

CHAPTER II

THE ESTABLISHMENT OF LGBT MOVEMENT AND ITS COMMUNITIES

Homosexuality and same-sex relationship are not legal issues or it can be assumed as “forbidden” not only in Islamic values but also in other religions' values. However, by the developing of the era and as the following globalization, homosexuality and same-sex marriage become in high numbers, and also there are some communities establish which support LGBT movements or as an organizer or place for LGBT people gathers. It is widely known that homosexuality already existed since ancient time like an Egyptian in the old days. Meanwhile the developing of LGBT movement “fast running” and its spreading all over the world, there are some countries which give legal permission to the same-sex marriage and its open public. Moreover, these above name of countries which allow the same-sex marriage permission.

Table 1 2.1 Countries which have legalize same-sex marriage

Year	Countries which have legalize same-sex marriage
2000	The Netherlands
2003	Belgium
2005	Canada and Spain
2006	South Africa
2008	Norway
2009	Sweden, Mexico (One of country where gay marriage is legal in some jurisdictions)
2010	Iceland, Portugal and Argentina
2012	Denmark
2013	Uruguay, New Zealand, France, Brazil, England and Wales
2014	Scotland and Luxemburg
2015	Finland, Ireland, Greenland and USA
2016	Colombia
2017	Germany, Malta and Australia

Source : Adopted from the book which title “Gay Marriage Around The World” access on 16 April 2017. (**David Masci, Elizabeth Sciupac and Michael Lipka, 2017**)

Those countries were one of the facts of the fastest growing of LGBT movements in the world. Their (LGBT activists) struggle to reach the acceptance along with legal (permission) policy was no kidding. Some believe that the developing of LGBT movements because its called mental illness or sexually transmitted disease. Some people argue that was one of a “threat” for social living. Eventhough countries with majority muslims people can be “a place” for the development of LGBT movements, for example in Southeast Asia region is Malaysia.

LGBT in Malaysia has begun from the colonization era by Great Britain. After the colonized of Malaysia by

British, Malaysia decided to use Monarchy political system because of the existence of Malaysian Kingdom and as following its government choose to use Islamic regulations on their primary rules and its punishment. However, the issue of Lesbian, Gay, Bisexual, and Transgender has existed as far as the colonization era and has been developing as time goes. Some LGBT actors influenced by the ancient and the environment and others being LGBT because they believe that from they were born they had an unusual condition and sexual hormone, then when they have matured enough they choose their way to decide their gender issues.

A. The Development of LGBT movements in Malaysia

The first government's administration, Malaysia has known as a country with majority Muslims people and also using Islamic regulations on their political system. Meanwhile at the beginning of the LGBT movement in Malaysia, because its action was not so popular at that time and the LGBT people also hid their activities from the public, so they had no terrible on it. The developing of communities which are support LGBT movements growing fastly in Malaysia over the years. There are some critical communities which openly support LGBT movement also support the actions to avoid HIV&AIDS diseases and the other side there are anti-LGBT movements made by the government and local people. In the first beginning of LGBT movement, there are only little number of communities who support LGBT movement because the first Malaysian government's administration was extremely against to the LGBT movement, that was going until the ASEAN Human Rights Declaration and Yogyakarta Principles which both discuss human rights for sexual orientation, then Malaysian government considering about their national regulation.

One of the result for their existence's recognition struggle and hid as time passed before, can be reveal in 2017, the group of people who did the campaign about sexual orientation, gender identity, queer, they named it as "Pelangi" campaign. The campaign was the first time for LGBT, and its supporters after the banned of Seksualiti Merdeka show up their existence in public. Several LGBT communities also joined the campaign without any covering themselves. The campaign held because they believe that some Malaysian people and Malaysian government have been exaggerate in discrimination for marginalized people such as Lesbian, Gay, Bisexual, Transgender, and Queer in the country with majority muslims.

Besides those declarations, the influence of media creates more tension to the LGBT issues in Malaysia. Human Rights Watch report which included the interview result of LGBT people in Malaysia, concern and wrote some articles about the discrimination of human rights toward LGBT people in the Southeast Asian region especially Malaysia. The involving of international regimes to the LGBT issues, make the movements broader and stronger to influence Malaysian government in the decision making the process for LGBT movements' acceptance in Malaysia. In the below will explain about the supporters and influential LGBT communities and also its anti-LGBT cities in Malaysia.

The pros and cons arguments about the development of LGBT movements in Malaysia not only done by Malaysian people but also the other international actors involved to give their arguments about LGBT development in a country with majority muslims. Hereby the data about which sides the pro and cons actors about the development of LGBT movements in Malaysia.

Table 2 2.2 Pro and Contra of LGBT Movement in Malaysia

PROs Side	CONs sides
PT Foundation (Pink Triangle)	Malaysian polices
Queer malaysia	Malaysian government
LPG (Leadership for Gays)	PASRAH
Justice For Sisters	Islamic organizations in Malaysia
PLU (Penang)	-
Human Rights Watch	-
UNDP	-
UNHRC	-

1. LGBT Communities and influential movements in Malaysia

a. PT Foundation

According to the official website of PT Foundation, their former name was Pink Triangle Sdn Bhd but now is PT Foundation. This community was founded in 1987 and in 2000 the name was changed because the stakeholder assets have been taking over from its company then after that its registered and recognized as a Foundation in Malaysia. It is voluntary non-profit making organization which provides HIV/AIDS education, and also open the counseling for the sexual orientation like LGBT people in Malaysia. They have some programmes to address the needs of five key affected to populations in Malaysia, as follows :

- People Living with HIV/AIDS

This programme is for people who are convicted of HIV/AIDS disease and live in discrimination by the others or

not accepted by the environment living. This community will help those people to have a better living and give a consultation about their sickness.

- Drugs Users (IKHLAS Programme)
- Sex workers (Sex Workers Programme)
- Transgenders (Maknyah Programme)
- Men Who Have Sex with Men (MSM/Pink Triangle Malaysia)

According to some sources which related to LGBT communities or supporter communities for LGBT movements, this company is one of the biggest supporters of LGBT movements in Malaysia because they give many funds to every which related to the LGBT events and also has many connections which support to the LGBT movements in Malaysia.

b. Seksualiti Merdeka

Seksualiti Merdeka was as known as an annual festival for promotes the human rights and acceptance of the LGBT communities through seminar campaign, art workshop, films, and many more existed in 2008. This annual festival gets supported by some LGBT cities in Malaysia. According to the article in Scribd, Seksualiti Merdeka was officiated by Datin Paduka Marina Mahathir in 2008. This festival was initiated after the Yogyakarta Principles, and get supported from non-governmental bodies such as the Malaysian Bar Council and The Women's Candidacy Initiative.

Seksualiti Merdeka held the Art festival and workshops which introducing the life of lesbian, gay, bisexual and transgender (LGBT) people and its communities. This festival is one of for Sexual Orientation and Gender Issues the goals of this festival is to decreasing discriminations and intimidations towards sexual orientation minorities. In some articles about Seksualiti Merdeka mention that there is a coalition between local government, Malaysia Bar Council,

and Amnesty International to conduct peacemaking while the forums and festival were held.

As mentioned before the existence of this (Seksualiti Merdeka) initiated by Yogyakarta Principle. In 2016 located in Yogyakarta, Indonesia, there was a campaign which held by LGBT community for reminding the Yogyakarta Principles which held in Yogyakarta year 2006 and agreed by 29 International Human Rights experts from 25 countries, about saving and keeping the human rights of LGBT communities, especially in Southeast Asia region. The LGBT community on that campaign was protested toward discrimination and violation upon them also asked for their equality in accepting their human rights for living in peace. In the other sides of the street, the anti-LGBT and Islam community in Yogyakarta also held their campaign to against the LGBT people and stopped their movements. Unfortunately, both campaigns are ended by physical action (fighting) and some victims were brought to the hospital because of serious injuries.¹³

The effect of Yogyakarta Principle was so precious for LGBT people at that time; it can be seen from the existence of Seksualiti Merdeka in Malaysia which supported by some LGBT communities in Southeast Asia region, United Nations Development Programme, and others. Unfortunately, Seksualiti Merdeka's activities no longer existed because Malaysian police forbidden their all activities included the festival in 2011. Malaysian police argued that the annual celebration of Seksualiti Merdeka could create uncomfortable, disharmony for the social environment since the majority of Malaysian citizens are Muslims and some regulations using Islamic values. Malaysian police also argued that the festival

¹³ Adopt from BBC Indonesia sites about Kelompok Pro dan Anti-LGBT sama-sama Gelar Aksi di Yogyakarta. www.bbc.com/indonesia/berita_indonesia access on 7 September 2017.

could existing “free sex” while their promoting about being LGBT should be accepted and protected.

Respond to the banned of Seksualiti Merdeka, one of committee member named Pang Khee Teik got interviewed from The Malay Mail Online

“I am happy to note that the Police Act (S27A (1) (c)) which gave them power to ban us would be repealed by late 2014, it means that we would be free to exercise our constitutionally protected freedom of expression without fear of the police acting arbitrarily in prejudice against us.”¹⁴

After the interview released, some debates came up, human rights watch asking for the commitment of Malaysian government who had given signatory to Universal Declaration of Human Rights in 1948 before becoming a member of the Human Rights Council of the United Nations, about vowing to respect sexual rights as universal rights based on the inherent freedom, equality, and dignity of all human beings. Muslim communities in Malaysia did a campaign to support Malaysian police in banned Seksualiti Merdeka. After the wave of controversial debate between United Nations of Human Rights, Malaysian police and Malaysian government toward the banning of Seksualiti Merdeka, Malaysian government stated that Malaysia would never hold such us LGBT campaign and its activities.¹⁵

¹⁴ Adopt from <http://www.themalaymailonline.com/malaysia/article/seksualiti-merdeka-organisers-hope-to-outlast-prejudicial-law#tqmE4jAC4vJfDZTO.99> retrieved on 22 January 2018.

¹⁵ Adopt from <http://www.malaysia-today.net/sex-politics-a-seksualiti-merdeka/> retrieved on 22 January 2018.

According to the writer who wrote the news about the banned of Seksualiti Merdeka, he gave an opinion that behind that phenomena there was a definite effect for the organizers of Seksualiti Merdeka because their event or annual celebration every year became more famous around the world.

"since it made much noise in the news and the public came to know more about LGBT rights, gender equality and sexual tolerance (or the lack of it) in society."

c. LPG (Leadership Program for Gays)

LPG (Leadership Program for Gays) is one of LGBT group which based in Kuala Lumpur, Malaysia. This group established in 1998 by some people who believe in diversity in sexual orientation and can make small differences for Malaysian LGBT's living. This community reached the milestone by incorporating into Pink Triangle program (under PT Foundation), because of the similarities in a mission to giving support and empower LGBT people, LPG serves the great community as an open community and encourages the leadership. They call themselves as *"supportive of organizations and activities which promote a happy, healthy and positive lifestyle for the members."*

Mission : Together we build a caring, supportive, and open community

Principles :

- We are 'inclusive,' and we don't discriminate.
- We promote caring, sharing, and openness in our community.
- We have fun
- We are family

Activities :

- Gathering and parties
- Short trips and day outings
- Sports
- Updates/info sharing
- Sharing gay living skills. (LPG group)¹⁶

d. Queer Malaysia

Queer Malaysians is a community which against discrimination toward sexual orientation minorities and empowers the movements of LGBT people. This community is similar to event organizer because the activities are arranged the annual meeting, create an event for LGBT people such as movie screening, outbound, etc. According to Queer Malaysian site, there are several rules of conduct which community shall not allow or tolerate:

- Discrimination
- Hate Speech
- Sexual soliciting of minors
- Sexual solicitation of anyone
- Posting of erotica
- Religious doctrines
- Intolerance

All the rules of conduct by Queer Malaysian above explain how the community eradicate the negative perspective of the ordinary public toward LGBT people and empower the movement of LGBT people and support their activities and prestige¹⁷. This community has a vital role for Malaysian LGBT people because this one has been knowing by LGBT people around Southeast Asia region and giving many supports toward LGBT people and its movements. Queer Malaysia was often joining in the human rights conferences

¹⁶ Adopt from yahoo news about LPG group retrieved on 23 January 2018.

¹⁷ Adopt from <https://queermalaysians.livejournal.com> retrieved on 23 January 2018.

and another campaign which helps others (especially LGBT people) to get their rights and acceptance for living as other ordinary people.

2. Anti-LGBT movements

Besides many communities which support LGBT movement exist in Malaysia and its communities struggle for the acceptance of LGBT people, there are also several communities which against LGBT movements. Most of them made by Muslims people in Malaysia which extremely against LGBT movement, then there is one of the community made by local government This community has an influential role in others Anti-LGBT campaign because this is initially one of Malaysian government effort to end the high tension which caused by the banned of Seksualiti Merdeka at that time. The establishment of this movement have positive and negative responses; positive responses came from local people whom majority Muslims and negatives responses came from International institutions and organizations which support LGBT movement.

3. PASRAH (People's Anti Homosexual Voluntary Movement)

This movement was famous at first establish because this movement existed surprisingly in the high tension of the LGBT movement's issues and after the banned of Seksualiti Merdeka. In the early of the first anti-gay movement formed named *People's Anti-Homosexual Voluntary Movement (PASRAH)* which created by United Malaysia National Organization, have a purpose of preventing any-kind distractions from LGBT people in Malaysia. Cooperated with Malaysia government, the acts of this movement is to eradicate the LGBT movement in Malaysia because they believe that homosexual activity is not only diseases, but also it is a "threat" to the social. The formation of this movement has brought debate in the international arena because some of them believe that this movement might become the beginning

of the harassment and violation acts toward the rights of homosexual people.¹⁸ Besides the pros and cons of the PASRAH formation, Malaysia government give full support for them because there has their human rights perspective for its national regulations.

In the high tension between the supporters of LGBT movement and an opposite movement, the debate existed between Malaysian government and International regimes such as Human Rights Watch, UNDP and UNHCR which related to the human rights issues, in the making of revising national law and making a new policy for peacekeeping in the tolerance issues in Malaysia. At that time those organizations which supported by several prominent companies pushed Malaysian government to released and permitting the annual event (Seksualiti Merdeka) which important for people who have "gender and bullying issues" such as lesbian, gay, bisexual, transgender, Queer, Bullying and many more gender issues. That situation was trying to Malaysian government because they could have "warning" from UN in the human rights violation issues, on the other hand, Malaysian government should protect their political principles which based on Islamic values.

This movement which created by the staff of Malaysian government is a form to support its government keeping their fundamental principle about seeing the gender issues by Islamic perspective and values, which is the LGBT actions are prohibited and severe mental illness. Several people and other Muslims communities in Malaysia giving fully support this movement. It can be seen that in 2011 after the banned issue of Seksualiti Merdeka, there were large demonstration and protest actions toward the LGBT issues and

¹⁸ Adopt from the article from refworld site
<http://www.refworld.org/docid/3ae6aac548.html> retrieved on
Saturday, 16 December 2017.

its movement which done by Muslim people and its communities in Kuala Lumpur, Malaysia. However, besides the enormous supports from Malaysian people to decrease the number of LGBT people in Malaysia, for making decision of new policy about LGBT issues Malaysian government was struggling with the warned by United Nation Human Rights about the violation (disobey) the principle of Human Rights Declaration which agreed and signed by Malaysian representatives at the conference.