

Weaving LGBTQ+ Inclusion into the Fabric of Gross National Happiness in Bhutan

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On a crisp, sunlit December day in 2021, Bhutan witnessed a momentous event that highlighted its evolving stance on LGBTQ+ rights. A parliamentarian's attempt to advocate for the decriminalisation of homosexuality, humorously misphrased as "Transnational Sexy", became an unexpected viral sensation. While this gaffe entertained many, it also marked a significant cultural milestone for the LGBTQ+ community in Bhutan.

Pema, the founder of Queer Voices of Bhutan (QVoB), reflects, "We were just glad that people were laughing and not retaliating negatively with hate to the discussion, which is still a positive reaction."

To fully appreciate this moment, it is essential to understand the queer movement in Bhutan.

Defining the Landscape: Understanding the Queer Movement in Bhutan

Terminology

The Cambridge Dictionary defines queer as "having or relating to a gender identity or sexuality that does not fit society's traditional ideas about gender or sexuality".¹ Liz Powell, PhD, a prominent psychologist and author, elaborates: "Queerness is about being outside of the normative."² In Bhutan, the concept of queerness aligns with this definition, though there is no precise Dzongkha or local dialect term that accurately encapsulates it.

1 "QUEER | English meaning - Cambridge Dictionary." 2024. Cambridge Dictionary. <https://dictionary.cambridge.org/dictionary/english/queer>.

2 Powell, D. L. (2024, May 14). What Does Queer Mean? The LGBTQ+ Term Has a History. Cosmopolitan. Retrieved September 2, 2024, <https://www.cosmopolitan.com/sex-love/a25243218/queer-meaning-definition/>

While those familiar with queer issues may understand the broad spectrum of these identities, the public is more familiar with the acronym LGBTQ+, which stands for “lesbian, gay, bisexual, transgender, and queer”, with a “+” sign to recognise the limitless sexual orientations and gender identities used by members of the community. To elaborate further:

Lesbian: A woman emotionally, romantically, or sexually attracted to other women.

Gay: A person attracted to members of the same gender.

Bisexual: A person attracted to more than one gender.

Transgender: An umbrella term for individuals whose gender identity and/or expression differs from societal expectations based on the sex they were assigned at birth.

Queer: A broad term encompassing various identities and orientations that defy traditional norms.³

In recent global discourse, the term “People with Diverse SOGIESC” (Sexual Orientation, Gender Identity, Gender Expression, and Sex Characteristics) has emerged as a more inclusive and nuanced alternative, reflecting the fluidity of identity beyond traditional labels.

The existing and evolving terminologies may be complex, and it is essential to recognise that the language used to express queerness is not fixed and varies with space and time, due to cultural and social factors.⁴

Since the essence of queerness resists rigid categorisation, members of the queer community should have full autonomy to define - or not define - themselves. It is imperative to remain mindful of each individual’s unique sense of identity, rather than relying solely on popularised terms.

3 Glossary of Terms. (2023, May 31). Human Rights Campaign. Retrieved September 2, 2024, <https://www.hrc.org/resources/glossary-of-terms>

4 FULL GLOSSARY OF TERMS. (n.d.). International Organization for Migration (IOM). Retrieved September 2, 2024, <https://www.iom.int/sites/g/files/tmzbd1486/files/documents/IOM-SOGIESC-Glossary-of-Terms.pdf>

A Historical Look: The Evolution of LGBTQ+ Rights in Bhutan

The public understanding of queerness in Bhutan is relatively nascent. It was only over a decade ago, with the implementation of a Global Fund programme by the Ministry of Health, and support from Lhaksam (a civil society organisation dedicated to improving the lives of those affected by HIV in Bhutan), that significant strides were made.⁵ Initially focused on men who have sex with men (MSM) and trans women, the programme was designed as a public health response to the HIV epidemic, offering a platform for outreach and support.

Tashi Tsheten, founder of Rainbow Bhutan and Queer Voices of Bhutan, explains: “While the programme’s primary aim was HIV prevention, it highlighted broader challenges related to livelihood, education, mental health, and legal issues within the community.”

This initiative empowered LGBTQ+ individuals to advocate for their rights both nationally and internationally. “Community members were compelled to come out, not only to assert their existence but also to address the complex issues they faced,” Tashi adds.

Consequently, Rainbow Bhutan was established as a support system addressing these diverse needs. The formation of Pride Bhutan and Queer Voices of Bhutan further bifurcated the focus. Pride Bhutan emphasised healthcare and community support services and Queer Voices of Bhutan concentrated on advocacy.

Despite these advances, the existence of a law criminalising homosexuality, even if it was not actively enforced, created an atmosphere of fear and legal uncertainty within the community. This legal barrier hindered visible and effective advocacy efforts by the community and its allies.

However, a significant breakthrough occurred in 2021 when Bhutan amended its penal code to decriminalise homosexuality, marking a historic milestone. This achievement was largely driven by the advocacy and support of key figures such as former Finance Minister Lyonpo Namgay Tshering and former Health Minister Lyonpo Dechen Wangmo.

⁵ Global Fund Grant in Bhutan. (n.d.). Bhutan CCM. Retrieved September 2, 2024, <https://www.bhutanccm.org/global-fund-grant-in-bhutan/>

Both ministers, with their deep understanding of the LGBTQ+ community and close involvement in the Global Fund programmes, played crucial roles in ensuring that LGBTQ+ issues were integrated into the broader legislative framework. Their leadership was instrumental in securing this vital victory for the community.

A Regional Perspective: Learning from Neighbouring Countries

Bhutan's progress on LGBTQ+ rights aligns with broader regional movements, drawing inspiration from its neighbours. Notably, during the parliamentary address advocating for the amendment of sections 213 and 214 of the Penal Code on unnatural sex which criminalises homosexuality, the then Lyonpo Namgay referenced India's decriminalisation of homosexual relationships.⁶

This pivotal change in India occurred through a 2018 Supreme Court ruling that struck down Section 377 of the Indian Penal Code, a colonial-era law introduced by the British, which criminalised “sex against the order of nature”.⁷

Bhutan's Penal Code shared similar origins, reflecting the broader colonial influence in the region. Nepal, another neighbouring country, has also made remarkable strides in LGBTQ+ rights. As a trailblazer, Nepal was the first country in the world to legally recognise a third gender category, audit its laws to eliminate discrimination against LGBTQ+ individuals, and establish a committee to explore the legal recognition of same-sex relationships.

In 2023, Nepal registered its first same-sex marriage, and by 2024, the nation saw its LGBTQ+ community successfully advocating for marriage equality. These historic steps could pave the way for more comprehensive legal recognition of LGBTQ+ rights in the region.⁸

6 Lamsang, T. (2019, June 1). National Assembly takes a big step towards decriminalizing Homosexuality – The Bhutanese. The Bhutanese. <https://thebhutanese.bt/national-assembly-takes-a-big-step-towards-decriminalizing-homosexuality/>

7 India Decriminalizes Homosexuality in a Landmark Ruling | TIME. (2018, September 6). Time. <https://time.com/5388231/india-decriminalizes-homosexuality-section-377/>

8 Neupane, M., & Chaudhary, P. (2024, June 20). The Long Road to Lasting Marriage Equality in Nepal. APCOM. Retrieved September 2, 2024, <https://www.apcom.org/long-road-lasting-marriage-equality-nepal/>

Meanwhile, Thailand also made history in South-east Asia by legalising same-sex marriage. “The Marriage Equality Act makes important amendments to language in Thailand’s Civil and Commercial Code concerning spouses, in particular by changing men and women’ and ‘husband and wife’ to ‘individuals’ and ‘marriage partners’.”⁹ This progressive move positions Thailand as a leader in LGBTQ+ rights in the region and sets an important precedent for other countries in Asia to follow.¹⁰

Thailand’s legal recognition of same-sex marriage not only affirms the rights of LGBTQ+ individuals within its borders but also has a ripple effect, inspiring movements across neighbouring countries, including Bhutan.

However, the regional landscape is not without its challenges. While Nepal and Thailand have made significant progress, India remains at the crossroads. Despite the decriminalisation of same-sex relationships, India has yet to legalise same-sex marriage, and recent court rulings have refused to recognise marriage equality.¹¹ This lack of progress in India underscores the complex and uneven nature of LGBTQ+ rights across the region.

For Bhutan, these regional developments signal a broader shift towards greater inclusivity and recognition of LGBTQ+ rights. The successes and setbacks of its neighbours provide valuable lessons and reinforce the need for continued advocacy and legal reform within the country. As the country navigates its path towards full equality, the experiences of Nepal, Thailand, and India offer both inspiration and caution, highlighting the importance of persistent efforts to ensure that LGBTQ+ rights are fully realised across the region.

The Legal Landscape: Future Directions for LGBTQ+ Rights in Bhutan

The decriminalisation of homosexuality was a crucial first step, but Bhutan’s journey towards full LGBTQ+ equality is far from complete. While the

9 Victory for Same-Sex Marriage in Thailand. (2024, June 18). Human Rights Watch. Retrieved September 2, 2024, <https://www.hrw.org/news/2024/06/18/victory-same-sex-marriage-thailand>

10 Victory for Same-Sex Marriage in Thailand. (2024, June 18). Human Rights Watch. Retrieved September 2, 2024, from <https://www.hrw.org/news/2024/06/18/victory-same-sex-marriage-thailand>

11 Jhangiani, K. (2023, October 17). India: Failure to legalise same-sex marriage a ‘setback’ for human rights. Amnesty International. Retrieved September 2, 2024, from <https://www.amnesty.org/en/latest/news/2023/10/india-failure-to-legalise-same-sex-marriage-a-setback-for-human-rights/>

current legal framework shows some progress, significant gaps persist, leaving LGBTQ+ individuals without comprehensive protection and inclusion.

Notably, there is no legally binding provision or regulation that explicitly guarantees the rights of the LGBTQ+ population.

That being said, a promising development on the horizon is the upcoming revision of the National Gender Equality Policy (NGEP) 2020, spearheaded by the National Commission for Women and Children (NCWC). This revision is being shaped with critical input from many stakeholders, including LGBTQ+ organisations such as Pride Bhutan and Queer Voices of Bhutan.

The revised policy is expected to be more comprehensive, aiming to integrate LGBTQ+ inclusion across various societal domains, including politics, economics, health, social and education.¹² Currently, there is an absence of LGBTQ+ mainstreaming in policies and programmes, which the policy revision seeks to address.

The NGEP is envisioned as an overarching policy directive for the government, promoting gender equality and the mainstreaming of LGBTQ+ issues in legislation, policies, plans, and programmes. This policy revision brings a great deal of hope for the LGBTQ+ community, as it seeks to address the systemic inequalities that have historically marginalised them.¹³

For example, in the political realm, the revised policy could push for greater representation of LGBTQ+ individuals in leadership roles, ensuring their voices are heard in decision-making processes. Economically, it may promote equal opportunities in employment and business, breaking down barriers that have prevented many LGBTQ+ individuals from achieving financial independence and success.

12 National Review Report to the Thirtieth Anniversary of the Fourth World Conference on Women and Adoption of the Beijing Declaration. (2024, June 1). Asia-Pacific Portal for Gender Equality. Retrieved September 2, 2024, <https://www.asiapacificgender.org/sites/default/files/2024-06/Bhutan%27s%20National%20Review%20for%20Implementation%20of%20the%20Beijing%20Platform%20for%20Action%20%282024%29.pdf>

13 Bhutan in the Asian Race towards LGBTIQ+ Equality. (2024, July 13). Kuensel Online. <https://kuenselonline.com/bhutan-in-the-asian-race-towards-lgbtiqa-equality/>

In the health sector, the policy revision is expected to advocate for the inclusion of LGBTQ+-specific healthcare needs, such as access to gender-affirming care, mental health support, and treatment services. Socially, the policy could lead to stronger anti-discrimination laws, providing legal protection against harassment, violence and discrimination based on sexual orientation or gender identity.

Additionally, the policy aims to ensure safer educational environments that proactively support LGBTQ+ students. This comprehensive approach, if effectively implemented, could significantly advance the rights and well-being of the LGBTQ+ community in Bhutan.

Through a Social Lens: Navigating Tradition and Modernity

Reconciling Tradition and Modernity

Bhutanese society, deeply rooted in Buddhist principles and traditional norms, plays a crucial role in shaping societal attitudes towards the LGBTQ+ community. The challenge lies in balancing these enduring values with the demands of contemporary social dynamics.

Historically, traditional interpretations of Buddhism have often upheld heteronormative norms, but recent years have seen a significant shift. Prominent Bhutanese Buddhist figures, such as Dzongsar Khyentse Rinpoche, have advocated for a more inclusive approach.

Rinpoche has emphasised that sexual orientation and gender identity should not be barriers to spiritual understanding or enlightenment. He remarked: “Your sexual orientation has nothing to do with understanding or not understanding the truth. You could be gay, you could be lesbian, you could be straight, we never know which one will get enlightened first... Tolerance is not a good thing. If you are tolerating this, it means that you think it’s something wrong that you will tolerate. But you have to go beyond that – you have to respect.”¹⁴

14 Hallman, L. (2018, January 29). Happiness and Harmonization – LGBT Laws in Bhutan. Salzburg Global Seminar. Retrieved September 2, 2024, <https://www.salzburgglobal.org/news/latest-news/article/happiness-and-harmonization-lgbt-laws-in-bhutan>

This progressive stance is gradually challenging traditional perspectives, fostering a more inclusive understanding of Buddhism that respects all individuals, regardless of their sexual orientation or gender identity.

Intersectionality and Lived Experiences

Recognising intersectionality is essential to understanding the diverse experiences within the LGBTQ+ community in Bhutan. Intersectionality refers to the complex interplay of various social identities - such as gender, socio-economic status, education, and ethnicity - that shapes individuals' experiences of discrimination and marginalisation.

Transgender women in Bhutan for instance, face unique challenges that are compounded by their socio-economic status and educational background. Societal stigma and institutional biases hinder access to education, which in turn restricts career prospects and financial stability.

According to data, a significant portion of the LGBTQ+ community, including 28.37% of Pride Bhutan's members, remains unemployed, with many employed in low-wage sectors, such as entertainment and private services.¹⁵ This economic vulnerability compounds their social marginalisation, limiting access to essential resources and opportunities.

Societal discrimination further impacts the well-being of LGBTQ+ individuals. Transgender people often encounter barriers to accessing gender-affirming healthcare, mental health support, and other essential services. This lack of access is not only a matter of personal health but also affects their overall quality of life and integration into society.

For example, Ugyen, a trans woman, highlights the profound impact of societal attitudes on her daily life, stating, "I just want to be treated with respect and dignity like any other person."

The Path Forward: Integrating LGBTQ+ Rights with Traditional Values

The LGBTQ+ community in Bhutan envisions a future where full equality and inclusion are not just aspirations but realities. Central to this vision

¹⁵ Pride Bhutan Information Management System

is the attainment of comprehensive legal recognition and protection. The community seeks the legalisation of marriage equality, along with the right to adopt children, as these milestones would provide essential safeguards and ensure equal rights for LGBTQ+ individuals.

Social inclusion is another critical priority. The community strives for integration into all facets of Bhutanese society, free from discrimination and stigma. This includes equal access to education, employment, healthcare, and housing. To achieve this, the community advocates for the implementation of robust anti-discrimination laws. Such legislation would protect LGBTQ+ individuals from harassment, violence, and discrimination based on their sexual orientation or gender identity, fostering a safer and more equitable environment for all.

Beyond legal and social protections, fostering cultural acceptance is paramount. The LGBTQ+ community aims to challenge and transform societal attitudes and stereotypes, promoting greater understanding and acceptance across Bhutan. This cultural shift is essential for the long-term sustainability of the community's rights and freedoms.

Representation is also a key aspiration. LGBTQ+ individuals seek to occupy leadership positions at all levels, ensuring their voices are included in the decision-making processes that shape the nation. Their involvement in leadership roles would not only provide representation but also influence policies that directly impact their lives.

Rinzin, a prominent queer entrepreneur, captures the optimism and determination of the community, stating: "I envision a promising future for the next generation of queer individuals. Our members are actively engaged and working with great enthusiasm. The prospect of achieving complete equality is now closer than anticipated."

Rinzin's success as a self-made entrepreneur serves as a powerful inspiration for others, highlighting the community's potential to contribute fully to the development and prosperity of Bhutan. These aspirations reflect the LGBTQ+ community's deep desire to live without fear of discrimination or prejudice, to be respected and valued, and to play an integral role in shaping the future of Bhutan.

Conclusion

Looking ahead, Bhutan's path forward involves integrating LGBTQ+ rights into the national discourse on happiness and well-being. This integration demands a multifaceted approach:

1. **Call to Action for Citizens:** All Bhutanese citizens are urged to champion inclusivity in their daily lives. Embracing diversity and fostering a supportive environment for LGBTQ+ individuals will help create a society that aligns with the core values of Gross National Happiness.
2. **Role of Policymakers and Institutions:** Policymakers and institutions play a crucial role in advancing LGBTQ+ rights. It is essential to implement policies and initiatives that promote equality, protect against discrimination, and support LGBTQ+ individuals in all aspects of life - political, economic, social, and educational.
3. **Fostering a Supportive Society:** Creating spaces for open dialogue, education, and awareness about LGBTQ+ issues can help dismantle stereotypes and build empathy.

As Bhutan continues to strive for a “just and harmonious society”, integrating LGBTQ+ inclusion into its GNH framework is not merely a matter of legal reform but cultural evolution. This journey towards equality will shape Bhutan's future, ensuring that the happiness it seeks is truly universal, embracing every citizen in its fold.

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