

Current LGBTQI legal environment in Asia and the Pacific



Everywhere, lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI) communities in Asia and the Pacific continue to face discrimination, invisibility, stigma and violence. In 2025, there are still around 7 countries in Asia (Afghanistan, Bangladesh, Brunei, Malaysia, Maldives, Myanmar, Pakistan) and 6 countries and 1 territory (Niue) in the Pacific (Samoa, Kiribati, Papua New Guinea, Solomon Islands, Tonga, and Tuvalu) that continue to criminalize homosexuality. In 2 of the countries in Asia, the death penalty is applied for homosexual acts (Afghanistan, Brunei). Policy changes to benefit the LGBTQI community has been quite difficult to achieve in both Asia and the Pacific given cultural and religious conservatism.

The legal landscape for LGBTQI individuals across Asia and the Pacific is marked by significant diversity, with rights and protections varying dramatically between and within different regions. From nations that have legalized same-sex marriage and offer broad anti-discrimination protections to those where same-sex activity remains criminalized, the status of equality is far from uniform. This overview examines the current legal framework concerning key issues such as the legality of same-sex relationships, marriage and adoption rights, military service, legal gender recognition throughout the continents and the status of intersex people.

Asia

South Asia

(Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka)

- Same-sex sexual activity is illegal in Afghanistan, Bangladesh, Maldives, Pakistan, Sri Lanka
- Decriminalisation of same-sex sexual activity in India (2018) and Bhutan (2021)
- Gender Recognition: Third gender legally recognized in Bangladesh, India, Nepal, Pakistan; legal gender change allowed in Sri Lanka after surgery.

Southeast Asia

(Brunei, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam, Timor Leste)

- Same-sex sexual activity is illegal in Brunei, Malaysia, and Myanmar
- Decriminalisation of same-sex sexual activity in Singapore (2022)
- Same-sex marriage is only legal in Thailand. Thailand became first Southeast Asian country to legalize marriage equality. Marriage Equality Act took effect 23 January 2025. Replaced "man and woman" / "husband and wife" with gender-neutral "individuals" / "spouses." Granted full rights: adoption, inheritance, tax, joint assets, medical benefits. On day one (23 Jan 2025), 1,800+ couples registered nationwide, with mass events in Bangkok.
- LGBTQI individuals may adopt but not same sex couples in Indonesia, Malaysia, Philippines, Vietnam, and Timor Leste
- LGBTQI people allowed to serve in military in Philippines (since 2009), Singapore, Thailand, and Vietnam
- Anti-LGBTQI discrimination banned in Singapore and Thailand; some ban in effect in Philippines, Vietnam, and Timor Leste; hate crimes protection in Timor Leste
- Legal gender change allowed in Indonesia, Singapore, and Vietnam after sex reassignment; anti-discrimination protections for gender expression in Thailand

East Asia

(China, Hong Kong, Japan, Macau, Mongolia, North Korea, South Korea, Taiwan)

- Same-sex sexual activity is legal everywhere except in North Korea where it may be punishable through Article 193 & 262 regarding obscenity and decency laws
- Same-sex marriage is legal in Taiwan since 2019
- LGBTQI people may adopt but not same sex couples in Hong Kong; In Taiwan, adoption for LGBTQI people allowed since 2023
- LGBTQI people allowed to serve in military in China, Japan
- Anti-LGBTQI discrimination banned in Taiwan; some ban in effect in Hong Kong, Japan, Macau, Mongolia, South Korea
- Legal gender change allowed in China, Hong Kong, Japan, Mongolia, South Korea after sex reassignment; No surgery required in Taiwan
- Japan: No national recognition, but 70% of the population is covered by local partnership certificates. Courts (Sapporo 2021, Tokyo High Court 2024) ruled the ban unconstitutional. Still blocked by the ruling LDP, no binding national legislation.

On intersex people in Asia

Intersex people in many Asian countries are not recognized as intersex or as the gender they identify with. This has led to discrimination, exclusion from legal and social systems, and human rights violations in various spheres of life (home, school, workplace, private and public sphere). Many countries in Asia have no legal protections or policies to uphold intersex people's rights to bodily autonomy, freedom from non-consensual medical surgeries, and self-determination. However, there are countries that allow third gender or sex classification such as Bangladesh, India, Nepal, and Pakistan that are usually availed by hijra and transgender populations.

Current LGBTQI legal environment in Asia and the Pacific

The Pacific

Melanesia

(Fiji, New Caledonia, Papua New Guinea, Solomon Islands, and Vanuatu)

- Same-sex sexual activity is illegal in Papua New Guinea and Solomon Island
- Same-sex marriage is illegal everywhere
- Same-sex couples not allowed to adopt
- Anti-gay discrimination banned in Fiji and New Caledonia; some ban in Vanuatu
- Legal gender change not allowed everywhere

Micronesia

(Guam, Kiribati, Marshall Islands, Nauru, Northern Mariana Islands, and Palau)

- Same-sex sexual activity is illegal in Kiribati but legal everywhere
- Same-sex marriage is legal in Guam and Northern Mariana Islands since 2015
- Same-sex couples allowed to adopt in Guam since 2002 & in Northern Mariana Islands since 2015
- Anti-gay discrimination banned in Marshall Islands; some ban in Guam, Kiribati, and Northern Mariana Islands
- Legal gender change allowed in Guam after sex reassignment

Polynesia

(Cook Islands, Easter Island, Samoa, Tonga, and Tuvalu)

- Same-sex sexual activity is illegal in Samoa, Tonga, Tuvalu
- Decriminalisation of same-sex sexual activity in the Cook Islands (2023)
- Same-sex marriage is not allowed everywhere
- Same-sex couples not allowed to adopt
- Anti-gay discrimination banned in Easter Island; some ban in Cook Island, Samoa, & Tuvalu
- Legal gender change allowed in Easter Island after sex reassignment since 1974, no surgeries or judicial order since 2019; Samoa has large third gender community called fa'afafine recognized as part of Samoan culture

On intersex people in the Pacific

Intersex people in the Pacific confront discrimination, limited access to healthcare, lack of legal recognition due to stigma and the lack of comprehensive laws, and violence. The discrimination and violence intersex people face also intersect with other factors like class, religion, and HIV status. The stigma they face and their limited access to healthcare impacts on their sexual and reproductive health. While Australia and New Zealand offer some anti-discrimination protections for intersex people and have provisions for them to change their legal gender or use third-gender classifications on official documents, no other Pacific countries offer legal protections for intersex people. Intersex infants in the Pacific also face normalizing medical surgeries to align their bodies with narrow definitions of male or female.

Conclusion

Everywhere in Asia and the Pacific, LGBTQI communities are grappling with the effects of patriarchy, cultural hegemony, and colonization or colonialism in their daily lives. **Patriarchy** is the mental, social, spiritual, economic, and political organization of society based on the belief in the lesser value of women and girls and LGBTQI people. Because of patriarchy, systems of exclusion, oppression, and domination are experienced by women and girls and LGBTQI people in the family, school, workplace, and in the public and private sphere. **Cultural hegemony** is domination through ideological means by influencing the values, norms, ideas, expectation, worldview, and behavior of the rest of society. Through cultural hegemony, society's worldview is framed by and benefits the ruling class at the expense of minority groups like people of color, people with disabilities, LGBTQI people, etc. **Colonization or colonialism** is when a nation subjugates another, conquering its population and exploiting it, and forcing its own language and cultural values upon its people. Many countries in Asia and the Pacific were colonized by so-called Western countries and replaced multi-gender systems with the gender binary brought about by the spread of Christianity and Islam. Colonization in Asia and the Pacific has led to the criminalization of homosexuality and the marginalization of people who do not fit the norms of the gender binary.

References:

- [LGBTI Rights in East and Southeast Asia](#)
- [Same-Sex Marriage in Thailand \(Two bills - July 2020\)](#)
- [A Snapshot of the Legal Environment on Same-Sex Sexual Acts and the Rights of Transgender and Intersex Persons in Asia and the Pacific](#)