



ASEAN SOGIE CAUCUS

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ASEAN SOGIE Caucus Media Statement on ASEAN Community Vision 2025

The ASEAN SOGIE Caucus (ASC) remains highly critical of the recently adopted ASEAN Community Vision 2025.

Certainly, we applaud the goal of working towards a people-centered and people-oriented ASEAN. Millions of diverse ASEAN peoples are key stakeholders in this vision, and must actively participate in realising the various strategies and programs that are part of this long-term project.

Nevertheless, we note that ASEAN has consistently failed its responsibilities as a truly people-centered and people-oriented regional community, due to its refusal to recognise and affirm the principles of inclusivity and non-discrimination.

We believe that all persons belonging to marginalised groups and identities are entitled to human rights and fundamental freedoms on the basis of substantive equality. This protects communities who suffer discrimination based on race, ethnicity, religion, and other status. It also applies to those who are oppressed due to their sexual orientation and gender identity and expression (SOGIE).

Lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons have a long history in ASEAN. Same-sex relations and gender diversity are well documented in our pre-colonial literatures, and were remarked upon by early explorers of our region. Our languages still contain indigenous words for gender diverse persons, such as waria, bakla, bading, kathoey, kteuy, meinasha, mak nyah and bóng lô. Several communities, such as the Bugis of Indonesia and the Dao Mau followers of Vietnam, still revere transgender women as agents in religious rituals.

Nevertheless, citizens of many ASEAN nations experience SOGIE-based discrimination on an institutional level. Singapore, Malaysia, Brunei Darussalam and Myanmar have held on to British colonial laws criminalising same-sex relations. Sharia laws have been introduced in Brunei, the state of Aceh in Indonesia and multiple states of Malaysia, imposing even harsher



ASEAN SOGIE CAUCUS

punishments for same-sex relations and banning cross-dressing. Furthermore, not one ASEAN member state has a national legislation banning discrimination on the basis of SOGIE.

Thus far, ASEAN has neither condemned this state of affairs nor taken steps to improve the situation. The ASEAN Human Rights Declaration, drafted in 2012, does not even explicitly assure that LGBTIQ persons are entitled to equal rights. Article 7, for instance, demands that our rights “must be considered in the regional and national context bearing in mind different political, economic, legal, social, cultural, historical and religious backgrounds.” Article 8 further stipulates that our rights may be limited by concerns for “public order” and “public morality”. Such vague terms may easily be used to justify discrimination based on SOGIE.

For the ASEAN regional community to be truly inclusive, it must positively and proactively recognize the inherent dignity of all persons regardless of SOGIE.

In achieving a truly inclusive ASEAN, the ASC therefore recommends the following measures:

1. ASEAN must explicitly recognize the multiple forms and sites of discrimination that lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons face that disproportionately affect the realization of human rights and fundamental freedoms. The stigma LGBTIQ persons face due to their SOGIE is intensified in the context of migration, poverty, armed conflict, disasters and emergencies and disability.
2. Policies and programs to increase people’s access to employment, livelihood and social services must be made inclusive for all, and must positively promote the well-being and mental health of all persons. Discriminatory restrictions against LGBTIQ persons in the area of education, employment and livelihood must be eliminated. Removal and/or reduction of state funding to social services and developmental programs supporting the rights and well-being of LGBTIQ persons must be put to stop.
3. Cultural and moral discourses that reinforce patriarchal, heterosexist and transphobic norms and societal practices must be eliminated. These discourses are routinely used in order to justify violence and repression against LGBTIQ persons that consequently leads to their criminalization, and access to public life including the holding of leadership positions.



ASEAN SOGIE CAUCUS

4. Human rights violations and abuses committed against LGBTIQ persons must be effectively addressed by governments and ASEAN human rights mechanisms. ASEAN should strengthen all institutions at the domestic and regional levels to make them more transparent, effective and independent. ASEAN must strengthen these institutions' protection mandates, including consistent monitoring of human rights, and provision of effective and timely remedies for victims.
5. Engagement with LGBTIQ civil society organizations, social movements and human rights defenders must be enhanced at all levels. Policies to institutionalize civil society engagements must be made inclusive. Effective and meaningful engagements must be cultivated towards organizations, groups and movements whose legal registration at the domestic level are challenged due to political and socio-cultural restrictions.
6. All parties must work to build an enabling environment where we can challenge all forms of stigma against gender and sexual minorities. This may take the form of anti-bullying programs in schools, diversity programs in education and the workplace, removal of penal laws and restrictions against activist organisations and media, as well as positive recognition of LGBTIQ persons from all walks of life.

Contact Person:

Ryan V. Silverio
Regional Coordinator
ASEAN SOGIE Caucus
Tel: +63-917-8797710
Email: ryansilverio@gmail.com