Thailand Is Taking Steps to Recognize Same-Sex Couples. But What About the Rest of Southeast Asia?

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A year ago, Taiwan made history by becoming the first Asian country to permit same-sex marriage in a region where any form of legal recognition for same-sex partnerships—or even marriage—remains stubbornly elusive.

Last week, however, Thailand took tentative steps towards joining Taiwan when its government approved a bill that would allow for registration of same-sex unions.

The new bill, which must still make its way through the parliament, allows for joint property ownership, adoptions, and inheritance rights, among other benefits for same-sex couples, with a government spokesperson calling it a “milestone for Thai society in promoting equality.”

The bill is certainly significant—though has come in for criticism from some LGBTQ advocates—and if passed, it would make Thailand the first ASEAN nation to legally grant rights to same-sex couples. But while the development may have raised hopes that Thailand could prompt a domino effect of greater rights for same-sex couples across the region, experts warn those hopes may be unrealistic—at least for now.

“It might be premature to read this as the beginning of a wave of partnership recognition in Asia, the way it has been in Western Europe or Latin America,” said Eric Manalastas, a researcher and former professor of LGBTQ psychology at the University of the Philippines. “The Asian countries have wider variability in their LGBT rights situations.”

Manalastas told VICE News that, for one thing, Asia has no overarching institutions like the Inter-American Court of Human Rights, whose 2018
ruling helped the case for equal marriage in a number of Latin American countries.

What’s more, he added, the LGBTQ community’s successes in Taiwan and, potentially, Thailand only casts in stark relief the wide gaps in LGBTQ rights across Asia.

Right across Thailand’s border, Malaysia still criminalizes gay sex, as does Singapore, which as recently as March upheld its law criminalizing sex between men. In Brunei, the government rolled out laws in 2019 making gay sex and adultery punishable by death by stoning, though it later backtracked following international outcry.

Other countries, meanwhile, have made several unsuccessful attempts at expanding LGBTQ marriage rights.

In January, the Philippine Supreme Court junked a same-sex marriage petition—ditto for a motion to reconsider, this time “with finality.” The Philippine Congress also considered a 2019 bill to recognize same-sex couples in the largely Catholic country, but it didn’t make it past the first session.

Philippines-based Ging Cristobal, project coordinator at OutRight Action International, told VICE News that more conservative legislators not only opposed the civil union bill, but even anti-discrimination bills that aimed to secure LGBTQ people’s education, employment, and access to basic services.

“Knowing the restrictive cultural, religious, and political context of other ASEAN countries, there will be no domino effect taking place in Asia on civil unions for LGBTIQ persons and their partners,” Cristobal said.

In Cambodia, same-sex relations are neither criminalized nor recognized by law, and according to Chak Sopheap, executive director of the Cambodian Center for Human Rights, the institution of marriage there is “exceptionally highly valued.”

“Excluding LGBTIQ persons from the institution of marriage therefore excludes them from one of the foundations of Cambodian society,” she said.
Sopheap didn’t say whether she believed Thailand’s steps towards equality would move the needle in Cambodia, but said she hoped it “creates momentum for marriage equality across the region.”

Even in Thailand, however, the new bill falls short of granting true marriage equality—or marriage at all, for that matter.

Following the government’s approval of the bill, the hashtag #SayNoToPartnershipBill was trending on Twitter, promulgated not by aggrieved conservatives, but by LGBTQ advocates who said its provisions granting limited rights to civil unions didn’t go far enough.

In fact, the Moving Forward Party had already proposed an amendment to Section 1448 of the Marriage Act that would change the stipulation that marriage is “between a man and a woman” to say that marriage is “between two persons,” thereby extending full recognition to same-sex couples.

But shortly after the parliament invited the public to consult on the proposal, the government suddenly announced it had approved the draft bill on civil partnership, which NGOs and activists had long faulted for effectively creating a completely new, unequal class for the LGBTQ community.

“They rushed to make a big bang on announcing that they now agree on [civil unions] in principle,” Thai LGBTQ activist Anjana Suvarnananda told VICE News, suggesting the new bill was likely to draw support away from the old one, and enjoyed greater chance at passage because it was backed by the ruling party.

Even so, many see the bill as a step in the right direction, in spite of its shortcomings. Pauline Ngarmpring, a transgender woman who ran for prime minister in 2019, has said that while the new bill “isn’t based on equality,” it’s still “better than nothing.”

Timo Ojanen, who researches mental health and LGBTQ issues at Thailand’s Thammasat University, told VICE News he thinks it’s possible that some ASEAN countries could follow suit in the near future, specifically Vietnam and the Philippines, where citizens proved to be the most tolerant of homosexual neighbors according to a regional 2017 survey he worked on. The same survey found that Indonesia and Malaysia were the least tolerant towards homosexuals.
Still, tolerance doesn’t always extend to support for LGBTQ rights. Manalastas, who also worked on the survey, pointed to the fact that while Singapore was among the three countries with the least negative views of gay men and lesbians, the state still criminalized homosexuality. Another survey in the Philippines, meanwhile, found that 61 percent of Filipinos oppose same-sex civil unions, and only 22 percent support the idea.

“So in that respect, you can partly understand how Thailand, compared to neighbouring countries, can move ahead, while lots of work—including dealing with barriers, both policy and public opinion—remains for other [Southeast] Asian countries,” Manalastas said.

Still he said that Thailand setting this precedent, may, for a relatively nearby country make it harder for local conservatives to argue that these developments are culturally inappropriate or impossible in their own country.