

# Thai cabinet backs bill allowing same-sex unions

*If passed, Thailand would follow Taiwan as the second place in Asia to legalize same-sex marriage.*

By Patpicha Tanakasempipat

Reuters (08.07.2020) – <https://bit.ly/3jc6bPx> – Thailand's cabinet approved a civil partnership bill on Wednesday that would recognise same-sex unions with almost the same legal rights as married couples, in one of the most liberal moves yet for a largely conservative nation known for its tolerance.

If passed by parliament, the legislation would make Thailand only the second place in Asia to allow registration of same-sex unions, with couples able to adopt a child and afforded rights to inheritance and joint property ownership.

"The Civil Partnership Bill is an important step for Thai society in promoting equal rights and supporting the rights of same-sex couples to build families and live as partners," Ratchada Thanadirek, a deputy government spokeswoman, wrote on Facebook.

The bill, however, stipulates that one party in a same-sex union must be Thai.

A largely conservative Buddhist society, Thailand has a reputation for openness and free-wheeling attitudes.

It has long been a draw for same-sex couples, with a vibrant lesbian, gay, bisexual and transgender social scene for locals and expatriates, and targeted campaigns to attract LGBT travellers.

The bill was introduced in 2018 but the previous legislature was unable to pass it before last year's election.

Taiwan last year became the first place in Asia to legalize same-sex marriage. Vietnam has decriminalised same-sex weddings but does not recognise unions of the same sex.

Kittinan Daramadhaj, president of Rainbow Sky Association of Thailand, said the bill essentially allows same-sex couples to marry but stops short of calling it a "marriage", which is legally defined as being between a man and woman.

"What's in a name? It's the content that matters," he told Reuters.

"'Civil partnership' shouldn't distract from the fact that it's about the legal registration of unions."

Kittinan said the bill, if passed, would "sufficiently

alleviate pains and support the human rights of LGBT people”.

A Thai lawmaker representing LGBT groups is pushing separately for marriage to be redefined as being between “two persons”.

---

## **PHILIPPINES: Supreme Court thumbs down same-sex marriage case ‘with finality’**

By Benjamin Pulta

Philippine News Agency (06.01.2020) – <https://bit.ly/2tYQKVp> – The Supreme Court (SC) has denied “with finality” a motion for reconsideration on its previous decision junking same sex marriage petition in the Philippines.

In a notice sent to reporters on Monday, the SC through Clerk of Court Edgar Aricheta ordered that entry of judgment be made on the suit filed by lawyer Jesus Nicardo M. Falcis III and the LGTB Christian Church Inc. against the Civil Registrar-General.

The High Court said the motion for partial reconsideration on the SC’s September 3, 2019 decision was “denied with finality,” noting that “no substantial arguments were presented to warrant the reversal of the questioned decision”.

“No further pleadings or motions will be entertained,” the SC added.

In its September 3 verdict, the SC en banc unanimously dismissed the petition filed by Falcis, citing lack of legal standing to initiate the petition as well as for failing to comply with the principle of hierarchy of courts.

The Court, likewise, said it is turning down the suit since there is no actual case ripe for adjudication or “failing to raise an actual, justiciable controversy”.

The following are Family Code provisions questioned by Falcis before the High Court:

Article 1, defining marriage as “a special contract of permanent union between a man and a woman”;

Article 2, which enumerates essential requisites of a valid marriage to include the “legal capacity of the contracting parties who must be a male and a female”;

Article 46, identifying the concealment of homosexuality or lesbianism, among other things existing at the time of the marriage as fraud which may be used as basis for the annulment of a marriage; and

Article 55, identifying lesbianism or homosexuality as grounds for a petition for legal separation.

The court said while the Constitution does not restrict marriage on the basis of gender, it underscored the need of formal legislation to allow a more orderly deliberation in assuring rights.

“Adjudication assures arguments between parties with respect to the existence and interpretation of fundamental freedoms. On the other hand, legislation ideally allows democratic deliberation on the various ways to assure those fundamental rights,” the tribunal said in its ruling.

“The process of legislation exposes the experiences of those who have been oppressed, ensuring that this be understood by those who stand with the majority. Often public reason needs to be first shaped through the crucible of campaigns and advocacies within our political forums before it is sharpened for judicial fiat,” it added.

---

**Why is China raising the  
prospect of same-sex**

# marriage?

*As recently as August, a representative had dismissed same-sex marriage as contrary to Chinese culture.*

By Eric Baculinao

NBC News (07.01.2020) – <https://nbcnews.to/36A2RXn> – China has taken a step forward to allow same-sex marriage, a move that could undo years of discrimination, delight rights activists and give new rights to the LGBTQ community “after years of hiding and struggling.”

A body of the National People’s Congress, the country’s highest law-making institution, has publicly acknowledged petitions to legalize same-sex marriage, a rare development that has triggered a nationwide discussion of a topic that was once taboo.

Expectations are raised that the nation, which is led by the Communist Party, might eventually join the growing number of countries that have passed legislation protecting the rights of lesbian, gay, bisexual, transgender and queer people.

“We were very happy, pleasantly surprised by the news!” declared Peng Yanzi, director of LGBT Rights Advocacy China.

Since the founding of the People’s Republic of China in 1949, homosexuality has been banned or suppressed. However, China’s open door policies in the early 1980s set in motion social and

cultural changes that would lead Beijing to decriminalize homosexuality in 1997 and remove it from an official list of mental disorders in 2001.

In time, major cities would witness lively gay and lesbian scenes with the proliferation of clubs and bars. But many forms of age-old prejudice and restrictions against the LGBTQ population persist, with activists citing issues ranging from employment discrimination and forced “therapy” to lack of “marriage equality.”

On Dec. 20, a spokesman was quoted as saying the legislative commission had received more than 230,000 online suggestions and letters on legalizing same-sex marriage. The topic triggered 400 million views on China’s Twitter-like Weibo and sparked a lively debate on domestic social media, according to state-run newspapers.

But as recently as August, a representative of the same body had dismissed same-sex marriage as contrary to Chinese culture and stressed that China’s marriage system was based on the union of “man and woman.”

In China, after collecting public opinion, a bill can be drafted and deliberated several times before it is finalized, published again for public comment and submitted to the National People’s Congress Standing Committee for enactment.

“It felt unreal,” Gao Qianhui, 21, a lesbian in Shenzhen, just across Hong Kong, said when asked about her reaction to the

news from the legislative commission, to which she also wrote a petition supporting same-sex marriage.

“I know it’s just a proposal and it’s most likely not going to be realized in the near future, but the fact this topic is now publicly and officially on the table gives the LGBT community hope for the first time after years of hiding and struggling,” she told NBC News.

The apparent change of stance is “a promising and positive step,” said Hu Zhijun, director of PFLAG, another advocacy group named after the large LGBTQ rights group in the United States.

The shift even seemed to extend to the cinema – the first gay kiss of the “Star Wars” film franchise recently made it to China’s theaters. That followed a few months after scenes of homosexuality in the biopic “Bohemian Rhapsody” were deleted by Chinese censors.

For China’s LGBTQ community, the changing government stance reflects a changing climate of opinion due to the “greater open-mindedness” of the Chinese public, especially the younger generation, Hu said.

That China appears to be moving toward liberalizing its stance on LGBTQ issues reflects the “inevitable trend,” Peng said. “As the country becomes stronger economically, its civilization must also keep up.”



Given the international environment, same-sex marriage legislation “could be used strategically to improve China’s human rights reputation,” said Timothy Hildebrandt, an associate professor of social policy at the London School of Economics and Political Science who has conducted in-depth research on China’s LGBTQ issues.

“But I doubt that, even if passed, the government would put it into human rights terms,” he said, as Beijing could be accused of being “cynical” in light of human rights criticism involving Xinjiang and Hong Kong.

“That these conversations are happening at all, and that the government seems open to potentially putting it on the political agenda, are certainly positive steps,” he added.

But Peng and Hu are realistic about the long-term campaigns ahead. While official recognition of the issue of same-sex marriage is an improvement, it may take many years before it could become law.

“The important thing is that it’s no longer possible for society to stay where it was 10 years ago,” Peng said, arguing that the acceptability of gay marriage to the younger generation has “exceeded” the imagination of Chinese officialdom.

While noting that China has its own dynamics and pace, Hu

pointed to Taiwan's legalization of same-sex marriage in May, the first such legalization in Asia, as proof that traditional Chinese culture is open to same-sex unions.

For Hu Xingdou, an independent social affairs commentator based in Beijing who is a former economics professor, China's shifting stance reflects the country's greater engagement with the outside world.

"With globalization, China cannot but take into account the changing legal systems in other countries and will try to join the global mainstream," he said.

---

## **LGBT Equality: Gay rights in Norway**

*According to recent surveys, Norway is one of the world's best countries to be LGBTQ+. We take a look at the history of gay rights in Norway and what barriers remain in place.*

By David Nikel

Life in Norway (02.01.2020) – <https://bit.ly/2QXWWFe> – Recent research by two American bloggers has put Scandinavia as the world's friendliest region for LGBTQ+ travellers. The LGBTQ+ Danger Index ranks Sweden as the most friendly country, with

Norway placed third. Beyond that, all the other Nordic nations placed well. The rankings for Finland (7th), Iceland (9th), Denmark (14th) were all in the upper reaches of the results.

The research was designed for travellers, but it looked at eight factors that impact lifestyle in general. These included the legal status of same-sex marriage, legal protections of worker rights, and whether a country had any anti-discrimination or anti-LGBTQ+ “morality” laws in place.

This means the research results were a great starting point for assessing wider attitudes within a culture.

Norway also scores well in the Rainbow Europe country ranking, placing 6th among 49 European countries. The index is based on laws pertaining to same-sex marriage, adoption, rights for transgender people, and more.

Now, let’s take a look more closely at the rights LGBTQ+ people have in Norway.

### ***A steady improvement over time to LGBTQ+ rights***

As with the other Nordic countries, Norway is regarded as one of the world’s most LGBTQ+ friendly nations. Generally speaking, there is high societal acceptance along with many equality laws. Most recently Norway has made major strides forward in the recognition of trans people and other gender issues.

Norway's gay rights story can best be described as a "slow and steady" one. Same-sex sexual activity has been legal since 1972, when the age of consent was also equalised at 16. Then in 1981, Norway became one of the only countries in the world to include sexual orientation in an anti-discrimination law. But it took many years for many other laws to be brought up to date.

### ***Gay marriage in Norway***

Norway made gay marriage legal in 2009. Previously, Norway had been the second country to allow same-sex couples to enter into registered partnerships. This began in 1993, following Denmark in 1989.

Since the gay marriage law passed in 2009 it has not been possible to create new registered partnerships. However, those with that status can choose to keep it or convert to marriage. In the three years following the change, 754 partnerships were converted to marriages.

Gay marriage has also been possible in the Lutheran Church of Norway since 2017. When the change was announced the previous year, King Harald spoke about the value of diversity. He also said LGBTQ+ people are "part of the fabric of Norwegian life". He also described Norwegians as "girls who love girls, boys who love boys, and boys and girls who love each other."

His comments were termed a welcome gift by campaign groups in a year when populist politics was grabbing headlines. In particular, a neo-Nazi group based in Norway has used social media and leaflets to target the so-called “gay lobby.”

Public opinion remains positive. A 2017 Pew Research Center poll revealed that 72% of Norwegians support same-sex marriage. Less than one-in-five answered negatively.

### ***Discrimination and hate crime***

Norway recorded a world first in 1981 when it became the first country to enact an anti-discrimination law that included sexual orientation. This included the provision of goods or services and in access to public gatherings. Hate speech laws were swiftly amended to include LGBT people in the definition.

Anti-discrimination laws on employment have been in place since 1998, while discrimination based on gender has been in place since 2013.

### ***LGBT Parenting in Norway***

Under Norwegian law, married and committed same-sex couples are allowed to adopt children. Full adoption rights were granted in 2009, while adoption of stepchildren has been allowed since 2002. Artificial insemination is available for lesbian couples. In such cases, the other partner will have all the rights and duties of parenthood.

## ***LGBT and Norway's military***

It is legal for openly gay, lesbian and bisexual people to serve in all Armed Forces. Since 1979, they have held full rights including anti-discrimination. Transgender people are also permitted to serve.

## **Health issues for LGBT people**

Norway was the first country in the world to make PrEP available by prescription from the national health service. PrEP is a daily HIV-prevention drug that is available to those people who are not HIV-positive but are in a high risk group. Since June 2017, gay and bisexual men have been permitted to donate blood in Norway.

## ***Transgender rights***

In 2016, Norway introduced a law permitting legal changes of gender with no psychiatric or psychological evaluation required. This also applies to those under 16 but only with parental consent. 190 people applied to change their gender within a month of the law coming into force.

As previously mentioned, transgender people are permitted to serve openly in all Norway's Armed Forces. Transgender people are also covered by Norway's anti-discrimination laws on

issues such as housing and employment.

---

# Panamanians protest proposed ban on marriage equality

*Amendment would define marriage as between a man and a woman.*

By Cristian González Cabrera & Adolfo Berríos Riaño

HRW (06.11.2019) – <https://bit.ly/2rGjW2x> – *Update: On November 8, President Cortizo recommended that many of the controversial constitutional amendments be scrapped, including the one banning marriage equality. The National Assembly will revisit the constitutional reforms in the next legislative session in 2020.*

“They are gay and they cannot enter,” said legislator Jairo “Bolota” Salazar on October 29 about a group of protesters outside the Panamanian National Assembly, as he barred them from entering the building.

This affront encapsulates the grievances of protesters who have taken to the streets of Panama City to protest against constitutional reforms preliminarily approved by the legislature last week. One of these would amend the constitution to define marriage as between a man and a woman.

Panama already excludes same-sex couples from marriage under Article 26 of its Family Code. But writing discrimination into the constitution would effectively bar lesbian, gay, bisexual, and transgender (LGBT) people from being equal members of Panamanian society.

The past week's protests, to which police have reportedly responded with arbitrary detentions and excessive force, address issues beyond marriage equality. Protesters are angered by legislators' proposals to modify the national budget and even appoint a special prosecutor who could pursue charges against state attorneys that investigate them. But Representative Bolota Salazar's homophobic comments have brought the issue of marriage front and center, with President Laurentino Cortizo condemning the comments and affirming, "We are here to serve the country and that means not turning our backs on citizens."

The proposed constitutional reform follows a wave of regional progress on marriage equality. In 2018, the Inter-American Court of Human Rights issued an advisory opinion calling on states to take steps towards achieving marriage equality. Argentina, Brazil, Colombia, Ecuador, Uruguay, and many Mexican states already perform same-sex marriages, with Costa Rica slated to start doing so in 2020. Enshrining anti-LGBT discrimination in its constitution would put Panama out of step with its neighbors.

While Bolota Salazar has walked back his homophobic remarks, he and fellow Democratic Revolutionary Party (PRD) members say they have no intention of scrapping the discriminatory proposal. Pro-equality protestors and their allies plan to maintain pressure on the president ahead of his statement on



the reforms on November 7. Further legislative debates are to take place in 2020, followed by a referendum on the reforms.

Though Bolota Salazar shut LGBT protesters out of the National Assembly last week, legislators will have a chance to reexamine their demands in the next legislative session and make some room for them in Panamanian society.