

Advocacy for Comprehensive Nondiscrimination Legislation in Asia



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About Outright

Outright International works with partners around the globe to strengthen the LGBTIQ human rights movement, document and amplify human rights violations against LGBTIQ people, and advocate for inclusion and equality.

Founded in 1990, Outright works with civil society organizations, the United Nations, regional human rights monitoring bodies, governments, humanitarian and development institutions, and philanthropic and corporate partners to create lasting change. With staff in over fifteen countries, Outright holds consultative status at the United Nations, where it serves as the secretariat of the UN LGBTI Core Group.

Cover Photo: "The National Assembly must enact the Anti-Discrimination Act immediately!" by Rainbow Action Korea

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Glossary

Anti-Gender Movements: These are transnational networks composed of diverse actors that oppose “gender ideology,” which they use as a blanket term for social, political, and cultural developments that they perceive as threats to cisheteronormative structures, such as gender-affirming care, marriage equality, and sexual and reproductive justice.

Cisheteronormativity: A pervasive belief system that centers and naturalizes heterosexuality and the gender binary to the extent that it is assumed that the only two “normal” ways of being are cisgender heterosexual masculine men and cisgender heterosexual feminine women.

Conversion Practices: Practices intended to suppress or change a person’s sexual orientation, gender identity, or gender expression based on cisgender, heteronormative indoctrination and/or the incorrect assumption that such persons’ orientation, identity, or expression is not normal. Conversion practices have more often been referred to as “conversion therapy,” a term that incorrectly suggests that treatment is needed for a disorder and that people can be converted to cisgender heterosexuality through such “treatment.”

Gay: A synonym for homosexual in many parts of the world. In this report, gay is used specifically to refer to the sexual orientation of a man whose primary sexual and/or romantic attraction is toward other men.

Gender: The social and cultural codes (linked to but not congruent with ideas about biological sex) used to distinguish between society’s conceptions of “femininity” and “masculinity.”

Gender-Affirming Health Care: Health care that may involve psychological, behavioral, medical, and surgical interventions aimed at positively acknowledging an individual’s gender identity when it is not in alignment with the assigned sex or gender at birth. Gender-affirming health care is used interchangeably with “trans-affirming health care” or “trans-specific health care.” It refers to a broad range of physical and mental health services, including but not limited to hormone therapy, voice therapy, surgeries, and puberty blockers. For more details on this and a citation to the definition of trans-affirming health care, refer to The World Professional Association for Transgender Health, Standards of Care.

Gender-Based Violence: Any type of violence that is perpetrated against a person or group of people because of their actual or perceived sex, gender, gender expression, sexual orientation, sex characteristics, or any perceived violation of gender norms.

Gender Expression: Gender expression is how we express our gender through actions and appearance, including attire, speech, and movement. Gender expression is on a spectrum. It can align with social constructs of what it means to be feminine, masculine, androgynous, or any combination thereof. It can also be fluid. For a lot of people, their gender expression aligns with

characteristics that our societies deem to be appropriate for their gender or their sex assigned at birth. For other people, it does not. A person's gender expression is not always linked to the person's biological sex, gender identity, or sexual orientation.

Gender Identity: A person's internal, deeply felt sense of being a woman or girl, a man or boy, a combination of these, neither, or something else.

Gender Nonconforming: Behaving or appearing in ways that do not fully conform to social expectations based on one's assigned sex.

Heterosexual: The sexual orientation of a person whose primary sexual and/or romantic attraction is toward men, if they are women, and toward women, if they are men.

Hijra: In South Asia, "hijra" refers to an identity category for people assigned male at birth who develop a feminine gender identity. Hijras are often considered a third gender. Some hijras identify as transgender, but many do not.

Homophobia: Fear of, contempt of, and/or discrimination against homosexuals or homosexuality, usually based on negative stereotypes of homosexuality. Homophobia can be both individual and institutional. Entrenched damaging opinions about same-sex attraction may influence the enactment of discriminatory laws and policies, and how individuals, the government, organizations, the media, and society in general behave toward people perceived as lesbian, gay, bisexual, or queer.

Homosexual: The sexual orientation of a person whose primary sexual and/or romantic attractions are toward people of the same sex.

Intersex: An umbrella term that refers to a range of traits and conditions that cause individuals to be born with chromosomes, gonads, and/or genitals that vary from what is considered typical for female or male bodies.

Intersex Genital Mutilation: Medically unnecessary and invasive surgeries and treatments carried out on young intersex people, including babies, to achieve conformity with what medical professionals or society view as typical female or male bodies.

LGBTIQ (lesbian, gay, bisexual, transgender, intersex, and queer): An inclusive term used to categorize people whose identities or bodies do not meet cultural expectations of endosex, cisgender heteronormativity. Outright uses the term LGBTIQ as an umbrella term that includes people who may not themselves identify as lesbian, gay, bisexual, transgender, intersex, and queer.

Outing: Revealing a person's sexual orientation, gender identity, or sex characteristics to other people without the person's consent. Outing can expose queer people to discrimination, harassment, and violence.

Queer: An inclusive umbrella term covering multiple identities, sometimes used interchangeably with "LGBTIQ." It is also used to describe divergence from heterosexual and cisgender norms without specifying new identity categories. In this report, "queer men" is used to cover gay men, bisexual men, and other men of non-heterosexual sexual orientations, and "queer women" is used to cover lesbian women, bisexual women, and other women of non-heterosexual sexual orientations.

Sexual and Gender Minorities: A category of individuals whose sexual orientation, gender identity and expression, or sex characteristics differ from those of most of the population.

Sexual Orientation: The sexual, romantic, and emotional attraction that one has the capacity to feel for others. An individual's sexual orientation is indicated by one or more of the following: how a person self-identifies their sexual orientation, a person's capacity for experiencing sexual and/or affectional attraction to people of the same and/or different gender, and/or a person's sexual behavior with people of the same and/or different gender.

Sexual Violence: Any sexual act, attempt to obtain a sexual act, or act directed against a person's sexuality using coercion by any person, regardless of their relationship to the victim, in any setting.

Shariah: Shariah refers to the system of Islamic moral and legal guidance based on the Qur'an and the recorded teachings and traditions of the Prophet (Hadith and Sunna) that guides Muslims' spiritual, personal, and societal lives, covering ethical conduct for worship, as well as other areas, such as family relations, finance, and criminal justice. Shariah is interpreted and implemented in various ways based on the diverse social, political, and cultural contexts of Muslim-majority countries.

Transgender: A term to describe people whose sex assigned at birth does not conform to their gender identity. A transgender person usually adopts, or would prefer to adopt, a gender expression in accordance with their gender identity, but may or may not desire to alter their physical characteristics to conform to their gender identity.

Transphobia: Fear of, contempt of, and/or discrimination against transgender, nonbinary, or gender nonconforming people, usually based on negative stereotypes. Transphobia can be both individual and institutional: entrenched, damaging opinions about transgender identities may influence the enactment of discriminatory laws and policies, and how individuals, the government, organizations, the media, and society in general behave toward people whose identities do not conform to mainstream gender roles.

Executive Summary

In Asia, protections from discrimination based on sexual orientation, gender identity, gender expression, and sex characteristics are uneven. While a small number of countries in the region (Israel, Mongolia, Nepal, Philippines, Taiwan, Thailand) have piecemeal protections in limited areas, no country has adopted a comprehensive nondiscrimination law that explicitly protects LGBTIQ people from discrimination in access to goods, services, housing, education, employment, and health care.

This report seeks to **map the current advocacy landscape for comprehensive nondiscrimination legislation in 13 Asian jurisdictions**: Bhutan, Hong Kong, India, Indonesia, Japan, Malaysia, Mongolia, Nepal, the Philippines, South Korea, Sri Lanka, Taiwan, and Vietnam. It is based on background research, insights during a private meeting organized by Outright at the ILGA Asia Conference in February 2025, and information from 20 frontline activists in an online focus group discussion and individual interviews conducted between October and December 2025.

Key Themes

- **Judicial leadership** has been a primary driver of change, particularly in South Asia, where progressive jurisprudence is building the momentum for inclusive reform.
- In the absence of comprehensive laws, **sectoral or piecemeal reforms** provide limited relief, but fail to fully address gaps in legal protection.
- **Recognition of diverse families and gender identities** is expanding, though unevenly, with only two of the 13 jurisdictions studied in this report recognizing same-sex relationships (Taiwan, Nepal), and no jurisdiction adopting self-determination for legal gender recognition among surveyed countries.
- **Civil society coalition-building** has strengthened, linking LGBTIQ groups with other sectors and communities in campaigning for inclusive nondiscrimination laws.
- **Criminalization and anti-LGBTIQ policies** remain a major barrier in some jurisdictions, and while strong nondiscrimination prohibitions do coexist with criminalization in some contexts, advocates may need to tackle these forms of state-sponsored discrimination as a key step toward comprehensive nondiscrimination protections.
- **Legislative stagnation** remains entrenched, as governments lack the political will to surmount opposition, and members of parliament do not have the courage to take a stand on the rights of minority groups.

- **Protections on the basis of sex characteristics** remain absent across all case study countries, with no jurisdiction referencing sex characteristics in nondiscrimination laws or prohibiting medically unnecessary interventions on intersex children.

Country Findings

Criminalization remains an urgent priority, and may hold back efforts to secure nondiscrimination legislation in:

- **Malaysia:** Due to the criminalization of same-sex intimacy and gender nonconformity, along with sociopolitical opposition, activists are focusing on incremental legal reform instead of a stand-alone antidiscrimination law.
- **Sri Lanka:** Many activists are prioritizing the decriminalization of same-sex intimacy, while supporting the adoption and implementation of laws on gender equality as critical steps toward nondiscrimination.

Shrinking civic spaces and **restricted political opportunities** shape advocacy strategies in:

- **Hong Kong:** Activists have been trying to include sexual orientation in antidiscrimination laws since the late 1990s. In the face of escalating political repression, they are shifting the focus to community support and safety.
- **Vietnam:** LGBTIQ activists are strategically shifting from rights-based nondiscrimination advocacy to development-oriented and service-delivery work in response to the government's evolving political priorities and restrictions on civil society.

Conservative opposition and lukewarm political support, where present, are mounting roadblocks in the way of nondiscrimination advocacy in:

- **Bhutan:** At this stage, activists are not pushing for a stand-alone antidiscrimination law, but are lobbying for LGBTIQ inclusion in national gender equality, health, employment, and education policies.
- **India:** While progressive jurisprudence and piecemeal protections increase the momentum for comprehensive nondiscrimination, it lacks the political backing and community consensus needed to advance.
- **Mongolia:** While protections exist in some areas, the country does not have a comprehensive antidiscrimination law. A bill has been developed for the first time, but without government support.

- **Taiwan:** Even with government backing, the Antidiscrimination Act remains under review by the central government and has not been introduced to the Legislative Yuan after years of advocacy.

Multisectoral coalitions are pushing for nondiscrimination protections across race, class, ethnicity, gender, sexuality, religion, and other characteristics in:

- **Indonesia:** Amid criminalization and social hostility, a coalition of LGBTIQ organizations and other marginalized groups is pushing for a comprehensive nondiscrimination law.
- **Philippines:** Activists have been lobbying for an LGBTIQ-specific antidiscrimination law for 26 years, while a multisectoral coalition is pushing for an LGBTIQ-inclusive comprehensive law.
- **South Korea:** While there is growing political support for a comprehensive antidiscrimination law, championed by a multisectoral coalition, the government lacks the political will to bring it beyond the subcommittee stage.

Activists are working to **strengthen or expand existing legal protections** in:

- **Japan:** Advocates are engaging in the process to review a 2023 law on “public understanding of diversity in sexual orientation and gender identity,” seeking to codify enforceable measures against discrimination.
- **Nepal:** There is no pending antidiscrimination bill in parliament. Activists are lobbying to translate constitutional inclusion into piecemeal protection and “step-by-step recognition.”¹

¹ Outright interview with Sarita K.C., Mitini Nepal, virtual, October 17, 2025.

Methodology

This report draws on insights from a private meeting organized by Outright during the ILGA Asia Conference 2025, an online focus group discussion, and semi-structured interviews with 20 activists representing all 13 countries covered.

On February 25, 2025, Outright convened a private meeting on nondiscrimination at the ILGA Asia Conference in Kathmandu, Nepal, where panelists from Bhutan, Hong Kong, India, Mongolia, Nepal, the Philippines, South Korea, Sri Lanka, and Taiwan shared perspectives and advocacy strategies. These discussions helped identify priority countries and shape the report's scope and objectives.

To further examine country-specific contexts, Outright organized online consultations between October and December 2025. This included a focus group discussion on October 15, 2025, with six LGBTIQ activists from Bhutan, India, Sri Lanka, and Taiwan, as well as individual interviews with activists from Indonesia, Japan, Malaysia, Mongolia, Nepal, the Philippines, South Korea, and Vietnam. An activist working on LGBTIQ issues in Hong Kong provided written responses via email, and Outright staff members from Indonesia, the Philippines, and Taiwan contributed contextual input. Information gathered through these processes was supplemented and verified through desk research, including media reports, government publications, human rights documentation, and United Nations submissions and reports.

Outright recognizes several limitations. The perspectives shared do not necessarily represent the full diversity of LGBTIQ movements within each country, particularly as only one activist was interviewed in most cases, except in Indonesia (two), Nepal (two), the Philippines (four), and Taiwan (three). In addition, while the report aims to provide a regional overview of nondiscrimination advocacy in Asia, constraints related to time, staff capacity, access to contacts, and resources meant that not all countries or available data could be covered comprehensively.

Regarding language and terminology, Outright refers to interviewees by their full names when consent and safety permit, and otherwise uses pseudonyms to protect privacy. The acronym "LGBTIQ" is used when addressing movements, laws, or events inclusive of the full range of identities it represents; however, in cases where intersex people were not included, or where laws address only sexual orientation or gender identity, the acronym "LGBTQ" is used. The term "queer" is also employed as an inclusive umbrella term. Outright acknowledges that terminology is imperfect and evolving, and that no single set of terms can fully capture the diversity and fluidity of our communities—which is, in itself, a challenge in crafting nondiscrimination laws that will ensure complete protection.

I. Overview

Across regions and legal traditions, states have adopted a wide range of approaches to addressing discrimination on the grounds of sexual orientation, gender identity, gender expression, and sex characteristics. While some jurisdictions have enacted comprehensive equality frameworks, others actively criminalize or marginalize LGBTIQ individuals, maintain legal systems in which LGBTIQ people are neither actively persecuted nor protected, or rely solely on fragmented provisions against discrimination.

Understanding this landscape and how to best advance nondiscrimination protections requires situating national developments within broader historical, political, and socio-legal contexts, including colonial legacies, evolving constitutional interpretations, and shifting civic space conditions.

International Human Rights Framework

The international human rights system establishes a clear normative basis for protecting individuals from discrimination on the basis of sexual orientation, gender identity, gender expression, and sex characteristics. Although no core international human rights treaty explicitly lists these grounds, the foundational principles of equality, dignity, and nondiscrimination apply universally and have been authoritatively interpreted by United Nations bodies to include them.

The Universal Declaration of Human Rights affirms that all persons are entitled to rights and freedoms “without distinction of any kind,” a principle long understood to extend beyond expressly listed categories.² The legally binding International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social, and Cultural Rights (ICESCR) contain similarly broad equality guarantees. The Human Rights Committee has recognized sexual orientation and gender identity as protected grounds under the ICCPR’s nondiscrimination and privacy provisions, and the Committee on Economic, Social and Cultural Rights has affirmed the same interpretation under the ICESCR.³ A growing number of UN human rights bodies have also called on states to address discrimination against intersex persons on the basis of sex

² Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948), art. 2.

³ United Nations Human Rights Committee, General Comment No. 36, Article 6: right to life, UN Doc. CCPR/C/GC/36, September 3, 2019, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F36&lang=en, para. 61; Committee on Economic, Social and Cultural Rights, General Comment No. 20, Non-discrimination in economic, social and cultural rights, UN Doc. E/C.12/GC/20, July 2, 2009, <https://docs.un.org/en/E/C.12/GC/20>, para. 32.

characteristics.⁴ Taken together, these interpretations require states to prohibit discrimination, avoid discriminatory practices, and provide effective remedies.

Other UN human rights treaties reinforce these obligations. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requires states to address discrimination affecting all women—including lesbian, bisexual, transgender, and intersex women—under its broad mandate.⁵ The Convention on the Rights of the Child (CRC) prohibits discrimination in all aspects of children’s rights, and its monitoring body has interpreted the Convention’s nondiscrimination provisions as encompassing discrimination based on sexual orientation, gender identity, and sex characteristics.⁶ The Convention on the Rights of Persons with Disabilities (CRPD) recognizes the concept of intersectional discrimination, and its monitoring body has clarified that persons with disabilities may face discrimination on multiple grounds, including sexual orientation and gender identity.⁷

States’ obligations are further reinforced under international refugee law. While the 1951 Refugee Convention does not explicitly reference sexual orientation, gender identity, gender expression, or sex characteristics, the UN Refugee Agency (Office of the United Nations High Commissioner for Refugees, UNHCR) and UN human rights mechanisms recognize that people fleeing persecution on these grounds may qualify for refugee status as members of a “particular social

⁴ Human Rights Committee, Concluding observations on the fourth periodic report of Kenya, UN Doc. CCPR/C/KEN/CO/4, May 11, 2021, <https://docs.un.org/en/CCPR/C/KEN/CO/4>, para. 13b; Committee against Torture, Committee on the Rights of the Child, Committee on the Rights of People with Disabilities, Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and others, “Intersex Awareness Day – Wednesday 26 October,” October 24, 2016, <https://www.ohchr.org/en/press-releases/2016/10/intersex-awareness-day-wednesday-26-october>;

Committee on the Rights of the Child, Concluding observations on the third to fifth periodic reports of Latvia, UN Doc. CRC/C/LVA/CO/3-5, March 14, 2016, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FLVA%2FCO%2F3-5&Lang=en, para. 27c; Committee on the Rights of the Child, Concluding observations on the combined fourth and fifth periodic reports of Chile, UN Doc. CRC/C/CHL/CO/4-5, October 30, 2015, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCHI%2FCO%2F4-5&Lang=en, para. 25b.

⁵ Committee on the Elimination of Discrimination against Women, General Recommendation No. 28, Core obligations under article 2 of the Convention, UN Doc. CEDAW/C/GC/28, December 16, 2010, <https://docs.un.org/en/CEDAW/C/GC/28>, para. 18. See also Committee on the Elimination of All Forms of Discrimination against Women, Concluding observations on the ninth periodic report of Sri Lanka, UN Doc. CEDAW/C/LKA/CO/9, February 28, 2025, <https://docs.un.org/en/CEDAW/C/LKA/CO/9>, paras. 53–54.

⁶ Committee on the Rights of the Child, Concluding observations on the combined fourth and fifth periodic reports of Peru, UN Doc. CRC/C/PER/CO/4-5, March 2, 2016, <https://docs.un.org/en/CRC/C/PER/CO/4-5>, para. 27b. See also Committee on the Rights of the Child, Concluding observations on the combined fourth and fifth periodic reports of Chile, para. 25b; Committee on the Rights of the Child, Concluding observations on the third to fifth periodic reports of Latvia, para. 27.

⁷ Committee on the Rights of Persons with Disabilities, General Comment No. 6 (2018), on equality and nondiscrimination, UN Doc. CRPD/C/GC/6, April 26, 2018, <https://docs.un.org/en/CRPD/C/GC/6>, para. 19.

group.”⁸ UNHCR’s Guidelines on International Protection No. 9 confirm that such claims fall within the Convention’s scope and that states must respect the principle of non-refoulement, prohibiting return to countries where individuals face persecution, torture, or other serious harm on these grounds.⁹

In addition to binding treaties, the Yogyakarta Principles (2006) and Yogyakarta Principles plus 10 (2017) provide authoritative guidance on the application of international human rights law to sexual orientation, gender identity, gender expression, and sex characteristics issues. Although not legally binding, they synthesize standards on equality and nondiscrimination and, more importantly, articulate more granular state duties in this area. The YP+10, in particular, underscores obligations such as providing reasonable accommodation, adopting anti-bullying protections, and preventing discrimination in emerging contexts, including prenatal treatments and genetic modification technologies.¹⁰ Both sets of Principles are frequently cited by UN mechanisms.¹¹

UN human rights bodies and mechanisms—including the Human Rights Council, Special Procedures, treaty bodies, and the Universal Periodic Review (UPR)—have consistently called on states to adopt comprehensive antidiscrimination legislation, repeal laws criminalizing consensual same-sex relations and gender-diverse expression, end medically unnecessary intersex interventions, eradicate coercive conversion practices, and create enabling environments

⁸ Human Rights Committee, Concluding observations on the second report of Namibia, UN Doc. CCPR/C/NAM/CO/2, April 22, 2016, https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FNAM%2FCO%2F2&lang=en, para. 36; Committee against Torture, Concluding observations on the second periodic report of Namibia, UN Doc. CAT/C/NAM/CO/2, February 1, 2017, <https://docs.un.org/en/CAT/C/NAM/CO/2>, para. 27d.

⁹ UN High Commissioner for Refugees (UNHCR), Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the Context of Article 1A(2) of the 1951 Convention and its 1967 Protocol Relating to the Status of Refugees, UN Doc. HCR/GIP/12/09, October 23, 2012, <https://emergency.unhcr.org/sites/default/files/UNHCR%2C%20Guidelines%20on%20International%20Protection%20No.%209.%20Claims%20to%20Refugee%20Status%20based%20on%20Sexual%20Orientation%20and%20or%20Gender%20Identity.pdf>.

¹⁰ Yogyakarta Principles Plus Ten: Additional Principles and State Obligations on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles, 10 November 2017, http://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5_yogyakartaWEB-2.pdf.

¹¹ UNHCR, Guidelines on International Protection No. 9; UN General Assembly, Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, UN Doc. A/73/152, July 12, 2018, <https://docs.un.org/en/A/73/152>; Committee against Torture, Ninth annual report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN Doc. CAT/C/57/4, March 22, 2016, <https://docs.un.org/en/AT/C/57/4C>, para. 50.

for LGBTIQ civil society.¹² These bodies have also stressed states' obligations to provide effective remedies and ensure access to justice for victims.¹³

International human rights norms are complemented by states' commitment to achieve the Sustainable Development Goals (SDGs) by 2030. While the SDGs do not explicitly reference sexual orientation, gender identity, gender expression, or sex characteristics, their overarching principle is "Leave No One Behind," which is understood as combating persistent forms of discrimination and exclusion.¹⁴

Together, these instruments and mechanisms establish a coherent expectation: states must ensure that all individuals—regardless of their sexual orientation, gender identity, gender expression, or sex characteristics—enjoy their rights fully and equally. This includes enacting explicit antidiscrimination laws, addressing structural and institutional barriers, and aligning domestic legislation with international human rights obligations.

Existing Approaches in Other Countries and Regions

Globally, states have adopted a wide range of legal and policy approaches to addressing discrimination on the basis of sexual orientation, gender identity, gender expression, and sex characteristics. These approaches vary widely in scope, enforceability, and impact, but fall broadly into several recurring models.

A first approach is the adoption of **comprehensive equality or antidiscrimination statutes** that explicitly cover LGBTIQ people and apply across multiple areas of life. This model is most developed in jurisdictions such as **Spain**, whose Law for the Real and Effective Equality of Trans People and to Guarantee the Rights of LGBTI People bans discrimination based on sexual orientation, "sexual identity," gender expression, and sex characteristics, and **Argentina**, where the Gender Identity Law and various equality norms combine to form a robust protective

¹² See Office of the High Commissioner for Human Rights (OHCHR), *Born Free and Equal: Sexual Orientation, Gender Identity and Sex Characteristics in International Human Rights Law*, 2nd ed., November 2019, https://www.ohchr.org/sites/default/files/Documents/Publications/Born_Free_and_Equal_WEB.pdf; Sexual Rights Initiative, "UPR Sexual Rights Database," accessed February 16, 2026, https://www.uprdatabase.org/recommendations?issue%5B%5D=301&issue%5B%5D=278&issue%5B%5D=270&issue%5B%5D=310&search_keywords=&sort_by=field_state_under_review_target_id&items_per_page=25&implementation_notes_operator=contains&implementation_notes=; ILGA World, *United Nations Treaty Bodies: References to sexual orientation, gender identity, gender expression and sex characteristics*, 7th ed., 2021, https://ilga.org/wp-content/uploads/2023/11/Treaty_Bodies_SOGIESC_references_compilation_2021.pdf; UN Human Rights Council, Resolution on human rights, sexual orientation and gender identity, UN Doc. A/HRC/RES/17/19, July 14, 2011, <https://documents.un.org/doc/undoc/gen/g11/148/76/pdf/g114876.pdf>; Resolution on human rights, sexual orientation and gender identity, UN Doc. A/HRC/RES/27/32, October 2, 2014, <https://documents.un.org/doc/undoc/gen/g14/177/32/pdf/g1417732.pdf>; Resolution on protection against violence and discrimination based on sexual orientation and gender identity, UN Doc. A/HRC/RES/32/2, July 15, 2016, <https://docs.un.org/en/a/hrc/res/32/2>.

¹³ Ibid.

¹⁴ UN Sustainable Development Group, "Universal Values Principle Two: Leave No One Behind," accessed February 13, 2026, <https://unsdg.un.org/2030-agenda/universal-values/leave-no-one-behind>.

framework.¹⁵ These laws typically create enforcement bodies that receive complaints, monitor compliance, and issue binding or persuasive decisions.

A second model involves **sector-specific protections**, in which countries prohibit discrimination in particular domains without adopting a cross-cutting equality statute. In the **United States**, Wisconsin became the first state to prohibit discrimination based on sexual orientation in employment and other sectors in 1982, establishing one of the earliest statutory protections in the country.¹⁶ In **Brazil**, certain professional regulations and judicial decisions provide protection from discrimination based on sexual orientation and gender identity despite the absence of a federal equality statute.¹⁷ In many contexts, these reforms emerge not from a holistic legislative agenda but from narrow policy windows—moments when civil society can influence sectoral reforms or regulatory updates even in the absence of political appetite for comprehensive equality legislation. This approach can produce meaningful incremental reforms in contexts where there is insufficient political will to achieve more holistic change, although it tends to produce fragmented protection and uneven enforcement across sectors.

A third pathway relies on **constitutional or judicial interpretation** where comprehensive legislation is absent. Courts in **Colombia, Peru, and Nepal** have expanded protections for sexual and gender minorities by striking down discriminatory provisions or interpreting constitutional guarantees of equality, dignity, privacy, and nondiscrimination to include sexual orientation and gender identity, even where these categories were not explicitly recognized in statute.¹⁸ While this approach can yield transformative gains, implementation is often uneven without legislative follow-through. In **Nepal**, for example, a Supreme Court ruling as far back as

¹⁵ Government of Spain, Ley 4/2023, de 28 de febrero, para la igualdad real y efectiva de las personas trans y para la garantía de los derechos de las personas LGTBI, <https://www.boe.es/buscar/act.php?id=BOF-A-2023-5366>; Argentina, Ley Identidad de Género, Ley 26.473, 2012, https://www.argentina.gob.ar/sites/default/files/ley-26.743-identidad-de-genero_0.pdf.

¹⁶ Wisconsin State Legislature, Act 112: An Act to prohibit discrimination on the basis of sexual orientation, 1981–82, <https://docs.legis.wisconsin.gov/document/acts/1981/112>.

¹⁷ Supremo Tribunal Federal (Brazil), Ação Direta de Inconstitucionalidade por Omissão (ADO) 26, June 13, 2019, <https://www.stf.jus.br/arquivo/cms/noticiaNoticiaStf/anexo/ADO26votoMAM.pdf>; Mandado de Injunção 4733, June 13, 2019, <http://direitohomofetivo.com.br/wp-content/uploads/2025/05/MI-4.733-DF-anexo.pdf>. See also Conselho Federal de Psicologia, “Estabelece normas de atuação para os psicólogos em relação à questão da Orientação Sexual,” Resolução CFP nº 001/99, 1999, http://site.cfp.org.br/wp-content/uploads/1999/03/resolucao1999_1.pdf.

¹⁸ The Constitutional Court of **Colombia**’s Judgment T-033/2022 identifies the exclusion of nonbinary identities from official sex/gender markers as discriminatory treatment that violates the constitutional rights to equality and nondiscrimination, and orders the creation of a “non-binary” marker in identity documents to eliminate this structural exclusion. In **Peru**, the Tribunal Constitucional del Perú’s decision in Exp. N.º 06040-2015-PA/TC recognizes gender identity as a protected category. In **Nepal**, in the case of Sunil Babu Pant and Others v. Nepal Government and Others, the Supreme Court of Nepal in December 2007 recognizes “sexual and gender minorities” (including diverse sexual orientations and a “third gender” category) as entitled to equal constitutional protection and orders removal of discriminatory laws and procedures to secure legal identity according to self-identified gender. Case of Sunil Babu Pant and Others v. Nepal Government, Supreme Court of Nepal (2007), Judgment of December 21, 2007, <https://supremecourt.gov.np/web/assets/downloads/sampadan/judgement%20from%20nija%20kedar%20ghimire/Sunil%20Babu%20Pant%20and%20Others%20v%20Nepal%20Government.pdf>.

2007 ordered the government to form a committee to study marriage equality and legislate on the basis of the committee's recommendations. In 2015, the committee recommended legalizing same-sex marriage, but only in 2023, following another Supreme Court ruling, did Nepal's first same-sex marriage take place.¹⁹ Same-sex couples continue to face legal barriers to full recognition, as some courts and local governments continue to defy the Supreme Court decision, citing the National Code of Nepal, whose cisheteronormative definition of marriage has not been amended.²⁰

Some states adopt a punitive approach by **embedding nondiscrimination provisions in criminal law**, either by criminalizing discriminatory conduct or treating bias based on sexual orientation, gender identity or expression, and sex characteristics as an aggravating factor in existing criminal offenses. **Sweden** pioneered this model in 1987 by criminalizing discrimination based on "homosexual orientation," and **South Africa** applies a hybrid hate crime framework that enhances penalties for bias motivation. Although criminal sanctions can deter overt discrimination and signal state condemnation, they face evidentiary hurdles and rarely ensure accessible, trusted reporting mechanisms on their own. Criminalization, especially when not complemented with measures that address the root causes of discrimination, may also lead to adverse human rights consequences, and should typically be the last resort.²¹

Finally, a number of states maintain **criminalizing or exclusionary legal frameworks that target LGBTIQ people**, where punitive laws exacerbate the absence of antidiscrimination protections. In **Uganda**, following the enactment of the draconian Anti-Homosexuality Act, human rights groups documented an uptick of cases of discrimination on the basis of sexual orientation or gender identity in employment, housing, and health care, on top of arbitrary arrests and violence.²² In **Uzbekistan**, due to the prohibition of consensual same-sex sexual acts between men, LGBT persons are "unable to report violence and discrimination against them for fear of prosecution," according to the UN Human Rights Committee.²³ These regimes reinforce stigma, suppress reporting, and severely restrict civic space.

¹⁹ Meenakshi Ganguly, "Nepal's Historic Achievement on Marriage Equality Becomes the Second Country in Asia to Register Same Sex Marriage," Human Rights Watch, July 5, 2023, <https://www.hrw.org/news/2023/07/05/nepals-historic-achievement-marriage-equality>.

²⁰ Kyle Knight, "Nepal Courts Refuse to Register Same-Sex Marriages," Human Rights Watch, October 10, 2023, <https://www.hrw.org/news/2023/10/10/nepal-courts-refuse-register-same-sex-marriages>; Madhav Dulal, "Why are district courts not registering same-sex marriage?," *The Annapurna Express*, December 23, 2024, <https://theannapurnaexpress.com/story/51719>; Manisha Dhakal, "The Long Road to Lasting Marriage Equality in Nepal," *APCOM*, June 29, 2024, <https://www.apcom.org/long-road-lasting-marriage-equality-nepal>.

²¹ Outright International, "Policy Brief: Conversion Practices," October 2025, https://outrightinternational.org/sites/default/files/2025-10/Outright_Conversion_Practices_Policy_Brief%20%281%29.pdf, 3–6.

²² Human Rights Watch, "They're Putting Our Lives at Risk": How Uganda's Anti-LGBT Climate Unleashes Abuse, 2025, https://www.hrw.org/sites/default/files/media_2025/05/uganda_lgbt0625web.pdf, 33–34.

²³ Human Rights Committee, Concluding observations on the fifth periodic report of Uzbekistan, UN Doc. CCPR/C/UZB/CO/5, May 1, 2020, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F5%2FUZB%2FCO%2F5&Lang=en, para. 10.

Together, these models illustrate that the global landscape is neither linear nor uniform. Comprehensive equality laws offer the clearest protections, but many jurisdictions advance through piecemeal or hybrid strategies involving litigation, local reforms, coalition-building, and incremental policy shifts. Progress can also be reversed. An illustrative case is that of the **United Kingdom**, where after decades of legal progress, a Supreme Court decision in April 2015 interpreted “sex” in the country’s Equality Act as “biological sex,” potentially jeopardizing legal protections for trans people.²⁴ Understanding these comparative approaches helps situate national advocacy within broader global trends and identify feasible pathways for reform.

Key Findings: Movement Toward Nondiscrimination Legislation in Asia

Across Asia, nondiscrimination protections remain uneven, shaped by divergent political trajectories, constitutional traditions, civic space conditions, and the influence of conservative and anti-gender actors. While some jurisdictions demonstrate growing momentum toward protections against discrimination based on sexual orientation, gender identity and expression, and sex characteristics, others have stalled or regressed.

²⁴ Alexander Maine, “What will the UK Supreme Court gender ruling mean in practice? A legal expert explains,” *The Conversation*, April 25, 2015, <https://theconversation.com/what-will-the-uk-supreme-court-gender-ruling-mean-in-practice-a-legal-expert-explains-255043>.

Recent Wins

Despite the overall challenging environment, several jurisdictions have achieved meaningful progress over the past decade.

Judicial leadership has been a primary driver of change, particularly in South Asia. In **India**, the Supreme Court has interpreted constitutional guarantees of equality, dignity, and freedom of expression to include both sexual orientation and gender identity, despite the absence of comprehensive legislation.²⁵ The Supreme Court also recognizes transgender persons and those who fall outside the male/female binary as a “third gender,” extending constitutional protection to hijras, intersex people, and other gender-diverse persons.²⁶ In **Nepal**, the Supreme Court has repeatedly issued landmark decisions, from its 2007 ruling directing the government to end discrimination, to its 2023 interim order enabling same-sex marriage registration, and its 2024 judgment recognizing legal gender without medical requirements.²⁷ **Taiwan’s** Constitutional Court similarly established that sexual orientation is protected under equality guarantees, paving the way for marriage equality and subsequent advances in gender recognition.²⁸

Sectoral reforms have expanded protections even where comprehensive laws remain elusive. **Mongolia’s** 2022 Labour Code introduced explicit prohibitions on employment discrimination based on sexual orientation, gender identity, and gender expression—a rare national statutory protection in the region.²⁹ **Taiwan’s** Gender Equity Education Act and Gender Equality in Employment Act incorporate sexual orientation and gender identity-based inclusion in education and labor contexts.³⁰ **Japan’s** ministry-level

²⁵ Case of National Legal Services Authority v. Union of India, Supreme Court of India (2014) SC 1863, Judgment of April 15, 2014, <https://clpr.org.in/wp-content/uploads/2019/03/NAISAvUOI.pdf>; Case of Justice K.S. Puttaswamy (Retd.) v. Union of India, Supreme Court of India (2017) 10 SCC 1, Judgment of August 24, 2017, <https://translaw.clpr.org.in/wp-content/uploads/2021/12/Justice-K.S.-Puttaswamy-.pdf>; Case of Navtej Singh Johar v. Union of India, Supreme Court of India (2018) 10 SCC 1, Judgment of September 16, 2018, <https://www.humandignitytrust.org/wp-content/uploads/resources/2018.09.06-Johar-v-India-judgment-Indian-SC.pdf>.

²⁶ Case of National Legal Services Authority v. Union of India (2014).

²⁷ Case of Sunil Babu Pant and Others v. Nepal Government (2007); “Nepal’s Supreme Court orders Govt to register same-sex marriage,” *The New Indian Express*, June 28, 2023, <https://www.newindianexpress.com/world/2023/Jun/28/nepals-supreme-court-orders-govt-to-register-same-sex-marriage-2589407.html>; Kyle Knight, “Nepal Supreme Court Rules Trans Woman Is a Woman,” Human Rights Watch, July 31, 2024, <https://www.hrw.org/news/2024/07/31/nepal-supreme-court-rules-trans-woman-woman>.

²⁸ Constitutional Court of Taiwan (Judicial Yuan), Interpretation No. 748, May 24, 2017, <https://gec.ey.gov.tw/en/46879171BB8277F2>.

²⁹ Government of Mongolia, Law of Mongolia on Labor, July 2, 2021, <https://investmongolia.gov.mn/wp-content/uploads/2023/11/Law-on-Labor-1.pdf>, art. 6.1.

³⁰ The Republic of China (Taiwan), Gender Equity Education Act, amended August 16, 2023, <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=H0080067>; Gender Equality in Employment Act, amended August 16, 2023, <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0030014>.

regulations on workplace harassment recognize outing and harassment based on sexual orientation and gender identity as prohibited conduct.³¹

Recognition of diverse families and identities is expanding, though unevenly. **Taiwan** has led the region by establishing marriage equality and advancing reforms to gender-recognition procedures.³² **Nepal** stands out in South Asia, with its Supreme Court ordering the registration of same-sex marriages and its Constitution recognizing gender and sexual minorities.³³ At the local level, some municipalities have issued administrative guidance to help trans and gender-diverse people obtain identity documents. Litigation-driven advances in **Hong Kong, Japan, and Taiwan** have also increased pressure to reform restrictive gender-recognition laws across East Asia.³⁴

Civil society coalition-building has strengthened, especially in Indonesia, the Philippines, South Korea, and Taiwan. Broad alliances between feminist, disability, labor, youth, and LGBTIQ groups have helped frame nondiscrimination as an issue of democratic governance, social justice, and economic development, creating openings for reform even in politically resistant contexts.

Regression and Stalled Progress

Progress across the region has been accompanied by regression in several areas, shaped by criminalization, political backlash, shrinking civic space, and weak institutional enforcement.

Intersex protections remain absent across all case study countries. No jurisdiction prohibits discrimination on the basis of sex characteristics in any sector or outlaws medically unnecessary interventions on intersex children. In addition, Hong Kong, India, Indonesia, Japan, Mongolia, Nepal, South Korea, Sri Lanka, and Taiwan still apply outdated regulations that require surgery or medical or psychiatric assessment for legal gender recognition, creating

³¹ Ministry of Health, Labour and Welfare of Japan, "Guidelines Concerning Measures to Be Taken by Employers in Terms of Employment Management in Connection with Problems Arising as a Result of Behavior that Constitutes Bullying in the Workplace," 2020, <https://www.japaneselawtranslation.go.jp/notices/view/143>.

³² Amnesty International, "Taiwan becomes first in Asia to legalize same-sex marriage after historic bill passes," May 17, 2019, <https://www.amnesty.org/en/latest/press-release/2019/05/taiwan-same-sex-marriage-law>.

³³ "Nepal's Supreme Court orders Govt to register same-sex marriage"; Kyle Knight, "Nepal Supreme Court Rules Trans Woman Is a Woman."

³⁴ Jessie Pang, "Hong Kong court backs transgender person's right to use toilets that match chosen gender identity," Reuters, July 23, 2025, <https://www.reuters.com/legal/government/hong-kong-court-backs-transgender-persons-right-use-toilets-th-at-match-chosen-2025-07-23>; Kanae Doi and Kyle Knight, "Japan Court Drops Key Legal Hurdle for Transgender People," Human Rights Watch, September 29, 2025, <https://www.hrw.org/news/2025/09/29/japan-court-drops-key-legal-hurdle-for-transgender-people>; Wen Yu-de, Wu Po-hsuan, and Jonathan Chin, "Court rules in favor of trans man's ID change," *Taipei Times*, May 31, 2024, <https://www.taipeitimes.com/News/taiwan/archives/2024/05/31/2003818659>.

persistent discrimination against trans and intersex people.³⁵ In Bhutan, Malaysia, the Philippines, and Vietnam, there is no legal pathway to change gender markers.

Criminalization remains a major barrier. **Malaysia** continues to enforce federal colonial-era sodomy provisions alongside expansive state Shariah enactments that criminalize same-sex conduct and gender-diverse expression.³⁶ **Sri Lanka** retains Sections 365 and 365A of the Penal Code, criminalizing “carnal intercourse against the order of nature” and “gross indecency.”³⁷ **Indonesia’s** new Penal Code allows prosecution for extramarital sex and cohabitation, exposing same-sex couples to legal risk.³⁸ **South Korea’s** military criminalizes same-sex intimacy among service members.³⁹

Legislative stagnation remains entrenched. In **South Korea**, coordinated opposition from religious groups and political parties has blocked the passage of a comprehensive antidiscrimination law, which was first proposed in 2007.⁴⁰ **Japan’s** 2023 law promoting “public understanding” of LGBT issues was adopted only after nondiscrimination provisions were removed, underscoring the influence of anti-LGBTIQ actors.⁴¹ In **Hong Kong**, despite major court victories, the Legislative Council’s 2025 rejection of a partnership bill marked a significant setback, effectively denying same-sex couples the bill’s “bare minimum” rights related to health care decision-making and post-death arrangements and upholding a discriminatory hierarchy of families.⁴²

Civic space constraints hinder advocacy. **Vietnam’s** regulatory and surveillance environment limits rights-based organizing, pushing many LGBTIQ groups toward service delivery rather than legal reform.⁴³ **Malaysian** and **Indonesian** activists face heightened

³⁵ See ILGA World, “Legal Frameworks: Legal Gender Recognition,” ILGA World Database, accessed February 18, 2026, <https://database.ilga.org/legal-gender-recognition>.

³⁶ Outright, “Country Overview: Malaysia,” accessed February 18, 2026, <https://outrightinternational.org/our-work/asia/malaysia>.

³⁷ Outright, “Country Overview: Sri Lanka,” accessed February 18, 2026, <https://outrightinternational.org/our-work/asia/sri-lanka>.

³⁸ Human Rights Watch, “Indonesia: New Criminal Code Disastrous for Rights,” December 8, 2022, <https://www.hrw.org/news/2022/12/08/indonesia-new-criminal-code-disastrous-rights>.

³⁹ Outright, “Country Overview: South Korea,” accessed February 18, 2026, <https://outrightinternational.org/our-work/asia/south-korea>.

⁴⁰ Hyein Ellen Cho and Eva Rose Richards, “Why South Korea can’t pass antidiscrimination laws,” Asialink, October 19, 2023, <https://asialink.unimelb.edu.au/diplomacy/article/south-korea-antidiscrimination-laws>.

⁴¹ Elaine Lies, “Japan enacts watered-down LGBT understanding law,” Reuters, June 16, 2023, <https://www.reuters.com/world/asia-pacific/japan-parliament-passes-watered-down-lgbt-understanding-bill-2023-06-16>.

⁴² Helen Davidson, “Hong Kong criticised for rejecting bill giving ‘bare minimum’ rights to same-sex couples,” *The Guardian*, September 11, 2025, <https://www.theguardian.com/world/2025/sep/11/hong-kong-same-sex-couples-rights-bill-rejected>.

⁴³ Yên Mai, “Navigating Constraints: Activist Strategies in the Vietnamese LGBT+ Movement,” *TRaNS: Trans -Regional and -National Studies of Southeast Asia* 13, no. 1 (2025): 59–71, <https://doi.org/10.1017/trn.2024.5>.

scrutiny, including online harassment, police questioning, and threats from conservative groups.⁴⁴

In conclusion, Asia's landscape reflects both innovation and regression. Significant wins demonstrate that progress is possible even in constrained political environments. At the same time, criminalization, political opposition, and civic space restrictions continue to block or roll back progress toward reforms. Understanding these dynamics is essential for shaping regionally grounded, community-led strategies for advancing comprehensive nondiscrimination protections.

⁴⁴ International Commission of Jurists, *Silenced But Not Silent: Lesbian, Gay, Bisexual and Transgender Persons' Freedom of Expression and Information Online in Southeast Asia*, July 2023, <https://www.icj.org/wp-content/uploads/2023/07/ICJ-Silenced-But-Not-Silent-Report.pdf>.

II. Case Studies

Bhutan



Members of Queer Voices of Bhutan | Photo Credit: Pema Dorji/QVoB

At this stage, activists are not pushing for a stand-alone antidiscrimination law, but are lobbying for LGBTIQ inclusion in national gender equality, health, employment, and education policies.

Situation of LGBTIQ People

Legal Overview ⁴⁵	
Criminalization	Same-sex sexual relations and gender-diverse expressions are not criminalized.
Legal gender recognition	There is no clear procedure to change legal gender markers. ⁴⁶
Intersex bodily autonomy	Non-consensual medical interventions on intersex babies and children are not prohibited by law.
Freedom of association	LGBTIQ organizations can openly register and operate.

People of queer experience in Bhutan continue to experience discrimination, even after the country decriminalized same-sex relations in 2021. When Pride Bhutan surveyed its 353 members in 2024, it found that 81 percent of respondents believed that discrimination continues

⁴⁵ See Outright, “Country Overview: Bhutan,” accessed September 22, 2025, <https://outrightinternational.org/our-work/asia/bhutan>.

⁴⁶ Tashi Tsheten of Queer Voices of Bhutan told Outright that, “in the absence of a formal policy framework or clearly defined procedure, the process has since stalled in practice...the lack of institutional guidance has effectively paused further applications. At the same time, transgender individuals can still change their legal name to one of their choice and update the photograph on their ID card to reflect their gender identity and expression.” Outright email exchange with Tashi Tsheten, Queer Voices of Bhutan, February 20, 2026.

to affect LGBTQ people in the country.⁴⁷ In a smaller study in 2022, 44 percent of LGBTQ respondents reported either experiencing or witnessing their friends being denied public services on the basis of their sexual orientation or gender identity.⁴⁸ Trans people in particular reported high levels of stigma and discrimination, with more than 90 percent of trans respondents saying they had experienced social stigma according to the 2025 report.⁴⁹ Around half also reported that they had experienced some form of discrimination in health centers.⁵⁰

Existing Protections

Bhutan does not have a stand-alone law on discrimination. However, “sex” is recognized as a protected characteristic by the Constitution and in laws on employment and child protection.⁵¹ Sexual orientation is recognized as “sensitive personal data” that must be protected. Crimes that are motivated by hostility based on sexual orientation merit public interest considerations under national law.⁵²

Government ministries have released guidelines and decrees setting out strategies to protect LGBTIQ people from gender-based violence (including on grounds of sex characteristics),

⁴⁷ The report is based on survey data from the 353 LGBTQ members of Pride Bhutan. National Commission for Women and Children, UN Free & Equal, United Nations Bhutan, and Pride Bhutan, *Fostering Awareness: Advancing LGBT+ Rights & Inclusivity in Bhutan*, March 31, 2025, https://bhutan.unfpa.org/sites/default/files/pub-pdf/2025-03/Report_Fostering%20Awareness_Advancing%20LGBT%2B%20Rights%20and%20Inclusivity%20in%20Bhutan.pdf, 22.

⁴⁸ Tempa Dorji and Ashish Singh Taank, “Social Exclusion of LGBTQ+ Rights in Bhutan,” *International Journal of Law Management & Humanities* 5, no. 6 (2022): 1045, <https://www.ijlmh.com/wp-content/uploads/Social-Exclusion-of-LGBTQ-Rights-in-Bhutan.pdf>.

⁴⁹ National Commission for Women and Children et al., *Fostering Awareness*, 9.

⁵⁰ Ibid, 6. The exact percentage is 47.6 percent (of 124 respondents) for trans men and 55.9 percent (of 34 respondents) for trans women. See also Health Equity Matters, *SKPA-2 Baseline Assessment Report*, March 2023, https://assets.healthequitymatters.org.au/wp-content/uploads/2023/06/16053227/SKPA-2-Baseline-Report_Bhutan_FINALv2.pdf, 39–40; Damchoe Pem, “Study shows LGBT community facing barriers while seeking health services,” *The Bhutanese*, March 11, 2023, <https://thebhutanese.bt/study-shows-lgbt-community-facing-barriers-while-seeking-health-services>; Vinita Saxena et al., “Stigma and discrimination against transgender men in Bhutan,” *PLOS One* 18, no. 7 (2023): e0287745, <https://doi.org/10.1371/journal.pone.0287745>.

⁵¹ Kingdom of Bhutan, Constitution, 2008, <https://www.dlgdm.gov.bt/storage/upload-documents/2021/9/20/Constitution-of-bhutan-2008.pdf>, art. 7.15; Labour and Employment Act of Bhutan, 2007, <https://lpr.adb.org/sites/default/files/resource/%5Bnid%5D/bhutan-labour-and-employment-act-2007-english.pdf>, arts. 11–13, 237; Child Care and Protection Act of Bhutan, 2011, [https://www.ncwc.gov.bt/publications/Child%20Care%20and%20Protection%20Act%20of%20Bhutan%20%202011%20\(CCPA\).pdf](https://www.ncwc.gov.bt/publications/Child%20Care%20and%20Protection%20Act%20of%20Bhutan%20%202011%20(CCPA).pdf), art. 4.

⁵² Kingdom of Bhutan, Information, Communications, and Media Act, 2018, https://www.bicma.gov.bt/data/publications/act/BICM_Act_2018_English.pdf, arts. 387, 464(89); Information, Office of the Attorney General Act of Bhutan, 2015, https://oag.gov.bt/wp-content/uploads/2010/05/OAG_Act_2015.pdf, art. 40.7.

prohibit films inciting hatred based on sexual orientation, and ban health care providers, state enterprises, and contractors from discriminating based on sexual orientation.⁵³

Advocacy for Nondiscrimination Legislation

LGBTIQ Advocacy in Bhutan

The LGBTIQ movement in Bhutan is relatively young. Pride Bhutan, the country's first community-led LGBTIQ organization, was started as Rainbow Bhutan in 2014, and mainly focused on HIV prevention and awareness. In 2018, activists founded Queer Voices of Bhutan (QVoB), a community-based, volunteer-led advocacy network focused on raising awareness and education.

During the earlier years of the movement, activists conducted legal advocacy mainly through individual engagement and within networks of allies in the HIV and public health sectors. These strategies paid off in 2021, when Parliament decriminalized same-sex intimacy after tireless advocacy by activists and their allies who framed the debate as a human rights issue.

This became a turning point, opening doors for further advocacy. While the first National Gender Equality Policy in 2020 made no mention of sexual and gender minorities, the Revised National Gender Equality Policy, currently pending Cabinet approval under the government of the People's Democratic Party, champions "gender and LGBT+ equality" and advocates for greater rights and protections for "the LGBT+ population."⁵⁴ The National Strategy and Framework of Action on the Elimination of Gender Based Violence promotes comprehensive support services for LGBT+ people.⁵⁵

⁵³ National Commission for Women and Children, Standard Operating Procedure for Gender-Based Violence Prevention and Response, January 2020, https://www.ncwc.gov.bt/publications/Gender_Based_Violence15836292071648017602.pdf, 20, 50–51; National Strategy and Framework of Action on the Elimination of Gender Based Violence (2024–2028), 2024, <https://www.ncwc.gov.bt/publications/GBV%20Elimination%20Brochure1741774596.pdf>, 4; Royal Government of Bhutan, Ministry of Finance, Corporate Governance Guidelines for State Enterprises, 2019, <https://mof.gov.bt/wp-content/uploads/2025/04/Corporate-Governance-Guidelines-for-State-Enterprises-2019.pdf>, sec. 3(x); Bhutan Filming Regulation 2007, as amended on March 19, 2025, <https://www.bicma.gov.bt/wp-content/uploads/2025/03/Bhutan-Filming-Regulation-2025.pdf>, sec. 8.2(i); Bhutan Medical and Health Council, Code of Professional Fidelity, 2021, <https://www.bmhc.gov.bt/wp-content/uploads/2022/08/Code-of-Professional-Fidelity.pdf>; Construction Development Board, Ethical Code of Conduct for Contractors, 2019, <http://www.cdb.gov.bt/uploads/downloads/Ethical%20code%20of%20conduct%2030.7.19.pdf>, sec. 6(2).

⁵⁴ Royal Government of Bhutan, National Commission for Women and Children, National Gender Equality Policy, 2020, https://www.ncwc.gov.bt/publications/National_gender_equality_policy1583629305.pdf; Revised National Gender Equality Policy, January 2023, [https://www.ncwc.gov.bt/documents/Final%20version-NGEP%20\(LGBT+%20integration\)%20revised%2010.01.23.docx](https://www.ncwc.gov.bt/documents/Final%20version-NGEP%20(LGBT+%20integration)%20revised%2010.01.23.docx).

⁵⁵ Royal Government of Bhutan National Commission for Women and Children, National Strategy and Framework of Action on the Elimination of Gender Based Violence (2024–2028), 35.

There is no intersex-led organization in Bhutan, but LGBTQ groups do some work on intersex issues, including through efforts to raise awareness against intersex genital mutilation.⁵⁶ Tashi Tsheten of QVoB told Outright that the organization is not actively advocating for intersex-specific reforms at the moment as the lack of visible intersex representation impedes meaningful community-led advocacy.⁵⁷



Transgender Day of Visibility in Nepal | March 2025. Photo Credit: Queer Voices of Bhutan

Comprehensive Nondiscrimination Legislation

There is currently **no pending proposal for an antidiscrimination law**. Instead of pushing for a stand-alone law, activists are currently prioritizing the adoption of the LGBT-inclusive Revised National Gender Equality Policy, pending Cabinet approval. They lobby for LGBTQ inclusion in existing employment, education, and health policies, the use of gender-neutral language in the Marriage Act, and the inclusive implementation of existing laws and policies. The approach prioritizes awareness, institutional reform, and access to civil and administrative remedies rather than creating new criminal offenses, according to Tsheten.⁵⁸ “The long-term goal is to harmonise and make existing laws and policies inclusive across sectors, instead of lobbying for separate, standalone laws that could unintentionally place the community under heightened scrutiny,” Tsheten affirmed.⁵⁹

⁵⁶ In 2025, Pride Bhutan and Intersex Asia launched the first campaign in the country to raise awareness on human rights issues faced by intersex people. Pride Bhutan (@pride_bhutan), “🌈 BIG NEWS! For the first time, Pride Bhutan is joining forces with Intersex Asia to launch a groundbreaking initiative: the ‘I campaign!’” Instagram, September 1, 2025, <https://www.instagram.com/p/DOC6lopqfkC>.

⁵⁷ Outright email exchange with Tashi Tsheten, February 20, 2026.

⁵⁸ Outright email exchange with Tashi Tsheten, October 16, 2025.

⁵⁹ Outright email exchange with Tashi Tsheten, February 20, 2026.

Strategies

- **Keeping a low profile to avoid public backlash.** Activists play it “very safe” in their language and campaigns, avoiding political confrontation to minimize public backlash.⁶⁰
- **Building trust among policymakers.** Most of their work is behind the scenes, engaging in “sensitization” efforts with government officials to mainstream LGBTIQ issues in policies. Their priority is to strengthen relationships with allies and prospective government partners.
- **Mainstreaming LGBTIQ inclusion across civil society.** LGBTIQ activists are building partnerships with well-established civil society organizations and networks in the country to integrate LGBTIQ components into their programming. This work remains at an early stage.
- **Culturally relevant messaging.** Activists are leveraging the Gross National Happiness framework, which links equity with overall well-being, to advocate for LGBTIQ inclusion and fight back against the narrative that inclusion is a foreign imposition.⁶¹

Challenges

Insufficient political will. In the past few years, the government of Bhutan has demonstrated some willingness to support nondiscrimination, committing to legislate on this at the Universal Periodic Review (UPR) in 2019 and 2024.⁶² During the 2023-2024 elections, no political actor openly engaged in anti-LGBTIQ campaigning, and at least one political party called for “special employment schemes for people with disability and LGBTQ” in its manifesto.⁶³ Nevertheless, the political will needed to advance inclusive reforms is not there. While LGBTQ organizations had started to make efforts for movement-building before the 2020 decriminalization ruling, it was an individual minister’s initiative, not a broader agenda in response to community demands, that led to the decision.⁶⁴

⁶⁰ Tashi Tsheten, Outright online consultation, October 15, 2025.

⁶¹ Ria Singh, “What Bhutan’s Gross National Happiness index says about its queer community,” *Harper’s Bazaar India*, November 26, 2024, <https://www.harpersbazaar.in/culture/story/what-bhutans-gross-national-happiness-index-says-about-its-queer-community-1127382-2024-11-26>.

⁶² Human Rights Council, Report of the Working Group on the Universal Periodic Review: Bhutan, UN Doc. A/HRC/42/8, July 3, 2019, https://database.ilga.org/api/downloader/download/5/en-A_HRC_42_8.pdf, 158.24, 158.40, 158.44, 158.51; Report of the Working Group on the Universal Periodic Review: Bhutan, UN Doc. A/HRC/58/9, December 18, 2024, <https://docs.un.org/en/A/HRC/58/9>, 121.195.

⁶³ Outright, *Queering Democracy: The Global Elections in 2024 and How LGBTIQ People Fared*, September 2025, https://outrightinternational.org/sites/default/files/2025-09/091025_Outright_Elections2024_online.pdf, 171–172.

⁶⁴ Yangchen C Rinzin, “Bhutan took a step towards queer rights, but its LGBTIQ+ people want a giant leap,” *Himāl South Asian*, November 21, 2023, <https://www.himalmag.com/culture/bhutan-queer-rights-lgbtqi-marriage-equality>.

Public backlash. Despite recent progress, it remains difficult to publicly discuss LGBTIQ issues.⁶⁵ For example, while the National Strategic Framework for Comprehensive Sexuality Education was adopted in 2021, a 2024 assessment highlights significant gaps in implementation due to cultural barriers.⁶⁶ Tashi Tsheten of QVoB agreed with this assessment, citing teacher hesitancy and backlash as roadblocks.⁶⁷

Non-ratification of human rights treaties. Bhutan has not ratified several core international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁶⁸ These treaties set out obligations for states parties that could strengthen the case for nondiscrimination.

Ways Forward

- **Culturally rooted and value-based messaging.** Advocates in Bhutan continue to center advocacy narratives based on core national values. Happiness and well-being are more effective frames in a country that portrays itself as a “Kingdom of Happiness” than those that are purely grounded on human rights or equality.
- **Continued engagement.** It is critical to continue engaging with supportive politicians behind the scenes. The political entry of Druk Thuendrel Tshogpa (DTT), a party that advocated for “special employment schemes for people with disability and LGBTQ” in the 2023-2024 elections, is a welcome development.⁶⁹ It is also essential to continue engaging with the National Commission for Women and Children and other supportive ministries.
- **Human rights ratification.** LGBTQ advocates in Bhutan can frame their advocacy calls as part of the country’s international obligations. Bhutan must ratify core international human rights treaties, which could strengthen intersectional coalition-building efforts. This can mobilize a broad civil society base that can lead or support advocacy efforts, and form a shared agenda for nondiscrimination and avoid

⁶⁵ Chintan Girish Modi, “Dechen Wangdi: ‘It Is hard to talk publicly about LGBT rights in Bhutan,’” *Hindustan Times*, December 23, 2024, <https://www.hindustantimes.com/books/dechen-wangdi-it-is-hard-to-talk-publicly-about-lgbt-rights-in-bhutan-101734953148421.html>.

⁶⁶ “Comprehensive Sexuality Education integrated into education curriculum,” Bhutan Broadcasting Service, December 29, 2021, <https://www.bbs.bt/163877/>; Yangyel Lhaden, “In Bhutan, sexuality education gains ground but cultural barriers persist,” Kuensel, March 21, 2025, <https://asianews.network/in-bhutan-sexuality-education-gains-ground-but-cultural-barriers-persist>.

⁶⁷ Tashi Tsheten, Outright online consultation, October 15, 2025.

⁶⁸ Human Rights Watch, “Bhutan: Despite Progressive Rhetoric, Rights Violations Continue,” HRW Oral Statement – Universal Periodic Review Outcome Adoption – HRC58, March 24, 2025, <https://www.hrw.org/news/2025/03/24/bhutan-despite-progressive-rhetoric-rights-violations-continue>.

⁶⁹ Druk Thuendrel Tshogpa, “Sunomics: Thuendrel Manifesto for National Economic Transformation,” October 2023, https://www.ecb.bt/wp-content/uploads/PP_Manifesto/DTT-Manifesto-03112023.pdf.

potential conflicts that could, for example, lead to the exclusion of certain communities from proposed nondiscrimination laws.

Hong Kong



Hong Kong Pride | November 1, 2009. Photo Credit: Amnesty International Hong Kong Overseas

Activists have been trying to include sexual orientation in antidiscrimination laws since the late 1990s. In the face of escalating political repression, they are shifting the focus to community support and safety.

Situation of LGBTIQ People

Legal Overview	
Criminalization	Same-sex sexual relations and gender-diverse expressions are not criminalized.
Legal gender recognition	The process to change legal gender markers involves medical and other requirements.
Intersex bodily autonomy	Non-consensual medical interventions on intersex babies and children are not prohibited by law.
Freedom of association	LGBTIQ organizations can openly register, but their freedom of association may be impacted by broader restrictions on civil society. ⁷⁰

Hong Kong is a Special Administrative Region (HKSAR) of the People's Republic of China (PRC), governed under the “one country, two systems” framework established at the 1997 handover marking the end of British rule. Under the Basic Law (Hong Kong's constitutional instrument), Hong Kong retains a high degree of autonomy in most domestic matters and maintains its own legal system rooted in the common law, with PRC national laws generally not applied locally except in limited circumstances. Same-sex intimacy between consenting adult men was decriminalized in 1991 through amendments to the Crimes Ordinance, prior to the handover—an important legal milestone that shaped later advocacy and litigation efforts on equality.

⁷⁰ Freedom House, “Freedom in the World 2025: Hong Kong,” accessed February 16, 2026, <https://freedomhouse.org/country/hong-kong/freedom-world/2025>.

Despite some gains in visibility and support for equality, people of queer experience in Hong Kong continue to face exclusion and discrimination. A 2025 scoping review synthesized 152 peer-reviewed empirical studies on LGBTQ people in Hong Kong published between 2010 and 2022. (The scoping review did not look at the experiences of intersex people.) It found pervasive exclusion in education, employment, family life, health, personal security, and access to services, with material impacts on well-being.⁷¹ In the workplace, around one-third of LGBTQ respondents reported experiencing employment discrimination.⁷² In the private housing rental market, respondents reported concealing their sexual orientation or gender identity to avoid rejection.⁷³ In educational settings, LGBTQ students routinely experience harassment and institutional discrimination, often reinforced by teachers and school counselors, in the absence of protective policies or inclusive curricula.⁷⁴ Family rejection is also common: one survey of 1,457 LGBTQ individuals found that 42.3 percent reported unaccepting mothers and 48.6 percent unaccepting fathers, contributing to concealment, psychological distress, and in some cases exposure to sexual orientation change efforts.⁷⁵ Transgender people face particularly severe exclusion: in one study, 67 percent of transgender respondents had contemplated suicide and 20.8 percent had attempted suicide, a figure directly linked in the literature to pervasive discrimination, lack of legal recognition, and social marginalization.⁷⁶

While there is no similar quantitative data on discrimination against intersex people, the UN Committee against Torture has expressed concern about non-consensual medical interventions on intersex children in Hong Kong.⁷⁷ However, government responses to parliamentary questions on intersex issues indicate the government has not seriously contemplated a legislative ban on these unnecessary, harmful surgeries.⁷⁸

Existing Protections

Discrimination

Discrimination based on sexual orientation, gender identity, or sex characteristics is not explicitly banned. The Hong Kong Bill of Rights Ordinance (Cap. 383, 1991), which incorporates into local law most provisions of the International Covenant on Civil and Political Rights (ICCPR), does

⁷¹ Eliz Miu Yin Wong et al., "Inclusion of LGBTQ+ Individuals in Hong Kong: A Scoping Review," *Sexuality Research and Social Policy* 22 (2025): 2094–2111, <https://link.springer.com/article/10.1007/s13178-024-01003-5>.

⁷² Ibid, 2102.

⁷³ Ibid.

⁷⁴ Ibid, 2103.

⁷⁵ Ibid, 2101.

⁷⁶ Ibid, 2100.

⁷⁷ Equal Opportunities Commission and Gender Research Centre, CUHK, *Study on Legislation against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status*, January 2016, <https://www.eoc.org.hk/eoc/upload/ResearchReport/20161251750293418312.pdf>, 36–37.

⁷⁸ Hong Kong Secretary for Food and Health, Dr. Ko Wing-man, response to a question by Hon. Emily Lau, March 2, 2016, <https://www.info.gov.hk/gia/general/201603/02/P201603020530.htm>; The Government of Hong Kong Special Administrative Region, Press Releases, LCQ19, "Protecting the Rights of Intersex Persons," November 20, 2024, <https://www.info.gov.hk/gia/general/202411/20/P2024112000299.htm>.

provide protection from discrimination on a number of grounds, including “other status,” by incorporating Article 26 of the ICCPR.⁷⁹ Hong Kong courts have interpreted “other status” as covering discrimination on the basis of sexual orientation.⁸⁰ However, the Bill of Rights applies only to public authorities and does not set duties for the private sector. In addition, four “equal opportunities ordinances” provide protection from discrimination by public and private actors on the grounds of sex, disability, family status, and race.⁸¹

Other Protections

Due to executive and legislative roadblocks, LGBTIQ advocates have pursued strategic litigation and achieved significant reforms in the past few years, creating a “patchwork of equality.”

- In 2023, the Court of Final Appeal recognized the right of same-sex couples to equal access to spousal benefits.⁸² It also ordered the government to establish an “alternative framework” to protect the core rights of same-sex couples within two years. In July 2025, the government proposed a registry limited to couples married or registered overseas, granting only a narrow set of rights, but it was rejected by a wide margin.⁸³
- Immigration rights were expanded by the 2018 *QT v. Director of Immigration* decision, requiring the government to grant dependent visas to same-sex spouses married abroad.⁸⁴
- Transgender people’s ability to amend the sex entry on Hong Kong identity cards remains medically conditioned. After a 2023 Court of Final Appeal ruling rejecting a

⁷⁹ Hong Kong Special Administrative Region of the People’s Republic of China, Cap. 383. Hong Kong Bill of Rights Ordinance, <https://www.elegislation.gov.hk/hk/cap383>.

⁸⁰ Case of Secretary for Justice v. Yau Yuk Lung Zigo, Court of Final Appeal of the Hong Kong Special Administrative Region of the People’s Republic of China, Judgment of July 17, 2007, FACC No. 12 of 2006, https://www.humandignitytrust.org/wp-content/uploads/resources/Secretary_of_Justice_v_Yau_Yuk_Lung_Zi_go.pdf.

⁸¹ Hong Kong Special Administrative Region of the People’s Republic of China Cap. 480. Sex Discrimination Ordinance, <https://www.elegislation.gov.hk/hk/cap480>; Cap. 487. Disability Discrimination Ordinance, <https://www.eoc.org.hk/en/discrimination-laws/disability-discrimination>; Cap. 527 Family Status Discrimination Ordinance, <https://www.elegislation.gov.hk/hk/cap527>; Cap. 602 Race Discrimination Ordinance, <https://www.elegislation.gov.hk/hk/cap602>.

⁸² Jessie Pang and James Pomfret, “Hong Kong proposes legal recognition for same-sex couples registered overseas,” Reuters, July 2, 2025, <https://www.reuters.com/world/china/hong-kong-proposes-registration-system-same-sex-couples-2025-07-02/>.

⁸³ Helen Davidson, “‘Creating inequality’: Hong Kong’s same-sex marriage registration proposal criticised,” *The Guardian*, July 9, 2025, <https://www.theguardian.com/world/2025/jul/09/hong-kong-same-sex-lgbtq-marriage-equality-registration>.

⁸⁴ Human Rights Law Centre, “Hong Kong Court of Final Appeal finds immigration policy unlawfully discriminatory against same-sex couples,” May 21, 2019, <https://www.hrlc.org.au/case-summaries/2019-5-21-hong-kong-court-of-final-appeal-finds-immigration-policy-unlawfully-discriminatory-against-same-sex-couples>.

blanket requirement of full sex reassignment surgery, the government revised the policy in 2024, but it still requires specified surgical procedures and other criteria, leaving many transgender people without accessible legal recognition and exposed to discrimination in employment, healthcare, housing, and daily life.⁸⁵

Advocacy for Nondiscrimination Legislation

Advocacy for decriminalization in the 1980s laid the groundwork for nondiscrimination work.⁸⁶ In 1994 and 1997, members of the Legislative Council introduced bills that included sexual orientation or sexuality in antidiscrimination legislation, but these efforts failed.⁸⁷ Since then, the country has adopted equal opportunity ordinances on sex, race, disability, and family status. Over the past two decades, there have been repeated attempts to pass the Sexual Orientation Discrimination Ordinance or amend existing laws to cover LGBTIQ people, but none have succeeded so far.

The Equal Opportunities Commission (EOC), the statutory equality body, has consistently recommended legislative reform.⁸⁸ The government's own Advisory Group on Eliminating Discrimination against Sexual Minorities even proposed a "Charter on Nondiscrimination Against Minorities" in 2017 aimed at improving workplace and service-provider inclusion for sexual and gender minorities.⁸⁹ Civil society groups continue to campaign for comprehensive

⁸⁵ Court of Final Appeal of the Hong Kong Special Administrative Region, *Q and Tse Henry Edward v Commissioner of Registration* (FACV Nos. 8 & 9 of 2022), judgment, February 6, 2023, https://legalref.judiciary.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=150361&OS=%24%28FACV%2C8%2F2022%29&TP=JU&ILAN=en; Vanessa Li, "Rethinking Gender Recognition in Hong Kong," *Journal of Law and Jurisprudence* 12, no. 1 (2023): 42–72, <https://doi.org/10.14324/111.444.2052-1871.1556>; Equal Opportunities Commission et al., "Making a world of difference: Gender recognition legislation in Hong Kong," November 2017, <https://www.legco.gov.hk/yr17-18/english/panels/qjls/papers/qjls20171120cb4-209-24-e.pdf>.

⁸⁶ In 1983, a government commission published a report that marked a watershed moment for decriminalization efforts. It recommended decriminalizing private same-sex sexual conduct between men 21 years of age or older, and affirmed that "it should not be a function of the law to enforce moral judgements in areas where there is no need to protect others; but that where conduct harms people or offends the public, then the law should impose sanctions." It was the first government report addressing sexual orientation and was developed in consultation with various stakeholders, including the Movement for Homosexual Law Reform, lending them visibility and institutional legitimacy and demonstrating the "early organizational development of Hong Kong's LGBT movement." Email exchange with an anonymous LGBTIQ activist from Hong Kong. See The Law Reform Commission of Hong Kong, *Laws Governing Homosexual Conduct*, 1983, <https://www.hkreform.gov.hk/en/publications/rhomosexual.htm>.

⁸⁷ Carole J. Petersen, "Equality as a Human Right: The Development of Antidiscrimination Law in Hong Kong," *Columbia Journal of Transnational Law* 34(1996): 372–385, <http://hdl.handle.net/10125/35225>.

⁸⁸ Equal Opportunities Commission, "The EOC Announces Findings of the Study on Legislation against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status," January 26, 2016, <https://www.eoc.org.hk/en/PressRelease/Detail/13531>.

⁸⁹ Louis, "This article provides a comprehensive overview of the current situation of gender inequality in Hong Kong and analyzes the Hong Kong government's response to the UN review," *G-SPOT TV*, April 6, 2023, <https://www.civilmedia.tw/archives/117539>.

antidiscrimination protections covering sexual orientation, gender identity, gender expression, and sex characteristics.⁹⁰



Hong Kong Pride | November 1, 2009. Photo Credit: Amnesty International Hong Kong Overseas

Public support for such legislation has steadily increased.⁹¹ Since the late 1990s, various UN bodies and mechanisms have urged Hong Kong to adopt comprehensive antidiscrimination laws.⁹² However, successive governments have rejected legislative reform, arguing that there is no broad social consensus or that it is not the right time.⁹³

Intersex activists have been conducting efforts to raise public awareness on intersex issues and are active in regional intersex advocacy.⁹⁴ Beyond Boundaries– Knowing and Concerns Intersex

⁹⁰ The LGBTQ Equality Alliance of Hong Kong, “Civil Society Organisation Submissions for The 45th Session of the Universal Periodic Review China – Hong Kong SAR,” July 16, 2023, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=12177&file=EnglishTranslation>.

⁹¹ According to research commissioned by the Hong Kong government, 85 percent of respondents opposed it in 1995, while 56 percent of respondents agreed that antidiscrimination legislation should be enacted in 2016. Other surveys show higher rates of support for nondiscrimination. See Legislative Council of Hong Kong, Bills Committee on the Equal Opportunities (Family Responsibility, Sexuality & Age) Bill, Equal Opportunities (Race) Bill and Sex and Disability Discrimination (Miscellaneous Provisions) Bill 1996, Minutes of the 2nd Meeting, LegCo Paper No. CB(2)1708/96-97, March 3, 1997, <https://www.legco.gov.hk/yr95-96/english/bc/bc55/minutes/bc550303.htm>, 8; Equal Opportunities Commission and Gender Research Centre, CUHK Study on Legislation, 97; Holning Lau, Kelley Loper, and Yiu Tung Suen, “Support in Hong Kong for Same-sex Couples’ Rights Grew Over Ten Years (2013–2023): 60 Percent Now Support Same-Sex Marriage,” May 2023, <https://law.unc.edu/wp-content/uploads/2023/05/Change-Over-Time-Report-2023-FINAL-English.pdf>, 1.

⁹² Equal Opportunities Commission, *Response to the United Nations: Public Consultation on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity*, January 2017, <https://www.eoc.org.hk/EOC/Upload/submission/201701.pdf>, 5.

⁹³ Jennifer Ngo, “Hong Kong gay rights activists condemn lack of action on antidiscrimination law,” MyNews, January 21, 2016, <https://www.scmp.com/news/hong-kong/law-crime/article/1903704/hong-kong-gay-rights-activists-condemn-lack-action-anti>.

⁹⁴ 42 Degrees, “Understand the discrimination we face: Celebrating Intersex Awareness Day with Small Luk,” October 25, 2020, <https://www.42d.org/2020/10/25/understand-the-discrimination-we-face-celebrating-intersex-awareness-day-with-small-luk>.

and Chinese Intersex People Alliance, groups advocating for intersex communities in Hong Kong, have urged the government of Hong Kong adopt laws prohibiting discrimination based on sex characteristics “as soon as possible to protect intersex people from discrimination.”⁹⁵ Proposals by civil society and the Equal Opportunities Commission for nondiscrimination include “intersex status” or “sex characteristics.”⁹⁶

Challenges

Political resistance framed as “lack of consensus.” In Hong Kong, successive governments have rejected the Sexual Orientation Discrimination Ordinance and related amendments, citing a purported “lack of broad social consensus,” despite surveys showing majority support for nondiscrimination and rising support for marriage equality among younger generations.⁹⁷

Entrenched opposition in the Legislative Council. In the absence of executive support, LGBTIQ advocates and allied legislators have often pursued Private Member’s Bills as the primary available legislative route, even though such bills rarely succeed in Hong Kong. In practice, only government-initiated bills have a realistic chance of passing. That reality was underscored in September 2025, when the Legislative Council overwhelmingly rejected the government’s Registration of Same-sex Partnerships Bill—a proposed registry limited to same-sex couples married or registered overseas, offering only a narrow set of partnership protections—despite Chief Executive John Lee Ka-chiu’s support, revealing deep-seated resistance within the Legislative Council.⁹⁸

Limited mandate of existing institutions. The Equal Opportunities Commission has consistently recommended expanding protections to include sexual orientation, gender identity, and intersex status.⁹⁹ However, it lacks the political backing and statutory mandate to introduce reforms; its role remains consultative.

Fragmented advocacy impact. Civil society has successfully pursued strategic litigation—including on immigration, spousal benefits and partnership-related entitlements, and legal gender recognition—but these wins have been piecemeal. While litigation can advance some protections, it cannot substitute for comprehensive legislation.

⁹⁵ Beyond Boundaries—Knowing and Concerns Intersex and Chinese Intersex People Alliance, “Legislative Council Paper No. CB(2)1266/17-18(07),” April 2018, <https://www.legco.gov.hk/yr17-18/chinese/panels/ca/papers/ca20180430cb2-1266-7-ec.pdf>, 3.

⁹⁶ Equal Opportunities Commission and Gender Research Centre, CUHK, *Study on Legislation against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status*.

⁹⁷ Lau, Loper, and Suen, “Support in Hong Kong for Same-sex Couples’ Rights.”

⁹⁸ Kanis Leung, “Hong Kong lawmakers reject a bill recognizing same-sex partnerships,” AP, September 10 2025, <https://apnews.com/article/hong-kong-samesex-bill-lgbtq-cl70f76dd90271bfe3692628a6ef92eb>.

⁹⁹ Equal Opportunities Commission, “The Equal Opportunities Commission chairman reiterated the need for Hong Kong to legislate against discrimination based on sexual orientation and gender identity,” accessed January 14, 2026, <https://www.eoc.org.hk/zh-hk/ENews/259-4>.

Changing sociopolitical conditions. The shrinking civic space, precipitated by the adoption of the Hong Kong National Security Law (2020) and similar policies, have required activists to rethink their strategies.¹⁰⁰ An LGBTIQ activist from Hong Kong told Outright that, as public advocacy poses danger, activists are prioritizing community safety and well-being, providing mutual support, and cultivating partnerships and networks.¹⁰¹

Ways Forward

Keep positioning marriage, gender recognition, and intersex people’s rights within the broader antidiscrimination framework. Activists in Hong Kong have already worked to connect these issues, and continuing to frame them as part of systemic inequality strengthens advocacy for a comprehensive law.

Sustain engagement with international human rights mechanisms. Civil society has effectively used UN treaty bodies and the Universal Periodic Review to highlight legal gaps; maintaining and amplifying this practice can help keep international attention on the absence of protections.

Deepen alliances across sectors. Some business actors and professional communities have engaged on equality issues through inclusive workplace policies and support or inputs in judicial review contexts. Advocates can build on this support and strengthen engagement with women’s rights, labor, and disability groups to broaden support and situate antidiscrimination legislation within a wider social justice agenda.

Amplify public opinion data. Surveys consistently show majority support for antidiscrimination protections and growing support for marriage equality among younger generations. Using this evidence helps counter the government’s “no consensus” narrative.

Continue pursuing strategic litigation. Ongoing legal challenges have secured important gains in areas such as immigration and spousal benefits. Future cases can further expose the harms caused by the absence of comprehensive protections.

Strengthen visibility of marginalized groups. Trans and intersex activists are increasingly securing legal wins and public visibility. Maintaining and expanding this focus ensures these communities are not overlooked in the legislative debate.

Engage business allies. Many international and local companies already adopt inclusive policies. Partnering with them more visibly can frame antidiscrimination protections as essential

¹⁰⁰ Civicus, “Hong Kong: Authorities continue to use national security and sedition laws to detain activists and criminalise dissent,” May 4, 2023, <https://monitor.civicus.org/explore/hong-kong-authorities-continue-to-use-national-security-and-sedition-laws-to-detain-activists-and-criminalise-dissent>; Human Rights Watch, “China: Building a ‘Patriots Only’ Hong Kong,” June 29, 2025, <https://www.hrw.org/news/2025/06/29/china-building-a-patriots-only-hong-kong>.

¹⁰¹ Outright email exchange with an anonymous LGBTIQ activist from Hong Kong.

for Hong Kong's competitiveness.

India

While progressive jurisprudence and piecemeal protections increase the momentum for comprehensive nondiscrimination legislation, it lacks the political backing and community consensus needed to advance.

Situation of LGBTIQ People

Legal Overview ¹⁰²	
Criminalization	Same-sex sexual relations and gender-diverse expressions are not criminalized.
Legal gender recognition	The process to change legal gender markers involves medical and other requirements.
Intersex bodily autonomy	Non-consensual medical interventions on intersex babies and children are not prohibited by law.
Freedom of association	LGBTIQ organizations can openly register, but their freedom of association may be impacted by broader restrictions on civil society. ¹⁰³

India's legal landscape for LGBTIQ rights has shifted markedly over the past decade, anchored by the Supreme Court's rights-expanding jurisprudence and the 2018 decriminalization of consensual same-sex intimacy.¹⁰⁴ Yet protection from discrimination remains uneven and incomplete: constitutional principles are strong, but statutory safeguards are partial, implementation is inconsistent across states, and key gaps—particularly around sexual orientation and intersex bodily autonomy—persist. This tension between a robust constitutional foundation and piecemeal, weakly enforced protections shapes both the current protection landscape and the prospects for comprehensive nondiscrimination legislation.

Existing Protections

Existing protections for LGBTIQ people in India are grounded primarily in constitutional equality guarantees and Supreme Court jurisprudence, but they remain unevenly translated into statutory protections and enforceable remedies. While the constitutional framework prohibits discrimination and enables corrective measures to address historical disadvantage, practical protection continues to depend on a patchwork of laws, sub-national initiatives, and sector-specific regulation.

¹⁰² See Outright, "Country Overview: India," accessed September 22, 2025, <https://outrightinternational.org/our-work/asia/india>.

¹⁰³ Outright, The Global State of LGBTIQ Organizing: The Right to Register and the Freedom to Operate 2023, September 2023, https://outrightinternational.org/sites/default/files/2023-09/The_Global_State_of_LGBTIQ_Organizing_2023.pdf, 56.

¹⁰⁴ In 2018, the Supreme Court struck down colonial-era provisions criminalizing same-sex relations. In December 2023, Parliament enacted the *Bharatiya Nyay Samhita*, a new criminal code that fully repealed Section 377, thereby removing the legal basis for criminalizing consensual same-sex intimacy.

The Supreme Court has interpreted these guarantees in an expansive manner that directly strengthens the constitutional basis for LGBTIQ people's rights. In *NALSA v. Union of India* (2014), the Court read the word "sex" in Article 15 to encompass gender identity, making clear that discrimination against transgender persons falls within the constitutional prohibition.¹⁰⁵ It emphasized that equality before the law under Article 14 is violated when trans persons are denied recognition, and that Articles 15 and 16 require not only protection against exclusion but also affirmative measures to remedy disadvantage.

In *Navtej Singh Johar v. Union of India* (2018), the Court struck down Section 377 of the Penal Code insofar as it criminalized consensual same-sex intimacy, and in doing so, it extended the scope of the equality and nondiscrimination clauses to encompass sexual orientation.¹⁰⁶ By insisting that constitutional morality prevails over social prejudice, the Court confirmed that everyone is entitled to the full protection of Articles 14 to 16 regardless of their sexual orientation or gender identity, consolidating the principle of nondiscrimination as central to their equal citizenship.

Despite progressive jurisprudence, India still lacks a comprehensive antidiscrimination law covering sexual orientation, gender identity and expression, and sex characteristics across all areas of life. The Transgender Persons (Protection of Rights) Act, 2019, and its 2020 Rules constitute the main statutory framework, but their scope is limited.¹⁰⁷ While the Act prohibits discrimination against transgender and intersex people in areas such as employment, education, healthcare, housing, and access to goods and services, it does not address sexual orientation, nor does it establish enforcement mechanisms or oversight bodies. In practice, the legal gender recognition framework also remains uneven: while trans people can change their legal marker to "transgender" on the basis of self-identification, proof of surgery is required to change to "female" or "male," contradicting the self-determination approach emphasized by the Supreme Court in *NALSA*. The Act also includes "persons with intersex variations" within the broader transgender category, extending formal protection against discrimination, but does not itself prohibit non-consensual, medically unnecessary interventions on intersex infants and children.

Some gaps have been partially addressed at the sub-national level. Seventeen states have created Transgender Welfare Boards, though many face criticism for weak mandates and limited

¹⁰⁵ Case of National Legal Services Authority v. Union of India, Supreme Court of India (2014).

¹⁰⁶ Case of Navtej Singh Johar v. Union of India, Supreme Court of India (2018). The Court held that criminalization based solely on sexual orientation was manifestly arbitrary under Article 14, violated dignity and privacy under Article 21, and suppressed identity under Article 19(1)(a). Crucially, it clarified that the term "sex" in Article 15 must be interpreted broadly to include both sexual identity and sexual orientation, thereby situating discrimination against lesbian, gay, and bisexual persons squarely within the constitutional prohibition.

¹⁰⁷ Republic of India, The Transgender Persons (Protection of Rights) Act, of 2019., <https://www.indiacode.nic.in/bitstream/123456789/13091/1/a2019-40.pdf>.

resources.¹⁰⁸ Tamil Nadu prohibited medically unnecessary surgeries on intersex infants and children in 2019, and High Courts in states including Uttar Pradesh and Uttarakhand have extended constitutional protections to same-sex couples, recognizing their right to cohabitation and ordering protection against harassment.¹⁰⁹

Progress has also come through professional regulation. In 2021, the Madras High Court, in response to petitions filed by survivors of conversion practices, directed the National Medical Commission to issue guidelines prohibiting such interventions.¹¹⁰ Acting on these directives, in 2022, the Commission formally classified “conversion therapy” as professional misconduct, empowering state medical councils to discipline practitioners.¹¹¹

Women and other persons who are assigned female at birth, regardless of their sexual orientation, gender identity, or sex characteristics, can seek civil remedies for intimate partner violence under the Protection of Women from Domestic Violence Act of 2005.¹¹² The Supreme Court is set to decide on whether the law protects trans women but at least two high courts have ruled that trans women are entitled to legal protections against domestic violence as women.¹¹³

In October 2023, the Supreme Court ruled that it lacked authority to legalize same-sex marriage based on an interpretation of the constitution according to which such reform lies with

¹⁰⁸ Ankush Kumar, “India’s Transgender Welfare Boards fail to meet trans people’s basic needs,” *Washington Blade*, November 30, 2024, <https://www.washingtonblade.com/2024/11/30/indias-transgender-welfare-boards-fail-to-meet-trans-peoples-basic-needs/>.

¹⁰⁹ Annie Banerji, “Indian state bans unnecessary surgery on intersex babies,” Reuters, August 28, 2019, <https://www.reuters.com/article/world/us/indian-state-bans-unnecessary-surgery-on-intersex-babies-idUSL5N25O22X/>; Case of Sultana Mirza v. State of Uttar Pradesh, Allahabad High Court (2020), https://images.assettype.com/barandbench/2020-11/7b141aae-4e69-48f7-9bb7-0dc02eed6f1a/Sultana_Mirza_and_Another_v_State_of_UP_Final_Order_dated_November_2.pdf; Rohit Sagar v. State of Uttarakhand, Uttarakhand High Court (2021), <https://lawtrend.in/wp-content/uploads/2021/12/gay-couple-uttarakhand-hc-wpcrl-no-2254-of-2021-406330.pdf>.

¹¹⁰ Case of S. Sushma v. Commissioner of Police, Madras High Court, W.P. No. 7284 of 2021, https://clpr.org.in/wp-content/uploads/2024/11/41_S_Sushma_v_Director_General_of_Police.pdf.

¹¹¹ Barsha Misra, “NMC Declares Conversion Therapy As Professional Misconduct Under IMC Regulations,” *Medical Dialogues*, September 5, 2022, <https://medicaldialogues.in/health-news/nmc/nmc-declares-conversion-therapy-as-professional-misconduct-under-imc-regulations-98599>.

¹¹² Republic of India, The Protection of Women from Domestic Violence Act, 2005, https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf; Outright, Locating LGBTQ People in Domestic Violence Laws in Asia, September 2022, https://outrightinternational.org/sites/default/files/2023-03/AsiaLegalMapping2022_Revised_OutrightInternational_2.pdf, 19.

¹¹³ Sheryl Sebastian, “Can Trans Woman Invoke Domestic Violence Act? Supreme Court To Consider,” *Live Law*, November 2, 2023, <https://www.livelaw.in/top-stories/supreme-court-set-to-examine-whether-transgender-woman-can-file-complaint-and-seek-maintenance-under-domestic-violence-act-241441>; Naina Bhargava, “In the Andhra Pradesh HC’s recent decision on transgender women’s rights in marriage, a reaffirmation of their legal identity as women,” *The Leaflet*, July 8, 2025, <https://theleaflet.in/lgbtqi/in-the-andhra-pradesh-hcs-recent-decision-on-transgender-womens-rights-in-marriage-a-reaffirmation-of-their-legal-identity-as-women>.

Parliament. In the same decision, however, the Court urged national and state governments to introduce protections against anti-LGBTIQ discrimination and violence, addressing issues such as non-consensual medical interventions on intersex children, invasive requirements for legal gender recognition, and police harassment.¹¹⁴

Advocacy for Nondiscrimination Legislation

Over the past decade, advocacy around equality legislation in India has coalesced around the idea of a comprehensive antidiscrimination law. In 2016, MP Shashi Tharoor introduced a Private Member's Bill, the Anti-discrimination and Equality Bill, which sought to prohibit discrimination on numerous grounds, including sexual orientation and gender identity. Although it did not advance in Parliament, it set an important precedent by placing comprehensive protections on the national legislative agenda.¹¹⁵

This effort was followed in 2017 by the Model Anti-discrimination and Equality Bill, drafted by legal scholars such as Professor Tarunabh Khaitan. The model bill was conceived as a template for both national and state-level legislation, designed to prohibit discrimination on multiple grounds and to provide accessible civil remedies. It defines direct and indirect discrimination, harassment, and victimization, and applies to public authorities, private employers, landlords, and service providers. Importantly, the bill lists sexual orientation, gender identity, and intersex status among its protected characteristics, ensuring comprehensive coverage of LGBTIQ persons within its scope. The draft has been widely circulated among academic, legal, and activist circles, serving both as a teaching tool and as a practical resource for lawmakers.¹¹⁶

In 2021, the Centre for Law and Policy Research (CLPR) released the Equality (Prohibition of Discrimination) Bill, building on earlier proposals such as the 2017 Model Anti-discrimination and Equality Bill. Like the 2017 model bill, the CLPR draft sets out detailed definitions of direct and indirect discrimination, harassment, and victimization and envisages accessible civil remedies. It also explicitly addresses sexual orientation, gender identity, gender expression, and intersex variations, reinforcing the push for an Equality Act-type framework with clearer LGBTIQ-inclusive coverage. In the Indian context, this remedies-and-definitions approach would mark a shift from the limited, largely administrative protections currently available under sector- or group-specific frameworks, which lack robust enforcement mechanisms.¹¹⁷

¹¹⁴ Outright, "Outright International Expresses Disappointment and Optimism on India's Supreme Court Ruling on Same-Sex Marriage," October 17, 2023, <https://outrightinternational.org/press-release/outright-international-expresses-disappointment-and-optimism-indias-supreme-court>.

¹¹⁵ Republic of India, Anti-discrimination and Equality Bill, 2016, https://orinam.net/wp-content/uploads/2017/03/SHASHI_THAROOR_BILL.pdf.

¹¹⁶ Tarun Khaitan, "Anti-Discrimination Bill Project," accessed February 1, 2026, <https://www.tarunkhaitan.com/elementor-650>.

¹¹⁷ Centre for Law and Policy Research, The Equality (Prohibition of Discrimination) Bill 2021, <https://clpr.org.in/wp-content/uploads/2020/01/Equality-Bill-2021-8th-January-2021.pdf>.

Activists frame these proposals as the next step in consolidating gains from constitutional jurisprudence, such as *Navtej Singh Johar* and the 2023 Supreme Court ruling on marriage equality. While the Court stopped short of recognizing same-sex marriage, its directive for governments to take proactive measures against discrimination has reinforced calls for a nationwide Equality Act.¹¹⁸ Civil society groups also emphasize that such a law would bring India closer to meeting its international obligations and provide a unified legal framework to protect groups that remain vulnerable despite existing protections.

Over 2025, advocacy gained fresh traction at both national and state levels. In July, a coalition anchored by the Keshav Suri Foundation and the Vidhi Centre for Legal Policy launched “Queering the Law: Beyond Supriyo” after consultations in Delhi, Jaipur, and Mumbai with over 150 participants.¹¹⁹ The coalition’s briefs urge legal recognition of queer relationships and families, bans on conversion therapy and non-consensual intersex surgeries, access to queer-affirmative healthcare, and a comprehensive antidiscrimination law covering housing, education, employment, and financial services.¹²⁰

At the state level, in July 2025 Tamil Nadu released its State Policy for Transgender Persons, 2025. While earlier draft materials for a broader LGBTIQ policy had envisaged a one percent horizontal reservation for transgender and intersex persons in education and government employment, the final transgender policy omitted a reservation clause and drew community criticism, prompting the Madras High Court to direct the government to clarify its position on quotas and ensure representation in oversight bodies.¹²¹ In parallel, the Andhra Pradesh High Court (*Viswanathan Krishna Murthy v. State of Andhra Pradesh* (2025)) held that a transgender woman must be recognized as a “woman” under law irrespective of reproductive capacity, confirming the maintainability of complaints under IPC §498A and grounding the ruling in Articles 14, 15, and 21, and in *NALSA*.¹²² Together, these developments supply fresh reference points for advancing a national Equality Act and for tightening sub-national guarantees.

¹¹⁸ Amal Chandra and Hima Tara Sam, “It is Time for the Indian Government to Come up With a Comprehensive Equality Act,” *The Wire*, November 29, 2023, <https://thewire.in/rights/india-needs-comprehensive-equality-act>.

¹¹⁹ Aneesha Mathur, “Queer activists call for policy changes to ensure equal rights for LGBTQ persons,” *India Today*, July 18, 2025, <https://www.indiatoday.in/india/law-news/story/queer-activists-call-for-policy-changes-to-ensure-equal-rights-of-lgbtq-persons-2757488-2025-07-18>.

¹²⁰ Vidhi Centre for Legal Policy, “Queering the Law: Beyond Supriyo,” 2019, <https://vidhilegalpolicy.in/research/queering-the-law/>.

¹²¹ Azeefa Fathima, “‘Vague, unambitious, exclusionary’: Trans rights groups critique TN transgender policy,” *The News Minute*, August 5, 2025, <https://www.thenewsminute.com/tamil-nadu/vague-unambitious-exclusionary-trans-rights-groups-critique-t-n-transgender-policy>.

¹²² Case of *Viswanathan Krishna Murthy v. State of Andhra Pradesh*, High Court of Andhra Pradesh at Amaravati, June 16, 2025, https://www.livelaw.in/pdf_upload/viswanathan-krishna-murthy-v-state-of-andhra-pradesh-606203.pdf.

Challenges

Fragmentation and competing priorities within the movement. Advocates emphasized that the LGBTIQ communities in India are not homogeneous and face intersecting forms of marginalization—including caste, class, gender identity, and regional disparities. These differences complicate consensus-building around a comprehensive antidiscrimination agenda and slow the development of unified national strategies.

Resource constraints and shrinking space for rights-based advocacy. Organizations noted that foreign funding is increasingly limited under the Foreign Contribution Regulation Act, with support largely restricted to “safe” areas such as health. The perception that antidiscrimination advocacy may be more politically sensitive limits the resources directed to this work, reducing capacity for cross-group dialogue, national coordination, and long-term planning.

Misconceptions about advocacy priorities. Advocates reported a persistent misconception—among policymakers, media, and the public—that the LGBTIQ movement is focused on marriage equality. This narrative diverts attention from urgent issues such as discrimination.

Limited legislative allies and inconsistent political will. India has been ruled by the conservative Bharatiya Janata Party (BJP) since 2014. While opposition parties such as the Indian National Congress and the Communist Party of India publicly support the recognition of same-sex couples and enactment of a comprehensive nondiscrimination law, the ruling BJP opposes same-sex civil unions and has not taken the initiative to prohibit discrimination by law.¹²³ Although some parliamentarians support equality reforms, the pool of reliable legislative allies remains small. Political space is further constrained by growing reliance on biological-essentialist and gender-binary frameworks in state practice, which undermine the principle of gender self-identification.¹²⁴

¹²³ Ambika Pandit, “Cong manifesto says it will bring law to recognise civil unions between couples belonging to the LGBTQIA+ community,” *The Times of India*, April 6, 2024, <http://timesofindia.indiatimes.com/articleshow/109073037.cms>; Ayanabha Banerjee, “Centre Sets Up Committee Amidst Queer Visibility in Politics: Will BJP Embrace Change?” *The Mooknayak*, April 18, 2024, <https://en.themooknayak.com/lgbtq-news/centre-sets-up-committee-amidst-queer-visibility-in-politics-will-bjp-embrace-change>.

¹²⁴ India’s Transgender Persons (Protection of Rights) Act, 2019 establishes a gender recognition scheme in which a person may obtain a certificate indicating gender as “transgender,” but a revised certificate indicating gender as “male” or “female” is available only after surgery to change gender (s. 7). This approach sits in tension with the Supreme Court’s decision in *National Legal Services Authority v. Union of India* (2014), which affirmed a right to self-identification of gender (male/female/third gender) without compulsory medical prerequisites.

Ways Forward

Strengthen cross-movement coalitions. Advocates highlight the importance of structured collaboration with other social justice movements—including caste justice groups, women’s rights advocates, and labor movements—to build a broad constituency for equality legislation.

Expand domestic funding sources. Given FCRA restrictions, advocates stress the importance of cultivating Indian philanthropic support for rights-based advocacy. Locally rooted funding can provide stability and allow organizations to more effectively address issues that may be politically sensitive.

Deepen structured engagement with legislators. Regular dialogue with parliamentary allies can help maintain visibility for nondiscrimination issues. Misconceptions—such as claims that an Equality Act would automatically legalize same-sex marriage, confer “special rights,” or compel religious institutions beyond the Act’s intended scope—can be addressed through clear, evidence-based briefings.

Reinforce the principle of self-determination. Advocates emphasize the need for legal literacy initiatives, research, and public education campaigns that reaffirm constitutional protections for gender autonomy and challenge restrictive administrative interpretations.

Strengthen community protection mechanisms. Coordinated rapid-response systems, legal support networks, and documentation efforts can help address violence and harassment while generating evidence of systemic gaps that comprehensive legislation should address.

Center intersectional leadership. Elevating Dalit queer, Adivasi queer, trans, intersex, and working-class leaders ensures that advocacy reflects the diversity of India’s LGBTIQ communities and reinforces the legitimacy of demands for inclusive protections.

Indonesia



A seminar in Ambon City as part of efforts for a city-level antidiscrimination ordinance. In the photo are city government officials (left and right) and a legal expert consultant working with advocates (middle). Photo Credit: Jonta Saragih, Outright International, 2023

Amid criminalization and social hostility, a coalition of LGBTIQ organizations and other marginalized groups is pushing for a comprehensive nondiscrimination law.

Situation of LGBTIQ People

Legal Overview ¹²⁵	
Criminalization	Same-sex sexual relations and gender-diverse expressions are criminalized.
Legal gender recognition	The process to change legal gender markers involves medical and other requirements.
Intersex bodily autonomy	Non-consensual medical interventions on intersex babies and children are not prohibited by law.
Freedom of association	LGBTIQ organizations cannot openly register and operate.

In January 2026, a new criminal code went into effect throughout Indonesia that allows the prosecution of persons accused of extramarital sex and cohabitation outside marriage, on the basis of a complaint from the accused persons' parents, legal spouses, or children. These provisions disproportionately impact same-sex couples, who cannot legally marry. They allow family members to weaponize the law, exposing queer people to the risk of arrest and family violence.¹²⁶ The new criminal code also punishes acts that "violate decency," a vague provision that could be abused by authorities against sexual and gender minorities.¹²⁷ The penal code recognizes "any living law" in Indonesia, which undermines the principle of legal certainty, and

¹²⁵ See Outright, "Country Overview: Indonesia," accessed September 22, 2025, <https://outrightinternational.org/our-work/asia/indonesia>.

¹²⁶ Human Rights Watch, "Indonesia: New Criminal Code Disastrous for Rights."

¹²⁷ APCOM, "APCOM Statement on Indonesia's New Criminal Code," January 12, 2023, <https://www.apcom.org/apcom-statement-on-indonesias-new-criminal-code>.

could strengthen and legitimize discriminatory Shariah-based ordinances or open the door for similar legislation.¹²⁸

Even prior to the new penal code, several jurisdictions enacted ordinances penalizing same-sex intimacy, “immoral behavior,” and public indecency, which remain in effect.¹²⁹ In 2025, Indonesia publicly flogged at least two men accused of same-sex intimacy and arrested 75 people who allegedly participated in a “gay party.”¹³⁰

Criminalization enables discrimination, and some public institutions are openly hostile to people of queer experience.¹³¹ Due to family rejection and school bullying and harassment, “LGBT people’s access to education is diminished.”¹³² This reduces their chances in the job market, where they also have to contend with pervasive stigma, discriminatory practices, and harassment.¹³³ Labor market discrimination is reinforced by and extends outward from the very state institutions responsible for upholding the rule of law.¹³⁴ For example, some government ministries ban job applicants who are not “normal,” with the Attorney General’s Office explicitly stating that it does not accept those who have “sexual orientation disorders (transgender) or [who are] LGBT.”¹³⁵ The Ombuds office of Indonesia objected to this state-sanctioned discrimination in 2019, and the Ministry of Trade of Indonesia has since then revoked its discriminatory policy, but

¹²⁸ Human Rights Watch, “Indonesia: New Criminal Code.”

¹²⁹ These include the provinces of Aceh and South Sumatra and the cities of Bukit Tinggi, Bogor, Garut, Pariaman, Padang Panjang, and Cianjur. See Outright, *Creeping Criminalisation: Mapping of Indonesia’s National Laws And Regional Regulations That Violate Human Rights of Women and LGBTIQ People*, 2016, <https://outrightinternational.org/sites/default/files/2022-10/CreepingCriminalisation-eng.pdf>; ASEAN SOGIE Caucus et al., “Regional Statement on the Criminalization of LGBTQ Persons in Indonesia,” 2019, <https://www.asiapacificalliance.org/our-publications/regional-statement-criminalization-lgbtq-persons-indonesia>; Outright, *Lesbian, Bisexual, and Queer Women Online: An Overview of Emerging Security Threats from Asia*, March 2025, <https://outrightinternational.org/our-work/human-rights-research/lesbian-bisexual-and-queer-women-online-overview-emerging-security>, 22.

¹³⁰ Amnesty International, “Indonesia: Caning of gay men an act of cruelty,” August 29, 2025, <https://www.amnesty.org/en/latest/news/2025/08/indonesia-caning-of-gay-men-an-act-of-cruelty/>; “Indonesia: Police must release 75 people arrested in discriminatory raid on ‘gay party,’” June 24, 2025, <https://www.amnesty.org/en/latest/news/2025/06/indonesia-police-must-release-75-people-arrested-in-discriminatory-raid-on-gay-party/>.

¹³¹ Hendri Yulius, “LGBT Indonesians on campus: too hot to handle,” Indonesia at Melbourne, The University of Melbourne, January 26, 2016, <https://indonesiatmelbourne.unimelb.edu.au/lgbt-indonesians-on-campus-too-hot-to-handle>.

¹³² M.V. Lee Badgett, Amira Hasenbush, and Winston Ekaprasetya Luhur, *LGBT Exclusion in Indonesia and Its Economic Effects*, 2017, <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Exclusion-Indonesia-Apr-2017.pdf>, 11.

¹³³ Ibid, 13–16.

¹³⁴ Stanley Widiyanto, “In Conservative Indonesia, a gay policeman takes his battle into court,” Reuters, December 29, 2020, <https://www.reuters.com/article/world/in-conservative-indonesia-a-gay-ex-policeman-takes-his-battle-to-court-idUSKBN28J0EQ>; “We just want the normal ones”: AGO justifies refusal to recruit LGBT people as civil servants,” The Jakarta Post, November 11, 2023, <https://www.thejakartapost.com/news/2019/11/23/we-just-want-the-normal-ones-ago-justifies-refusal-to-recruit-lgbt-people-as-civil-servants.html>.

¹³⁵ AFP, “Indonesia ministries ban pregnant, LGBT job seekers: report,” *France 24*, November 22, 2019, <https://www.france24.com/en/20191122-indonesia-ministries-ban-pregnant-lgbt-job-seekers-report>.

it is not clear whether other ministries have followed suit.¹³⁶ Hiring discrimination persists in the public and private sectors.¹³⁷

For trans people, discrimination is exacerbated by the lack of legal identity documents reflecting their names and genders. Changing one's legal gender marker remains costly and arduous, while some trans people may not have had any identity document at all or have lost them while fleeing their homes due to family rejection.¹³⁸ Even in Bali, the country's most visited province, which is perceived as relatively more open, 72 percent of surveyed trans women (used interchangeably in the study with "waria," a third gender group) reported having experienced discrimination.¹³⁹ The Directorate General of Population and Civil Registration issued a 2021 circular to allow and encourage trans people to secure identity documents, although still reflecting their birth name and assigned sex at birth.¹⁴⁰

Intersex persons are not legally protected from nonconsensual medical interventions.¹⁴¹ Courts rely on medical professionals' testimonies, not self-determined gender identity, in their decisions to grant legal gender marker changes to intersex people.¹⁴² While there is limited data on discrimination, a 2024 report by Intersex Asia documented some cases of discrimination and harassment at work and bullying in school by teachers.¹⁴³

¹³⁶ Ibid; Josh Milton, "Indonesian ministries refuse to employ LGBT people as it 'only wants the normal ones, not the odd ones'," *Pink News*, November 23, 2019, <https://www.thepinknews.com/2019/11/23/indonesias-attorney-general-office-employ-lgbt-people>.

¹³⁷ International Labour Organization (ILO), Gender, Equality, and Diversity Branch, *PRIDE at work: A study on discrimination at work on the basis of sexual orientation and gender identity in Indonesia*, working paper no. 3/2016, 2016, <https://researchrepository.ilo.org/esploro/outputs/encyclopediaEntry/PRIDE-at-work-a-study-on/995321137302676>, 21–25; Poedjiati Tan, "LGBT Juga Manusia, Perusahaan Tak Berhak Tolak LGBT," *Konde.co*, October 8, 2025, <https://www.konde.co/2025/10/lgbt-juga-manusia-perusahaan-tak-berhak-tolak-lgbt>.

¹³⁸ Suara Kita, *The State Presence for Transgender Basic Rights: A report of ID Card advocacy for Transgender Communities in Indonesia*, 2022, <https://suarakita.org/wp-content/uploads/2022/04/A-report-of-ID-Card-advocacy-for-Transgender-Communities-in-Indonesia.pdf>, 13.

¹³⁹ Ni Wayan Septarini et al., "Prevalence of Stigma and Discrimination Amongst Men Who have Sex with Men (MSM) and Transgender Women (Waria) in Bali, Indonesia," *Journal of Homosexuality* 71, no. 6 (2024): 1419–1441, <https://pubmed.ncbi.nlm.nih.gov/36826981>.

¹⁴⁰ Laila Afifa, "International Day of Democracy; Transgender People's Right to Vote Is Still Denied," *Tempo English*, September 26, 2022, https://en.tempo.co/read/1638497/international-day-of-democracy-transgender-peoples-right-to-vote-is-still-denied?page_num=1.

¹⁴¹ Intersex Asia, *Intersex Justice in Indonesia: Inspiring Action through Research*, June 2024, https://intersexasia.org/wp-content/uploads/2024/10/Indonesia_English.pdf, 29–30.

¹⁴² Ibid, 53.

¹⁴³ Ibid, 46.

Existing Protections

Discrimination

The Constitution affirms that, “Every person is entitled to be free from discriminative treatment **on whatsoever basis** and is entitled to acquire protection against such discriminative treatment” (emphasis added).¹⁴⁴ Employers are required to “provide workers/laborers with their rights and obligations without discrimination based on gender” and are prohibited from terminating employment on the basis of gender.¹⁴⁵ The government is also “obliged and responsible to respect the fulfillment of children’s rights without discrimination based on...gender.”¹⁴⁶ The country has also enacted laws guaranteeing the human rights of persons with disabilities and racial and ethnic minorities, and penalizing discrimination based on race, ethnicity, and disability in health, education, employment, housing, social services, and other areas.¹⁴⁷

Other Protections

The Law on the Elimination of Domestic Violence defines “Violence in Household” as any act of violence “against anyone particularly woman.”¹⁴⁸ The Law on Sexual Violence Crimes, enacted in 2022, sets out special measures for the protection of women and children, but frames victimhood in gender-neutral terms and requires that victim advocates “have competence in handling victims from a human rights perspective and with gender sensitivity.”¹⁴⁹

¹⁴⁴ Republic of Indonesia, The 1945 Constitution of the Republic of Indonesia, <https://www.mkri.id/public/content/infoumum/regulation/pdf/uud45%20eng.pdf>, art. 28I(2).

¹⁴⁵ Republic of Indonesia, Labor Law, Law No. 13 of 2003, <https://peraturan.bpk.go.id/Details/43013>, arts. 5, 153(1)(i).

¹⁴⁶ Republic of Indonesia, Law Number 35 of 2014 on the Amendment of the Law Number 23 of 2002 on Child Protection, <https://ihl-databases.icrc.org/en/national-practice/law-number-35-2014-amendment-law-number-23-2002-child-protection>, art. 21.

¹⁴⁷ Republic of Indonesia, Law on the Elimination of Racial and Ethnic Discrimination, Law No. 40 of 2008, https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=81470; Law on Persons with Disabilities, Law No. 8 of 2016, <https://peraturan.bpk.go.id/Details/37251/uu-no-8-tahun-2016>.

¹⁴⁸ Republic of Indonesia, Law on the Elimination of Domestic Violence, Law No. 23 of 2004, https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=91238, art. 1(1).

¹⁴⁹ Republic of Indonesia, Law on Sexual Violence Crimes, Law No. 12 of 2022, <https://peraturan.bpk.go.id/Details/207944/uu-no-12-tahun-2022>, art. 26(2)(3).

Advocacy for Nondiscrimination Legislation



The cover of a “Policy Advocacy Module on Anti Discrimination for Human Rights Defenders” co-developed by Outright and LBHM. Photo Credit: Jonta Saragih, Outright International, 2022

In some provinces and cities, antidiscrimination bylaws, mostly on the grounds of race, religion, ethnicity, and to a lesser extent, disability, exist, but none explicitly refer to sexual orientation or gender identity. Since 2021, there have been efforts in some cities in Eastern Indonesia to advocate for local antidiscrimination ordinances. In 2024, two cities in Eastern Indonesia passed antidiscrimination policies that cover gender identity and gender expression: Ambon’s local ordinance “Ambon Kota Ramah HAM” (Ambon, a Human Rights City) and Palu’s mayoral decree on inclusive legal services for all.¹⁵⁰

There is also momentum at the national level. In 2021, 49 groups representing marginalized communities, including LGBTQ-serving groups, came together to form the Coalition of Vulnerable Groups Against Discrimination (*Koalisi Nasional Kelompok Rentan Anti Diskriminasi*, KAIN), an alliance lobbying for a national comprehensive antidiscrimination law, inclusive of gender and sexuality. Riska Carolina, an Indonesian LGBTQ activist who worked for Crisis Response Mechanism (CRM), a member of KAIN, told us that the coalition is still pushing for a stand-alone comprehensive antidiscrimination law despite the government’s priorities.¹⁵¹ The current government of the Advanced Indonesia Coalition led by Golkar (Party of Functional Groups) and Gerinda (Great Indonesia Movement Party) is prioritizing the revision of the country’s 1999 Human Rights Law.¹⁵² The law protects from discrimination based on “religion, ethnicity, race, group, faction, social status, economic status, sex, language, or political belief,” but does not explicitly refer to sexual orientation, gender identity, gender expression, or sex

¹⁵⁰ Efforts are also underway in the cities of Maumere, Kupang, and Ternate.

¹⁵¹ Outright interview with Riska Carolina, virtual, November 28, 2025.

¹⁵² Yericia Lai, “Government launches Human Rights Law overhaul to empower Komnas HAM,” *The Jakarta Post*, July 12, 2025, <https://www.thejakartapost.com/indonesia/2025/07/12/government-launches-human-rights-law-overhaul-to-empower-komnas-ham.html>.

characteristics.¹⁵³ The proposed revisions do not seek to address this gap and have been criticized by the National Commission on Human Rights and human rights groups for weakening protection mechanisms.¹⁵⁴

KAIN seeks to ensure that a comprehensive antidiscrimination law is included within the annual list of priorities of parliament (Prolegnas 2024-2029).¹⁵⁵ Albert Wirya, the director of LBH Masyarakat, one of the human rights groups that form part of KAIN, told Outright that at this stage, the coalition is meeting with members of the government and relevant parliamentary commissions. KAIN has drafted a bill and is reviewing it with the help of legal and policy experts.¹⁵⁶

Intersex organizing has been underway since 2005, primarily focused on public awareness and capacity-building.¹⁵⁷ KAIN's draft bill explicitly includes "sex characteristics."¹⁵⁸

Strategies

- **Shifting the narrative.** In their advocacy messages, activists are shifting the narrative from a focus on abuses based on sexual orientation and gender identity to an emphasis on equal citizen protection, emphasizing that violence cannot be justified under any circumstances and that nondiscrimination is a basic principle for citizenship, not a special request from a specific group.
- **Strengthening coalition work.** Before KAIN was formed, Carolina told Outright that LGBTIQ and other civil society groups all worked in siloes, but that since its foundation, it is no longer the case, as KAIN has become a space for various sectors to learn from each other and contribute to each other's advocacy goals beyond nondiscrimination. "[Activists in Indonesia] are now two or three steps ahead compared to 2016, during the crackdown on civil society in Indonesia. They have a tighter community now," Carolina emphasized.¹⁵⁹

¹⁵³ Republic of Indonesia, Law No. 39 Year 1999 - Concerning Human Rights, <https://www.justice.gov/file/291456/dl?inline=1>, art. 1.3.

¹⁵⁴ Andi Adam Faturahman, "Indonesia Rights Body Identifies 21 Problematic Articles in Draft Revision of Human Rights Law," TEMPO English, October 31, 2025, https://en.tempo.co/read/2061802/indonesia-rights-body-identifies-21-problematic-articles-in-draft-revision-of-human-rights-law#google_vignette; FORUM-ASIA and ANNI, "[Statement] INDONESIA: ANNI raises alarm over revision of Indonesian Human Rights Bill, supports Komnas HAM in pushback," February 10, 2026, <https://forum-asia.org/komnas-ham-indonesia-bill>.

¹⁵⁵ Ghita Intan, "Kelompok Rentan Desak Pemerintah Buat Undang Undang Anti Diskriminasi," VoA Indonesia, August 28, 2023, <https://www.voaindonesia.com/a/kelompok-rentan-desak-pemerintah-buat-uu-anti-diskriminasi/7241074.html>.

¹⁵⁶ Outright interview with Albert Wirya, director of LBH Masyarakat, virtual, December 15, 2025.

¹⁵⁷ Intersex Asia, *Intersex Justice in Indonesia*, 19.

¹⁵⁸ Outright email exchange with Albert Wirya, February 19, 2026.

¹⁵⁹ Carolina interview.

- **Choosing the right messenger.** Carolina told Outright that in advocacy meetings, they always let representatives of marginalized groups, such as women and persons with disabilities, speak first, recognizing that it is easier to target persons of diverse genders and sexualities.
- **Lobbying for political support.** To gain champions among government ministries, activists plan to push for the inclusion of provisions in a comprehensive antidiscrimination law that would strengthen ministries' mandates, showing them how antidiscrimination fits into their agendas.
- **Building incremental change.** While KAIN mainly advocates for a comprehensive national antidiscrimination law, advocates also recognize that laying the groundwork involves incremental policy changes, such as reforms in specific sectors, like health and education, directly improving the situation on the ground while a comprehensive law is in the works.
- **Enhancing local protections.** In at least three jurisdictions in Eastern Indonesia, activists are pushing for local ordinances or decrees that protect from discrimination based on gender identity or gender expression, following the examples of the cities of Ambon and Palu.
- **Engaging international mechanisms.** Activists continue to advocate for nondiscrimination protections in UN mechanisms and have seen increasingly positive responses from the government.¹⁶⁰

Challenges

Criminalization. The new penal code criminalizing same-sex couples may pose obstacles to inclusive legal reform. On top of existing discriminatory laws, more and more religiously conservative local authorities have been proposing local laws targeting same-sex conduct.¹⁶¹ The new penal code further risks strengthening and legitimizing discriminatory ordinances as “living law.”

¹⁶⁰ In 2022, Indonesia accepted eight out of the 13 LGBTIQ-related recommendations it received, including one urging it to “Repeal discriminatory laws against LGBTI+ persons and enact comprehensive antidiscrimination legislation to ensure protection of human rights and prevention of any form of discrimination, harassment, or abuse.” See Antonio Iñares, “LGBTQIA+ rights: Indonesia improves, Philippines lags behind,” Inquirer.net, March 28, 2023, <https://globalnation.inquirer.net/213034/lgbtqia-rights-indonesia-improves-philippines-lags-behind>.

¹⁶¹ Andra Nasrie, “Weaponizing Discrimination: Indonesia’s politicians exploit LGBTQ+ issues ahead of 2024 elections,” Coconuts Jakarta, March 16, 2023, <https://coconuts.co/jakarta/features/weaponizing-discrimination-indonesias-politicians-exploit-lgbtq-issues-ahead-of-2024-elections>; Hammam Izzuddin, “DPRD Sumatera Barat Kaji Pembentukan Raperda soal LGBT,” Tempo, January 6, 2025, <https://www.tempo.co/politik/dprd-sumatera-barat-kaji-pembentukan-raperda-soal-lgbt-1190595>.

Lack of political support. In the 2024 elections, several local and national politicians engaged in queerphobic speech and campaigning, with some vowing to “eradicate LGBT.” Activists also noted that open political support is declining.¹⁶² The president and vice president publicly proclaimed that they were “not pro-LGBT.”¹⁶³

Lack of funding. KAIN has so far not been able to secure the multi-year funding necessary to implement the strategies outlined in its theory of change.

National vs. local. While efforts at the local level are underway, advocates encounter specific sets of challenges and opportunities depending on where they are. Some provinces and cities in Eastern Indonesia, for example, are relatively more tolerant, and activists have been able to initiate constructive dialogue with local governments about possible nondiscrimination protections.

Ways Forward

- **Advance protections for intersex people.** Activists should advocate for legal protections for intersex people from discrimination and medical violence, following CEDAW recommendations to Indonesia in 2021 and the government’s commitment during the Universal Periodic Review in 2023 to prevent discrimination, harassment, or abuse against LGBTI+ people.¹⁶⁴
- **Expanding the coalition.** KAIN serves as a model that other movements advocating for comprehensive legislation can emulate. Still, it is looking to expand the coalition by linking the issue of discrimination with other groups’ priorities—for instance, by showing how discriminatory legal provisions threaten democracy and the rule of law, or how gaps in sexual and reproductive health and rights are rooted in stigma and discrimination.
- **Campaigning “slowly but surely.”** Before formally campaigning for a national, comprehensive bill, activists must continue efforts to raise public awareness about discrimination and link it with unequal laws, practices, and systems that can appeal to the concerns of the broader public.
- **Linking local and national advocacy.** Support for local antidiscrimination advocacy can strengthen the coalition’s national objectives. Local policies may be more visible to community members on the ground and could serve as positive examples for other local governments to follow, building momentum for a national law from the ground up.

¹⁶² Outright, *Queering Democracy*, 91–98.

¹⁶³ Ria Rizki Nirmala and Sari Faqih Fathurrahman, “Ramai Isu Prabowo–Gibran Dukung LGBT, Relawan Sekjen For Gibran: Hoaks!” *Suara*, December 6, 2023, <https://www.suara.com/kotaksuara/2023/12/06/071819/ramai-isu-prabowo-gibran-dukung-lgbt-relawan-sekjen-for-gibran-hoaks>.

¹⁶⁴ Intersex Asia, *Intersex Justice in Indonesia*, 23.

Japan



Supporters of the Equality Act in Tokyo | March 2021. Photo Credit: Kanae Doi/Human Rights Watch

Following the adoption of the 2023 SOGI Understanding Promotion Act, activists are calling for the urgent adoption of a basic plan mandated by the law that incorporates recent policy milestones on LGBTQ inclusion.

Situation of LGBTIQ People

Legal Overview ¹⁶⁵	
Criminalization	Same-sex sexual relations and gender-diverse expressions are not criminalized.
Legal gender recognition	The process to change legal gender markers involves medical and other requirements.
Intersex bodily autonomy	Non-consensual medical interventions on intersex babies and children are not prohibited by law.
Freedom of association	LGBTIQ organizations can openly register and operate.

Despite recent progress, discrimination against LGBTIQ people in Japan persists, including in the workplace and in schools. Forty-four percent of respondents to a 2024 survey said that they had experienced workplace discrimination based on sexual orientation, while 37 percent cited their gender identity.¹⁶⁶ In another survey, 56 percent of respondents said they have not disclosed their sexual orientation or gender identity in the workplace.¹⁶⁷ According to a third survey, 38 percent of transgender respondents could not freely dress in accordance with their gender identity at work.¹⁶⁸

¹⁶⁵ See Outright, "Country Overview: Japan," accessed September 22, 2025, <https://outrightinternational.org/our-work/asia/japan>.

¹⁶⁶ Robert Walters, "Robert Walters Japan Survey releases survey findings on LGBTQ+ workplace perspectives," May 30, 2024, <https://www.robertwalters.co.jp/en/insights/news/blog/2024-05-30.html>.

¹⁶⁷ Amnesty International, *Japan: Human rights law and discrimination against LGBT people in Japan*, 2017, <https://www.amnesty.org/en/documents/asa22/5955/2017/en>, 11.

¹⁶⁸ Ibid.

A survey in 2025 found that 90 percent of LGBTQ junior high and high school students experienced harassment or other difficulties at school, with 40 percent of junior high school students and 24 percent of high school students reporting having experienced bullying or violence in the past year.¹⁶⁹ Human Rights Watch has called queerphobic bullying an “epidemic” in Japan.¹⁷⁰

Public opinion on same-sex marriage and trans people’s rights has become more positive in recent years.¹⁷¹ However, 70 percent of respondents to a 2024 survey claimed they did not have a relative, friend, or colleague who was lesbian or gay.¹⁷²

While intersex organizations exist in Japan, we were unable to obtain sufficient information on intersex people’s experiences with discrimination and involvement in advocacy, so in this case study, we generally use the acronym LGBTQ rather than LGBTIQ.¹⁷³

Existing Protections

Discrimination

In 2023, Japan passed the Act on the Promotion of Public Understanding of the Diversity of Sexual Orientation and Gender Identity or the “SOGI Understanding Promotion Act.” While it marks a milestone as the first national law that explicitly references sexual orientation and gender identity, the final text is a watered-down version of advocates’ proposal.¹⁷⁴ It does not prohibit discrimination, but only recognizes that “discrimination due to sexual orientation and gender identity is unacceptable, and policies to promote public understanding of the diversity of sexual orientation and gender identity must be implemented.”¹⁷⁵ It only “encourages” the national and local governments, employers, and schools to implement necessary measures to promote public understanding of sexual orientation and gender identity. While it mandates the national

¹⁶⁹ Yoshika Uematsu, “Survey: 90% of LGBTQ children face harassment, grief at school,” *The Asahi Shimbun*, June 26, 2025, <https://www.asahi.com/ajw/articles/15841155>.

¹⁷⁰ Human Rights Watch, “The Nail That Sticks Out Gets Hammered Down”: LGBT Bullying and Exclusion in Japanese Schools, May 5, 2016, <https://www.hrw.org/report/2016/05/05/nail-sticks-out-gets-hammered-down/lgbt-bullying-and-exclusion-japanese-schools>, 19.

¹⁷¹ Sneha Gubbala, Jacob Poushter, and Christine Huang, “How people around the world view same-sex marriage,” *Pew Research Center*, November 27, 2023, <https://www.pewresearch.org/short-reads/2023/11/27/how-people-around-the-world-view-same-sex-marriage/>; Ipsos, *Ipsos LGBT+ Pride Report 2024: A 26-Country Ipsos Global Advisor Survey*, June 2024, <https://www.ipsos.com/en/ipsos-pride-survey-2024-gen-zers-most-likely-identify-lgbt>, 29.

¹⁷² Ipsos, *Ipsos LGBT+ Pride Report 2024*, 12.

¹⁷³ For more info on intersex organizing in Japan, see OII Japanese, “Home,” accessed February 11, 2025, <https://www.oii-japanese.org/posts>.

¹⁷⁴ Kanade Doi and Minky Worden, “Japan Passes Law to ‘Promote Understanding’ of LGBT People,” *Human Rights Watch*, July 12, 2023, <https://www.hrw.org/news/2023/07/12/japan-passes-law-promote-understanding-lgbt-people>.

¹⁷⁵ Japan, Act on the Promotion of Public Understanding of the Diversity of Sexual Orientation and Gender Identity, Act No. 68 of 2023, <https://www.japaneselawtranslation.go.jp/en/laws/view/4835>, art. 3.

government to develop a “basic plan” for the same purpose, it has not been formulated as of writing.¹⁷⁶

Eight out of 47, or approximately 17 percent of prefectures (administrative divisions below the national government), have passed ordinances against discrimination based on sexual orientation and gender identity.¹⁷⁷ Like the SOGI Understanding Promotion Act, the eight prefecture-level ordinances do not mandate civil or criminal penalties, limiting themselves to prescribing measures to prevent discrimination, including awareness-raising, community consultation, and data reporting. None of them explicitly list “gender expression,” “sex characteristics” and “intersex status.”¹⁷⁸ Several cities, towns, and wards have also passed similar nondiscrimination ordinances framed as promoting human rights, gender equality, and sexual diversity.¹⁷⁹

Other Protections

Discrimination based on sex in employment and public services is prohibited.¹⁸⁰ Several ministries, including those on health, education, internal affairs, and public workers, have issued decrees on “power harassment,” which includes outing an employee without their consent or

¹⁷⁶ Ibid, arts. 6, 8.

¹⁷⁷ See Research Institute for Local Government (RILG), 性の多様性に関する条例 (Ordinance on Gender Diversity), accessed January 30, 2026, https://www.rilg.or.jp/htdocs/img/reiki/002_lgbt.htm; See also ILGA World, “Japan: Protection against discrimination,” ILGA World Database, accessed September 22, 2025, <https://database.ilga.org/japan-lgbti>.

¹⁷⁸ While most of these ordinances are specific to sexual orientation and gender identity, the Yamanashi ordinance comprehensively addresses discrimination against a wide range of marginalized groups. It recognizes “race, creed, sex, nationality, sexual orientation (meaning orientation regarding the gender that is the target of romantic or sexual interest), gender identity (meaning perception of one’s own gender), social status, family origin, occupation, age, presence or absence of a disability or illness, or any other grounds.” Yamanashi Prefecture, Ordinance for Creating a Cohesive Society that Recognizes Diversity, Ordinance No. 15, March 24, 2020, https://www.pref.yamanashi.jp/somu/shigaku/reiki/reiki_honbun/a500RG00001844.html, art. 3.

¹⁷⁹ RILG, Ordinance on Gender Diversity.

¹⁸⁰ Japan’s Act on Equal Opportunity and Treatment between Men and Women in Employment (Act No. 113 of 1972) states that “employers must not discriminate against workers based on their **sex**” in several areas, but narrowly focuses on “equal treatment between men and women in employment.” The National Public Service Act (Act No. 120 of 1947) bans discrimination based on “**sex**” in public services.

offending someone based on their sexual orientation and gender identity.¹⁸¹ Japan protects from some forms of intimate partner violence under the Act on the Prevention of Spousal Violence and the Protection of Victims, whose gender-neutral protections cover violence within the context of marriage and “de facto” spousal relationships.¹⁸²

The government has also committed to ensure nondiscrimination based on sexual orientation and gender identity against children and to “deepen understanding of the diversity of sexual orientation and gender identity” under the General Principles for Child-Related Measures, adopted in December 2023 to operationalize the Basic Act on Children.¹⁸³ However, it has not taken any concrete measures to prohibit discrimination in education, health, social services, or any other area based on sexual orientation, gender identity, gender expression, or sex characteristics.

Advocacy for Nondiscrimination Legislation

Strengthening the 2023 “SOGI Understanding Promotion Act”

In 2015, the Japan Alliance for LGBT Legislation (J-ALL) was formed, advocating for an “LGBT antidiscrimination Law equivalent to the standards of other industrially-developed countries” and other laws to address barriers based on sexual orientation and gender identity.¹⁸⁴ Before the 2023 adoption of the SOGI Understanding Promotion Act, proposals for an Equality Act with stronger provisions on discrimination were introduced in parliament but failed to pass in 2016,

¹⁸¹ In 2020, the Ministry of Health, Labour and Welfare issued guidelines on the Act on Comprehensive Promotion of Labor Policies, which was amended in 2019 and requires all private companies to prevent “power harassment,” to clarify that “power harassment” includes “outing” an employee without their consent and offending someone based on their sexual orientation and gender identity. In response, the Ministry of Internal Affairs and Communications, the Ministry of Education, Culture, Sports, Science and Technology, and the National Personnel Authority have issued related notices so that public officers can be also protected in accordance with the intent of the law. This law was amended again in 2025 and the guideline was also amended at the governmental committee level on January 20, 2026. This amendment states that “forcing and preventing one’s coming out can be considered as power harassment,” and that SOGI-based harassment can be considered “customer harassment,” which all private companies are required to prevent under the new amendment. See J-ALL,【声明】労働施策総合推進法等に基づくいわゆる「ハラスメント防止指針」の諮問答申について ([Statement] Regarding the consultation report on the so-called “Harassment Prevention Guidelines” based on the Act on Comprehensive Promotion of Labor Policies, etc.), January 20, 2026, <https://lgbtetc.jp/news/4404>; Government of Japan, “Fourth World Conference on Women Beijing Declaration and Platform for Action Comprehensive National-level Review on the 30th Anniversary of its Adoption,” November 2024, https://www.unwomen.org/sites/default/files/2024-11/b30_report_japan_en.pdf, 11.

¹⁸² “Japan’s Act on the Prevention of Spousal Violence and the Protection of Victims uses the spousal violence framework. The law is applicable only to a spouse and a de facto spouse, a former spouse and a former de facto spouse, and a person who has or has had a relationship with the perpetrator, provided that the relationship is one where the partners reside in the same place, excluding relationships where two persons do not live together in a manner akin to a marital relationship.” Outright, *Locating LGBTQ People in Domestic Violence Laws in Asia*, 20–21; Japan, Act on the Prevention of Spousal Violence and the Protection of Victims, Act No. 31 of 2001, <https://www.japaneselawtranslation.go.jp/en/laws/view/4476/en>.

¹⁸³ Japan, Children’s Policy Outline, December 22, 2023, https://www.cfa.go.jp/assets/contents/node/basic_page/field_ref_resources/f3e5eca9-5081-4bc9-8d64-e7a61d8903d0/276f4f2c/20231222_policies_kodomo-taikou_21.pdf, 9, 17.

¹⁸⁴ Japan Alliance for LGBT Legislation (J-ALL), “Home,” accessed September 22, 2025, <https://lgbtetc.jp/english>.

2018, and 2022.¹⁸⁵ The 2022 proposal for the Equality Act, backed by civil society groups and opposition parties, prohibits discrimination based on sexual orientation and gender identity and outlines specific measures to eliminate discrimination by government agencies, businesses, employers, and schools.¹⁸⁶

J-ALL told Outright that activists continue to work to pass an antidiscrimination law, as well as strengthen the 2023 law:

- **Formulation of a responsive basic plan.** Under the 2023 law, the government “must formulate a basic plan for promoting public understanding of the diversity of sexual orientation and gender identity.”¹⁸⁷ However, as of writing, the government still has not released a basic plan. Advocates are pushing the government to ensure that the basic plan responds to LGBTQ people’s needs and follows human rights standards.¹⁸⁸
- **Review of the law in 2026.** The act provides for its review in 2026. Activists hope that amendments codify enforceable measures against discrimination, similar to those of the 2022 draft Equality Act’s provisions.¹⁸⁹

Expanding the Law

Intersex inclusion. The 2023 law exclusively addresses sexual orientation and gender identity, and most queer advocacy in Japan has focused on these issues. Some intersex activists are also pushing for the government to address issues affecting intersex people, such as intersex genital mutilation, separately from LGBTQ demands. The Japan Association of Patients and Families with Disorders of Sex Development (Nex DSD) maintains that LGBTQ and intersex issues must be addressed separately.¹⁹⁰ The group supports the human rights of “all sexual minorities, including LGBTQ individuals,” but emphasizes that most intersex people do not identify as “sexual minorities.”¹⁹¹

¹⁸⁵ ILGA World, *State-Sponsored Homophobia: Global Legislation Overview Update*, December 2020, https://ilga.org/wp-content/uploads/2023/11/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf, 205; ILGA World, “Japan: Protection against discrimination.”

¹⁸⁶ See Japan, Bill Concerning the Promotion of the Elimination of Discrimination Based on Sexual Orientation or Gender Identity, Bill No. 55 of the 208th Session of the House of Representatives, <https://www.sangiin.go.jp/japanese/johol/kousei/gian/208/pdf/t0902080552080.pdf>.

¹⁸⁷ Japan, Act on the Promotion of Public Understanding of the Diversity of Sexual Orientation and Gender Identity, art. 8.1.

¹⁸⁸ Outright interview with a representative of J-ALL, virtual, November 13, 2025.

¹⁸⁹ See Japan, Bill Concerning the Promotion of the Elimination of Discrimination Based on Sexual Orientation or Gender Identity, Bill No. 55 of the 208th Session of the House of Representatives, <https://www.sangiin.go.jp/japanese/johol/kousei/gian/208/pdf/t0902080552080.pdf>.

¹⁹⁰ Nex DSD Japan, “LGBTQ等性的マイノリティのみなさんとの関係は？” (“What is your relationship with LGBTQ and other sexual minorities?”), accessed December 3, 2025, <https://www.nexdsd.com/dsd>.

¹⁹¹ Ibid; “LGBTQとアライのみなさんへ,” (To all LGBTQ+ people and allies).

Strategies

According to J-ALL, activists are building momentum for nondiscrimination through various strategies:

- **Closely working with allies in parliament.** Since its foundation, J-ALL has built and maintained a constructive working relationship with the bipartisan Diet caucus on LGBT issues, creating an avenue for involvement in key policymaking processes. Together with the caucus members, J-ALL submits policy proposals to and engages in discussions with government ministries around the annual budget formulation.¹⁹²
- **Supporting the implementation of the 2023 law.** J-ALL provides guidelines, training sessions, and individualized consultation services to schools, employers, and local governments on implementing measures under the 2023 law.¹⁹³
- **Highlighting Japan's gaps compared to other nations.** J-ALL is advocating for nothing less than an antidiscrimination law in line with the “standards of other industrially-developed countries.”¹⁹⁴ Its advocacy efforts centered around Japan's hosting of the Group of the Seven (G7) Summit, where the group highlighted that the country lags far behind others in terms of legal protection.¹⁹⁵ J-ALL was involved in the launching of Pride7, a new engagement group of the G7, focusing on the rights of LGBTQ+ persons.



P7 Summit in Japan | March 2023. Photo Credit: Pride 7

¹⁹² J-ALL interview.

¹⁹³ Ibid.

¹⁹⁴ J-ALL, “Home.”

¹⁹⁵ Mari Yamaguchi, “LGBTQ summit calls on Japan to enact antidiscrimination law,” AP News, March 30, 2023, <https://apnews.com/article/japan-lgbtq-pride7-summit-g7-samesex-marriage-c5dfbfc49a2fca72befde941f642613b#:~:text=Japan%20is%20the%20only%20G.and%20prohibit%20discrimination%20throughout%20society>.

Challenges

Lack of political support from the ruling party. There is insufficient political support for LGBTIQ equality from the longtime ruling Liberal Democratic Party, and even opposition from its conservative members.¹⁹⁶ For example, while former Prime Minister Fumio Kishida condemned anti-trans discrimination and harassment in parliament in 2024, the government has still not amended the law requiring sterilization for legal gender recognition, which was declared unconstitutional by the Supreme Court in 2023.¹⁹⁷

Anti-gender opposition. Anti-LGBTQ political forces are also gaining ground. Prime Minister Takaichi Sanae, who took office in October 2025, is known for her conservative, right-wing positions and has opposed marriage equality and broader gender-inclusive policies.¹⁹⁸ After the general election of February 2026, Takaichi's Liberal Democratic Party won 316 out of 465 seats in the House of Representatives, giving her a broad mandate to cement her conservative agenda.¹⁹⁹ Sanseito, a far-right party with anti-LGBTQ positions, also gained 13 seats, up from two seats in 2024, when it entered the House of Representatives for the first time.²⁰⁰²⁰¹

Ways Forward

Build on wins. Subnational jurisdictions are increasingly recognizing same-sex partnerships and passing nondiscrimination laws. Wins at the local level must be leveraged to strengthen the case for a national law, including by highlighting the disparities in protections across the country. The 2023 Supreme Court ruling strengthened the right to legal gender recognition, and J-ALL expects that the government will formulate a basic plan which incorporates recent policy milestones, such as the General Principles for Child-Related Measures. Activists must keep building on the momentum for LGBTIQ inclusion.²⁰²

¹⁹⁶ "Next Japan PM to face pressure on protection of LGBT rights," *Kyodo News*, September 27, 2024, <https://english.kyodonews.net/articles/-/50037>.

¹⁹⁷ According to J-ALL, "Unjust discrimination and prejudice based on sexual orientation and gender identity, such as slander and defamation stemming from misunderstandings about so-called transgender individuals, must not be tolerated." Furthermore, "It is unacceptable to uniformly restrict the actions of specific individuals based solely on their gender identity without reasonable justification." See J-ALL, "A Survey Examining the Views and Perspectives of Various Political Leaders," October 2024, [lgbtetc.jp/wp/wp-content/uploads/2024/10/FA_13_広島6区_重村こうし_\(共・新\).pdf](https://lgbtetc.jp/wp/wp-content/uploads/2024/10/FA_13_広島6区_重村こうし_(共・新).pdf), 2.

¹⁹⁸ Charles Crabtree, "As Asia Advances LGBTQ+ Rights, Japan's Parliament Stalls," *The Diplomat*, November 14, 2025, <https://thediplomat.com/2025/11/as-asia-advances-lgbtq-rights-japans-parliament-stalls>.

¹⁹⁹ "Japan's Takaichi vows 'major policy shift' after resounding election victory," *France 24*, February 9, 2026, <https://www.france24.com/en/asia-pacific/20260209-japan-s-takaichi-vows-major-policy-shift-after-resounding-election-victory>.

²⁰⁰ "OPPOSITION: Japan's populist Sanseito more than sextuples lower house seats," *Kyodo News*, February 9, 2026, <https://english.kyodonews.net/articles/-/70117>; Outright, *Queering Democracy*, 185.

²⁰¹ Saadet Gökce, "Populism finds foothold in Japan with far-right election breakthrough," *Anadolu Ajansi*, August 21, 2025, <https://www.aa.com.tr/en/asia-pacific/populism-finds-foothold-in-japan-with-far-right-election-breakthrough/3665807>.

²⁰² J-ALL interview.

Advocate for enforceable protections from discrimination. Continue advocating for a national, comprehensive law explicitly prohibiting discrimination across sectors and mandating positive measures to address the root causes of stigma and discrimination.

Malaysia

Due to the criminalization of same-sex intimacy and sociopolitical opposition, activists are focusing on incremental legal reform instead of a stand-alone antidiscrimination law.

Situation of LGBTIQ People

Legal Overview ²⁰³	
Criminalization	Same-sex sexual relations and gender-diverse expressions are criminalized.
Legal gender recognition	There is no pathway to change legal gender markers.
Intersex bodily autonomy	Non-consensual medical interventions on intersex babies and children are not prohibited by law.
Freedom of association	LGBTIQ organizations cannot openly register and operate.

Malaysia is a Muslim-majority country with a dual legal system: federal civil law and state-level Shariah enactments. Both frameworks contain provisions that criminalize same-sex intimacy and diverse gender expressions.²⁰⁴

Stigma and mistrust of authorities mean that many survivors do not report violations due to fear of outing, retaliation, and impunity.²⁰⁵ Civil society operates in a restricted environment, with some LGBTIQ organizations lacking access to mainstream media, institutional platforms, and resources.²⁰⁶

Existing Protections

Malaysia lacks a comprehensive antidiscrimination framework protecting LGBTIQ people. Because the laws themselves criminalize queer and trans identities, the default is punitive, not protective.²⁰⁷

The constitution prohibits discrimination on the basis of “religion, race, descent, place of birth or gender in any law” as well as in public appointments and in the administration of any law related to property, trade, or employment. Judicial and governmental interpretation remains strictly

²⁰³ See Outright, “Country Overview: Malaysia.”

²⁰⁴ Human Rights Watch, “‘I Don’t Want to Change Myself’: Anti-LGBT Conversion Practices, Discrimination, and Violence in Malaysia,” August 10, 2022, <https://www.hrw.org/report/2022/08/10/i-dont-want-change-myself/anti-lgbt-conversion-practices-discrimination-and>.

²⁰⁵ Asian-Pacific Resource and Research Centre for Women (ARROW) and Justice for Sisters, “Monitoring Report: LGBTIQ+ Rights in Malaysia,” 2020, <https://arrow.org.my/wp-content/uploads/2021/01/LGBTIQ-Rights-in-Malaysia-.pdf>.

²⁰⁶ KRYSS Network, “Gender Justice and the Right to Freedom of Opinion and Expression (Malaysia), submission to the Special Rapporteur on the Promotion and Protection of Freedom of Opinion and Expression, June 22, 2021, <https://www.ohchr.org/sites/default/files/2021-11/KRYSS-Network-Malaysia.pdf>.

²⁰⁷ Human Rights Watch, “Malaysia: State-Backed Discrimination Harms LGBT People,” August 10, 2022, <https://www.hrw.org/news/2022/08/10/malaysia-state-backed-discrimination-harms-lgbt-people>.

binary, limiting its practical scope.²⁰⁸

Even the term “gender” has become controversial. Women’s rights organizations initiated efforts to introduce a Gender Equality Act more than a decade ago, but the initiative stalled due to strong backlash against the inclusion—even implicitly—of the word “gender.” Government consultations revealed intense resistance from conservative actors who viewed “gender” as a pathway for LGBTIQ inclusion.²⁰⁹ The Ministry eventually renamed the initiative as a law focused on discrimination against women, but it was never introduced in Parliament.²¹⁰

The Human Rights Commission in Malaysia, SUHAKAM, has shown support over the years to LGBTQ people by calling for the government to protect them from discrimination, harassment, and intimidation, although the commission has opposed the legalization of same-sex marriage.²¹¹

The Domestic Violence Act prohibits various forms of family violence, which can protect LGBTIQ people from violence by their parents, spouses, and other family members, although the criminalization of same-sex intimacy may create barriers for redress.²¹² LGBTIQ individuals lack access to effective complaint and accountability mechanisms. According to the International Commission of Jurists, survivors of violence—including arbitrary arrest, harassment, and degrading treatment—face “significant barriers” when seeking remedies, including intimidation by police, fear of outing, and the absence of safe reporting channels. Several interviewees reported that police officers themselves were the perpetrators of abuse, further eroding trust in institutions.²¹³

Strategic litigation has also faced significant barriers. A key illustration is the Mohammed Juzaili bin Mohd. Khamis & Others v. State Government of Negeri Sembilan (2014) case.²¹⁴ In 2014, the Court of Appeal issued a landmark ruling declaring Section 66 of the Syariah Criminal Enactment (Negeri Sembilan) 1992 unconstitutional. The provision criminalized “a male person posing as a

²⁰⁸ International Commission of Jurists, *Invisible, Isolated, and Ignored: Human Rights Abuses Based on Sexual Orientation and Gender Identity/Expression in Colombia, South Africa and Malaysia*, 2021, <https://www.icj.org/wp-content/uploads/2021/03/Colombia-SouthAfrica-Malaysia-SOGIE-Publications-Reports-Thematic-reports-2021-ENG.pdf>.

²⁰⁹ ARROW and Justice for Sisters, “Monitoring Report,” 12; Legal Dignity Malaysia, Outright online consultation, November 6, 2025.

²¹⁰ Legal Dignity Malaysia, Outright online consultation.

²¹¹ Women’s Aid Organization, “JAG: Response to SUHAKAM on Human Rights Violations Based on Gender,” April 2012, <https://wao.org.my/jag-response-to-suhakam-on-human-rights-violations-based-on-gender/>.

²¹² Malaysia, Domestic Violence Act 1994, Act 521, amended February 12, 2012, <https://tcclaw.com.my/wp-content/uploads/2025/08/Domestic-Violence-Act-1994.pdf>; Domestic Violence (Amendment) Act 2017, Act A1538, <https://learningpartnership.org/sites/default/files/resources/pdfs/Malaysia-Domestic-Violence-%28Amendment%29-Act-2017-%28Act%20A1538%29-English.pdf>; Outright, *Locating LGBTQ People in Domestic Violence Laws in Asia*, 52.

²¹³ International Commission of Jurists, “Silenced But Not Silent,” 21.

²¹⁴ “Muhamad Juzaili Bin Mohd Khamis v. State Government of Negeri Sembilan,” Columbia University, October 15 2015, <https://globalfreedomofexpression.columbia.edu/cases/muhamad-juzaili-bin-mohd-khamis-et-al-v-state-government-of-negeria-sembilan-et-al/>.

woman,” targeting Muslim trans women. The Court found that Section 66 violated several fundamental liberties under the Federal Constitution—including personal liberty, freedom of movement, freedom of expression, and freedom of religion—marking an unprecedented recognition of trans people’s rights by a Malaysian appellate court. However, this breakthrough was short-lived. The Federal Court overturned the ruling on procedural grounds, holding that the applicants should have challenged the Syariah provision in the High Court before approaching the Court of Appeal. Crucially, the Federal Court did not engage with the substantive constitutional arguments. Instead, it declared the original challenge “void from the time it was filed,” closing the door on an examination of the law’s discriminatory effects.²¹⁵

Advocacy for Nondiscrimination

There is currently no national advocacy effort to advance a comprehensive antidiscrimination law that explicitly protects LGBTIQ people. This reflects a strategic assessment shaped by criminalization, political sensitivity around queer issues, and limited civic space. Malaysia has been led by Pakatan Harapan (Alliance of Hope) since 2022, a centrist and center-left coalition with a few members publicly supporting the rights of sexual and gender minorities but whose official policy remains conservative and hostile to “LGBT lifestyle.”²¹⁶ A queer activist and the founder of Legal Dignity Malaysia told Outright that attempts to advance comprehensive nondiscrimination legislation have consistently met strong resistance, with opponents framing nondiscrimination as conflicting with religious and cultural norms. In this context—where same-sex intimacy and trans identities remain criminalized—organizations have not prioritized a stand-alone antidiscrimination law, viewing it as politically unviable and potentially exposing groups and individuals to heightened scrutiny, backlash, and legal risk.

Instead, advocacy has focused on indirect, issue-specific entry points, including strategic litigation to limit criminalization, engagement in law reform processes such as the ongoing reviews of the Penal Code, Criminal Procedure Code, and Evidence Act, and the provision of legal and psychosocial services to survivors of violence based on sexual orientation and gender identity. Intersex issues are generally less visible within the broader LGBTQ movement and, when they arise, are more often addressed through wider frameworks—including bodily autonomy, nondiscrimination, gender-based rights, child rights, and health rights

²¹⁵ Human Rights Watch, “Malaysia: Court Ruling Sets Back Transgender Rights,” October 8, 2015, <https://www.hrw.org/news/2015/10/08/malaysia-court-ruling-sets-back-transgender-rights>.

²¹⁶ CIVICUS and ARTICLE 19, *New Government, Old Tactics: Lack of progress on reform commitments undermines fundamental freedoms and democracy in Malaysia*, May 2019, <https://www.article19.org/wp-content/uploads/2019/05/CIVICUS-New-Government-Old-Tactics-A4-v1.pdf>, 12; Ahmad Albab, “Pakatan Harapan Mahu Halalkan LGBT?,” MY News Hub, February 25, 2018, <https://www.mynewshub.tv/2018/02/pakatan-harapan-mahu-halalkan-lgbt>; “No, we are not LGBT-friendly, says Putrajaya,” *Malaysia Today*, July 23, 2018, <https://www.malaysia-today.net/2018/07/23/no-we-are-not-lgbt-friendly-says-putrajaya>.

advocacy—rather than through a distinct, standalone intersex advocacy platform.²¹⁷

Despite being small and under-resourced, Legal Dignity Malaysia has played a central role by submitting expert input to government-appointed review bodies and maintaining relationships with other civil society actors. Coalition-building is integral to Legal Dignity Malaysia’s approach. Partnerships with women’s rights organizations have enabled access to media, institutions, and policy spaces otherwise closed to explicitly LGBTQ groups. However, collaboration with mainstream human rights organizations working on freedom of expression, corruption, or labor rights remains difficult.

Strategies

Strategic restraint in litigation and legal reform. An activist from Legal Dignity Malaysia noted that earlier strategic litigation—particularly constitutional claims grounded in fundamental liberties—has faced strong judicial resistance, especially in cases involving Shariah. After favorable lower-court rulings were overturned, strategies shifted away from broad constitutional challenges toward more cautious, technical approaches, including challenges to legislative competence, procedural criminal law arguments, and engagement in law reform spaces such as ongoing reviews of the Penal Code, Criminal Procedure Code, and Evidence Act.

Service provision and survivor-centered approaches. Legal Dignity Malaysia provides legal assistance alongside accessible, subsidized mental health and wellbeing support for survivors of violence, harassment, and abuse. These approaches are understood not only as service provision but as essential to sustaining trust, resilience, and long-term advocacy capacity within the community.

Coalition-building as political shielding. In contexts of hostility toward LGBTQ advocacy, coalition-building has become a critical strategy. Partnerships with women’s rights organizations are particularly important, given their established ties to government institutions and media, enabling LGBTQ advocates to access otherwise closed spaces. Collaboration with other civil society actors remains more difficult, as many continue to approach LGBTQ issues cautiously.

Digital safety. Online harassment, doxxing, and hate campaigns are common forms of violence against sexual and gender minorities in Malaysia, often escalating during politically sensitive periods.²¹⁸ As a result, advocates increasingly see protections against cyberbullying and doxxing as a necessary entry point for legal and policy reform. Framing these issues around digital safety,

²¹⁷ Intersex Asia, *Intersex Justice in Malaysia: A Country Report on the situation of intersex rights in Malaysia*, June 2024, https://intersexasia.org/wp-content/uploads/2024/10/Malaysia_English_.pdf.

²¹⁸ Outright, *Lesbian, Bisexual, and Queer Women Online*; Mong Palatino, “Harassment and security threats forced the cancellation of a Pride-themed community event in Malaysia,” *Global Voices*, January 27, 2026, <https://globalvoices.org/2026/01/27/harassment-and-security-threats-forced-the-cancellation-of-a-pride-themed-community-event-in-malaysia/>.

privacy, and harm prevention allows organizations to address sexual and gender minorities vulnerabilities while avoiding direct confrontation over sexual orientation or gender identity.

Sustaining advocacy under constrained conditions. Across strategies, the activist consulted emphasized sustainability. For small, under-resourced groups under constant pressure, protecting staff wellbeing, preventing burnout, and building internal capacity are prerequisites for long-term progress. Rather than pursuing rapid legal change, they focus on organizational stability, expanding professional—particularly legal—networks, and keeping future advocacy pathways open as political conditions evolve.

Challenges

Criminalization and punitive legal frameworks. Criminalization reinforces stigma, legitimizes discriminatory political rhetoric, and exposes individuals to arrest, harassment, and violence. It also limits the feasibility of pursuing explicit nondiscrimination protections, as legal frameworks are oriented toward punishment rather than protection.

Judicial resistance and limits of strategic litigation. While litigation has been important in challenging discriminatory provisions, courts have often been reluctant to engage substantively with LGBTIQ claims, particularly those implicating Shariah law. Favorable lower-court rulings have been overturned on procedural grounds, discouraging broader constitutional challenges. This judicial climate limits litigation as a driver of structural change and underscores the need for more cautious, technical legal strategies.

Shrinking civic space and mistrust of institutions. Civil society organizations operate under surveillance and face significant barriers to engaging with government institutions, the media, and accountability mechanisms.²¹⁹ Survivors of violence often avoid reporting violations due to fear of outing, retaliation, and impunity. Law enforcement officials themselves have been perpetrators of abuse, further eroding trust in state institutions and limiting access to remedies.

Limited organizational capacity and resources. LGBTQ organizations in Malaysia are small and under-resourced, with minimal staff and constrained funding. These limitations restrict the ability to engage in sustained advocacy, coalition-building, media outreach, or strategic litigation.

Political and religious backlash. Advocacy related to sexual orientation and gender identity remains highly sensitive and is frequently framed by conservative actors as incompatible with religious values or national identity. This environment generates backlash against reform efforts and contributes to self-censorship among civil society actors.

²¹⁹ International Center for Not-for-Profit Law, “Civic Freedom Monitor: Malaysia,” October 4, 2025, <https://www.icnl.org/resources/civic-freedom-monitor/malaysia>.

Weak and inconsistent institutional support. While some institutions—such as the national human rights commission—have acknowledged that LGBTQ people are entitled to protection from violence and discrimination, this support remains limited and inconsistent. Institutional actors have stopped short of endorsing legal recognition or decriminalization.

Ways Forward

In the current context, efforts are expected to build on existing strategies that have proven viable within a highly constrained environment.

Deepening cross-sectoral alliances. Advocates identify coalition-building as a critical priority for strengthening political legitimacy and expanding advocacy space. Building on existing partnerships with women’s rights organizations, LGBTQ groups aim to deepen collaboration with labor unions, disability rights organizations, youth movements, and freedom of expression groups.

Strengthening survivor-centered and trauma-informed services. Mental health, legal aid, and well-being support for survivors of violence are expected to remain central to advocacy efforts. These approaches not only address immediate harm but also reinforce community trust and resilience. Expanding these services—while safeguarding privacy—can strengthen organizational credibility and support longer-term engagement with institutions and professional actors.

Engaging legal professionals and institutions. Advocates see potential in building stronger relationships with members of the legal profession, including the Malaysian Bar, law firms, and pro bono lawyers. Increasing engagement may provide access to technical expertise, legal aid, and institutional legitimacy, and support future litigation or reform efforts when conditions allow.

Pursuing targeted legal entry points. Rather than advancing comprehensive nondiscrimination legislation, advocates are likely to continue focusing on narrower, issue-specific reforms. Protections against doxxing, cyberbullying, and online harassment are viewed as particularly promising entry points, given the prevalence of digital violence against LGBTIQ people and the broader public resonance of privacy and safety concerns.

Leveraging regional and international mechanisms. Continued engagement with regional networks and international mechanisms remains important for sustaining advocacy, sharing strategies, and building legitimacy. While domestic constraints limit visible campaigning, regional and international partnerships can help maintain momentum and support incremental change.

Mongolia

While protections exist in some areas, the country does not have a comprehensive antidiscrimination law. A bill has been developed for the first time, but without government support. Activists are focusing on research and coalition-building rather than public campaigning.

Situation of LGBTIQ People

Legal Overview ²²⁰	
Criminalization	Same-sex sexual relations and gender-diverse expressions are not criminalized.
Legal gender recognition	The process to change legal gender markers involves medical and other requirements.
Intersex bodily autonomy	Non-consensual medical interventions on intersex babies and children are not prohibited by law.
Freedom of association	LGBTIQ organizations can openly register and operate.

Mongolia decriminalized consensual same-sex intimacy in 1993. However, there is no legal recognition of same-sex couples; the Constitution defines marriage as a union between a man and a woman, effectively excluding same-sex marriage and civil partnerships.²²¹

Transgender people can seek legal gender recognition under the Civil Registration Law, but the process requires surgery and medical verification, which limits access and falls short of human rights standards. Intersex people remain invisible in law, and there is no explicit prohibition of medically unnecessary interventions on intersex infants and children.²²²

Despite some statutory advances, advocates and international bodies continue to document discrimination and violence against LGBTIQ persons in multiple areas of life, along with underreporting driven by fear of stigma or secondary victimization.²²³

Existing Protections

Mongolia does not have a comprehensive equality or antidiscrimination statute across all areas of life. Instead, protection is piecemeal. The Criminal Code includes sexual orientation and gender identity as protected grounds in its antidiscrimination and hate-crime provisions, and crimes motivated by bias on these grounds can carry aggravated penalties.²²⁴ In January 2022, Mongolia implemented a revised labor law prohibiting discrimination by employers on the basis of sexual

²²⁰ Outright, "Country Overview: Mongolia," accessed February 23, 2026, <https://outrightinternational.org/our-work/asia/mongolia>.

²²¹ Ibid.

²²² Ibid.

²²³ Human Rights Committee, Concluding observations on the seventh periodic report of Mongolia, CCPR/C/MNG/CO/7, May 6 2026, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx>.

²²⁴ Mongolia, Criminal Code of Mongolia, 2017, https://track.unodc.org/uploads/documents/BRI-legal-resources/Mongolia/2_Criminal_Code_of_Mongolia.pdf, arts. 14.1, 14.12.

orientation and gender identity.²²⁵ This remains the only sector-specific statutory protection explicitly covering these grounds. According to an activist consulted by Outright, the government has invoked constitutional equality guarantees as evidence that broader protections already exist. However, the Constitution does not explicitly enumerate sexual orientation, gender identity, gender expression, or sex characteristics among its protected grounds, nor does it provide a civil enforcement mechanism that would allow victims of discrimination to seek remedies outside the criminal system.

Activists underscored that the existing provisions are extremely difficult to invoke in practice. Treating discrimination solely as a criminal matter imposes a “beyond a reasonable doubt” standard that is nearly impossible to meet in cases involving LGBTIQ people. Criminal provisions focus on punishing offenders rather than providing remedies to victims, leaving people without accessible civil or administrative avenues to seek redress.²²⁶

The General Prosecutor’s Office registered 13 complaints under Article 14.1 on discrimination based on sexual orientation and gender identity between 2017 and 2021, most of which were dismissed before reaching trial.²²⁷ A separate communication from the General Police Department reported only five complaints filed between 2017 and 2023, all ultimately dismissed as well.²²⁸ By contrast, the LGBT Centre documented 16 complaints it submitted during the same period, with only one ever transferred to court—and that case was also dismissed.²²⁹ The LGBT Centre has criticized the “flaws in the crime information database, inconsistent implementation of Article 14.1 of the Criminal Code, and LGBTQ+ people’s general under-reporting of human rights violations to the police for fear of further victimization.”²³⁰

Advocacy for Nondiscrimination Legislation

According to information shared during Outright’s interview, advocacy for an independent, comprehensive antidiscrimination law has been underway for approximately 18 years. Over this period, the objective has consistently been the adoption of a single Equality Act–type framework covering multiple protected grounds across all spheres of public life.

²²⁵ Mongolia, Labour Law of Mongolia, 2021, <https://investmongolia.gov.mn/wp-content/uploads/2023/11/Law-on-Labor-1.pdf>, art. 6.1.

²²⁶ The Advocates for Human Rights and Lesbian Gay Bisexual Transgender Centre of Mongolia, “Mongolia’s Compliance with the Covenant on Civil and Political Rights: LGBTIQ+ Rights,” February 3, 2025, https://www.theadvocatesforhumanrights.org/Res/CCPR%20Joint%20Shadow%20Report%20Mongolia%20AHR_LGBT%20Center%20Final.pdf.

²²⁷ Lesbian Gay Bisexual Transgender Centre of Mongolia and ILGA World, Submission to the UN Committee on the Economic, Social and Cultural Rights, August 29, 2022, <https://fin.dk/media/4zbnpygk/mong25.pdf>, par. 13.

²²⁸ Ibid.

²²⁹ The Advocates for Human Rights and Lesbian Gay Bisexual Transgender Centre of Mongolia, “Mongolia’s Compliance,” par. 17.

²³⁰ Ibid, par. 18.

Since 2016, Mongolia has been ruled by the social democratic Mongolian People’s Party.²³¹ In July 2025, ruling party legislators introduced a private members’ bill, “On Freedom from Discrimination and Harassment and Prevention.”²³² The draft establishes a framework to prevent discrimination and harassment and lists seventeen protected characteristics, including sexual orientation and “gender-related orientation” (бэлгийн, хүйсийн чиг баримжаа), although it does not include sex characteristics or an equivalent protected ground. Although the bill was introduced by a ruling party member, according to an activist consulted by Outright, the government has verbally communicated that it will not allocate funding to support the drafting process—leaving the bill technically weak and structurally constrained.

At this stage, activists’ priority is being placed on research, strategy development, and coalition-building around the bill rather than public campaigning. Strengthening international partnerships—including pro bono legal assistance—was identified as particularly important for improving the draft and understanding what robust antidiscrimination legislation could look like in the Mongolian context. Identified needs include comparative legal analysis adapted to Mongolia, capacity building on lobbying and argumentation, and funding for coordination, meetings, and legislative engagement.

Challenges

Limited effectiveness of existing criminal law protections. Although Mongolia’s Criminal Code formally prohibits discrimination based on sexual orientation and gender identity, advocates stressed that enforcement is nearly non-existent. High burdens of proof and narrow legal construction mean the provisions have not resulted in any merits decisions or convictions to date—including in the one case reportedly transferred to court, which was ultimately dismissed—allowing discrimination to persist without remedy.

Weak and under-resourced draft legislation. Advocates described the current antidiscrimination bill as the first of its kind, but still technically underdeveloped. They attributed this in part to the lack of government support for the drafting process—raising the risk that, even if enacted, the law may be unclear in key provisions and therefore difficult to implement and enforce in practice.

Scarce resources and limited technical capacity. Civil society groups face significant funding constraints, including difficulty covering staff salaries and basic advocacy costs. Activists’ limited access to specialized legal or legislative expertise, which affects their ability to assess the draft bill, propose amendments, or decide whether to push the current text forward.

²³¹ The Mongolian People’s Party won a supermajority in the 2016 and 2020 parliamentary elections. Following the 2024 elections, it remained the top party but had to form a coalition government.

²³² United Info Hub, “On Freedom from Discrimination and Harassment and Prevention,” National Center for Integral Development, 2025, <https://www.uih.mn/h/671/uzel/?tab=>.

Uncertain allies and coalition risks. Advocates are re-mapping allies after realizing some presumed supporters may be hesitant about—or may actively resist—LGBTIQ-inclusive legislation. Mongolia’s major civil society coalitions remain valuable platforms, but support is not uniform; for example, within the Human Rights Forum, some member organizations have reportedly expressed resistance to LGBTIQ inclusion in the draft bill. This can make coalition engagement politically delicate and underscores the need for careful, relationship-based outreach and internal consensus-building.

Ways Forward

Invest in technical assistance for legislative design. Advocates stress the need for comparative expertise on what a strong equality law looks like, adapted to Mongolia’s context. Support from pro bono legal networks and research partners could help strengthen definitions, scope, and enforcement mechanisms in the draft bill.

Strengthen advocacy capacity for lobbying and argument-building. Capacity-building on parliamentary engagement, policy argumentation, and strategic communications is identified as essential, particularly given the limited in-house legal expertise within the movement.

Consolidate coalition work while managing internal risks. Sustained engagement in broad coalitions can expand legitimacy and political leverage, but requires careful internal advocacy to keep LGBTIQ issues on the agenda and mitigate opposition from within.

Leverage UN mechanisms to reinforce domestic narratives. Recommendations from UN treaty bodies and Universal Periodic Review processes provide authoritative language for domestic advocacy and help legitimize equality framing with government, coalitions, and media.

Secure flexible funding for sustained legislative engagement. Advocates flag the need for funding for convenings, lobbying, and coalition coordination—core costs required to help them move a bill through Parliament over multiple cycles.

Nepal



Mitini Nepal rally for Human Rights Day | December 2025. Photo Credit: Mitini Nepal

There is no pending antidiscrimination bill in parliament. Activists are lobbying to translate constitutional inclusion into piecemeal protection and “step-by-step recognition.”²³³

Situation of LGBTIQ People

Legal Overview ²³⁴	
Criminalization	Same-sex sexual relations and gender-diverse expressions are not criminalized.
Legal gender recognition	The process to change legal gender markers involves medical and other requirements.
Intersex bodily autonomy	Non-consensual medical interventions on intersex babies and children are not prohibited by law.
Freedom of association	LGBTIQ organizations can openly register and operate.

Despite recent advances in LGBTQ equality, including some of the most progressive laws in the region, LGBTIQ people continue to experience discrimination in Nepal. At the workplace, community groups have reported pay discrimination, violence, and unequal access to employment opportunities.²³⁵ Bullying of sexual and gender minorities remains prevalent.²³⁶

While a third gender is legally recognized, the lack of a clear administrative procedure based on self-determination has made the process “rife with human rights violations,” leaving intersex,

²³³ Outright interview with Sarita K.C., Mitini Nepal, virtual, October 17, 2025.

²³⁴ See Outright, “Country Overview: Nepal,” accessed September 22, 2025, <https://outrightinternational.org/our-work/asia/nepal>.

²³⁵ U.S. Department of State, 2023 Country Reports on Human Rights Practices: Nepal, 2023, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/nepal>.

²³⁶ Ibid; Saroj KC and Ayush Joshi, “Schools and LGBTQI+ children,” *The Kathmandu Post*, July 3, 2023 <https://kathmandupost.com/columns/2023/07/03/schools-and-lgbtqi-children>.

trans, and gender-diverse people in Nepal more vulnerable to discrimination.²³⁷ Intersex activists in Nepal report discrimination in health care, bullying in schools, and difficulties in obtaining employment due to barriers to securing identity documents that reflect their gender markers.²³⁸

Discrimination has drastic consequences, with 43 percent of LGBTIQ children and youth in Nepal reporting that they had experienced anxiety and depression within two weeks before participating in a 2025 survey.²³⁹

Existing Protections

Discrimination

In 2007, a Supreme Court ruling found that discrimination against sexual and gender minorities violated the Interim Constitution of 2007. The Supreme Court directed the government to enact or amend laws in order to “allow the people of different gender identity and sexual orientation in enjoying their rights as other people without any discrimination.”²⁴⁰ The ruling is inclusive of “lesbian, gay, bisexual, transgender, [and] intersexual” people.²⁴¹

Since 2007, a series of governments, including governments led by the Communist Party of Nepal (Unified Marxist–Leninist), the Communist Party of Nepal (Maoist Centre), and the Nepali Congress, have generally accepted the court’s interpretation of nondiscrimination guarantees, although they have been slow to take proactive steps to ensure LGBTIQ people’s rights are realized.²⁴² An important victory was achieved with the enactment of the 2015 Constitution of Nepal, the only one in Asia that explicitly recognizes sexual and gender diversity, affirming that

²³⁷ Human Rights Watch, “We Have to Beg So Many People”: Human Rights Violations in Nepal’s Legal Gender Recognition Practices, February 2024, <https://www.hrw.org/report/2024/02/15/we-have-beg-so-many-people/human-rights-violations-nepals-legal-gender>.

²³⁸ Intersex children are also subjected to infanticide and abandonment, especially in rural region, and nonconsensual medical interventions “remain a growing practice” in several public and private hospitals. Blue Diamond Society and StopIGM.org, “Harmful Practice and Violence against Intersex Children and Adolescents in Nepal,” 2018, <https://intersex.shadowreport.org/public/2018-SR-Violence-Women-Nepal-NGO-Intersex-IGM.pdf>; Binu Shrestha, “Intersex persons face ordeals in getting jobs,” *The Rising Nepal*, March 30, 2024, <https://risingnepaldaily.com/news/40901>; Jensen Byrne, “The dawn of a national intersex movement: The first national intersex workshop in Nepal,” *Being LGBTI in Asia*, February 9, 2016, <https://medium.com/being-lgbti-in-asia/the-dawn-of-a-national-intersex-movement-the-first-national-intersex-workshop-in-nepal-621e8d7a826e#ucq2ckc1q>; StopIGM.org, “Nepal > UN-CEDAW condemns Intersex Infanticide & Genital Mutilation,” December 6, 2018, <https://stopigm.org/nepal-un-cedaw-condemns-intersex-infanticide-and-genital-mutilation>.

²³⁹ “LGBTQI+ young people facing severe mental health issues,” *The Kathmandu Post*, February 27, 2025, <https://kathmandupost.com/national/2025/02/27/lgbtqi-young-people-facing-severe-mental-health-issues-study>.

²⁴⁰ Case of Sunil Babu Pant and Others v. Nepal Government (2007), 285.

²⁴¹ Ibid, 271.

²⁴² Nepal is undergoing a political transition following the Generation Z-led protests in 2025, which led to the dissolution of parliament and the formation of an interim government in 2025. General elections will be held on March 5, 2026 to succeed the interim government.

“gender and sexual minorities” have rights to equality and social justice.²⁴³ However, as of writing, Nepal has no law that explicitly bans discrimination based on sexual orientation, gender identity, gender expression, or sex characteristics.

Two laws prohibit discrimination based on sex:

- The National Civil (Code) Act or Act No. 34 of 2017 upholds as a general principle nondiscrimination based on “sex” or “similar other ground” in public and private places, remuneration and social security, and government appointments.²⁴⁴ It recognizes that special provisions for marginalized groups, including gender and sexual minorities, do not constitute discrimination.²⁴⁵
- The Labor Act or Act No. 14 of 2017 and the Right to Employment Act or Act No. 17 of 2018 prohibit employment discrimination based on “sex” or “similar other ground.”²⁴⁶

Other Protections

LGBTIQ people in Nepal enjoy some of the strongest legal protections in Asia:

- **Marriage.** In June 2023, the Supreme Court of Nepal issued an interim order directing the government to allow registration of same-sex marriages (and other “non-traditional” couples) via a transitional mechanism. It instructed that a separate registry be set up for such couples while the National Civil Code (2017) is amended.²⁴⁷
- **Legal gender recognition.** In 2007, the Supreme Court called for the legal recognition of self-defined gender identity, including a “third gender,” recognized to be inclusive of intersex people.²⁴⁸ The 2015 Constitution also recognizes the right to citizenship, allowing everyone to obtain a “certificate of citizenship of Nepal with gender identity.”²⁴⁹ In July 2024, in a landmark decision, the Supreme Court recognized a trans woman as a woman for the first time, ordering legal recognition without any medical examination.²⁵⁰

²⁴³ Federal Democratic Republic of Nepal, Constitution of 2015, revised in 2016, https://www.constituteproject.org/constitution/Nepal_2016, arts. 18(3), 42(1).

²⁴⁴ Federal Democratic Republic of Nepal, National Civil (Code) Act or Act No. 34 of 2017, https://www.jica.go.jp/Resource/activities/issues/governance/portal/nepal/ku57pq00002khibz-att/civil_code_1st_amendment_en.pdf, sec. 18.

²⁴⁵ Ibid, sec. 19.

²⁴⁶ Federal Democratic Republic of Nepal, Labor Act, Act No. 14 of 2017, <https://antislaverylaw.ac.uk/wp-content/uploads/2019/08/The-Labour-Act-2017.pdf>, sec. 6; Right to Employment Act, Act No. 17 of 2018, <https://faolex.fao.org/docs/pdf/NFP225825.pdf>, sec. 6.

²⁴⁷ ILGA Asia, “Nepal: Marriage Registration for Same-Sex Couples after seminal court ruling,” July 1, 2024, <https://ilgaasia.org/news/nepal-marriage-registration-for-same-sex-couples-after-seminal-court-ruling>.

²⁴⁸ Case of Sunil Babu Pant and Others v. Nepal Government (2007), 281.

²⁴⁹ Federal Democratic Republic of Nepal, Constitution, sec. 12.

²⁵⁰ Kyle Knight, “Nepal Supreme Court Rules Trans Woman Is a Woman.”

Nevertheless, the lack of a clear uniform procedure exposes trans individuals to practical challenges.²⁵¹

The Domestic Violence (Offence and Punishment) Act prohibits violence within the family perpetrated against a person with whom the perpetrator has a “domestic relationship” or against a dependent “domestic help” living in the same family.²⁵² However, same-sex couples may encounter barriers to protection as the definition of “domestic” relationship requires cohabitation, as well as descent (consanguinity), marriage, or adoption. In addition, some LGBTQ survivors do not report violence due to fear of discrimination from service providers or to protect their families’ reputation.²⁵³

Advocacy for Nondiscrimination Legislation

Step-By-Step Recognition

There is currently no pending proposal for an antidiscrimination law in parliament. Activists are engaging with the Law, Justice and Human Rights Committee in parliament to advocate for legal measures against anti-LGBTIQ discrimination, shedding light on issues from school bullying and interfamilial violence to discrimination in ancestral property, citizenship, and marriage. While activists recognize broader progress toward equality, they lament that “there has been no concrete action” on this front, and that instead they have received very “diplomatic” responses from lawmakers.

Translating Constitutional Recognition into Policy Inclusion

Since 2000, activists in Nepal have been advocating for the legal recognition and protection of sexual and gender minorities, winning significant reforms that have made Nepal a leader in the region. The 2007 Supreme Court decision recognizing a “third gender” was followed by the historic inclusion of sexual and gender minorities in the 2015 Constitution. These wins were reinforced by the Supreme Court’s decisions on same-sex marriages and legal gender recognition.

While these form a robust policy framework for equality, serious gaps remain. The focus is now on translating these wins into enforceable legal and policy protections:

- **Marriage equality.** Building on the 2023 Supreme Court decision and the constitutional principle of nondiscrimination, advocates are lobbying to amend the Civil

²⁵¹ Human Rights Watch, “We Have to Beg So Many People.”

²⁵² “Nepal’s law covers violence committed against any person who is related to the perpetrator by consanguinity, marriage, adoption or is a family member of the perpetrator who lives with them together as a joint family, or a dependent ‘domestic help’ living in the same family.” Outright, *Locating LGBTQ People in Domestic Violence Laws in Asia*, 26; Federal Democratic Republic of Nepal, Domestic Violence (Offence and Punishment) Act, 2066 (2009), <https://natlex.ilo.org/dyn/natlex2/natlex2/files/download/87487/NPL87487.pdf>, art. 2(a).

²⁵³ Outright, *Locating LGBTQ People in Domestic Violence Laws in Asia*, 43.

Code, which limits marriage to the union of a man and a woman. They are also closely working with local governments to implement the 2023 interim decision.

- **Recognition as minorities.** While the Constitution includes sexual and gender minorities among “socially backward” groups, it adopts a more narrow definition of “minorities.”²⁵⁴ For the purpose of allocating reserved seats in local governments and civil service, it is currently limited to ethnic, linguistic, and religious minorities.²⁵⁵
- **Political participation.** Activists are working with the Election Commission and political parties to advance inclusive political participation.
- **LBTQ-inclusive social security.** Mitini, an LBQ group, is fighting for a queer-inclusive definition of “single women” under the Social Security Act to ensure that LBTQ women, including those who have survived their partners in relationships not recognized by law, can get equal access to the social security allowance for “helpless single women.”²⁵⁶

Intersex Inclusion

The intersex movement in Nepal is younger, with the first national intersex meeting being held in 2016, which led to a national manifesto visibilizing the movement’s demands.²⁵⁷ There remains no national law that addresses discrimination and violence against intersex people. Campaign for Change, a national intersex organization, is working to ban intersex genital mutilation and ensure the inclusion of “sexual and gender minorities” in national child protection policies.²⁵⁸ At the same time, they have also been able to secure the inclusion of intersex people in local policies, such as the Kathmandu Metropolitan City’s intersex-inclusive Child Protection and Child Rights Directive passed in 2023.

²⁵⁴ Under Article 306(a), “‘minorities’ means ethnic, linguistic and religious groups whose population is less than the percentage specified by the Federal law, and includes groups that have their distinct ethnic, religious or linguistic characteristics, aspirations to protect such features and are subjected to discrimination and oppression.”

²⁵⁵ Federal Democratic Republic of Nepal, Constitution, arts. 176(6), 215(4), 216(4), 220(3), 222(2), 223(2); Divya Rana and Vibhav Pradhan, “Fixing a flawed quota system,” *The Kathmandu Post*, September 21, 2022, <https://kathmandupost.com/columns/2022/09/20/fixing-a-flawed-quota-system>.

²⁵⁶ Federal Democratic Republic of Nepal, The Social Security Act, 2075 (2018), <https://p4h.world/app/uploads/2024/06/The-Social-Security-Act-2075-2018.x73677.pdf>, art. 7.

²⁵⁷ Esan Regmi, “Intersex Rights Movement in Nepal,” CFC Nepal, April 18, 2023, <https://intersexnepal.org/articlesingle.php?token=89b699ebec0af0a5>; Byrne, “The dawn of a national intersex movement.”

²⁵⁸ Intersex Asia, “Historic CEDAW Recognition for Intersex Nepalis: A Victory for Joint Advocacy by Intersex Asia and Campaign for Change,” April 7, 2025, <https://intersexasia.org/historic-cedaw-recognition-for-intersex-nepalis-a-victory-for-joint-advocacy-by-intersex-asia-and-campaign-for-change>.



Esan Regmi, intersex activist, CEDAW | April 2025. Photo Credit: Intersex Asia

Strategies

- **Coalition-building.** Campaign for Change emphasized the importance of “building coalitions despite differences” and “centering an intersectional approach.” To advance advocacy against anti-intersex discrimination and violence, the group is building partnerships with children’s rights, legal aid, and broader LGBTQ groups.
- **Engagement with local governments.** Mitini is supporting local governments’ capacity to implement national laws and policies and advocating for stronger local protections.
- **Training professionals.** Campaign for Change seeks to train the “current and next generations of lawyers and doctors” on human rights to ensure intersex-inclusive practices within their sectors and build a network of allies and supporters.
- **Framing advocacy claims.** LGBTIQ activists link their advocacy claims to a broader agenda to which Nepal is already committed, including the constitutional recognition of sexual and gender minorities, Nepal’s international human rights commitments, and the overarching “Leaving No One Behind” principle of the SDGs.

Challenges

Anti-gender backlash. Anti-gender actors are gaining ground in Nepal. Leading up to the 2024 elections, a minor political party vowed to stop marriage equality, as well as “homosexuality, gender transition, and abortion,” while two MPs from a minor party that was part of the coalition government railed against gender-affirming care.²⁵⁹ While some members of the government and parliament continue to be supportive of equality, activists have to contend with a more vocal anti-gender opposition that aims to derail their advocacy.

²⁵⁹ Outright, *Queering Democracy*, 192.

Ways Forward

Building on wins. Nepal's progress defies that of other countries, where constitutional recognition has often come after other nondiscrimination protections.²⁶⁰ LGBTIQ activists in Nepal are fighting to operationalize Supreme Court decisions and constitutional principles into actual enforceable policy measures.

Reinforcing unity. Campaign for Change calls on organizations focused on sexual orientation and gender identity to “not use intersex issues tokenistically” and to consistently bring intersex people into the advocacy spaces to which they have access.

Starting the work on comprehensive nondiscrimination. Campaign for Change urges civil society groups representing other sectors and communities to “start the dialogue” on comprehensive nondiscrimination legislation and ensure that LGBTIQ people are included in these discussions.

²⁶⁰ For example, among the 13 countries that provide constitutional protection based on sexual orientation, eight countries prohibited employment discrimination based on sexual orientation before ratifying their constitution: Cuba, Ecuador, Kosovo, Mexico, Malta,, Netherlands, Portugal, and Sweden. Constitutional recognition came before protection for labor discrimination in Bolivia, Fiji, and South Africa. In Nepal and San Marino, only the Constitution prohibits discrimination based on sexual orientation.

Philippines



Rally in support of the SOGIE Equality Bill | March 2018. Photo Credit: Philippine News Agency

Activists have been lobbying for an LGBTIQ-specific antidiscrimination law for 26 years, while a multisectoral coalition is pushing for an LGBTIQ-inclusive comprehensive law.

Situation of LGBTIQ People

Legal Overview ²⁶¹	
Criminalization	Same-sex sexual relations and gender-diverse expressions are not criminalized.
Legal gender recognition	There is no pathway to change legal gender markers.
Intersex bodily autonomy	Non-consensual medical interventions on intersex babies and children are not prohibited by law.
Freedom of association	LGBTIQ organizations can openly register and operate.

While the Philippines is consistently ranked among the most “accepting” of LGBTIQ people in Asia, discrimination persists.²⁶² LGBTQ Filipinos are twice as likely to be underemployed and are thrice as likely to be in vulnerable employment, as a 2025 study demonstrated.²⁶³ According to a 2023 survey of 5,515 young LGBTQ people, 74 percent of respondents had experienced

²⁶¹ See Outright, “Country Overview: Philippines,” accessed September 22, 2025, <https://outrightinternational.org/our-work/asia/philippines>.

²⁶² Andrew R. Flores, *Social Acceptance of LGBTI People in 175 Countries and Locations 1981 to 2020*, November 2021, <https://williamsinstitute.law.ucla.edu/publications/global-acceptance-index-lgbt>, Williams Institute, UCLA School of Law, 33; UN Development Programme (UNDP) and ILO, *LGBTI People and Employment: Discrimination Based on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics in China, the Philippines and Thailand*, 2018, https://files.acquia.undp.org/public/migration/asia_pacific_rbp/rbp-hhd-2018-lgbti-people-and-employment.pdf, 10.

²⁶³ Agatha Gregorio, “Study: LGBTQI+ Filipinos twice more likely to be underemployed,” *ABS-CBN News*, April 12, 2025, <https://www.abs-cbn.com/news/business/2025/4/12/study-lgbtqi-filipinos-twice-more-likely-to-be-underemployed-1722>. Outright has not seen the full study, and it is unclear based on news coverage whether intersex Filipinos were included in the survey sample.

discrimination, which has exacerbated mental health risks.²⁶⁴ Due to lifelong discrimination, older people of queer experience in the Philippines face severe socioeconomic difficulties, with 40 percent of respondents to a 2022 survey saying they did not have enough money for food or medicine and 48 percent fearing that they would lose their homes within the year.²⁶⁵ While there is insufficient quantitative data on the subject, trans and intersex people experience discrimination in education, health care, employment, and public services.²⁶⁶

Existing Protections

Discrimination

The Philippines has not passed any national LGBTIQ-specific or comprehensive antidiscrimination law. However, at least 20 percent of the population lives in areas with a local antidiscrimination ordinance.²⁶⁷ These ordinances cover 11 out of 82 provinces, 48 out of 149 cities, and 24 out of 1,493 municipalities in the country. Only three out of the more than 50 local antidiscrimination ordinances surveyed in 2022 explicitly cover intersex people.²⁶⁸ At the same time, not all of these local governments have passed Implementing Rules and Regulations or allocated a budget to implement their antidiscrimination ordinances, which effectively makes them unenforceable “trophies.”²⁶⁹

²⁶⁴ The Trevor Project, *2024 Philippines National Survey on the Mental Health of LGBTQ+ Young People*, 2024, https://www.thetrevorproject.org/survey-international/assets/static/2024_Philippines_National_Survey_EN.pdf, 20. See also Human Rights Watch, “Just Let Us Be”: *Discrimination Against LGBT Students in the Philippines*, June 2017, <https://www.hrw.org/report/2017/06/22/just-let-us-be/discrimination-against-lgbt-students-philippines>.

²⁶⁵ EnGenderRights, Inc., Outright International, and Sage, *FACT SHEET 2023 PHILIPPINES: Philippines Impacts of Ageism and Lifelong Discrimination on Older LGBTI People*, June 2023, <https://outrightactionint.prod.acquia-sites.com/sites/default/files/2023-06/Phils%20EGR%20Outright%20English%20FactSheet.pdf>, 2, 4.

²⁶⁶ See Intersex Asia, *Intersex Justice in the Philippines: A Country Report on the situation of intersex rights in the Philippines*, June 2024, https://intersexasia.org/wp-content/uploads/2024/10/Philippines_English_print.pdf; Society of Transsexual Women of the Philippines (STRAP), “The human rights situation of transgender people in the Philippines,” submission to the 13th Session of the United Nations Human Rights Council Universal Periodic Review, <https://upr-info.org/sites/default/files/documents/2013-10/strapuprphls132012societyoftranssexualwomenofthephilippinese.pdf>.

²⁶⁷ See X. J. Bilon, “Antidiscrimination Ordinances in the Philippines,” accessed September 22, 2025, <https://www.xjbilon.com/advocacy/antidiscrimination-ordinances-in-the-philippines>; “ADO Database,” Balangaw PH, accessed September 22, 2025, <https://www.balangaw.ph/special-interest/policies-and-legislations/ado-database>.

²⁶⁸ “...the ordinance of Malolos City (2022) and Ilagan City (2019) only mentioned intersex in affirmative acts while Zamboanga City (2020) included discrimination based on ‘sex,’ which the ordinance defined as, ‘refers to male, female or intersex.’ Not only are the provisions of these three ordinances lacking, but they are also only three out of the more than 50 antidiscrimination ordinances which were passed.” Intersex Asia, *Intersex Justice in the Philippines*, 30–31.

²⁶⁹ Outright interview with Ging Cristobal, Stop the Discrimination Coalition, virtual, November 19, 2025.

Other Protections

Several national laws ban discrimination based on sexual orientation, gender identity, or gender expression in social work, HIV-related services, psychosocial services, and legal counsel.²⁷⁰ The Safe Spaces Act of 2019 bans sexist, homophobic, and transphobic harassment in online and public spaces.²⁷¹ Under the Anti-Bullying Act of 2013, schools must adopt policies against homophobic, misogynistic, or transphobic bullying. The Violence Against Women and Their Children Act protects women and their children from domestic violence.²⁷² Since 2024, the law covers violence within intimate relationships between women, but its protections continue to exclude men, as well as trans women and nonbinary persons assigned male at birth, as legal gender recognition is not possible in the country.²⁷³ Civil society groups and survivors of gender-based violence have criticized the inefficient implementation of these laws and the lack of protection for survivors, exacerbated by broader systemic issues within the justice system.²⁷⁴

Advocacy for Nondiscrimination Legislation

Filipino LGBTIQ advocates and their allies have been mobilizing for an antidiscrimination law for more than 26 years. In 1999, several groups established the Lagablab LGBT Network to coordinate advocacy efforts for inclusive legislation.²⁷⁵ The network was instrumental to the filing of the first version of the antidiscrimination bill in 2000.²⁷⁶ Since then, they have continued to work with allied legislators and other stakeholders to pass a SOGIESC Equality Act, which today

²⁷⁰ The Magna Carta for Public Social Workers prohibits discrimination against public social workers on grounds including sex, sexual orientation, age, political or religious beliefs, civil status, disability, and ethnicity. The Philippine HIV and AIDS Policy Act (Republic Act No. 11166) mandates non-discriminatory HIV-related services and defines discrimination to include unfair treatment based on sex, gender, age, sexual orientation, gender identity and expression, economic status, disability, ethnicity, and actual or perceived HIV status. The Mental Health Act (Republic Act No. 11036) guarantees equal access to evidence-based mental health care regardless of age, sex, socioeconomic status, race, ethnicity, or sexual orientation. The Supreme Court's Code of Professional Responsibility and Accountability requires lawyers to uphold nondiscrimination, prohibits refusal of representation based on sexual orientation or gender identity, and bans derogatory language; in 2023, the Court sanctioned five lawyers for homophobic social media posts.

²⁷¹ The Safe Spaces Act or Republic Act No. 11313 penalizes "the use of words, gestures or actions that ridicule on the basis of **sex, gender or sexual orientation, identity and/or expression** including **sexist, homophobic, and transphobic statements** and slurs" in public and online spaces.

²⁷² Republic of the Philippines, An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefore, And For Other Purposes, 2004, Republic Act No. 9262, https://lawphil.net/statutes/repacts/ra2004/ra_9262_2004.html.

²⁷³ Supreme Court of the Philippines, SC: Anti-VAWC Act Applies to Lesbian Relationships, May 17, 2023, <https://sc.judiciary.gov.ph/sc-anti-vawc-act-applies-to-lesbian-relationships>; Outright, *Locating LGBTQ People in Domestic Violence Laws in Asia*, 6.

²⁷⁴ Outright, *Unsafe and Falling Through the Cracks: LBQ People and Online Gender-Based Violence in the Philippines*, January 2026, https://outrightinternational.org/sites/default/files/2026-01/Unsafe_and_Falling_Through_the_Cracks_Online_Gender_Based_Violence_Philippines.docx_.pdf, 41–42.

²⁷⁵ UNDP and USAID, *Being LGBT in Asia: The Philippines Country Report*, 2014, https://www.undp.org/sites/g/files/zskgke326/files/publications/Philippines%20Report_Final.pdf, 17.

²⁷⁶ Ibid, 18.

covers sexual orientation, gender identity, gender expression, and sex characteristics.²⁷⁷ Due to opposition from evangelical Christian groups, the bill has not yet been enacted into law. Various versions have been filed in every legislative session since 2000, and passed by the House of Representatives, the lower chamber of Congress, in 2004 and 2017, but they all failed to secure the Senate's approval.²⁷⁸

At the same time, a distinct, but not separate, movement, led by the Stop the Discrimination Coalition, has been pushing for a Comprehensive Anti-Discrimination Bill (CADB). It aims to protect LGBTIQ persons, indigenous peoples, youth, people with disabilities, racial, ethnic, and religious minorities, and other marginalized groups from discrimination.²⁷⁹ The multisectoral coalition seeks to fill the gaps in the patchwork of laws addressing discrimination, recognizing “the need for a unified, holistic, comprehensive and intersectional protection from discrimination.”²⁸⁰

²⁷⁷ Republic of the Philippines, SOGIESC Equality Act, Senate Bill No. 218, July 7, 2025, <https://legacy.senate.gov.ph/lisdata/46695427001.pdf>.

²⁷⁸ UNDP and USAID, *Being LGBT in Asia: The Philippines Country Report*, 23; Bea Cupin, “House passes SOGIE equality bill on final reading,” Rappler, September 20, 2017, <https://www.rappler.com/philippines/182796-sogie-equality-bill-passes-house>.

²⁷⁹ Ging Cristobal, former Project Coordinator for Asia and the Pacific at Outright International, co-chaired the network. Equal Rights Trust, *Together for Equality: Why and how a comprehensive approach to challenging discrimination works*, 2021, <https://www.equalrightstrust.org/sites/default/files/ertdocs/Together%20for%20Equality%20-%202021.pdf>, 25; Rainjani Bandril, Jose Monfred Sy, and Genica Bucac, “Sailing the Dakbalangay Forging Intersectional Feminist Futures (FIFF) Research Launch and Culminating Workshop,” *University of the Philippines Center for Integrative and Developmental Studies*, May 17, 2024, <https://cids.up.edu.ph/wp-content/uploads/2025/01/Approved-1172025-Sailing-the-Dakbalangay-FIFF-Proceedings-04222025.pdf>, 10.

²⁸⁰ International Lawyers Assisting Workers Network and Equal Rights Trust, *A Promise Not Realised: The Right to Nondiscrimination in Work and Employment*, February 2024, <https://www.ilawnetwork.com/wp-content/uploads/2024/03/ISSUE-BRIEF-A-Promise-Not-Realized.pdf>, 65.



LGBTIQ advocacy group PANTAY together with the House Committee on Women and Gender Equality, labor unions, women's rights organizations, and allied companies at the House of Representatives | January 2024.
Photo Credit: PANTAY

Advocates of the Lagablab LGBT Network and the Stop the Discrimination Coalition support the passage of both measures.²⁸¹ However, opposition to the SOGIESC Equality Act, particularly from evangelical Christian lawmakers, has spilled over to the Comprehensive Anti-Discrimination Bill, with lawmakers blocking its passage due to the inclusion of LGBTIQ people.²⁸² Lawmakers have attempted to remove references to LGBTIQ people in various versions of the comprehensive bill.²⁸³

The LGBTIQ advocacy landscape significantly changed in the past three years, with trans and intersex groups pushing for specific legislation addressing their needs. In November 2023, Intersex Philippines supported former Rep. Geraldine Roman, the country's first openly trans lawmaker, in filing the Cagandahan Bill, a measure aiming to make it easier for intersex adults to change their name and sex in legal documents without going through the courts.²⁸⁴ It was refiled in 2025. In July 2025, trans groups launched Call Us By Our Names, a community-led campaign

²⁸¹ Babaylanes, "Lagablab LGBT Network," accessed September 29, 2025, <https://www.babaylanes.org/our-partners>.

²⁸² "Anti-discrimination Bill's OK Delayed," *Manila Bulletin*, August 27, 2012, <https://ntucphi.org/2012/08/antidiscrimination-bill%E2%80%99s-ok-delayed>.

²⁸³ Xave Gregorio, "'Intersex' excluded from definition of sex in draft antidiscrimination bill," *Philstar*, May 11, 2021, <https://www.philstar.com/headlines/2021/05/11/2097461/intersex-excluded-definition-sex-draft-antidiscrimination-bill>; Lagablab Network (@LagablabNetwork), "NOW: House of Representatives - Committee on Human Rights is having the second TWG Meeting for the Comprehensive Anti-discrimination Bill," X, November 19, 2020, <https://x.com/lagablabnetwork/status/1329236775890345985>.

²⁸⁴ Pie Gonzaga, "The Cagandahan Bill Has Been Refiled in Congress. Will It Finally Be Passed Into Law?," *Rolling Stone*, August 20, 2025, <https://rollingstonephilippines.com/state-of-affairs/power/intersex-cagandahan-bill-congress>.

for a Simplified Legal Gender Recognition Act.²⁸⁵ As of writing, no such bill has been filed in Congress.

Strategies

Intersectoral mobilization. In the Stop the Discrimination Coalition, coalition members regularly learn from each other and support each other's campaigns beyond nondiscrimination. LGBTIQ and other groups also benefit from other sectors with more established structures and connections, more experience in lobbying, broader constituencies, and more funding.

United front. When meeting with legislators, the Coalition sends a group of around five people, each representing a different sector, to show a united front. When some legislators threatened to exclude LGBTIQ people from the comprehensive bill, other sectoral groups were the ones tasked to defend their retention in legislative hearings.

Lobbying the executive. Given the legislative roadblocks, PANTAY, a youth-led LGBTIQ advocacy group, has been building partnerships with government agencies—from the Department of Education to the Commission on Elections—and leveraging these partnerships to mobilize support for the SOGIESC Equality Act.²⁸⁶

Values-based messaging. LGBTIQ groups have shifted their public narrative frames based on social listening research from “human rights” and “antidiscrimination” to “happiness.”²⁸⁷

Building local momentum. Advocates strategically support the adoption of local antidiscrimination ordinances as a way to build momentum for a national antidiscrimination law from the ground up by engaging local political champions and mobilizing local activists.

²⁸⁵ STRAP, Transmasculine Philippines, Pioneer FTM, and Relentlessly Chase, “#CallUsByOurNamesPH,” accessed September 29, 2025, <https://www.supportlgr.org>.

²⁸⁶ See Addie Cuadra, “Comelec, PANTAY sign MOU ahead of 2025 elections,” *ABS-CBN News*, November 26, 2024, <https://www.abs-cbn.com/news/nation/2024/11/26/comelec-pantay-sign-mou-ahead-of-2025-elections-223>; Ralph Revelar Sarza, “Advocacy group ends second year of gender-inclusive schools program,” *ABS-CBN News*, November 29, 2025, <https://www.abs-cbn.com/lifestyle/2025/11/29/advocacy-group-ends-second-year-of-gender-inclusive-schools-program-1132>.

²⁸⁷ SOGI Campaigns, “How to Make Campaigning Happy – A Story From the Philippines,” accessed September 29, 2025, <https://sogicampaigns.org/portfolio/how-to-make-campaigning-happy-a-story-from-the-philippines/>.



The first batch of fellows of the Pinoy LGBTIQ+ POWER Network, the national network of local elected LGBTIQ+ officials convened by PANTAY | February 2025. Photo Credit: PANTAY

Mainstreaming the call. PANTAY consistently links nondiscrimination with other broader programs on LGBTIQ inclusion in schools, electoral campaigning, or sexual and reproductive health. The latter has led them to campaign for the inclusion of menstrual discrimination in the Comprehensive Anti-Discrimination Bill.

Supporting other equality bills. Some activists and coalitions believed that the country should pass an antidiscrimination law first before other reforms. Today, some LGBTIQ groups see the adoption of the Cagandahan Law and the Simplified Legal Gender Recognition Act as strategic entry points to strengthen the national policy framework on equality. Their passage can also lead to clear, tangible, and specific results that can improve trans and intersex people's lives in the short term, while the impact of antidiscrimination laws can be more challenging to measure.

Challenges

Political opposition. Anti-LGBTIQ lawmakers continue to hold sway, having blocked the SOGIESC Equality Act for over 25 years. In 2022, the Philippines even rejected all LGBTIQ-related Universal Periodic Review recommendations, claiming that the SOGIESC Equality Act is “not acceptable.”²⁸⁸

Lack of political will. Since 2022, the government has been led by President Ferdinand R. Marcos Jr. Despite their worrying human rights records, the current Marcos administration and

²⁸⁸ Krixia Subingsubing, “Gov’t urged to reconsider stand on UN recommendation on LGBTQ rights,” *Philippine Daily Inquirer*, November 23, 2022, <https://newsinfo.inquirer.net/1696694/govt-urged-to-reconsider-stand-on-un-recommendation-on-lgbtq-rights>.

the previous regime under Rodrigo Roa Duterte have enacted unprecedented executive policies for LGBTIQ inclusion.²⁸⁹ However, no president has given nondiscrimination the political backing it needs to surmount opposition. Two years after President Marcos announced the creation of a Special Committee on LGBTQIA+ Affairs, it is not clear whether such a body has been given the resources it needs to operate.²⁹⁰

Ways Forward

Equality is long overdue in the Philippines. After 26 years, the country must show through legal recognition and protection that it is truly one of the most “accepting” toward LGBTIQ people.

- **Affirmative action.** Ensure that the proposed laws are centered on restorative justice and contain actionable positive measures. Advocates for the SOGIESC Equality Act can consider adding provisions on affirmative action, similar to those in the comprehensive bills.
- **Interreligious support.** Continue strengthening ties with diverse religious groups to counter anti-LGBTIQ religious opposition.
- **Data collection.** Collect data on the impact of the narrative shift to happiness on public opinion and political support, and share best practices with other movements in the region.
- **Economic case.** Leverage data on the economic case for LGBTIQ inclusion in the country to rally support among corporate actors, especially among Filipino-owned businesses.²⁹¹
- **Choosing the right messenger.** Following the Stop the Discrimination Coalition’s lobbying strategy, LGBTIQ advocates can tap allies from other communities to minimize public backlash while affirming that nondiscrimination benefits everyone.

²⁸⁹ President Marcos issued Executive Order No. 51 s. 2023, amending former President Duterte’s EO 100 s. 2019 to further strengthen the Diversity and Inclusion program, reconstituting the Inter-Agency Committee on Diversity and Inclusion and establishing the Special Committee on Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, and Asexual (LGBTQIA+) Affairs. As of writing, it is not clear whether these executive orders have been implemented. See also Michelle Abad, “Ally or not? LGBTQ+ groups divided on Marcos’ stand for equality,” Rappler, June 29, 2024, <https://www.rappler.com/newsbreak/in-depth/ally-or-not-lgbtq-groups-divided-marcos-stand-equality>.

²⁹⁰ The Special Committee under the Inter-Agency Committee on Diversity and Inclusion, which was created by the previous president, Rodrigo Duterte, is a committee under the Department of Social Welfare and Development.

²⁹¹ See Open for Business, *The Economic Case for LGBTQ+ Inclusion in the Philippines*, 2025, <https://static1.squarespace.com/static/68556a4967988c67bc81dd79/t/68da5f8a1d6ba7249ca570e0/1762857507508/Open%2Bfor%2BBusiness%2BPhilippines%2BReport%2B2025.pdf>.

- **Build multisectoral support.** Calls for the adoption of the SOGIESC Equality Act will only be stronger with the backing of a vocal multisectoral group of allies. LGBTIQ groups should step up their support for the Comprehensive Anti-Discrimination Bill.
- **Link to broader calls.** Some activists aim to politicize the call for nondiscrimination and link it with broader struggles that are mobilizing the general public at the moment, such as the fight against corruption. As Ging Cristobal of the Stop the Discrimination Coalition said, “This is an opportunity to build broader coalitions. The question is: will groups grab it?”²⁹² PANTAY’s recently launched Babae at Akla Kontra Korap (Women and Queers Against Corruption) coalition is a strong starting point for LGBTIQ activists to join broader popular mobilizations.²⁹³

²⁹² Cristobal interview.

²⁹³ PANTAY (@pantaytayo), “BABAE AT AKLA KONTRA KORAP,” Instagram, November 23, 2025, <https://www.instagram.com/p/DRZV6cdDElp/>.

South Korea



Press conference for the adoption of an antidiscrimination law | May 2022. Photo Credit: Rainbow Action Korea

While there is growing political support for a comprehensive antidiscrimination law, championed by a multisectoral coalition, the government lacks the political will to bring it beyond the subcommittee stage.

Situation of LGBTIQ People

Legal Overview ²⁹⁴	
Criminalization	Gender-diverse expressions are not criminalized, but the military prohibits same-sex sexual relations.
Legal gender recognition	The process to change legal gender markers involves medical and other requirements.
Intersex bodily autonomy	Non-consensual medical interventions on intersex babies and children are not prohibited by law.
Freedom of association	LGBTIQ organizations can openly register and operate.

South Korea has seen gradual increases in public visibility of LGBTIQ communities, yet legal protections remain limited and social acceptance is uneven. Same-sex intimacy is legal for civilians, but stigma persists, and the military continues to criminalize consensual same-sex relations under Article 92-6 of the Military Criminal Act—a provision repeatedly criticized by human rights bodies.²⁹⁵

Marriage is limited to heterosexual couples, and no partnership or civil union framework exists. This lack of recognition affects access to family benefits, hospital visitation, inheritance

²⁹⁴ Outright, "Country Overview: South Korea."

²⁹⁵ Ibid.

protections, and parental rights. Activists report that marriage equality has become a symbolic battleground for anti-LGBTIQ forces, intensifying public debate.²⁹⁶

Transgender people can change their legal gender, but the process requires medical interventions and judicial approval, falling short of international standards of self-determination. Intersex people remain almost entirely unrecognized in law and policy.²⁹⁷

Although LGBTIQ organizations can register and operate, they face significant social hostility. Public opinion is sharply polarized: younger generations tend to be more supportive of equality measures, while conservative religious groups remain highly influential in shaping public discourse and political responses.²⁹⁸

Existing Protections

South Korea does not have a comprehensive antidiscrimination law protecting people on the grounds of sexual orientation, gender identity, or sex characteristics.²⁹⁹ The only national instrument that offers any form of protection is the National Human Rights Commission Act (2004), which prohibits discrimination based on sexual orientation.³⁰⁰ Although gender identity is not explicitly mentioned, activists mentioned that the National Human Rights Commission (NHRC) has historically interpreted its mandate to include gender identity–related complaints.

Until recently, the NHRC had been the only state body consistently conducting research on LGBTIQ issues and issuing decisions recognizing discrimination. However, advocates report that since the current Chair, Ahn Chang-ho, a conservative evangelical former Supreme Court Justice, has blocked internal discussions on LGBTIQ protections and halted initiatives that previously advanced rights. In April 2025, the NHRC announced it would not attend the Seoul Queer Culture Festival for the first time in eight years, citing “inappropriateness” in participating—despite having attended annually since 2017. Ahn has also been criticized for prior anti-gay remarks during parliamentary hearings, further heightening concerns about the Commission’s neutrality and commitment to equality. This has undermined confidence in the NHRC’s neutrality and curtailed its practical role in promoting, interpreting, and publicly defending equality protections, including on LGBTIQ issues.³⁰¹

²⁹⁶ Ibid.

²⁹⁷ Ibid.

²⁹⁸ Jacob Poushter and Nicholas Kent, “The Global Divide on Homosexuality Persists,” Pew Research Center, June 25 2020, <https://www.pewresearch.org/global/2020/06/25/global-divide-on-homosexuality-persists/>.

²⁹⁹ U.S. Department of State, 2023 Country Report on Human Rights Practices: South Korea, 2023, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/south-korea/>.

³⁰⁰ Republic of Korea, National Human Rights Commission Act, Act No. 6488, 2001, amended 2004, https://elaw.klri.re.kr/eng_service/lawView.do?hseq=22488&lang=ENG.

³⁰¹ Yoon Min-sik, “South Korea’s human rights body not to attend LGBTQ+ festival, breaking 8-year streak,” *The Korea Herald*, April 29 2025, <https://asianews.network/south-koreas-human-rights-body-not-to-attend-lgbtq-festival-breaking-8-year-streak>.

Advocacy for Nondiscrimination Legislation



LGBTIQ activists’ policy demands for the 21st presidential elections | April 2025. Photo Credit: Rainbow Action Korea

South Korean politics is dominated by the liberal Democratic Party of Korea, which has secured a majority in the National Assembly since 2020 and the presidency since June 2025. The current Minister of Gender Equality has publicly expressed support for the adoption of a comprehensive antidiscrimination law, describing its passage as a governmental priority and a necessary step to reflect Korea’s social diversity.³⁰² Despite this positioning, activists highlight that the Ministry of Justice—responsible for drafting and submitting legislation—has not stated any intention to introduce such a bill.

However, in January 2026, a new comprehensive antidiscrimination bill was introduced in the 22nd National Assembly by the minor Progressive Party. Civic leaders explicitly framed it as a test of the Lee Jae-myung administration’s international human rights commitments.³⁰³ The new bill covers labor, services, and education, and expressly protects sex, sexual orientation, and gender identity, among other categories. It does not explicitly include sex characteristics as a protected ground.³⁰⁴

A second comprehensive antidiscrimination bill was then introduced on February 5, 2026 (Bill No. 16610), led by Rep. Jeong Chun-saeng and supported by 13 lawmakers from the minority

³⁰² Choi In-jun and Kim Min-ki, “Won Min-kyung: ‘antidiscrimination laws and non-consensual adultery laws are necessary,’” Chosun, September 4, 2025, <https://www.chosun.com/national/education/2025/09/04/5127X66XORHAJOAPNLTBO4GWLE/>.

³⁰³ Lee Hae-rin, “New Assembly takes up anti-discrimination bill, reigniting equality debate,” *The Korea Times*, January 13, 2026, koreatimes.co.kr/southkorea/society/20260113/new-assembly-takes-up-anti-discrimination-bill-reigniting-equality-debate.

³⁰⁴ Republic of Korea, National Assembly, “Anti-discrimination bill No. 2215945,” January 9 2026, <https://opinion.lawmaking.go.kr/gcom/nsmlmSts/out/2215945/detailRP>.

party.³⁰⁵ The February bill also expressly includes sexual orientation and gender identity among protected grounds and covers employment, goods and services, education and training, and the implementation of laws and policies. However, unlike the January bill, it does not define “sexual orientation” or “gender identity” in the definitions article, and it likewise does not explicitly list sex characteristics as a protected ground.

The level of political support that the bills enjoy from politicians and the executive is not yet clear at time of writing. Without sustained backing from major parties—especially the DPK—and stronger executive support, private members’ bills face significant obstacles in advancing. At the same time, their introduction can serve an important agenda-setting and pressure-building function by keeping the issue visible in the National Assembly and forcing a clearer response from the government.

Efforts to establish comprehensive nondiscrimination legislation in South Korea have been ongoing since the mid-2000s. The first major attempt dates to 2007, when the Ministry of Justice drafted an antidiscrimination bill that would have included sexual orientation among protected grounds. However, following intense backlash from conservative evangelical groups and business interests, the bill was revised and seven protected categories, including sexual orientation, were removed from the draft.³⁰⁶ This reversal triggered broader civil society mobilization and helped catalyze coalition-based anti-discrimination advocacy, including efforts that brought together LGBTIQ organizations with other rights constituencies, laying the groundwork for more coordinated campaigns for comprehensive equality legislation.³⁰⁷

Since then, successive progressive lawmakers have introduced versions of a comprehensive “antidiscrimination act” including sexual orientation, gender identity, and sex characteristics. These proposals, however, have consistently stalled—typically dying in sub-committee or committee stages of the National Assembly due to parliamentary reluctance, organized opposition from conservative Christian groups, and the influence of business lobbyists.³⁰⁸

Civil society mobilization around equality and nondiscrimination has significantly expanded over the past decade. In 2010–2011, activists who had previously coordinated through the Collective Action for the Enactment of Proper antidiscrimination Laws launched the South Korean Coalition for antidiscrimination Legislation as a more structured, multi-year legislative

³⁰⁵ Republic of Korea, National Assembly, “Anti-discrimination bill No. 2216610,” February 5 2026, <https://opinion.lawmaking.go.kr/gcom/nsmlmSts/out/2216610/detailRP>.

³⁰⁶ Human Rights Watch, “South Korea: Antidiscrimination Bill Excludes Many,” November 6 2007, <https://www.hrw.org/news/2007/11/06/south-korea-antidiscrimination-bill-excludes-many>. The other removed categories were: military status, nationality, language, appearance, family type, ideology, criminal or detention record, and educational status.

³⁰⁷ The Coalition for the Enactment of an Anti-Discrimination Law, “Introduction to the coalition,” March 23, 2017, <https://equalityact.kr/about/>.

³⁰⁸ Mary Zopf, “Is Korea Ready for an antidiscrimination Law in 2025?,” NOVAsia Magazine, October 17, 2025, <https://novasiagsis.com/is-korea-ready-for-an-antidiscrimination-law-in-2025/>.

campaign, focused on securing a comprehensive antidiscrimination law and reshaping social norms around diversity and equality.³⁰⁹ The Coalition brings together more than a hundred organizations—ranging from women’s groups and faith-based organisations to LGBTIQ collectives, lawyers, academics, and political parties—highlighting both the breadth of constituencies affected by discrimination and a shared commitment to framing equality as a universal right rather than a series of siloed minority claims.³¹⁰

Within this broader constellation, LGBTIQ organizations have become a central driving force. They have used this visibility to build alliances across issue areas, participate in joint campaigns, and articulate discrimination against LGBTIQ people as inseparable from other forms of structural exclusion, thereby strengthening solidarity around the equality agenda.³¹¹ Based on the civil society consultation conducted for this report, there have not been a lot of discussions on the inclusion of sex characteristics in antidiscrimination bills because intersex advocacy is still incipient in the country. However, within civil society advocacy, sex characteristics are included alongside sexual orientation and gender identity, even if this has not yet translated into sustained discussion in antidiscrimination bill debates.³¹²

An activist consulted by Outright emphasized that, from the perspective of civil society organizations, there is a clear need to avoid repeating a familiar pattern: civil society organizations call for action, minor parties introduce bills, Christian conservative groups oppose them, the Democratic Party remains silent, and the bills ultimately expire.³¹³ With more than two years remaining in the current Assembly term, the activist described the immediate objective as pushing the bills as far as possible during this period, while cautioning that it would be difficult to say there is currently a sufficiently strong strategy to compel decisive action from the Democratic Party and the president.

The activist noted that what distinguishes the current moment from previous political periods is that, during the impeachment protests against the former president, the enactment of a comprehensive anti-discrimination law emerged as an important demand raised by citizens. The activist added that the current government has also witnessed the rise of far-right mobilization and appears to recognize the need for a legal framework to address hate against minorities. However, due to concerns about backlash from conservative Christian groups, the government has not taken strong action.

³⁰⁹ Jihye Kim and Sung Soo Hong, “Discovering Diversity: The Antidiscrimination Legislation Movement in South Korea,” In *Rights Claiming in South Korea*, ed. Celeste L. Arrington and Patricia Goedde (Cambridge University Press, 2021).

³¹⁰ Ibid.

³¹¹ Ibid.

³¹² Horim Yi, Outright online consultation, November 12, 2025.

³¹³ Outright email exchange with Horim Yi, Rainbow Action Korea, virtual, February 24, 2026.

Challenges

Political reluctance and fear of backlash. Despite growing public discussion on inequality, many lawmakers—across parties—avoid speaking publicly about LGBTIQ people’s rights. Even liberal politicians and the current president are hesitant to endorse antidiscrimination legislation, fearing backlash from conservative religious groups. Most politicians continue to frame the idea of an antidiscrimination bill as “an LGBT issue,” which narrows public understanding and stalls progress.

Entrenched opposition from conservative evangelical groups. Evangelical Christian organizations have been the most persistent and influential opponents. Their coordinated pressure has repeatedly led to the withdrawal or dilution of proposed bills and continues to shape parliamentary inaction. This opposition is not only domestic: South Korean conservative evangelical anti-LGBTIQ mobilization has been shaped by transnational ties to, and ideological borrowing from, U.S. evangelical/right-wing movements—especially through “religious freedom” framing and Christian victimhood narratives.³¹⁴

Institutional limitations within the NHRC. With a chair openly hostile to LGBTIQ people’s rights, the NHRC is no longer a reliable ally. Internal discussions on LGBTIQ protections have been blocked, and meaningful research or case work has slowed. This leaves the movement without the only quasi-governmental body that previously supported its agenda.

Legislative stagnation and procedural barriers. No antidiscrimination bill has ever made it past the subcommittee level in the National Assembly. Structural paralysis enables lawmakers to avoid accountability while allowing opponents to dominate the narrative.

Misconceptions about the scope of the law. An activist consulted by Outright mentioned that many members of the public—and even some progressive actors—believe that when an antidiscrimination bill is mentioned, it is primarily about “LGBT rights.” This misconception narrows support and allows opponents to target LGBTIQ communities as the face of a broader equality bill.

Ways Forward

Deepen cross-movement coalition-building. The 18-year advocacy process has already strengthened solidarity between LGBTIQ groups and other civil society sectors. Continuing to anchor the antidiscrimination bill within a multi-sector coalition helps demonstrate its universal relevance and prevents the exclusion of sexual and gender minorities from future drafts.

³¹⁴ Joseph Yi, Gwoon Jung, and Joe Phillips, “Evangelical Christian Discourse in South Korea on the LGBT: the Politics of Cross-Border Learning,” *Society* 54, no. 1 (2017): 29–33, https://www.researchgate.net/publication/312049727_Evangelical_Christian_Discourse_in_South_Korea_on_the_LGBT_the_Politics_of_Cross-Border_Learning.

Increase public visibility through narratives on lived experience. Advocates stress that changing public attitudes requires sharing the real stories of discrimination faced by LGBTIQ people. Focusing on “victimized experiences” helps shift the conversation from abstract debate to concrete harms, making the case for comprehensive legal protections.

Leverage marriage equality campaigning strategically. Although counterintuitive, advocates believe that shifting public attitudes around marriage equality can help create a breakthrough on antidiscrimination. Anti-gender backlash is currently centered on marriage, and engaging the public directly on this issue may reduce overall hostility and expand empathy for broader equality claims.

Invest in capacity-building. Civil society groups highlight the need for stronger skills in lobbying, legislative engagement, and public argumentation—especially given the complexity of advancing a bill through subcommittee bottlenecks.

Engage international human rights mechanisms. UN recommendations have proven useful for framing domestic advocacy. Continued use of the Universal Periodic Review and treaty bodies can generate authoritative language supporting the bill, increasing its legitimacy in public debate.

Reinforce coalition participation across democracy and social justice movements. Advocates emphasize that participating consistently in other movements—beyond LGBTIQ issues—builds trust, mutual understanding, and long-term solidarity, making it harder for political actors to isolate or scapegoat LGBTIQ communities when antidiscrimination reforms are debated.

Sri Lanka

Activists are prioritizing the decriminalization of same-sex intimacy, while supporting the adoption and implementation of laws on gender equality as critical steps toward nondiscrimination.

Situation of LGBTIQ People

Legal Overview ³¹⁵	
Criminalization	Same-sex sexual relations and gender-diverse expressions are not criminalized.
Legal gender recognition	The process to change legal gender markers involves medical and other requirements.
Intersex bodily autonomy	Non-consensual medical interventions on intersex babies and children are not prohibited by law.
Freedom of association	LGBTIQ organizations can openly register and operate.

Same-sex sexual acts are prohibited in Sri Lanka, a legacy of British colonialism. Sections 365 and 365A of the Penal Code criminalize “carnal knowledge against the order of nature” and “gross indecency.” Criminalization fuels discrimination in education, employment, health care, and public services.³¹⁶ According to research by EQUAL GROUND, LGBTIQ employees face verbal and sexual harassment and discriminatory policies, but rarely seek accountability out of fear of reprisals.³¹⁷ Bullying and harassment against LGBTIQ students are common, leading some to drop out.³¹⁸ LGBTIQ people face stigma and discrimination in health care, including “verbal and psychological abuse by medical staff” and the denial of gender-affirming care.³¹⁹

Gender marker changes are possible by obtaining a Gender Recognition Certificate, but the process involves burdensome medical and psychiatric requirements.³²⁰ Trans people experience high levels of discrimination at school and at work, which have had significant implications on

³¹⁵ See Outright, “Country Overview: Sri Lanka.”

³¹⁶ Human Rights Watch, “All Five Fingers Are Not the Same”: Discrimination on Grounds of Gender Identity and Sexual Orientation in Sri Lanka, August 2016, <https://www.hrw.org/report/2016/08/16/all-five-fingers-are-not-same/discrimination-grounds-gender-identity-and-sexual>.

³¹⁷ Shara Arzooman Chowdhury, *A Study on Workplace Discrimination: Challenges Faced by LGBTIQ Employees and the Perspectives of Employers in Sri Lanka*, EQUAL GROUND, 2021, <https://www.equal-ground.org/wp-content/uploads/DAP-REPORT-FINAL.pdf>, 11–12.

³¹⁸ EQUAL GROUND, *Mapping LGBTIQ Identities in Sri Lanka*, June 2021, https://www.equal-ground.org/wp-content/uploads/Report_EG-edited.pdf, 39–40; United Kingdom Home Office, *Country Policy and Information Note Sri Lanka: Sexual orientation and gender identity or expression*, version 6.0, September 2024, <https://assets.publishing.service.gov.uk/media/67065583e84aelfd8592f043/CPIN%2BSexual%2BOrientation%2BGender%2BIdentity%2BAnd%2BExpression.pdf>; Human Rights Watch, “All Five Fingers Are Not the Same.”

³¹⁹ Équité Sri Lanka, Bridge for Equality, and Rajarata Gemi Pahana, “Situation of LGBTI+ persons in Sri Lanka: Joint NGO Submission to the Universal Periodic Review by Coalition of Civil Society Organizations,” 2022, https://upr-info.org/sites/default/files/country-document/2023-03/JS24_UPR42_LKA_E_Main.pdf.

³²⁰ Directorate General of Health Services, General Circular No. 01-34/2016, Issuing of Gender Recognition Certificate for Transgender Community, <https://equitesrilanka.org/wp-content/uploads/2024/04/Circuler-for-GRC-01-34-2016-eng.pdf>.

their mental health and well-being.³²¹ In 2025, EQUAL GROUND documented intersex people's experiences of stigma and bullying in schools and harassment from institutions and decried the inaccessibility of health services responding to their needs.³²²

Existing Protections

Sri Lanka has not enacted an antidiscrimination law, but the Constitution affirms the right to equality or freedom from discrimination based on “race, religion, language, caste, sex, political opinion, place of birth, or any one of such grounds.”³²³

While not amounting to legal protection, the Women Empowerment Act, or Act No. 37 of 2024, states as one of the objectives of the National Commission on Women the protection of “women from all forms of discrimination based on gender and sexual orientation.”³²⁴ Nevertheless, discrimination based on gender is still not prohibited, and activists have expressed disappointment in the government's failure to implement the law, pointing out the “absence of a dedicated office, an executive director, or an allocated budget to enable the Commission to operate.”³²⁵

National laws recognize privacy protections based on sexual orientation and require authorities to provide special measures for victims or witnesses based on “gender, including transgender [sic], sexual orientation.”³²⁶

The Prevention of Domestic Violence Act prohibits violence within the family, regardless of the gender of the victim or the perpetrator, but the criminalization of same-sex intimacy has prevented some victims from reporting out of fear of further violence.³²⁷

³²¹ Tao He, “Discrimination in Workplace, Health Care, Family Settings and Mental Health among Transgender People in Sri Lanka” (MA thesis, Duke University, 2023), <https://dukespace.lib.duke.edu/items/bd204ca9-6f97-4f7f-ba1a-72b501062145>.

³²² EQUAL GROUND, *The I in LGBTIQ: Experiences and challenges faced by people with intersex traits/ variations, their caregivers and healthcare providers in Sri Lanka*, 2025, https://drive.usercontent.google.com/download?id=lgwOay2GdnhLv_lqVO9h3RsWrC2GbcJLZ&authuser=0&acrobatsPromotionSource=gdrive_chrome-grid, 15, 26.

³²³ Democratic Socialist Republic of Sri Lanka, Constitution, amended October 2022, revised edition – 2023, <https://www.parliament.lk/files/pdf/constitution.pdf>, art. 12(2).

³²⁴ Democratic Socialist Republic of Sri Lanka, Women Empowerment Act, No. 37 of 2024, <https://www.parliament.lk/uploads/acts/gbills/english/6348.pdf>, sec. 2(d).

³²⁵ Gagani Weerakoon, “Frustration mounts over dormant Women's Commission,” *Ceylon Today*, October 11, 2025, <https://ceylontoday.lk/2025/10/11/frustration-mounts-over-dormant-womens-commission>.

³²⁶ Democratic Socialist Republic of Sri Lanka, Personal Data Protection Act, No. 9 of 2022, <https://www.parliament.lk/uploads/acts/gbills/english/6242.pdf>, sec. 56; Assistance to and Protection of Victims of Crime and Witnesses Act, No. 10 of 2023, <https://www.parliament.lk/uploads/acts/gbills/english/6297.pdf>, sec. 34(4).

³²⁷ Democratic Socialist Republic of Sri Lanka, Prevention of Domestic Violence Act, No. 34 of 2005, <https://www.refworld.org/legal/legislation/natlegbod/2005/en/73100>; Outright, *Locating LGBTQ People in Domestic Violence Laws in Asia*, 36.

Advocacy for Nondiscrimination Legislation

The LGBTQ movement in Sri Lanka, whose beginnings can be traced to the 1990s, has made some recent significant wins. In 2022, following years of advocacy at the UN, the UN Committee on the Elimination of Discrimination Against Women (CEDAW) called on Sri Lanka to decriminalize same-sex intimacy.³²⁸ This amplified the domestic and international momentum for nondiscrimination, leading to some efforts in parliament to comply with the ruling.³²⁹

Equality Bills in 2024

In 2024, ahead of elections, the government proposed the Gender Equality Bill, seeking to advance equality “irrespective of differences in sex or gender identity,” and the Women Empowerment Bill, which passed into law in June 2024, establishing the National Commission on Women (NCW). A member of the Sri Lankan PoduJana Peramuna, a nationalist party which was the largest party in parliament at that time, also filed the Penal Code Amendment Bill, a private member’s bill seeking to decriminalize same-sex sexual acts.

The Gender Equality Bill and the Penal Code Amendment Bill were not adopted in the previous parliament, and therefore need to be refiled. The Supreme Court added another hurdle to the Gender Equality Bill in June 2024 when it ruled that it is unconstitutional, which means a referendum or a two-thirds majority is now required to pass it.³³⁰ The three-judge bench claimed that the law would open the doors to same-sex marriages, asserting that “neither our constitution nor our culture has envisaged” marriage equality and that recognizing gender diversity would also be unconstitutional.³³¹ The then-President Ranil Wickremesinghe responded by proposing to appoint a committee to explore overriding the judgment, which he argued demonstrated “judicial cannibalism.”³³² It is not clear whether such a committee was created, and the current president, Anura Kumara Disسانayake of the left-wing National People’s Power alliance, has not publicly pronounced on the issue since he took office in September 2024.

³²⁸ ILGA Asia, Amnesty International, Equal Ground, and the International Commission of Jurists, “Sri Lanka: UN Treaty Body urges Sri Lanka to decriminalise consensual same-sex conduct,” June 14, 2022, <https://ilgaasia.org/news/sri-lanka-un-treaty-body-urges-sri-lanka-to-decriminalise-consensual-same-sex-conduct>.

³²⁹ International Commission of Jurists, “Sri Lanka: ICJ welcomes the Supreme Court’s determination that the proposed amendment decriminalizing consensual same-sex sexual relations between adults is constitutional,” May 11, 2023, <https://www.icj.org/sri-lanka-icj-welcomes-the-supreme-courts-determination-that-the-proposed-amendment-decriminalizing-consensual-same-sex-sexual-relations-between-adults-is-constitutional>.

³³⁰ Press Trust of India, “President’s Move After Sri Lankan Supreme Court Rules Against Gender Equality Bill,” *NDTV World*, June 18, 2024, <https://www.ndtv.com/world-news/sri-lankas-supreme-court-rules-against-gender-equality-bill-president-proposes-to-appoint-select-committee-to-look-into-judgment-5916109>.

³³¹ AFP, “Sri Lanka court blocks gender equality bill,” *Zawya*, June 18, 2024, <https://www.zawya.com/en/world/indian-sub-continent/sri-lanka-court-blocks-gender-equality-bill-cqm5esh0>.

³³² Press Trust of India, “President’s Move After Sri Lankan Supreme Court Rules Against Gender Equality Bill.”

Unlike the Gender Equality Bill, the Penal Code Amendment Bill can proceed without judicial obstacles after being greenlit by the Supreme Court, which affirmed that decriminalization “only furthers human dignity and as such [same-sex intimacy] cannot be considered as being an offence that must be maintained in the statute book.”³³³

Nondiscrimination

There is no pending comprehensive or LGBTIQ-specific antidiscrimination bill in parliament, and activists are prioritizing decriminalization as a crucial step toward nondiscrimination. As of writing, the ruling National People’s Power alliance, which promised during the elections to extend constitutional nondiscrimination protections to sexual orientation and gender identity and improve public authorities’ engagement with “gender identity groups,” has not proposed an antidiscrimination bill.³³⁴ Waradas Thiyagaraja, an activist and academic, told Outright that decriminalization remains a top priority.³³⁵ The Supreme Court’s support for decriminalization gives activists significant legal backing.

The Gender Equality Bill is not an antidiscrimination bill. While it sets out specific measures to prevent discrimination based on sex and gender identity, ensure redress for gender-based violence and discrimination, and provide assistance to survivors, it does not intend to prohibit discrimination. However, due to these provisions, some activists see the adoption of the Gender Equality Bill as a positive step to strengthen legal protections for LGBTIQ people.

Strategies

- **Appealing to the general public.** In their advocacy messages, activists have been focusing less on decriminalization, perceived as a niche issue, and more on nondiscrimination. They emphasize equal access to health care, education, and employment to appeal to broader calls for socioeconomic reform.
- **Engaging political parties.** Queer activist groups have lobbied political parties to include LGBTIQ issues in their campaign manifestos. In 2024, the National People’s Power (NPP), now the ruling party, ran on an explicitly pro-LGBTIQ platform, a first for the country.³³⁶

Challenges

Criminalization. The continued criminalization of same-sex conduct under colonial-era penal provisions remains a roadblock to legal equality.

³³³ International Commission of Jurists, “Sri Lanka: ICJ welcomes the Supreme Court’s determination.”

³³⁴ Jathika Jana Balawegaya (NPP Sri Lanka), “A Thriving Nation, A Beautiful Life,” August 2024, https://muragala.lk/wp-content/uploads/2024/10/NPP_manifesto_English_2024.pdf, 45.

³³⁵ Waradas Thiyagaraja, Outright online consultation, October 15, 2025.

³³⁶ Outright, *Queering Democracy*, 148.

Interreligious opposition. A united interreligious opposition from Christian, Muslim, Buddhist, and Hindu leaders has been seeking to block the adoption of the Gender Equality Bill, the Penal Code Amendment Bill, and the Women’s Empowerment Act, which has been passed into law.³³⁷

Anti-gender backlash. President Donald Trump’s 2024 election victory in the United States has emboldened anti-queer groups in the country. They mobilize massively against affirming portrayals of sexual and gender diversity in media, leading the Sri Lankan president in one instance to publicly clarify that the government does not intend to use LGBTIQ themes to promote tourism in the country, following backlash against the tourism ministry’s endorsement of a civil society proposal to market Sri Lanka as a queer-inclusive destination.³³⁸

Insufficient political will. There is political momentum in favor of nondiscrimination, with the victory of the National People’s Power in the 2024 presidential and legislative elections.³³⁹ However, Thiyagaraja told Outright in October 2025 that despite the government’s promises, “it has not been brought into any legal, tangible action so far.”

Ways Forward

- **Implementation of gender-inclusive laws.** Together with feminist and other groups, continue advocating for adequate resource allocation for the National Commission on Women, the full implementation of the Women’s Empowerment Act, and the adoption of the Gender Equality Bill.
- **Regional solidarity.** Strengthen networks with LGBTIQ activists in neighboring Bhutan, India, and Nepal to learn from how they have won legal reforms, especially on decriminalization and nondiscrimination, and are pushing for more spaces and opportunities for regional exchange.
- **Unified strategy.** Thiyagaraja called on LGBTIQ organizations to continue synchronizing their strategies and narratives and stick to their shared agenda, especially in this tense moment of backlash.³⁴⁰

³³⁷ Yohan Perera, “Religious leaders call for withdrawal of three Bills,” *Daily Mirror Online*, July 26, 2024, <https://www.dailymirror.lk/front-page/Religious-leaders-call-for-withdrawal-of-three-Bills/238-288110>;

“Extremist groups rally against LGBT+ community committing contempt of court,” *Lanka News Web*, July 22, 2024, <https://lankanewsweb.net/archives/59479/extremist-groups-rally-against-lgbt-community-committing-contempt-of-court>.

³³⁸ “Sri Lanka Will Not Use LGBTQ Themes to Promote Tourism – President,” *Lanka Sara*, October 5, 2025, <https://lankasara.com/news/sri-lanka-will-not-use-lgbtq-themes-to-promote-tourism-president>; “Sri Lanka’s President says there’s no plans to promote tourism to LGBTIQ+ people,” *OUTinPerth*, October 6, 2025, <https://www.outinperth.com/sri-lankas-president-says-theres-no-plans-to-promote-tourism-to-lgbtqa-people>.

³³⁹ Outright, *Queering Democracy*, 148–149.

³⁴⁰ Waradas Thiyagaraja, Outright online consultation, October 15, 2025.

- **Building consensus.** Thiagaraja also emphasized the importance of reaching out to and working with other sectors in order to agree on a “minimum agenda.”³⁴¹ This could form the basis of a multisectoral coalition for a comprehensive nondiscrimination legislation in the future.

³⁴¹ Ibid.

Taiwan

Even with government backing, the Antidiscrimination Act remains under review by the central government and has not been introduced to the Legislative Yuan after years of advocacy.

Situation of LGBTIQ People

Legal Overview ³⁴²	
Criminalization	Same-sex sexual relations and gender-diverse expressions are not criminalized.
Legal gender recognition	The process to change legal gender markers involves medical and other requirements.
Intersex bodily autonomy	Non-consensual medical interventions on intersex babies and children are not prohibited by law.
Freedom of association	LGBTIQ organizations can openly register and operate.

Taiwan is widely recognized as a leader in LGBTIQ people's rights in Asia, becoming the first jurisdiction in Asia to recognize same-sex marriages in 2019.³⁴³ Despite this landmark achievement, important family-building gaps remain. The Assisted Reproduction Act (2007) prohibits surrogacy and restricts access to intrauterine insemination and in vitro fertilization to married heterosexual couples meeting specific infertility criteria, excluding single women and lesbian couples. Calls for reform have intensified, with media editorials framing the exclusion as discriminatory.³⁴⁴ In December 2025, the government proposed an amendment to extend the Act's coverage to single women and married female same-sex couples.³⁴⁵

Legal gender recognition in Taiwan remains inconsistent. In 2008, the Ministry of the Interior issued an ordinance requiring complete genital surgery as a condition for amending gender markers on identity documents.³⁴⁶ Several courts have challenged its validity, ruling that surgery

³⁴² See Outright, "Country Overview: Taiwan," accessed September 22, 2025, <https://outrightinternational.org/our-work/asia/taiwan>.

³⁴³ In 2017, the Constitutional Court (J.Y. Interpretation No. 748) ruled that provisions of the Civil Code banning same-sex marriage were unconstitutional, interpreting Article 7 of the Constitution ("equality before the law") to cover sexual orientation. Following this ruling, the Legislative Yuan passed the Act for Implementation of J.Y. Interpretation No. 748 in May 2019, making Taiwan the first jurisdiction in Asia to legalize same-sex marriage.

³⁴⁴ "EDITORIAL: Assisted Reproductive Act changes," *Taipei Times*, March 3, 2024, <https://www.taipeitimes.com/News/editorials/archives/2024/03/03/2003814359>.

³⁴⁵ "Cabinet seeks to expand assisted reproduction eligibility," *Focus Taiwan*, December 11, 2025, <https://focustaiwan.tw/society/202512110016>.

³⁴⁶ ILGA World, "Ordinance on Household Registration regarding LGR (2008)," [https://database.ilga.org/api/downloader/download/1/TW%20-%20EXE%20-%20%20Ordinance%20on%20Household%20Registration%20regarding%20LGR%20\(2008\)%20-%20OR-OFF\(zh\).pdf](https://database.ilga.org/api/downloader/download/1/TW%20-%20EXE%20-%20%20Ordinance%20on%20Household%20Registration%20regarding%20LGR%20(2008)%20-%20OR-OFF(zh).pdf).

should not be required.³⁴⁷ But the 2008 ordinance has not been formally repealed, leaving legal uncertainty and inconsistent practice across Taiwan.³⁴⁸

Intersex people are largely invisible in law and policy. Non-consensual medical interventions on intersex infants and children are not banned. The Control Yuan—Taiwan’s independent government watchdog responsible for monitoring the actions of public agencies and safeguarding human rights—criticized the Ministry of Health and Welfare in 2018 for failing to protect intersex people’s rights and highlighted that intersex children often undergo irreversible “normalizing” surgeries prematurely.³⁴⁹ In response, the Ministry of Health and Welfare issued clinical guidelines that discourage non-essential and irreversible sex-assignment surgeries on children under 12—while allowing exceptions for urgent, grave medical conditions—and require adolescents aged 12–18 to undergo a heightened review process (including approval by a medical team). However, these remain non-binding guidance rather than enforceable law.³⁵⁰

Existing Protections

Discrimination

There is no comprehensive nondiscrimination law in Taiwan prohibiting discrimination across goods, services, housing, and public accommodations. Piecemeal protections for sexual orientation and gender exist in various sectors, including employment and education.³⁵¹

While “sexual orientation” is not explicitly listed in the Constitution, the 2017 J.Y. Interpretation No. 748 applied Article 7’s equality guarantee to sexual orientation, finding that excluding same-sex couples from marriage violated the constitutional principle of equal protection. This strengthens constitutional recognition of sexual-orientation equality, but—absent a comprehensive antidiscrimination statute—implementation remains uneven and largely dependent on sector-specific measures and case-by-case enforcement.

³⁴⁷ In the case of Xiao E v. Taoyuan City Daxi District Household Registration Office (2021), the Taipei High Administrative Court ruled that requiring surgery for legal gender recognition violated constitutional rights to dignity and personal autonomy. Subsequent rulings reinforced the argument that the Household Registration Act does not mandate surgery. Most recently, in Case No. 1469 (2024), the Taipei High Administrative Court recognized a trans man’s right to change his gender marker without surgery, leading to the first such registration in July 2024. See Channel News Asia, “Taiwan court rules to allow trans woman’s ID card gender change request,” CEDAW in Action, September 24, 2021, <https://www.cedaw.org.tw/en/en-global/news/detail/281>.

³⁴⁸ Fang Wei-li and Hollie Younger, “Groups submit trans surgery petition,” *Taipei Times*, March 8, 2025, <https://www.taipeitimes.com/News/taiwan/archives/2025/03/08/2003833084>.

³⁴⁹ Chung Li-hua and Sherry Hsiao, “Control Yuan shines light on intersex rights,” <https://www.taipeitimes.com/News/front/archives/2018/06/15/2003694899>, *Taipei Times*, June 15, 2018.

³⁵⁰ Taiwan Ministry of Health and Welfare, “Announcement of the Ministry of Health and Welfare’s Common Recommendations for Intersex Surgery for Minors,” October 2018, <https://dep.mohw.gov.tw/doma/cp-2708-45096-106.html>.

³⁵¹ The Employment Service Act (1992, amended 2019) prohibits employment discrimination based on gender and sexual orientation. The Gender Equality in Employment Act (2002, amended 2016) extends protections in the workplace, including against gender and sexual orientation discrimination. The Gender Equity Education Act (2004) explicitly includes gender, sexual orientation, gender identity, and “gender temperaments” in school protections.

Advocacy for Nondiscrimination Legislation

Advocacy in Taiwan has increasingly focused on the passage of a comprehensive Antidiscrimination Act. As of writing, the minority government of the center-left Democratic Progressive Party, which controls the presidency and the central government but does not hold a majority in the Legislative Yuan, appears to support this goal. In 2018, the government commissioned a feasibility study on antidiscrimination legislation, and in its 2022 National Human Rights Action Plan, it committed to submitting a draft bill to the Legislative Yuan by the end of 2024.³⁵² In May 2024, the Executive Yuan released a draft law and launched a two-month consultation process, holding public hearings in Taipei, Taichung, Kaohsiung, and Hualien.³⁵³ The draft prohibits direct and indirect discrimination, harassment, and retaliation across multiple protected grounds—including gender, sexual orientation, gender identity, gender traits (gender expression), disability, and age—and establishes an Equality Commission empowered to receive complaints, conduct investigations, issue corrective orders, and impose administrative fines.³⁵⁴ This design seeks to unify oversight currently dispersed across sectoral laws.

Civil society organizations increasingly frame the proposed Antidiscrimination Act as the natural next step following marriage equality, and have invested heavily in cross-movement coalition-building. LGBTIQ groups have partnered with women’s rights organizations, disability advocates, indigenous groups, and migrant workers’ movements to emphasize the law’s universal relevance and to counter the perception that it is limited to sexual orientation or gender identity. Advocacy strategies also include targeted briefings for legislators, media engagement, and public education efforts addressing misinformation about gender identity provisions. Opposition from conservative and anti-trans civil society groups—particularly visible during a May 2024 public consultation on the bill—continues to pose a challenge to the law’s progress.³⁵⁵

Strategies

Building on this landscape, Taiwanese advocates emphasized several core strategies currently guiding the movement, which complement ongoing legislative efforts:

³⁵² Taiwan Ministry of Justice, “National Human Rights Action Plan (2022–2024),” accessed February 23, 2026, <https://www.humanrights.moj.gov.tw/media/20211933/%E5%9C%8B%E5%AF%B6%E4%BA%BA%E6%AC%8A%E8%A1%8C%E5%8B%95%E8%A8%88%E7%95%AB.pdf>.

³⁵³ Human Rights Information Portal, Executive Yuan, “Draft Anti-Discrimination Law Released and Public Consultation Open,” May 2, 2024, <https://www.ey.gov.tw/hrtj/83F5FBBD47B54AF4/5beaf7a2-0aa7-486f-827b-a50dd596628a>.

³⁵⁴ Executive Yuan, “Draft Antidiscrimination Bill – Overview,” May 2024, <https://www.ey.gov.tw/File/58591B6FE6C81C93>.

³⁵⁵ Executive Yuan, Human Rights and Transitional Justice Division, Minutes of the 1st Opinion-Exchange Meeting on the Draft Anti-Discrimination Act 9, May 2024, recording interventions by civil society participants, <https://www.ey.gov.tw/File/4068B6A848BC0FD0>.

- First, LGBTIQ organizations participate in regular coalition meetings with allied movements to align priorities, share political analysis, and coordinate responses to emerging opposition.
- Second, advocates engage in direct, sustained outreach to legislators, many of whom acknowledge that equality legislation is not yet a parliamentary priority, making consistent information-sharing essential.
- Third, groups are working closely with academics and researchers to strengthen the evidence base for the Antidiscrimination Act and to support public messaging with rigorous analysis.

These strategies illustrate a deliberate shift toward long-term, alliance-based advocacy designed to maintain momentum, reinforce shared narratives across movements, and counter the growing influence of anti-trans discourse in Taiwan's political space.

As of September 2025, the draft Antidiscrimination Act remains under review by the central government and has not been formally introduced to the Legislative Yuan. Advocacy efforts continue to focus on sustaining political pressure, strengthening coalitions, and ensuring a broad public understanding of the law. Should the Act be adopted, Taiwan would become the first jurisdiction in East Asia with a comprehensive antidiscrimination framework explicitly covering sexual orientation, gender identity, and gender expression.³⁵⁶

Challenges

Limited political prioritization. Advocates note that, despite longstanding commitments in the National Human Rights Action Plan and the 2024 consultation process, legislators do not currently prioritize antidiscrimination legislation. This disconnect between executive-level commitments and the Legislative Yuan's agenda has slowed progress and generated uncertainty around when—if at all—the Antidiscrimination Act will be formally introduced.

Rising anti-trans and anti-gender mobilization. Civil society highlights the growing influence of anti-trans actors. These groups have increasingly shaped public debate, spreading misinformation during consultations and framing gender identity protections as threats to women and children, resulting in a more cautious legislative environment.

Sustaining coalition work under limited capacity. Advocates emphasize that maintaining strong alliances across sectors is essential for advancing the Antidiscrimination Act, but also resource-intensive. The need to counter well-coordinated and divisive anti-gender narratives

³⁵⁶ Yo-Ling Chen, "How Will 2023 Gains in Transgender Rights Fair after the 2024 Elections?," *Taiwan Insight*, University of Nottingham Taiwan Research Hub, February 16, 2024, <https://taiwaninsight.org/2024/02/16/how-will-2023-gains-in-transgender-rights-fair-after-the-2024-elections/>.

places additional strain on civil society capacity, making long-term collaboration and unified messaging more difficult to sustain.

Ways Forward

Strengthen cross-movement coalitions. Advocates highlight the importance of maintaining coordinated alliances across sectors. These coalitions help position the Antidiscrimination Act as a wide-reaching social-justice measure rather than a narrowly framed LGBTIQ bill, reinforcing its societal relevance.

Deepen structured engagement with legislators. Regular dialogue with members of the Legislative Yuan remains essential, particularly as many lawmakers do not consider antidiscrimination legislation an immediate priority. Sharing accurate information proactively—especially around gender identity provisions—can help pre-empt misinformation and ensure legislators receive reliable analysis before debates are shaped by anti-gender groups.

Expand public education to counter misinformation. Given the rise of anti-trans narratives, advocates emphasize the need for clear, accessible explanations of what the Antidiscrimination Act does and does not do.

Support mechanisms for sustained coalition coordination. Advocates note the need for shared research tools, unified messaging, and joint policy briefs to maintain cohesion across sectors. Coordinated communication strengthens the movement's capacity to respond quickly to opposition and maintain public support as the Antidiscrimination Act progresses.

Reinforce the constitutional basis of gender self-identification. With anti-trans narratives gaining visibility, advocates stress the importance of legal literacy initiatives and public-facing materials that reaffirm judicial interpretations supporting gender autonomy.

Enhance community protection and rapid-response networks. Strengthening legal referral systems, community hotlines, and coordinated response mechanisms can help address incidents of harassment or discrimination. These structures also generate valuable documentation to inform legislative debate and public understanding of the gaps the Antidiscrimination Act seeks to fill.

Vietnam

LGBTIQ activists are strategically shifting from rights-based nondiscrimination advocacy to development-oriented and service-delivery work in response to the government's evolving political priorities and restrictions on civil society.

Situation of LGBTIQ People

Legal Overview ³⁵⁷	
Criminalization	Same-sex sexual relations and gender-diverse expressions are not criminalized.
Legal gender recognition	There is no procedure to change legal gender markers as the enabling law to implement Article 37 of the Civil Code has not yet been enacted.
Intersex bodily autonomy	Non-consensual medical interventions on intersex babies and children are not prohibited by law.
Freedom of association	LGBTIQ organizations can openly register and operate, but face government surveillance like other civil society groups.

LGBTIQ people in Vietnam operate in a context marked by strong state control over civil society, limited political pluralism, and a narrow space for rights-based advocacy. While consensual same-sex relations are not criminalized, the absence of explicit legal protections against discrimination leaves LGBTIQ people vulnerable to stigma, exclusion, and abuse in daily life.³⁵⁸

Civil society organizations in Vietnam have documented and denounced the use of medical interventions on intersex infants and children without their informed consent, enabled by the current legal framework, in particular Article 36 of the Civil Code, which permits such “normalizing” procedures on their bodies.³⁵⁹

In an online survey completed by 2,497 LGBTIQ respondents across 62 provinces and cities in Vietnam, one in 10 participants reported experiencing severe discrimination and prejudice in the previous 12 months, while 21 percent experienced the same in the previous five years.³⁶⁰ Across all indicators, transgender respondents consistently reported the highest levels of discrimination.

Educational settings emerge as particularly hostile environments. According to the survey, three out of every five LGBTIQ students frequently encounter queerphobic comments and experience bullying from peers.³⁶¹ Human Rights Watch found that verbal harassment particularly targets

³⁵⁷ See Outright, “Country Overview: Vietnam,” accessed September 22, 2025, <https://outrightinternational.org/our-work/asia/vietnam>.

³⁵⁸ Outright, “They Endure the Violence Alone”: Online Gender-Based Violence Against LBQ Individuals in Vietnam, February 2026, <https://outrightinternational.org/our-work/human-rights-research/they-endure-violence-alone>, 17.

³⁵⁹ Institute for Studies of Society, Economy and Environment (iSEE), “Statement on the Situations of LGBTI Community in Vietnam,” statement delivered by Phong Vuong at the Vietnam UPR Pre-session, 2018, https://upr-info.org/sites/default/files/documents/2018-12/3_isee_stmt.pdf.

³⁶⁰ iSee, “Tóm tắt Báo cáo “Có phải bởi vì tôi là LGBTI? Phân biệt đối xử dựa trên xu hướng tính dục, bản dạng giới và đặc điểm giới tính,” 2023, <https://thuvien.lgbt/en/documents/tom-tat-bao-cao-co-phai-boi-vi-toi-la-lgbti-2023>.

³⁶¹ Ibid.

students perceived as gender nonconforming, and that some students also report physical violence by peers. Further, some teachers describe homosexuality as a “disease” and exclude discussions of sexual orientation or gender identity from lessons, contributing to stigmatizing and hostile school climates.³⁶²

Family environments also remain a major site of pressure. Four in 10 survey respondents reported that they do not disclose their sexual orientation to anyone in their family, while 41.2 percent choose to disclose only to a very small number of close relatives.³⁶³

In the workplace, discrimination is often more subtle but persistent. Among the survey respondents who were currently employed, nearly one in four indicated that they occasionally hear or encounter negative comments about LGBTI people from colleagues (23.5 percent), while others reported similar remarks from supervisors (17.9 percent) or customers and business partners (16.3 percent).³⁶⁴

These challenges unfold against an increasingly restrictive political backdrop. Vietnam is a single-party state in which the Communist Party of Vietnam exercises tight control over civil society, shaping both the lived realities of LGBTIQ people and the strategies adopted by civil society actors.³⁶⁵

Existing Protections

Discrimination

Vietnam does not have a comprehensive antidiscrimination law that explicitly covers sexual orientation, gender identity, gender expression, or sex characteristics. Although Article 16 of the Constitution establishes a broad principle of equality, it does not enumerate protected characteristics nor has it been interpreted as offering concrete safeguards for LGBTIQ people. International monitoring bodies continue to highlight this legislative gap.³⁶⁶

- Complementary instruments, such as Decree 88/2015/ND-CP, introduce administrative fines for gender-based discrimination in recruitment, employment conditions, and labor management. The provision does not explicitly mention sexual orientation, gender

³⁶² Human Rights Watch, “My Teacher Said I Had a Disease” Barriers to the Right to Education for LGBT Youth in Vietnam,” 2020, https://www.hrw.org/sites/default/files/report_pdf/vietnam0220_web.pdf.

³⁶³ Ibid.

³⁶⁴ Ibid.

³⁶⁵ Human Rights Watch, “Vietnam: Events of 2023,” 2024, <https://www.hrw.org/world-report/2024/country-chapters/vietnam>.

³⁶⁶ Office of the High Commissioner for Human Rights, “In Dialogue with Viet Nam, Experts of the Human Rights Committee Commend the Strengthened Human Rights Framework, Raise Issues Concerning Discrimination and Reports of Media Repression,” United Nations, July 8, 2025, <https://www.ohchr.org/en/meeting-summaries/2025/07/dialogue-viet-nam-experts-human-rights-committee-commend-strengthened>.

identity, or sex characteristics, so its application depends on how authorities and courts interpret what constitutes “discrimination by gender” in practice.

- Legal gender recognition is referenced in the Civil Code, specifically in Article 37, which contemplates recognition for individuals who have undergone “sex reassignment.” However, this provision remains inoperative because the enabling law required to detail administrative procedures has never been issued.³⁶⁷ As a result, transgender people have no practical pathway to update their identity documents.

Despite greater public visibility for LGBTIQ communities, state recognition remains limited and primarily symbolic, shaped by a governance approach that prioritizes social harmony and political stability over substantive rights reforms. Scholars note that this form of “managed recognition” creates a narrow and controlled space for visibility but does not translate into legal protections, constraining the ability of advocates to advance structural reforms.³⁶⁸

Advocacy for Nondiscrimination Legislation

Advocacy for comprehensive nondiscrimination legislation in Vietnam is not currently a central focus of LGBTIQ organizing. A Vietnamese LGBTIQ activist interviewed by Outright explained that the political and civic environment does not allow for open or sustained legislative advocacy on issues related to sexuality and gender, particularly when framed in explicit human rights terms.³⁶⁹ Organizations engaging directly in legal or rights-based advocacy are often accused of promoting “Western values,” contributing to an environment of self-censorship and restraint. In this context, advancing a stand-alone antidiscrimination law is widely seen as neither feasible nor safe.

According to recent research, current civil society priorities in Vietnam are shaped less by rights-based advocacy and more by strategies that align with state-approved areas of action.³⁷⁰ Rather than pursuing potentially contentious reforms such as comprehensive antidiscrimination legislation, LGBTIQ groups are largely focused on service-delivery work—addressing healthcare gaps, developing safe-school initiatives, and disseminating accurate information, including through training and public messaging, on gender identity and sexuality.³⁷¹ This shift reflects the broader constraints of operating in an authoritarian environment where civil society’s role is tolerated primarily when it assists rather than challenges the state, and where service-oriented

³⁶⁷ Atty-Roos IJsendijk, “Eight Years and Counting: Why the Gender Affirmation Law Matters in Viet Nam,” UNDP, May 16, 2023, <https://www.undp.org/vietnam/blog/eight-years-and-counting-why-gender-affirmation-law-matters-viet-na-m>.

³⁶⁸ Pham Quynh Phuong, “From ‘Social Evils’ to ‘Human Beings’: Vietnam’s LGBT Movement and the Politics of Recognition,” *Journal of Current Southeast Asia Affairs* 41, no. 3 (2022): 422–439, <https://doi.org/10.1177/18681034221108748>.

³⁶⁹ Outright interview with an LGBTQ activist from Vietnam, virtual, November 4, 2025.

³⁷⁰ Yên Mai, “Navigating Constraints.”

³⁷¹ Ibid.

activities such as health, education, and community support receive more political space than legal or structural reform.

During Vietnam’s second Universal Periodic Review cycle in 2018, civil society actors discussed the possibility of advocating for a comprehensive antidiscrimination framework. However, activists reported that these efforts did not gain traction and that they were unable to convince the government to pursue such legislation.³⁷² During its 2024 UPR, Vietnam did not accept a recommendation from Iceland to “Expand the definitions of gender equality, gender-based violence and gender-based discrimination in the Law on Gender Equality to include persons of diverse sexual orientation or gender identities and expressions or sexual characteristics.”³⁷³

Other legislative opportunities have also proven unviable. For example, during labor law reform discussions that culminated in the adoption of the 2019 Labour Code, advocates sought to explicitly include protections related to sexual orientation and gender identity within the Code’s antidiscrimination framework, but these proposals did not carry through into the final text.³⁷⁴ The reform agenda instead focused on gender equality framed primarily as equality between women and men, alongside debates on retirement age reform and worker representation, leaving broader nondiscrimination claims sidelined.

Currently, advocates have focused on strategies that prioritize organizational survival, community wellbeing, and incremental engagement with state institutions through lenses such as social development and gender equality. These choices reflect a pragmatic assessment of political risk, minimal civic space, and the limited prospects for rights-based legal reform in the current context.

Strategies

Shifting away from human rights and antidiscrimination framing. Such framing is widely perceived by authorities as politically sensitive and linked to foreign influence, increasing exposure to risk—particularly in legal advocacy and engagement with international human rights mechanisms. As a result, advocacy has been reframed around inclusive economic development, social wellbeing, and the Sustainable Development Goals (SDG). While core objectives remain largely unchanged, language and communication strategies have shifted to reduce political exposure and improve institutional access.

³⁷² Working Group on LGBTI Issues, “Joint report on the human rights situation of the community of lesbian, gay, bisexual, transgender and intersex people (LGBTI) in Viet Nam,” third Universal Periodic Review of Viet Nam at Human Rights Council (2019), submitted July 12, 2018, https://ilga.org/wp-content/uploads/2024/03/stakeholdersreport_VIETNAM_UPR32.pdf.

³⁷³ Human Rights Council, Report of the Working Group on the Universal Periodic Review: Vietnam, UN Doc. A/HRC/57/7, June 21, 2024, <https://docs.un.org/en/A/HRC/57/7>, par. 42.317.

³⁷⁴ Human Rights Council Working Group on the Universal Periodic Review, Forty-sixth session, “Summary of stakeholders’ submissions on Viet Nam,” February 21, 2024, <https://docs.un.org/en/a/hrc/wg.6/46/vnm/3>.

Service delivery as an entry point for institutional engagement. Initiatives such as mental health support, community wellbeing programs, and public education address immediate needs while also serving as strategic tools to build working relationships with government ministries and professional bodies. These engagements can create limited but meaningful entry points into typically closed policy discussions.

Public education and value-based messaging. One interviewee noted that several policy developments followed sustained public education rather than formal lobbying or legislative campaigns. Messaging is deliberately value-based, emphasizing themes such as happiness, equality, family, commitment, and social harmony. This approach aligns with broader social norms, challenges stigma, and avoids triggering political resistance associated with rights-based language.

Risk management and low-visibility engagement. Organizations directly pursuing legal reform are rare and often accused of promoting external values. Consequently, advocacy tends to be low-profile, incremental, and carefully calibrated to minimize risk. Engagement with international human rights mechanisms has also been reduced due to the additional scrutiny it can generate.

Maintaining future pathways for reform. These strategies are not framed as a retreat from structural change but as adaptive choices to ensure organizational survival, sustain community trust, and preserve future advocacy options. Interviewees expressed interest in expanding work that integrates LGBTIQ issues into SDG and economic development frameworks, viewing these as potential entry points for broader inclusion should political conditions shift.

Challenges

Limited civic space and government monitoring. Civil society operates under close surveillance, and advocacy on human rights—including nondiscrimination—is politically sensitive.

Fragmented civil society and limited legal advocacy capacity. Vietnamese civil society is highly fragmented, and only a small number of organizations engage in legal or policy reform. Those that do are often accused by the government of advancing “Western values,” which further discourages legislative advocacy. Most groups lack legal expertise and the resources necessary for sustained engagement on nondiscrimination.

Nondiscrimination is not a political priority. The government remains focused on economic development and is resistant to human rights framing. As a result, nondiscrimination legislation is not on the agenda, and previous efforts—such as the labor law reform—failed to include LGBTIQ people due to competing priorities.

Emerging anti-gender narratives. Anti-gender groups are beginning to mobilize, though they face the same online monitoring and restrictions as other actors. While not yet as strong as in other countries, their presence complicates advocacy and public education strategies.

Ways Forward

Use inclusive development framing to advance inclusion. Advocates have successfully reframed LGBTIQ issues through narratives of inclusive development, well-being, and social progress, including in relation to the UN Sustainable Development Goals. This approach aligns with government priorities and avoids politically sensitive human rights terminology.

Strengthen public education and narrative change efforts. Many policy gains in Vietnam have stemmed from public campaigns. Increasing the visibility of LGBTIQ lives—using values such as happiness, family, and commitment—can help reshape public attitudes in a restrictive political environment.

Build partnerships through service delivery. Providing services creates opportunities for collaboration with ministries and local authorities. These partnerships can gradually build trust and establish pathways for eventual engagement in policy discussions.

Advance incremental reforms through decrees. Because national laws require National Assembly adoption and high-level political buy-in, incremental progress may be possible through ministerial decrees or circular orders—similar to existing measures on intersex-related discrimination and conversion practices.

Strengthen community engagement and focus on local needs. Advocates emphasize the importance of responding to community priorities and meeting immediate needs. These help sustain the movement and build the social foundation necessary for future legal reform.

Document discrimination and produce Vietnam-specific research. The five-year LGBTIQ discrimination survey demonstrates the importance of contextualized data. Continued research can strengthen messaging and provide evidence for future policy opportunities, even if legislative change is not immediately feasible.

III. Conclusion

Across the 13 jurisdictions covered, the picture that emerges is one of uneven and incomplete protection: while some countries have piecemeal safeguards in limited areas, no country in the region has adopted a comprehensive nondiscrimination law that explicitly protects LGBTIQ people across goods and services, social protection, housing, education, employment, and health care. In this landscape, courts have often been primary drivers of change, and sectoral reforms can provide partial relief—but they also leave persistent gaps and produce fragmented protection.

The bigger-picture lesson is that legal protection is only as strong as its clarity and its ability to operate in daily life. Where laws do not explicitly name sexual orientation, gender identity, gender expression, and sex characteristics, protection can become uneven and fragile in practice, dependent on inconsistent interpretation and discretionary decision-making. And even where norms exist on paper, they remain ineffective without accessible, nondiscriminatory complaint pathways and enforcement mechanisms—independent bodies, meaningful sanctions, and remedies that are timely, affordable, and barrier-free.

Finally, the report underscores that pathways to comprehensive protection will often be shaped by political realities: legislative stagnation remains entrenched in many settings, while coalition-building has become a critical strategy for shifting incentives and expanding support. In this context, incremental reform can be a practical route—but it must be treated as a step toward comprehensive nationwide standards, not a substitute that entrenches selective equality or freezes in place exclusions. And the region’s most consistent gap is also its most telling one: sex characteristics remain absent across all case-study countries, leaving intersex people without explicit protection—an omission that any credible comprehensive framework must address.

Outright International is grateful to the activists, community leaders, and civil society organizations across the region whose courage, expertise, and persistence make this work possible. Their efforts—often carried out in challenging environments and with limited resources—have been essential to documenting discrimination, supporting survivors, building public understanding, and advancing legal and policy change. Outright recognizes that progress is rarely linear and that meaningful reforms are sustained not only by landmark decisions or legislative debates but by the everyday work of organizing, coalition-building, and community care. Outright remains committed to standing with these movements, amplifying their priorities, and supporting strategies that strengthen protection and accountability while centering the lived realities of LGBTIQ people.

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To all activists in the region: The work that you do keeps our movements strong in the face of broad anti-rights opposition. This is a deeply challenging time for our global LGBTIQ movement, and you took time out of your days to show up in the hope that it may contribute to change. Outright will continue to work in solidarity with you for a world in which we are all free and equal.



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