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ASIA: LGBTQ+ rights - Progress and setbacks in 2023

Nepal gave the go-ahead for same-sex marriages this year, while courts upheld bans in Japan and India

By Randy Mulyanto

[Thomson Reuters Foundation](#) (19.12.2023) – There have been gains and setbacks on LGBTQ+ rights in Asia this year, ranging from the first same-sex marriages in Nepal to South Korea's decision to uphold a ban on gay relations in the military.

From Afghanistan and Malaysia to the Maldives, [gay sex remains a crime](#), according to a 2023 report by the Human Dignity Trust, a rights group.

Here is a look at developments in Asia in 2023.

India

The country's Supreme Court declined to legalise same-sex marriage in October, [dealing a blow](#) to the hopes of LGBTQ+ couples five years after the end of a colonial-era ban on gay sex.

The court deferred the decision to parliament, agreeing with Prime Minister Narendra Modi's government that the legislature is the right forum to rule on the contentious issue.

Nepal

The Himalayan country's Supreme Court issued an interim order [allowing same-sex marriage](#) in June, and registered its [first gay marriage](#) in November.

Nepal is only the second place in Asia to recognise same-sex marriages, after Taiwan, but the top court has yet to deliver a final decision on legalisation.

Taiwan

The democratically governed island in January allowed people from countries that do not recognise same-sex marriage – as well as Hong Kong and Macau residents – to [register their marriages](#) with Taiwanese citizens.

Japan

A district court ruled in June that a ban on gay marriage in the country [was constitutional](#). Japan is the only member of the G7 group of wealthy countries without legal protection [for same-sex unions](#).

But two Supreme Court rulings ensured further rights for the transgender community.

In its first ruling on the work environment for LGBTQ+ people, the court said restricting a transgender woman's use of toilets at her workplace was "[unacceptable](#)".

And in October, it ruled that the requirement to undergo [sterilisation surgery](#) to change legal gender was unconstitutional.

Thailand

In November, the Thai cabinet [approved a draft law](#) recognising same-sex marriage.

If the bill is approved by parliament and receives royal assent, Thailand would become the third place in Asia, after Taiwan and Nepal, to recognise same-sex marriages.

South Korea

In October, South Korea's Constitutional Court narrowly [upheld a ban](#) on same-sex relationships within its armed forces, citing a possible risk to the military's combat readiness.

South Korean soldiers could face up to two years in jail for same-sex relations.

Indonesia

[U.S. officials](#) and the [United Nations](#) expressed concern about [Indonesia's new criminal code](#), approved in December 2022, which bans sex outside marriage and prohibiting cohabitation between unmarried couples.

Critics and LGBTQ+ advocates say this effectively criminalises same-sex relationships since same-sex marriage is not legal in the country.

A survey by the [Pew Research Centre](#) showed 92% of Indonesians oppose same-sex marriage, the highest rate of opposition across 12 Asian countries included in a survey concluding in September 2023.

This story is part of a series supported by HIVOS's [Free To Be Me](#) programme