

Bhutan took a step towards queer rights, but its LGBTIQ+ people want a giant leap

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Bhutan celebrated the decriminalisation of homosexuality in 2021 but LGBTIQ+ activists are pushing for the legal recognition of all gender identities and marriage equality

In June 2022, in the middle of Pride Month celebrations across the world, Tashi Choden Chombal was crowned the third Miss Bhutan. Chombal was 23 years old at the time and had been openly gay for nine years. She came out on social media as bisexual when she turned 15 and was pleasantly surprised by responses of acceptance and support. This was the moment when she decided to research sexual identities and orientations. “This helped to figure out myself too,” she told me when I interviewed her in July. Before the pageant, she was a model and an aspiring actor, but after her win she became one of the most recognisable people in the country, and especially prominent as a queer activist.

Chombal recalled the time in her adolescence when she did not understand why she felt different from other young girls. She did not dare to ask people questions and did not have access to the right resources. She remembered her struggles to find her identity, which shook her self-esteem and left her with no sense of belonging. She also recalled being depressed and having thoughts of self-harm.

Chombal said she was always outspoken and had lost some friends as a result. But the same outspokenness was her way of finding acceptance from strangers. She said that in her quest for acceptance, the fates seemed to align perfectly when the Miss Bhutan pageant final was postponed to June 2022, which happened to be Pride Month. “This opportunity allowed me to shine on the global stage and advocate for my rights as an individual, representing both the beautiful country of Bhutan and my community,” she said. The pageant organisers displayed little concern over her sexual orientation. A few people on social media expressed their disapproval of a gay woman contestant, but the atmosphere was largely supportive. Most people celebrated her when she won.

Chombal’s win and imminent participation in the global Miss Universe pageant felt significant to the LGBTIQ+ community in Bhutan especially because it came on the heels of the decriminalisation of homosexuality by law. In December 2020, the country’s parliament voted to change two sections of the Penal Code that criminalised “unnatural sex”, which until that time was widely understood to refer to gay sex. A line was included in the Penal Code to say that “any consensual sexual conduct that is against the order of nature committed in private between any adult human beings shall not be considered unnatural sex,” thus decriminalising consensual sex between partners of any gender. The change in the law received royal assent in February 2021.

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These two developments have encouraged lesbian, gay, bisexual, transgender, intersex and queer Bhutanese, making them feel seen, recognised and included in a country where traditional values

had earlier rendered them largely invisible. The community now hopes to capitalise on the momentum of the last few years to campaign for marriage equality, legal gender recognition and other crucial protections.

Tolerated but not accepted

Bhutan adopted its Penal Code in 2004, four years before it had its first democratic elections as part of its transition from absolute to constitutional monarchy. The code drew from laws in other countries in the region, such as India and Sri Lanka. As a result, Bhutan adopted certain colonial-era laws, such as those criminalising homosexuality, even though the country had never been colonised itself. However, no arrests or punishments were made under these laws.

Most queer people I spoke to said they did not feel unsafe in Bhutan yet often faced social pressures, ranging from being rendered invisible to being bullied and ostracised. Dechen Wangdi, who identifies as queer and works as an organiser on LGBTIQ+ issues, said that people frequently questioned queer people's mannerisms when they did not conform to traditional gender binaries and expectations, indicating that Bhutanese society at large perceived masculinity as the only acceptable expression for boys. "There is a lack of effort to learn about and comprehend the queer community," they said. Many queer people told me that they felt tolerated but not accepted. For instance, there have been incidents where hotels have refused to host queer events. One queer organiser remembered a hotel owner saying, "My hotel is not open to people like you all." This stonewalling of queer culture is even more common in rural Bhutan than in Thimphu, the capital.

Pema Dorji, a queer advocate, said that many queer students in schools have faced sexual assault and that these cases often go unreported due to fear and stigma. Dorji is the founder of Queer Voices of Bhutan (QVoB), a platform for queer advocacy that he started in 2018 to share the stories and experiences of queer people and to organise events to keep the queer community visible. The QVoB community is formed primarily on social media platforms to discuss mental health, safe sex, pleasure, consent, financial literacy and media literacy for queer people. It also celebrates events such as Pride Month, the International Day Against Homophobia, Biphobia and Transphobia and Trans Visibility Month.

Unlike in other countries that have shed discriminatory legislation on gender and sexuality, the repeal of the laws criminalising homosexuality in Bhutan was not the result of pressure from local civil society. The impetus came from the administration itself when the finance minister, Namgay Tshering, proposed the repeal, citing its adverse effects on sections of society. The parliament had several discussions and then agreed to amend the relevant articles of the Penal Code.

Dorji said that the decriminalisation of homosexuality was a big stride forward for the Bhutanese queer movement, but still only the first of many needed steps. "The legalisation of queer rights is the next necessary step to ensure that the law safeguards the queer community and grants them the same rights as any tax-paying citizen," he explained.

The queer community in Bhutan still lacks substantial recognition by and representation in public agencies and government bodies, hindering their inclusion in the government's development plans. Transgender people are not allowed to change their genders on their Bhutanese citizenship cards. According to Dorji, five people have managed to change their gender identities on their identity cards based on personal requests, but this facility was subsequently blocked due to the absence of legal recognition for queer communities. "Our formal institutions should work and allow their support for them to change their gender on their citizenship identity card," said Namgay Zam, an activist. Many official forms only recognise male and female genders, not offering respondents other options. "Our immediate struggle is to establish legal recognition as an entity and facilitate legal

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“The victory of a gay Miss Bhutan or changes in the law did not have any changes or impact on me as a queer person,” said a queer writer who asked not to be identified. “While there is talk about queer issues and various organisations are involved, there is no dedicated public agency addressing queer concerns as a standalone issue to support queer community members.”

The next step

Zam said that Bhutan’s queer community, like many queer communities around the world, was also hoping and waiting for marriage equality. He said that the amendments to the Penal Code kindled the hope of legally protected gay marriage. “If marriage is legalised, then slowly the queer community could hope for legal adoption, and live like heterosexuals.”

Dorji believes that there is a need for more open formal dialogue among community bodies and for policymakers to recognise the realities of Bhutan’s queer communities. His partner recently applied for insurance but when he wanted to select Dorji as a nominee the application was not accepted because of their unmarried status.

Dorji thinks such conversations will help bring clarity on issues like marriage equality, which would then lead to the right to adoption. “Currently, discussion around queer communities has little or no penetration into the mainstream conversation,” he said. “The conversation should also be around the policymakers to have specific laws that legalise and protect LGBTIQ [individuals] as tax-paying citizens [with] rights to everything, and irrespective of our gender we can have rights to pension, employment and recruitment as a queer person.”

Despite the legal recognition of consensual same-sex relationships, the ability to marry and have the benefits of that legal partnership remains out of reach for LGBTIQ+ couples. “If we have advanced to the point where same-sex relationships are legalised, why should we halt our progress here?” Chombal asked, “Why not extend this recognition to marriage as well?”

Many queer people were hoping that hearings on marriage equality in India’s Supreme Court earlier this year would bring a positive outcome that would also nudge Bhutan in the right direction. Unfortunately, the Indian court did rule in favour of recognising same-sex marriage, saying that it was up to the country’s parliament to legislate on the issue. Wangdi was one of the people hoping that a favourable verdict in India would propel a move for marriage equality in Bhutan. “But now we don’t even have this,” he said. For activists like Dorji, there is much left to do. “When same-sex decriminalisation occurred, many of us believed it would mark the ultimate milestone towards our freedom, including the right to marry,” he said. “But it turned out not to be the final step.”

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