications for the existing correctional system, which categorizes prisoners based on their birth gender. Move Forward MP Taopiphop Limjittrakorn, urged fellow MPs to support the bill's first reading, highlighting its open and flexible principles.[100] Meanwhile, Pantin Nuanjerm, another Move Forward MP for Bangkok, emphasized that addressing identity-related crime should be the responsibility of law enforcement agencies rather than implementing blanket restrictions on title changes for all transgender individuals.[101] So, while there has been progress regarding same-sex marriage, a different part of the LGBTQ+ community seems to be left behind.

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[97] "MPs Say 'No' to Gender Recognition Bill," nationthailand, February 22, 2024, https://www.nationthailand.com/thailand/politics/40035780.
[98] "MPs Say 'No'"
[99] "MPs Say 'No'"
[100] "MPs Say 'No'"
[101] "MPs Say 'No'"

The Bleak Reality of LGBTQ+ Rights and Legal Discrimination in Myanmar

On the opposite end of the spectrum, Myanmar's legal recognition falls far behind all of the listed countries used for comparison. Same-sex sexual activity is firmly prohibited under Myanmar's Penal Code of 1860, which criminalizes acts of "carnal knowledge against the order of nature."[102] Section 377 of the Penal Code prohibits both sodomy and oral sex, irrespective of whether it involves heterosexual or homosexual activity. This legal provision carries a significant maximum penalty of ten years' imprisonment, targeting exclusively men. The provision has been utilized to blackmail, threaten, and extort money from LGBTQ persons, thereby isolating them socially and perpetuating harmful stereotypes.[103] Unfortunately, there have been instances where law enforcement officers have abused their power by exploiting individuals under the threat of Section 377 charges. The UN Special Rapporteurs have recommended the repeal of this provision in Myanmar, citing violations of rights to privacy, equality, and non-discrimination.[104] The experiences shared by LGBTQ individuals in Myanmar regarding the criminal law and justice system raise concerns about human rights violations and the need for legal reform.

As expected, transgender individuals do not have their gender identity recognized by the state. LGBTQ individuals, particularly transgender people, are often targeted under Section 35c of the Police Act, colloquially known as the "Darkness Law," which permits authorities to detain individuals deemed suspicious after sunset.[105] This could lead to a maximum penalty of three months' imprisonment. The Police Act traces its origins back to the colonial period when

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[102] "Myanmar Law Information System," accessed April 15, 2024, https://www.mlis.gov.mm/lsScPop.do?lawordSn=9506%20.
[103] Denmark-Myanmar Programme on Rule of Law and Human Rights "In the Shadows: Systemic Injustice Based on Sexual Orientation and Gender Identity/Expression in Myanmar," n.d.: 27. https://www.icj.org/wp-content/uploads/2019/11/Myanmar-In-The-Shadows-Advocacy-Report-2019-ENG.pdf.
[104] Denmark-Myanmar. "In the Shadows." 24.
[105] "မြန်မာဥပဒေသတင်းအချက်အလက်စနစ်," accessed April 15, 2024, https://www.mlis.gov.mm/mLsView.do;jsessionid=C3A141A09F8F47730F06F807A710E34E?lawordSn=902.

Myanmar was under British rule.[106] During this time, English criminal law, including the prohibition of same-sex activity, was imposed upon Myanmar. Despite gaining independence, Myanmar retained this provision and continues to criminalize same-sex sexual activity to this day. Laws like these have become tools used by the police to harass LGBTQ individuals merely for being outside at night, creating a stereotype of LGBTQ people as criminals.[107] This law and other vague criminal laws and broad police powers are used prejudicially against the LGBTQ community.[108] The Myanmar Police Force and the General Administration Department are cited as the key violators in this regard. These law enforcement officials often arbitrarily arrest LGBTQ individuals under Shadow Laws while strolling on a date as a gay couple, visiting a park in the evening, or in "hot areas" frequented by visible members of the LGBTQ community at night.[109] Even with this unjust system, appealing to the courts fails to yield improvement. Myanmar's courts are notoriously known to be highly corrupt and often experience frequent delays in processing cases. LGBTQ+ individuals are often coerced to confess crimes they did not commit by law enforcement officers with the promise of lighter sentences. This seems like a better deal for most as these individuals often do not have access to legal support to educate them about their rights.[110] There have been testimonials about the open disdain and prejudice shown to LGBTQ individuals by judges and court staff, which fuels doubts about the fairness of the judicial procedures involving LGBTQ individuals.[111] The discriminatory treatment goes beyond verbal abuse, affecting the legal proceedings in court. For example, the text reports police refusing to allow fellow LGBTQ individuals to serve as witnesses for those accused of crimes, and judges consistently using incorrect gender pronouns during court proceedings, disregarding

[106] Denmark-Myanmar. "In the Shadows." 7.
[107] Denmark-Myanmar. "In the Shadows." 38.
[108] Denmark-Myanmar. "In the Shadows." 28.
[109] Denmark-Myanmar. "In the Shadows." 33.
[110] Denmark-Myanmar. "In the Shadows." 49.
[111] Denmark-Myanmar. "In the Shadows." 50.

the rights of transgenders and their self-identified gender. Some LGBTQ defendants have successfully challenged the baseless charges brought against them, primarily due to third-party intervention or support from LGBTQ advocates and community lawyers.[112] However, the court often releases these individuals unofficially without any formal acquittal. As a result of these experiences, many LGBTQ individuals are noted to avoid court appearances wherever possible, often opting for out-of-court settlements with the police or challenging the accusations with professional advocates' support.[113] This avoidance and growing mistrust are compounded by the overall negative perception of how LGBTQ individuals are treated in court, leading to a hesitation to engage with the justice system.

As recent as June of 2023, Myanmar's military junta handed down a severe sentence, sentencing Justin Min Hein, the president of the LGBTQ Union in Mandalay, to 10 years in prison on charges of terrorism, as reported by activists and students.[114] Hein played a prominent role in various protests against the existing regime, which included strikes, flash protests, and organized campaigns in the region before his arrest. He had been detained in Yay Kyi Ai Interrogation Center for nearly a year awaiting trial after his arrest by the junta on September 24, 2022.[115] In a separate incident, a military court sentenced Wuttyi Aung, a student at Dagon University in Yangon, to a total of seven years. She was apprehended along with five other activists during a night raid. While the specific charges against her were not specified, she received three years in prison for violating section 505(a) of the penal code and four years for violating section 52(a) of the Anti-Terrorism Act. The Assistance Association for Political Prisoners, based in Thailand, revealed alarming statistics regarding the post-coup situation in

[112] Denmark-Myanmar. "In the Shadows." 51.
[113] Denmark-Myanmar. "In the Shadows." 51.
[114] "Myanmar Junta Sentences LGBTQ Activist to 10 Years in Prison," Radio Free Asia, accessed April 15, 2024, https://www.rfa.org/english/news/myanmar/activists-06292023213302.html.
[115] "Myanmar Junta."

Myanmar.[116] Since the 2021 coup, a staggering total of 19,279 pro-democracy activists and citizens have been detained, with 6,599 individuals sentenced to prison terms as of the latest report.[117] This shows the widespread crackdown on dissent and the dire human rights situation in the country under the military regime.

It is important to note, that despite Myanmar's current governance under military rule, the country is bound by international treaties that require it to uphold and safeguard the rights of marginalized communities, including LGBTQ+ individuals. Even though these treaties may not explicitly mention the rights of the LGBTQ+ community, Myanmar is still obligated to respect and protect the rights of all its citizens under these agreements. The central treaties that Myanmar has agreed to are the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disabilities (CRPD).[118] These treaties, even though not specifying, mandate the protection of LGBTQ individuals and the prohibition of discrimination based on sexual orientation or gender identity. Myanmar is required to uphold LGBTQ+ individuals' rights to non-discrimination, equality before the law, and equal protection of the law without any form of discrimination, among other rights.[119] This obligation includes not only addressing instances of discrimination after they occur, which involves ensuring effective access to justice and legal remedies when necessary but also taking proactive measures to prevent discrimination from happening in the first place. In a 2015 report on discrimination and violence against individuals due to their sexual orientation and gender identity, the Office of the UN High Commissioner for

[116] "Myanmar Junta."
[117] "Myanmar Junta."
[118] Denmark-Myanmar. "In the Shadows." 54.
[119] Denmark-Myanmar. "In the Shadows." 55.

Human Rights (OHCHR) emphasized that states are obligated to ensure that laws, policies, and programs implemented by government bodies do not discriminate against individuals.[120] Furthermore, states must address discriminatory practices, including those perpetrated by private entities, and undertake measures to prevent, reduce, and eliminate the conditions and attitudes that foster substantive or de facto discrimination. Even the Myanmar Constitution asserts equality, liberty, and justice, but the country fails to meet its constitutional commitments through its discriminatory criminal law and justice system, thereby undermining international laws.[121] Despite all the pressures of these international treaties and even Myanmar's constitution condemning their actions, this does not translate well into the nature of how these policies are enforced. In reality, the implementation often falls short, even to the extent of contravening both international and domestic norms and standards.

[120] Denmark-Myanmar. "In the Shadows." 60.
[121] Denmark-Myanmar. "In the Shadows." 55.

Discussion

The Role of Religion and Civil Society Groups in LGBTQ+ Policy Adoption: A Comparative Analysis of the Philippines and Timor-Leste

For the Philippines and Timor-Leste, Christianity has a significant role in shaping LGBTQ+ policy adoption. The Catholic Church, in particular, has a strong influence on public opinion and legislative decisions in the Philippines. Many politicians and policymakers in the Philippines are Catholic, and their religious beliefs often influence their stance on issues related to LGBTQ+ rights. The Catholic Church in the Philippines has been vocal in its opposition to LGBTQ+ rights, including same-sex marriage and adoption. Catholic prelates have praised decisions that uphold traditional views of marriage between a man and a woman, citing the sanctity and stability of marriage as reasons to reject proposals for same-sex marriage. The influence of Christianity, particularly Catholicism, can be seen in the attitudes of politicians and lawmakers towards LGBTQ+ rights. Advocates for LGBTQ+ rights often face challenges in advancing pro-LGBTQ+ legislation due to opposition from religious groups, including the Catholic Church. The Church's teachings on marriage and family values can shape public discourse and policy-making on issues affecting the LGBTQ+ community. This is expected as Christianity has explicit condemnation of homosexuality in their religious text, as opposed to a religion like Buddhism.[122]

Likewise, Timor-Leste is influenced by traditional conservative Christian perspectives. The prevailing cultural norms and beliefs, often influenced by Christian teachings, dictate strict gender roles and expectations, which can lead to stigma and prejudice against individuals who do

[122] Capaldi, Mark. "The Dichotomy of Religion and Sexualities within ASEAN Member States | Journal of Human Rights and Peace Studies." May 6, 2022, https://so03.tci-thaijo.org/index.php/HRPS/article/view/247164.

not conform to traditional gender identities. This societal pressure results in the marginalization and ostracism of LGBTQ+ individuals, particularly within religious communities. Many individuals in Timor-Leste come from religious families that hold orthodox Christian beliefs, which can contribute to fear and rejection when LGBTQ+ individuals disclose their sexual orientation or gender identity. There have been instances where families use religious beliefs to justify violence and abuse towards LGBTQ+ individuals, further perpetuating discrimination and marginalization. The lack of understanding and acceptance of SOGIE within Christian communities in Timor-Leste can also pose challenges for LGBTQ+ individuals in accessing support systems and legal protections. The fear of rejection due to sexual orientation or gender identity, rooted in religious beliefs, can prevent LGBTQ+ individuals from coming out and seeking acceptance within their communities. Despite efforts by some religious leaders to support LGBTQ+ rights, the prevailing attitudes within religious communities continue to pose challenges to the advancement of LGBTQ+ rights in Timor-Leste.

Although the Philippines shows favourable signs of freedom, the composition of the current regime shows that they believe in conservative values and traditional definitions of family structures. The legislative hurdles and dismissals of petitions for same-sex marriage in the Supreme Court highlight the resistance within the government towards progressive LGBTQ+ policies. The concentration of power in the hands of government officials who hold conservative beliefs may impede the advancement of inclusive laws that recognize and protect the rights of the LGBTQ+ community. But with this freedom and lack of censorship due to a more democratic regime, civil society engagement has helped further advocacy efforts for the LGBTQ+ community. NGOs such as Love Yourself have been instrumental in providing essential healthcare services and advocating for the rights of transgender individuals. By mobilizing

resources, raising awareness, and collaborating with stakeholders, civil society organizations, such as Love Yourself contribute to pushing for more inclusive legislation and policies. Their efforts in bridging gaps in healthcare services and legal recognition for transgender individuals demonstrate the importance of civil society in advancing LGBTQ+ rights in the country.

It was only recently that newer, progressive politicians have been elected into office who act as advocates for the progression of LGBTQ+ rights. Representative Bernadette Herrera and Senator Robin Padilla have introduced bills such as the Civil Partnership Act and the Civil Unions Act, respectively, aiming to provide legal recognition and rights for same-sex couples. These politicians have been vocal advocates for equality and have actively pushed for legislation that promotes the rights and protections of the LGBTQ+ community. They helped with raising awareness about the challenges faced by the LGBTQ+ community in the Philippines and have worked towards implementing inclusive policies that protect their rights. By championing these initiatives and advocating for legislative changes, they have brought the issue of LGBTQ+ rights to the forefront of the political agenda.

With Timor-Leste being a more democratic regime, the government is more responsive to the demands and advocacy efforts of civil society organizations advocating for LGBTQ+ rights. The government's willingness to engage with these groups and address their concerns reflects a more progressive stance towards LGBTQ+ issues. However, the presence of conservative voices within the government may also hinder the advancement of pro-LGBTQ+ policies, leading to a complex interplay of factors influencing policy outcomes. Civil society engagement in Timor-Leste has been instrumental in advancing pro-LGBTQ+ policies and creating awareness around LGBTQ+ rights. Advocacy groups and activists have played a crucial role in pushing for legal protections and societal acceptance of LGBTQ+ individuals. By organizing events,

protests, and campaigns, civil society has been able to raise awareness about the challenges faced by LGBTQ+ communities and push for legislative changes that promote inclusivity and equality. The active engagement of civil society has helped to shape public discourse and influence policy decisions related to LGBTQ+ rights in Timor-Leste.

In both the Philippines and Timor-Leste, Christianity, particularly Catholicism, significantly influences LGBTQ+ policy adoption. The Catholic Church's strong presence shapes public opinion and legislative decisions, with many policymakers being Catholic and their religious beliefs impacting their stance on LGBTQ+ issues. Similarly, in Timor-Leste, conservative Christian perspectives dictate societal norms and beliefs, contributing to stigma and prejudice against LGBTQ+ individuals. These religious influences lead to challenges in advancing pro-LGBTQ+ legislation and create barriers to acceptance within religious communities. While the Philippines exhibits signs of freedom, legislative hurdles and conservative government officials hinder progressive policies, though civil society engagement, notably by organizations like Love Yourself, helps advocate for LGBTQ+ rights. In contrast, Timor-Leste's more democratic regime is responsive to civil society efforts, but conservative voices within the government may impede policy advancements. Nevertheless, civil society engagement plays a part in both countries in raising awareness, pushing for legal protections, and shaping public discourse on LGBTQ+ rights. In a broader discussion, although the Freedom House categorizes the Philippines and Timor-Leste as “Partly Free” and “Free,” respectively, these cases show that who is in power in these governments largely influences the implementation of pro-LGBTQ+ legislation in both countries. Given the prevalence of conservative religious beliefs in both countries, it's unsurprising that government officials often uphold traditional values rooted in religious views. These conventional interpretations,

frequently revolving around notions of a family shaped by religious views on heterosexual marriage, can wield considerable sway over the acceptance and enactment of progressive laws. However, with the election of more progressive leaders, there's potential for a shift in this dynamic. As a result, the religious conservatism prevalent in both Timor-Leste and the Philippines has indeed contributed to the reluctance to adopt pro-LGBTQ+ policies, supporting my hypothesis. But it is also important to note that civil society engagement plays a large part in mediating the gaps within the legislature, which could possibly lead to future developments for pro-LGBTQ+ policies. With both countries being relatively free, these groups' existence can exert pressure on governments to enact inclusive legislation and policies that protect the rights of LGBTQ+ individuals. Civil society engagement fosters dialogue and collaboration between various stakeholders, including government officials, policymakers, and the LGBTQ+ community, leading to more informed and inclusive policy-making processes. Therefore, they serve as a mechanism for advancing pro-LGBTQ+ policies and addressing the shortcomings of legislative frameworks regarding LGBTQ+ rights.

Contrasting Authoritarian Regimes: A Comparative Analysis of LGBTQ+ Rights in Thailand and Myanmar

The Thailand-Myanmar case demonstrates that countries sharing similar religious affiliations can hold divergent views on LGBTQ+ rights. For instance, both Thailand and Myanmar, predominantly Buddhist nations, showcase conflicting stances regarding LGBTQ+ policies.[123] Buddhism, in general, does not place a particular stigma on same-sex relations, and attitudes towards homosexuality in Buddhist communities range from neutrality to mild aversion.[124] This suggests that the Buddhist tradition in these countries does not inherently

[123] Capaldi. “Dichotomy of Religion.”
[124] Capaldi. “Dichotomy of Religion.”

promote discrimination against LGBTQ+ individuals. Myanmar, despite being a predominantly Buddhist country, has anti-LGBTQ+ policies that are remnants of laws from the British colonial era, rather than being directly related to the Buddhist religion. So, it can be said in this case that religious affiliation alone cannot predict a country's stance on LGBTQ+ rights.

Furthermore, international pressure has indeed played a substantial role in the advancement of LGBTQ+ rights in Thailand, a dynamic visible not only in the recent ratification of the Marriage Equality Bill but also in other historic initiatives towards recognizing and safeguarding LGBTQ+ rights within the country. Multiple factors contributed to this development, one of the most significant being Thailand's commitment to conventions like the ICCPR, which encourages states to provide equal rights and protection to all individuals, irrespective of sexual orientation or gender identity. International pressure thus served as an impetus for Thailand to fulfill its international obligations and align its domestic laws with internationally recognized human rights standards. The international community's increasing attention to and acceptance of LGBTQ+ rights likely had an influential role in shaping Thailand's policy stance. Growing acceptance of gender diversity worldwide, especially in Western countries, has pressured nations like Thailand to reconsider their traditional norms and laws in favour of more inclusive, progressive policies.

This is a stark contradiction to Myanmar where international pressures fail to help LGBTQ+ individuals in Myanmar. Despite being bound by international treaties that require the country to uphold and safeguard the rights of marginalized communities, including LGBTQ+ individuals, the implementation of these obligations often falls short. Despite Myanmar being a signatory to treaties that mandate the protection of LGBTQ rights to non-discrimination, equality before the law, and equal protection of the law without any form of discrimination, the country's

discriminatory criminal laws and justice system undermine these international laws. The military regime in Myanmar poses a challenge to the enforcement of international pressures on the protection of LGBTQ+ rights. The military junta's oppressive rule, widespread crackdown on dissent, and disregard for human rights create barriers to international efforts and treaties to effectively influence positive change for LGBTQ+ individuals in Myanmar. The lack of strong enforcement mechanisms and accountability measures in international treaties often limits their effectiveness in ensuring the protection of LGBTQ+ rights in Myanmar. The country's reluctance or inability to adhere to these obligations, coupled with a lack of oversight and consequences for non-compliance, hinders the impact of international pressures on promoting and safeguarding LGBTQ+ rights in the country. This oppressive rule led to the censorship of any dissenting opinion, thus hindering the efforts of civil society organizations, NGOs, and advocacy networks, leading to harassment, surveillance, and legal repercussions for activists. This could be seen in Justin Min Hein's recent arrest thus showing that civil society groups that operate under an authoritarian regime where freedom of association and expression are severely curtailed, leading to limited opportunities for advocating for the rights of marginalized communities like the LGBTQ+ population.

In a recent turn of events, a new Freedom House report had bumped Thailand up from a status of "Not Free" to "Partly Free."[125] With the 2023 elections being more open and competitive, Move Forward, the leading opposition party, faced obstruction in forming a government due to the influence of the military-appointed Senate.[126] Instead, the Pheu Thai Party (PTP), another opposition group, formed a coalition government with several parties aligned

[125] "Thailand: Freedom in the World 2024 Country Report," Freedom House, accessed April 15, 2024, https://freedomhouse.org/country/thailand/freedom-world/2024.
[126] "Thailand: Freedom in the World"

with the military. This is a large shift from years of military rule that once governed this country. But despite this caveat, the Cabinet had previously approved the Marriage Equality Bill in 2022, before the recent election. This decision aligns with the period characterized as "Not Free" in Thailand, according to the Freedom House. It's uncertain whether the bill would have been enacted had Thailand remained under military rule, despite its formation before the 2023 election. The unanimous approval of the bill by the lower house and the Pheu Thai Party's retention of over 100 seats by the time of the 2023 elections suggest significant support despite the House party composition. The assumption that the bill would have still progressed under a military junta would contradict the assumption that LGBTQ+ rights policies would not be passed under an authoritarian regime which can be seen in Myanmar. In fact, the National Human Rights Commission of Thailand has actively advocated for advancing the marriage equality bill, emphasizing the protection of human rights and dignity for LGBTQ+ individuals.

The biggest factor contributing to Myanmar's anti-LGBTQ+ stance is likely the influence of its oppressive military regime, which prioritizes maintaining control and authority over the population. Myanmar, despite being predominantly Buddhist, has refrained from adopting pro-LGBTQ+ policies, largely due to its oppressive military regime rather than direct religious teachings. Because of Myanmar's authoritarian regime, civil society engagement failed to advocate for pro-LGBTQ+ policies due to their censorship and unwarranted arrests of dissenting opinions from LGBTQ+ advocates. This challenges my hypothesis, which suggests that the primary factor behind the adoption of less pro-LGBTQ+ policies is largely driven by religious influences, particularly considering the role of party pandering and lobbying efforts from religious groups. In Thailand, the significant factor driving their pro-LGBTQ+ stance is the impact of international pressures and domestic advocacy efforts, even though the country is

classified as “Not Free” or more recently, “Partly Free.” However, there appears to be a spectrum of authoritarianism. Despite Thailand's classification as "Not Free” or "Partly Free,” it can still be viewed as socially free due to the absence of government condemnation, unlike Myanmar, which is currently embroiled in civil conflict. While these statements may appear contradictory, the discourse on LGBTQ+ rights warrants a nuanced perspective on what constitutes authoritarianism. It is evident that Thailand exhibits greater social freedoms compared to Myanmar. It has been mentioned before that a possible shortcoming of this research is the extreme authoritarian context Myanmar faces which would lead to a problem with generalizability. The findings and the recurring contradictions validate this. Therefore, when assessing the freedom levels of these countries, particularly regarding LGBTQ+ rights, Thailand's relative social freedom should be taken into account, challenging the notion of categorizing both nations as equally “Not Free.” With this recontextualization, regime type and its effects on civil society engagement seem to be a dominating force in how LGBTQ+ policy is created in these countries.

Conclusion

Overall, when comparing LGBTQ+ rights in the Philippines, Timor-Leste, Thailand, and Myanmar, it is evident that religious influences and political regimes play crucial roles in shaping policies and attitudes towards the LGBTQ+ community in each country. The Philippines shows favourable signs of freedom, but conservative values and traditional family structures hinder the progression of LGBTQ+ policies. Civil society engagement, notably by organizations like Love Yourself, has been instrumental in advocating for LGBTQ+ rights. Timor-Leste faces societal pressure driven by conservative Christian beliefs, leading to stigma and prejudice against LGBTQ+ individuals. The government's responsiveness to civil society efforts may lead to progress in LGBTQ+ policies, despite conservative voices hindering advancements. Thailand, with its Buddhist tradition that does not inherently promote discrimination against LGBTQ+ individuals, has made strides in LGBTQ+ rights due to international pressure and domestic advocacy efforts. The recent marriage equality bill approval showcases a shift towards more inclusive policies. Myanmar, despite being predominantly Buddhist, has anti-LGBTQ+ policies influenced by its oppressive military regime rather than religious teachings. International pressures have been less effective in promoting LGBTQ+ rights due to the regime's control over the population and limitations on civil society engagement. The influence of religious beliefs, political regimes, international pressures, and civil society engagement varies across these countries. While the Philippines and Thailand have made strides towards inclusive policies, Timor-Leste and Myanmar face challenges due to conservative values and authoritarian governance. The presence of civil society plays a crucial role in advocating for LGBTQ+ rights and influencing policy decisions, highlighting the importance of diverse factors in shaping the landscape of LGBTQ+ rights in each country. Thus, while my initial hypothesis is validated

solely in the first case comparison between the Philippines and Thailand, this study effectively addresses the research question concerning the divergences in LGBTQ+ policy across Southeast Asia.

Looking to future research, this study offers valuable insights into the complexities of LGBTQ+ policy landscapes in Southeast Asia. Subsequent studies could delve deeper into the interplay between religious influences, political dynamics, and civil society engagement, exploring how these factors evolve and their implications for LGBTQ+ rights. Comparative analyses across additional countries within the region could provide a further understanding of regional trends and variations in LGBTQ+ policy adoption and implementation. Additionally, longitudinal studies tracking the impact of policy reforms and advocacy efforts on LGBTQ+ communities' lived experiences and socioenvironmental conditions would contribute to a more comprehensive understanding of the efficacy of different approaches to promoting LGBTQ+ rights. This research sets the stage for continued exploration and advocacy aimed at advancing LGBTQ+ rights across Southeast Asia.

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