

# APPENDIX C: CURRENT LAWS THAT RELATE TO LBT PEOPLE IN 5 ASIAN COUNTRIES

## HOW IS VIOLENCE AGAINST WOMEN DEFINED? WHICH LAWS PROHIBIT VIOLENCE AGAINST WOMEN?

JAPAN	MALAYSIA	PAKISTAN	PHILIPPINES	SRI LANKA
<p>No national law in Japan explicitly prohibits violence against women.</p> <p>Specific offenses such as stalking, rape and domestic violence are dealt with under the Penal Code or separate laws relating to these types of violence.</p>	<p>No federal or national law in Malaysia explicitly prohibits violence against women.</p> <p>Specific offenses such as domestic violence and rape are dealt with under the Penal Code or the law prohibiting spousal violence.</p>	<p>There is no national law in Pakistan that defines or prohibits violence against women.</p> <p>Specific offenses such as sexual assault and rape are dealt with under the Penal Code.</p>	<p>The Philippines Anti-Violence Against Women and Their Children Act of 2004 (Republic Act 9262) refers to violence against women as a single or series of acts against a woman who is the wife of the perpetrator, former wife, or sexual or dating partner, or with whom he has a common child.</p> <p><a href="http://www.lawphil.net/statutes/repacts/ra2004/ra_9262_2004.html">http://www.lawphil.net/statutes/repacts/ra2004/ra_9262_2004.html</a></p>	<p>There is no national law in Sri Lanka that explicitly prohibits violence against women.</p> <p>Specific offenses such as spousal violence and rape are dealt with under the Penal Code.</p>

## HOW IS DOMESTIC VIOLENCE DEFINED? WHICH LAWS PROHIBIT DOMESTIC VIOLENCE?

JAPAN	MALAYSIA	PAKISTAN	PHILIPPINES	SRI LANKA
<p>The Japan Act on the Prevention of Spousal Violence and the Protection of Victims (Act No. 31) of 2001 defines domestic violence as bodily harm by one spouse (illegal attacks, threats, or words and deeds) that cause equivalent psychological or physical harm to the other. The law applies to legally registered marriages, annulled marriages (where divorce has been granted), and de facto state of marriage (not legally registered).</p> <p><a href="http://www.gender.go.jp/e-vaw/law/sv.pdf">http://www.gender.go.jp/e-vaw/law/sv.pdf</a></p> <p>Domestic violence includes stalking. The Anti-Stalking Act (Act No. 81) of 2000 defines stalking as repeated acts against the same individual, which violate the targeted individual's "physical safety, peace at home, or honor, or limits freedom of movement, and are perpetrated against a male or female spouse, cohabitant, or acquaintance, where the acts are carried out "to satisfy one's grudge when the romantic feeling is not fulfilled." Acts of stalking are: ambush, surveillance, telling someone they are being watched, unwanted repeated calling/ faxing/ emailing, and mailing objects meant to intimidate.</p>	<p>The Malaysia Domestic Violence Act enacted in 1994 and amended in 2011 defines domestic violence as the commission of the following acts against a woman or man by a spouse, former spouse, or any other family member: willful threats of physical injury, acts causing or resulting in physical injury, coercion, arbitrary confinement, and property damage. The law is limited to married cisgender, heterosexual couples. Children and incapacitated adults are also protected under this law.</p> <p><a href="http://www.agc.gov.my/Akta/Vol.%2011/Act%20521.pdf">http://www.agc.gov.my/Akta/Vol.%2011/Act%20521.pdf</a></p>	<p>There is no law in Pakistan on domestic violence.</p>	<p>The Philippines Anti-Violence Against Women and Their Children Act of 2004 defines domestic violence as a separate offense against a woman and/or her child, whether the child is legitimate or illegitimate, within or without the family abode. Acts of domestic violence include battery, assault, coercion, harassment, arbitrary deprivation of liberty, stalking, etc., and resulting in physical, sexual, and psychological harm, or suffering, or economic abuse.</p> <p><a href="http://cedaw-seasia.org/docs/DomesticViolenceLegislation">http://cedaw-seasia.org/docs/DomesticViolenceLegislation</a></p>	<p>Domestic violence is not defined as a separate offense. The Sri Lanka Prevention of Domestic Violence Act No. 34 of 2005 limits definition of domestic violence to offences in Schedule 1 of Chapter XVI of the Penal Code such as grievous hurt, causing miscarriage, etc. and emotional abuse which is defined in provision 23(b).</p> <p><a href="http://www.documents.gov.lk/Acts/2005/Prevention%20Act%20No.%2034%20of%202005/H%2022927%20Prevention%20(E).pdf">http://www.documents.gov.lk/Acts/2005/Prevention%20Act%20No.%2034%20of%202005/H%2022927%20Prevention%20(E).pdf</a></p>

## HOW IS GENDER-BASED VIOLENCE DEFINED? HOW IS GENDER DEFINED?

JAPAN	MALAYSIA	PAKISTAN	PHILIPPINES	SRI LANKA
No law in Japan defines gender-based violence.	No law in Malaysia defines gender-based violence. But the Equality Clause (Article 8) of the Malaysian Constitution includes gender as a prohibited ground for discrimination.  <a href="http://www.malaysianbar.org.my/gender_issues/gender_equality_under_article_8_human_rights_islam_and_feminisms_by_salbiah_ahmad.html">http://www.malaysianbar.org.my/gender_issues/gender_equality_under_article_8_human_rights_islam_and_feminisms_by_salbiah_ahmad.html</a>	There are no laws in Pakistan that define gender-based violence.	The Philippines Magna Carta of Women (RA 9710) defines violence against women as any act of gender-based violence that results in physical, sexual or psychological harm of suffering to women, including threats, coercion or arbitrary deprivation of liberty. This definition is similar to the Anti Violence Against Women and Their Children Act of 2004 (RA 9262).  <a href="http://www.lawphil.net/statutes/repacts/ra2009/ra_9710_2009.html">http://www.lawphil.net/statutes/repacts/ra2009/ra_9710_2009.html</a>  RA 9208, the Anti Trafficking in Persons Act of 2003 also covers gender-based violence.  Gender equality is defined in the Magna Carta of Women (RA 9710) as the principle asserting the equality of men and women and their right to enjoy equal conditions realizing their full human potentials to contribute to and benefit from the results of development, and with the State recognizing that all human beings are free and equal in dignity and rights.	Gender is not specifically defined in any Sri Lankan law.  Some laws that prohibit gender-based violence are laws against rape, sexual abuse, trafficking, incest, and digital violence.

## HOW IS SEXUAL HARASSMENT DEFINED? WHICH LAWS PENALIZE SEXUAL HARASSMENT?

JAPAN	MALAYSIA	PAKISTAN	PHILIPPINES	SRI LANKA
The Japanese Ministry of Health and Labor Ministerial Ordinance regarding Equal Opportunity and Treatment between Men and Women in Employment (Ordinance No. 133) of 2014 defines sexual harassment as “sexual remarks and acts that take place in workplace against worker’s will.” According to the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment (Act No. 113) of 1972 sexual harassment in the workplace is a punishable offense.	In 2011, the Malaysia Employment Act was amended to include provisions relating to sexual harassment in employment settings. The amendments have been rejected “as significantly flawed” by civil society groups.  In 1999 the Ministry of Human Resources drafted a Voluntary Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace, which outlined employer responsibilities to ensure a safe and healthy working environment. The Code of Practice has not been included in amendments to the Malaysia Employment Act.  <a href="http://wao.org.my/file/file/Malaysian%20NGO%20CEDAW%20Alternative%20Report%202012%206MB.pdf">http://wao.org.my/file/file/Malaysian%20NGO%20CEDAW%20Alternative%20Report%202012%206MB.pdf</a>	The Pakistan Protection Against Harassment Of Women At The Workplace Act of 2010 prohibits sexual harassment and provides a complaints mechanism for sexual harassment in employment settings. Under this Act, sexual harassment is defined as “any unwelcome sexual advance, request for sexual favors, or other verbal or written communication or physical conduct of a sexual nature, or sexually demeaning attitudes, causing interference with work performance, or creating an intimidating, hostile, or offensive work environment.” Any attempt to punish an individual for refusing to comply with sexual requests or requests that are made as a condition of employment are included in the definition of sexual harassment in the workplace.  <a href="http://www.qua.edu.pk/pdfs/ha.pdf">http://www.qua.edu.pk/pdfs/ha.pdf</a>	RA 7877 or the Philippines Anti Sexual Harassment Act of 1995 prohibits sexual harassment, which is defined as a sexual favor made as a condition in the hiring, employment, re-employment or continued employment of an individual; or the granting of favorable compensation, promotions or privileges; or when employee’s refusal to grant sexual favor results in limiting, segregating or classifying the employee in a way that would discriminate, deprive or diminish employment opportunities, violate labor laws, or create an intimidating, hostile, offensive environment for employee.  <a href="http://ecop.org.ph/downloads/presentations/march20/RA-7877-Anti-Sexual-Harassment-Law.pdf">http://ecop.org.ph/downloads/presentations/march20/RA-7877-Anti-Sexual-Harassment-Law.pdf</a>	Section 345 of the Sri Lanka Penal Code (Amendment) 22 of 1995, and Act 16 of 2006 prohibit sexual harassment, which is defined as “unwanted sexual advances by word or action.” Although sexual harassment is a punishable offence, complaints are rare. State/public employers have yet to put in place mechanisms to address sexual harassment. Private companies have sexual harassment policies but these are not implemented.

## HOW IS SEXUAL ASSAULT DEFINED? WHICH LAWS PROHIBIT SEXUAL ASSAULT?

JAPAN	MALAYSIA	PAKISTAN	PHILIPPINES	SRI LANKA
Covered under the Rape Law 177 and Quasi Rape Law 178 of the Japan Penal Code.	Covered under the laws prohibiting rape and unnatural offences under the Malaysian Penal Code.	<p>Sections 354, 354A and 355 prohibit sexual assault under the Pakistan Penal Code.</p> <p>Definitions of sexual assault are as follows:</p> <p>Section 354: "assault or criminal force to woman with intent to outrage her modesty."</p> <p>Section 354A: "assault or criminal force to woman and stripping her of her clothes."</p> <p>Section 355: "assault or criminal force with intent to dishonor person, otherwise than on grave provocation."</p>	Covered under Philippines Anti Rape Law of 1997.	<p>Categorized as grave sexual abuse and penalized under Sri Lanka Penal Code (Amendment) 22 of 1995, Para 365(b), which covers sexual acts that don't fall under the rape definition.</p> <p><a href="http://www.aidscontrol.gov.lk/web/Web%20uploads/Policy%20or%20Law/Penal%20Code%20(Amendment)%20Act,%20No.%2022%20of%201995.pdf">http://www.aidscontrol.gov.lk/web/Web%20uploads/Policy%20or%20Law/Penal%20Code%20(Amendment)%20Act,%20No.%2022%20of%201995.pdf</a></p>

## HOW IS STATUTORY RAPE DEFINED? WHICH LAWS PROHIBIT STATUTORY RAPE?

JAPAN	MALAYSIA	PAKISTAN	PHILIPPINES	SRI LANKA
<p>Article 177 of the Japan Penal Code prohibits sexual intercourse with a girl below 13 years of age, where force, threats or intimidation are present.</p> <p><a href="http://www.cas.go.jp/jp/seisaku/hourei/data/PC_2.pdf">http://www.cas.go.jp/jp/seisaku/hourei/data/PC_2.pdf</a></p>	<p>Section 375 (g) of the Malaysia Penal Code prohibits sex with a girl under 16 years of age, with or without her consent.</p> <p><a href="http://www.agc.gov.my/Akta/Vol.%2012/Act%20574.pdf">http://www.agc.gov.my/Akta/Vol.%2012/Act%20574.pdf</a></p>	<p>Section 375 (v) of the Pakistan Penal Code prohibits sexual intercourse with a girl under age 16, regardless of her consent.</p> <p><a href="http://www.pakistani.org/pakistan/legislation/1860/actXL-Vof1860.html">http://www.pakistani.org/pakistan/legislation/1860/actXL-Vof1860.html</a></p>	<p>Article 266-A of the Philippines Anti Rape Law (RA 8353) of 1997 defines statutory rape as sexual intercourse with a girl below 12 years where force, threat or intimidation are present but immaterial; the only subject of inquiry is the age of the woman and whether carnal knowledge took place.</p> <p><a href="http://lexoterica.wordpress.com/2011/07/20/june-2011-philippine-supreme-court-decisions-on-criminal-law-and-procedure-2/">http://lexoterica.wordpress.com/2011/07/20/june-2011-philippine-supreme-court-decisions-on-criminal-law-and-procedure-2/</a></p>	<p>Section 363 (e) of the Sri Lanka Penal Code (Amendment) No. 22 of 2005 prohibits sex with a girl below age 16 regardless of consent. The exception is if the girl is over 12 and married to a Muslim man (and not judicially separated from him).</p>

## HOW IS RAPE DEFINED? WHICH LAWS PROHIBIT RAPE?

JAPAN	MALAYSIA	PAKISTAN	PHILIPPINES	SRI LANKA
<p>Articles 177 and 178 of the Japan Penal Code (Act No.45) of 1908 prohibit rape.</p> <p><a href="http://www.cas.go.jp/jp/seisaku/hourei/data/PC_2.pdf">http://www.cas.go.jp/jp/seisaku/hourei/data/PC_2.pdf</a></p> <p>Article 177 defines rape as sexual intercourse with a female not less than 13 years of age, where her consent was forced through assault or intimidation.</p> <p>Article 178 defines forcible indecency or “quasi rape” as an indecent act forced upon a male or female by taking advantage of loss of consciousness or inability to resist, or by causing a loss of consciousness or inability to resist; or sexual intercourse with a female by taking advantage of a loss of consciousness or inability to resist, or by causing a loss of consciousness or inability to resist.</p> <p>Article 178 defines gang rape as above but perpetrated by two or more persons.</p>	<p>Sections 375 and 376 of the Malaysia Penal Code prohibit rape, which is defined as (penile vaginal) sexual intercourse performed by a man against a woman against her will, without her consent, and where her consent was obtained under fear of hurt or death, or where her consent is obtained under false pretext that the offender is lawfully married to her, or where she is unable to understand the nature and consequences of giving consent, and/or where consent is obtained by abuse of authority. Rape with an object or not involving penile-vaginal penetration is not considered rape by definition but as an “unnatural offence.”</p> <p>Section 377(c) of the Penal Code prohibits carnal intercourse against the order of nature on another person or persons (man or woman) without consent, or against the will of the other person(s), or by putting the other person(s) in fear of death or hurt.</p> <p><a href="http://www.wccpenang.org/rape/law-on-rape/">http://www.wccpenang.org/rape/law-on-rape/</a></p> <p><a href="http://wao.org.my/file/file/Malaysian%20NGO%20CEDAW%20Alternative%20Report%202012%206MB.pdf">http://wao.org.my/file/file/Malaysian%20NGO%20CEDAW%20Alternative%20Report%202012%206MB.pdf</a></p>	<p>Section 375 of the Pakistan Penal Code (Act XLV) of 1860 prohibits rape, which is defined as sexual intercourse with a woman against her will and without her consent, or where consent has been obtained under fear of hurt or death.</p> <p><a href="http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html">http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html</a></p> <p>The above definition of rape is based on the 2006 amended rape law under the Women’s Protection Act. Prior to that, rape was defined by the Hudood Ordinance of 1979, enacted under former President Zia-ul-Haq, and carried a high burden of proof, requiring four male witnesses in order to prove “fornication by force.” Absent this level of proof, a woman was convicted for “adultery or fornication with consent.”</p> <p><a href="http://www.pakistani.org/pakistan/legislation/zia_po_1979/ord7_1979.html">http://www.pakistani.org/pakistan/legislation/zia_po_1979/ord7_1979.html</a></p>	<p>Republic Act No. 8353 or the Philippines Anti Rape Law of 1997 prohibits rape, which is defined as any act of sexual assault where penis is inserted into another person’s mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person and under the following circumstances: through force, threat, or intimidation; when the offended party is deprived of reason or otherwise unconscious; by means of fraudulent machination or grave abuse of authority; when offended party is under 12 or is demented.</p> <p><a href="http://pcw.gov.ph/law/republic-act-8353">http://pcw.gov.ph/law/republic-act-8353</a></p>	<p>Section 363 of the Sri Lanka Penal Code (Amendment) 22 of 1995 prohibits rape, which is defined as (penile-vaginal) sexual intercourse that a man has with a woman without her consent, if consent is obtained through force or threat of harm or death to the woman, or if the man deceives her into thinking that he is her lawful husband. Rape definition also applies to divorced or judicially separated couples but not if the man is still legally married to the woman.</p> <p><a href="http://www.aidscontrol.gov.lk/web/Web%20uploads/Policy%20or%20Law/Penal%20Code%20(Amendment)%20Act,%20No.%2022%20of%201995.pdf">http://www.aidscontrol.gov.lk/web/Web%20uploads/Policy%20or%20Law/Penal%20Code%20(Amendment)%20Act,%20No.%2022%20of%201995.pdf</a></p>

## IS RAPE OF A SEX WORKER PROHIBITED? WHICH LAWS PENALIZE RAPE OF A SEX WORKER?

JAPAN	MALAYSIA	PAKISTAN	PHILIPPINES	SRI LANKA
Theoretically, in Japan, rape of a sex worker is covered under Article No. 177 (anti rape law) of the Penal Code but is difficult to prove. In cases involving rape of sex workers, courts have ruled that “victims did not try hard enough to avoid rape or fight back.”	Sex work is criminalized in Malaysia, which makes it difficult for sex workers to report rape and seek legal redress.	There is no law in Pakistan that addresses sex worker rape.	There is currently no law in the Philippines, prohibiting rape of a sex worker.	Technically, in Sri Lanka, rape of a sex worker is covered by the Anti-Rape Law but is hard to prove since the sexual relations of sex workers are presumed to be consensual.

## IS MARITAL RAPE PROHIBITED? WHICH LAWS PENALIZE MARITAL RAPE?

JAPAN	MALAYSIA	PAKISTAN	PHILIPPINES	SRI LANKA
The current anti-rape laws of Japan do not prohibit marital rape.	Amended Section 375A of the Malaysia Penal Code prohibits marital rape, which is defined as “any man who during the subsistence of a valid marriage causes hurt or fear of death or hurt to his wife in order to have sexual intercourse with his wife.” However, an exception to the marital rape amendment remains in Section 376, which states, “Sexual intercourse by a man with his own wife by a marriage which is valid under any written law for the time being in force, or is recognized in Malaysia as valid, is not rape.”  <a href="http://wao.org.my/file/file/Malaysian%20NGO%20CEDAW%20Alternative%20Report%202012%206MB.pdf">http://wao.org.my/file/file/Malaysian%20NGO%20CEDAW%20Alternative%20Report%202012%206MB.pdf</a>	No laws in Pakistan prohibit marital rape.	The Anti Rape Law (RA 8353) should cover marital rape. However, Article 266-C of the Philippines Anti Rape Law considers rape a pardonable offense where “the criminal act can be extinguished” if the perpetrator is the husband and there is forgiveness by the wife.” Rape is recognized and as such prohibited when the marriage is void ab initio.  <a href="http://www.chanrobles.com/republicactno8353.htm#UuCWKrSlbcc">http://www.chanrobles.com/republicactno8353.htm#UuCWKrSlbcc</a>	Section 363(a) of the Sri Lanka Penal Code Amendment No. 22 of 2005 prohibits marital rape. Under this law, marital rape is limited to and recognized only in cases of judicial separation and not in cases where the marriage is still currently legal. The law does not apply to de facto couples (i.e., marriage is not legally registered).

## IS FORCED MARRIAGE PROHIBITED? WHICH LAWS PENALIZE FORCED MARRIAGE?

JAPAN	MALAYSIA	PAKISTAN	PHILIPPINES	SRI LANKA
<p>There are no laws in Japan that criminalize forced marriage. However, Article 24 of the Constitution of Japan states that marriage is based on mutual consent by both sexes.</p> <p><a href="http://www.kantei.go.jp/foreign/constitution_and_government/frame_01.html">http://www.kantei.go.jp/foreign/constitution_and_government/frame_01.html</a></p> <p>Article 742 of the Civil Code (Act No 89 of 1896, enacted in 1898) states that marriage is void "if one of the parties has no intention to marry due to mistaken identity or other cause."</p>	<p>Except for the legal age of marriage, there are no laws prohibiting forced marriage in Malaysia.</p>	<p>By Presidential Order of 2011, forced marriage has been prohibited and is now a punishable offense under the Pakistan Penal Code. This reverses the 1979 Hudood Ordinance, which repealed the Penal Code and permitted forced marriage under sharia law.</p> <p><a href="http://www.na.gov.pk/uploads/documents/1329729400_262.pdf">http://www.na.gov.pk/uploads/documents/1329729400_262.pdf</a></p>	<p>No law on the books prohibits forced marriage. However, Article 2 of the Philippines Family Code of 1987 states that one of the requisites of marriage is consent, and that consent must be given in the presence of the solemnizing officer.</p> <p><a href="http://www.wedding-satwork.com/culture_laws_familycode01.shtml">http://www.wedding-satwork.com/culture_laws_familycode01.shtml</a></p>	<p>Marriage below age 18 is considered void ab initio for non-Muslims in Sri Lanka. Except for the age condition, forced marriage is not penalized as such.</p>

## WHAT IS THE AGE OF SEXUAL MAJORITY? IS IT DIFFERENT FOR GIRLS AND BOYS?

JAPAN	MALAYSIA	PAKISTAN	PHILIPPINES	SRI LANKA
<p>Article 731 of the Japan Civil Code stipulates that marital age is 16 for girls and 18 for boys.</p> <p><a href="http://www.japanese-lawtranslation.go.jp/law/detail/?ft=2&amp;re=01&amp;dn=1&amp;y0=%E6%B0%91%E6%B3%95&amp;x=0&amp;y=0&amp;ia=03&amp;ky=&amp;page=4">http://www.japanese-lawtranslation.go.jp/law/detail/?ft=2&amp;re=01&amp;dn=1&amp;y0=%E6%B0%91%E6%B3%95&amp;x=0&amp;y=0&amp;ia=03&amp;ky=&amp;page=4</a></p> <p>Under Article 176 of the Penal Code, sexual age of consent is 13 for both girls and boys, and forcible rape or acts of indecency on girls or boys under age 13 are criminalized.</p> <p><a href="http://www.cas.go.jp/jp/seisaku/hourei/data/PC_2.pdf">http://www.cas.go.jp/jp/seisaku/hourei/data/PC_2.pdf</a></p> <p>The Child Welfare Act states that anyone below age 18 is considered a child.</p> <p><a href="http://eiyaku.hounavi.jp/taiyaku/s22a16401.php">http://eiyaku.hounavi.jp/taiyaku/s22a16401.php</a></p>	<p>Malaysia has a dual legal system. Section 10 of the Malaysia Law Reform Marriage And Divorce Act of 1976, states that non-Muslim girls in Malaysia between the ages of 16 and 18 can marry with the licensed authorisation of the Chief Minister. Marriage for non-Muslims under age 16 is prohibited.</p> <p>Section 8 of the Islamic Family Law (Federal Territories) Act of 1984 states that for Muslims, the minimum age of marriage is 16 years for girls and 18 for boys, with an exception that permits Muslim girls and boys below these ages to marry with the Sharia Court's consent.</p> <p><a href="http://wao.org.my/file/file/Malaysian%20NGO%20CEDAW%20Alternative%20Report%202012%206MB.pdf">http://wao.org.my/file/file/Malaysian%20NGO%20CEDAW%20Alternative%20Report%202012%206MB.pdf</a></p> <p>The Child Act of 2001 defines a child as a person under 18 years of age.</p> <p><a href="http://wao.org.my/file/file/Malaysian%20NGO%20CEDAW%20Alternative%20Report%202012%206MB.pdf">http://wao.org.my/file/file/Malaysian%20NGO%20CEDAW%20Alternative%20Report%202012%206MB.pdf</a></p>	<p>The age of sexual majority in Pakistan is confined to consent within cisgender, heterosexual, legally registered marriage.</p> <p>The Majority Act of 1875 determines age of majority or legal age for sexual consent as 18 for both women and men.</p> <p><a href="http://www.albarrtrust.com/Al%20Baar%20Web/SCAN%20RULES/Majority%20Act%201875.pdf">http://www.albarrtrust.com/Al%20Baar%20Web/SCAN%20RULES/Majority%20Act%201875.pdf</a></p> <p>The Child Marriage Restrain Act of 1929 stipulates the marital age as 18 for boys and 16 for girls.</p> <p>Under Section 496B of the Hudood Ordinance of 1979, which is still in effect, pre-marital and extra marital sex are prohibited and punishable, regardless of age of consent.</p>	<p>RA 6809 of the Philippines Family Code lowered the age of consent from age 21 to 18 for both girls and boys.</p> <p><a href="http://www.chanrobles.com/repulicactno6809.htm#.UtzDFfawraY">http://www.chanrobles.com/repulicactno6809.htm#.UtzDFfawraY</a></p> <p>Article 337 of the Revised Penal Code indicates that sex with a woman under age 18 is treated as a crime of seduction if the partner is in a position of authority, such as a priest, household worker, domestic worker, guardian, teacher.</p> <p><a href="http://www.ageofconsent.com/philippines.htm">http://www.ageofconsent.com/philippines.htm</a></p>	<p>Age of consent in Sri Lanka is 16 for girls and boys.</p> <p>The Gross Indecency provision of Section 365(a) of the Penal Code stipulates that age of consent is below 16 for boys havng same sex relations if one partner is over 18.</p>

**ARE SAME-SEX SEXUAL RELATIONS EXPLICITLY CRIMINALIZED, AND IF SO, FOR BOTH MEN AND WOMEN, OR ONLY FOR MEN?**

JAPAN	MALAYSIA	PAKISTAN	PHILIPPINES	SRI LANKA
<p>Same-sex relations are not criminalized in Japan.</p>	<p>Section 377A of the Malaysia Penal Code criminalizes “carnal intercourse against the order of nature,” which is defined as “Any person who has sexual connection with another person by the introduction of the penis into the anus or mouth of the other person.”</p> <p>Religious (sharia) law also criminalizes same sex sexual relations between men (liwat) and between women (musahaqah). Each of the 14 states and Federal Territory of Kuala Lumpur outline prohibitions and punishment under different sections of their state’s sharia law.</p>	<p>Section 377 of the Pakistan Penal Code criminalizes “carnal intercourse against the order of nature,” which the state interprets primarily as anal sex and bestiality (sex with an animal). This law applies to same sex relations between men and between women, where penetration can be established.</p> <p>There are no known prosecutions under Section 377.</p> <p><a href="http://www.pakistani.org/pakistan/legislation/1860/actXL-Vof1860.html">http://www.pakistani.org/pakistan/legislation/1860/actXL-Vof1860.html</a>.</p>	<p>In the Philippines, sexual relations between people of the same sex is not prohibited provided they do not violate provisions of the law that prohibit violence and force that amount to sexual assault, or sex in public, or sex under scandalous circumstances amounting to grave scandal, or sex with a minor which amounts to child abuse.</p>	<p>Section 365A of the Sri Lanka Penal Code (Amendment) No. 22 of 2005 criminalizes same-sex relations for both men and women.</p> <p><a href="http://www.aidscontrol.gov.lk/web/Web%20uploads/Policy%20or%20Law/Penal%20Code%20(Amendment)%20Act,%20No.%2022%20of%201995.pdf">http://www.aidscontrol.gov.lk/web/Web%20uploads/Policy%20or%20Law/Penal%20Code%20(Amendment)%20Act,%20No.%2022%20of%201995.pdf</a></p>

**DOES THE CONSTITUTION INCLUDE AN EQUALITY CLAUSE/NON-DISCRIMINATION CLAUSE?**

JAPAN	MALAYSIA	PAKISTAN	PHILIPPINES	SRI LANKA
<p>Article 14 of the Constitution of Japan states, “All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin.”</p> <p><a href="http://www.kantei.go.jp/foreign/constitution_and_government/frame_01.html">http://www.kantei.go.jp/foreign/constitution_and_government/frame_01.html</a></p>	<p>Article 8 of the Malaysian Constitution defines equality as “there shall be no discrimination against citizens on the ground only of religion, race, descent, place of birth or gender in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.”</p> <p><a href="http://www.agc.gov.my/images/Personalisation/Buss/pdf/Federal%20Consti%20(BI%20text).pdf">http://www.agc.gov.my/images/Personalisation/Buss/pdf/Federal%20Consti%20(BI%20text).pdf</a></p>	<p>Article 25 of the Pakistan Constitution declares equality and prohibits discrimination, including on the basis of sex.</p> <p><a href="http://www.pakistani.org/pakistan/constitution/part2.ch1.html#f32">http://www.pakistani.org/pakistan/constitution/part2.ch1.html#f32</a></p>	<p>Article 3, Section 1 of the revised Philippine Constitution of 1987 states, “no person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.”</p> <p><a href="http://www.lawphil.net/consti/cons1987.html">http://www.lawphil.net/consti/cons1987.html</a></p>	<p>Chapter 3, Article 12 (2) of the 1978 Constitution of Sri Lanka defines equality as “no citizen shall be discriminated on the grounds of race, religion, language, caste, sex, political opinion, place of birth, or anyone of such grounds.”</p> <p><a href="http://www.supremecourt.lk/images/stories/supreme_court/constitution17th.pdf">http://www.supremecourt.lk/images/stories/supreme_court/constitution17th.pdf</a></p>

## DOES THE CONSTITUTION ALLOW FOR RELIGIOUS LAWS TO OVERRIDE SECULAR LAWS?

JAPAN	MALAYSIA	PAKISTAN	PHILIPPINES	SRI LANKA
<p>Article 20 of the Constitution of Japan states, “No religious organization shall receive any privileges from the State, nor exercise any political authority ... The State and its organs shall refrain from religious education or any other religious activity.”</p> <p><a href="http://www.kantei.go.jp/foreign/constitution_and_government/frame_01.html">http://www.kantei.go.jp/foreign/constitution_and_government/frame_01.html</a></p>	<p>The Malaysian Constitution states that all laws that contravene the Federal Constitution “must be cancelled as the Federal Constitutions is the highest law of the land.” However, Malaysia has a dual legal system. Sharia (Islamic) law applies to all matters relating to Muslims – marriage, divorce, religious observances, sexual relations, gender expression, marital age, etc.</p>	<p>The Objectives Resolution annexed to the Constitution of Pakistan and Article 277 of the Constitution stipulate that all laws must comply and align with the Quran and Sunnah (practices of Prophet Muhammad).</p> <p><a href="http://www.pakistani.org/pakistan/constitution/annex_objres.html">http://www.pakistani.org/pakistan/constitution/annex_objres.html</a></p> <p>Article 277 (1) states “All existing laws shall be brought in conformity with the Injunctions of Islam as laid down in the Holy Quran and Sunnah, in this Part referred to as the Injunctions of Islam, and no law shall be enacted which is repugnant to such Injunctions.”</p> <p><a href="http://www.pakistani.org/pakistan/constitution/part9.html">http://www.pakistani.org/pakistan/constitution/part9.html</a></p>	<p>Article 2, Section 6 of the Philippines Constitution states that separation of Church and State shall be inviolable.</p> <p><a href="http://www.lawphil.net/consti/cons1987.html">http://www.lawphil.net/consti/cons1987.html</a></p> <p>The Presidential Decree 1083, also known as Code of Muslim Personal Laws of the Philippines, stipulates that where there is conflict between secular laws and Muslim Personal Laws, the “latter shall be construed to carry out the former.”</p> <p><a href="http://www.chanrobles.com/presidentialdecreeno1083.htm#.UuCeErSlbcc">http://www.chanrobles.com/presidentialdecreeno1083.htm#.UuCeErSlbcc</a></p>	<p>Sri Lanka has a dual legal system. The Marriage And Divorce Muslim Act of 1951 allows Muslim law to override secular law.</p> <p><a href="http://www.srilankalaw.lk/revised-statutes/volume-iv/728.html">http://www.srilankalaw.lk/revised-statutes/volume-iv/728.html</a></p>

## WHICH LAWS INCLUDE OR SPECIFICALLY PROHIBIT VIOLENCE AND/OR DISCRIMINATION ON GROUNDS OF SEXUAL ORIENTATION AND GENDER IDENTITY (SOGIE)?

JAPAN	MALAYSIA	PAKISTAN	PHILIPPINES	SRI LANKA
<p>No laws in Japan include or specifically prohibit violence and/or discrimination on grounds of SOGIE.</p>	<p>No laws in Malaysia include or specifically prohibit violence and/or discrimination on grounds of SOGIE.</p>	<p>No laws in Pakistan include or specifically prohibit violence and/or discrimination on grounds of SOGIE.</p>	<p>No federal law exists to specifically prohibit violence or discrimination against LGBT people. However, there are local ordinances that do so in the cities of Davao, Cebu, Angeles, Dagupan, Bacolod and Quezon City.</p> <p>Also, the Equal Protection Clause of the Bill of Rights should protect LGBT people from discrimination and constitutionally guarantee LGBT people the right to equal treatment before the law.</p> <p><a href="http://www.chanrobles.com/article3.htm#.Ut-zH9Kwrbg">http://www.chanrobles.com/article3.htm#.Ut-zH9Kwrbg</a></p>	<p>No laws in Sri Lanka include or specifically prohibit violence and/or discrimination on grounds of SOGIE.</p>

**WHICH EXISTING LAWS ARE USED TO TARGET LBT PEOPLE FOR DISCRIMINATION, INTIMIDATION, HARASSMENT, AND/OR CRIMINALIZATION?**

JAPAN	MALAYSIA	PAKISTAN	PHILIPPINES	SRI LANKA
<p>No laws in Japan are used to target LBT people for discrimination, intimidation, harassment, and/or criminalization.</p>	<p>Section 377A of the Penal Code criminalizes anal and oral sex, and applies to all people, but singles out same-sex sexual relations.</p> <p>Section 377D criminalizes “outrages on decency,” which is defined as “any person who, in public or private, commits, or abets the commission of, or procures or attempts to procure the commission by any person of, any act of gross indecency with another person.”</p> <p>Section 21 of the Minor Offenses Act criminalizes drunken and disorderly behavior in public places and is used to arrest and detain trans women.</p> <p><a href="http://www.agc.gov.my/Akta/Vol.%207/Act%20336.pdf">http://www.agc.gov.my/Akta/Vol.%207/Act%20336.pdf</a></p> <p>Dangerous Drugs Act is used to conduct raids on gay clubs and establishments.</p> <p>Sharia laws in each state are used to criminalize “male posing as woman” and “female posing as man,” liwat (sexual relations between men) and musahaqah (sexual relations between women).</p>	<p>Under the Hudood Ordinance of 1979, all sexual activity outside heterosexual marriage, regardless of consent, is considered fornication, and as such automatically criminalized.</p> <p>Section 377 of the Pakistan Penal Code, which criminalizes anal sex and bestiality applies to all people but it is rarely used against heterosexual people and instead is a threat to people in same-sex relationships. There have been no prosecutions under this law. Section 377 is also used to coerce and threaten transgender people who are street beggars and/or sex workers, both of whom are vulnerable to police abuse.</p>	<p>Article 46, Section 4 of the Family Code of the Revised Constitution of the Philippines of 1987 references homosexuality and lesbianism in the list of circumstances for fraudulent marriages. Article 55, Section 6 lists homosexuality and lesbianism as grounds for legal separation, and upon annulment of marriage, the homosexual spouse loses right of inheritance from other spouse and loses right to any conjugal property.</p> <p><a href="http://filipinawives.com/FamilyCodePhilippines.htm">http://filipinawives.com/FamilyCodePhilippines.htm</a></p> <p>Section 5 of RA 9048 prohibits transgender and transsexual individuals from changing their first name or sex on their birth certificates.</p> <p><a href="http://www.tsphilippines.com/">http://www.tsphilippines.com/</a></p> <p>RA 9208 or the Anti-Trafficking in Persons Law of 2003 is used to punish gay men clients of a sex worker.</p> <p><a href="http://www.lawphil.net/statutes/repacts/ra2003/ra_9208_2003.html">http://www.lawphil.net/statutes/repacts/ra2003/ra_9208_2003.html</a></p> <p>The expanded Anti-Trafficking Law of 2012 broadens police powers and is used by police to target premises frequented by LGBT people for arbitrary raids.</p> <p><a href="http://www.gov.ph/2013/02/06/repub-lic-act-no-10364/">http://www.gov.ph/2013/02/06/repub-lic-act-no-10364/</a></p>	<p>Gross Indecency Law under Section 365A of the Penal Code (Amendment) No. 22 of 2005.</p> <p>Vagrants Ordinance of 1842 penalizes public loitering which is open to interpretation by police and tends to target sex workers, transgender people and/or anyone with non-conforming gender expression. Those arrested under this law are vulnerable to sexual harassment, sexual abuse and mistreatment while in detention, particularly low-income transgender women and men, and low-income women whose gender expression is on the masculine spectrum.</p> <p>Section 399 of the Penal Code, which penalizes Cheating By Personation, targets women “disguised as men” and trans women for “misleading the public.” Personation is defined as pretending to be some other person, knowingly substituting one person for another, or misrepresentation.</p>