

Stonewall

ABOUT THIS RESOURCE

This resource is produced by Stonewall, a UK-based charity that stands for the freedom, equity and potential of all lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people.

At Stonewall, we imagine a world where LGBTQ+ people everywhere can live our lives to the full.

Founded in London in 1989, we now work in each nation of the UK and have established partnerships across the globe. Over the last three decades, we have created transformative change in the lives of LGBTQ+ people in the UK, helping win equal rights around marriage, having children and inclusive education.

Our campaigns drive positive change for our communities, and our sustained change and empowerment programmes ensure that LGBTQ+ people can thrive throughout our lives. We make sure that the world hears and learns from our communities, and our work is grounded in evidence and expertise.

To find out more about our work, visit us at www.stonewall.org.uk

Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)

Stonewall is proud to provide information, support and guidance on LGBTQ+ inclusion; working towards a world where we're all free to be. This does not constitute legal advice, and is not intended to be a substitute for legal counsel on any subject matter.

THAILAND



Population: 68.6 million



Stonewall Global Diversity Champions: 55

THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

Thailand is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

To help put this into context, it is important to note that two further zones exist:

In Zone 2 countries, sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries, sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The **rights to freedom of expression, association and assembly** are protected under sections 34, 42 and 44 of the Constitution.

There **are no LGBT-specific restrictions or additions** to these rights.

FAMILY AND RELATIONSHIPS

Sexual acts between people of the same sex are not criminalised and are therefore **legal**.

There is an **equal age of consent of 15 years** for sexual acts regardless of gender under Section 27 of the Penal Code.

Same-sex marriage is **not legal** because Section 1448 of the Civil and Commercial Code defines marriage as a union between a man and a woman.

In judgement No. 18776/2561, the Court of Appeal **recognised a same-sex civil partnership registered abroad** for the purposes of property law.

The Supreme Court ruled in judgement no. 157/2524 that **a person's sex they were assigned at birth** is used to **determine their gender** for the purposes of **marriage**.

Trans parenthood is not recognised. **Parenthood on birth certificates** is recorded based on the **parent's sex they were assigned at birth** under Supreme Court judgement no. 157/2524.

EQUALITY AND EMPLOYMENT

Discrimination on the grounds of **gender identity** by government organisations, private organisations or individuals is **prohibited** under the Gender Equality Act 2015.

Discrimination in employment on the grounds of **sexual orientation** is **prohibited** under section 5.6 of the Thai Labour Standard: TLS 8001:2010.

Section 27 of the Constitution guarantees **equality before the law** based on a limited list of characteristics that does not include sexual orientation or gender identity.

Regulations addressing civil officials' uniforms **impose dress codes** on the basis of a **person's sex they were assigned at birth**.

GENDER IDENTITY

Trans people **cannot change their legal gender**.

Gender reassignment surgery is **allowed** under clauses 5 and 6 of the Regulation of the Medical Council Concerning Ethics in the Medical Profession Rules for Treatment in Sex Change Operations 2009.

The **requirements** for this are **two medical opinions** and, if the person is **aged between 18 and 20, consent from an authorised guardian**.

Trans people **can change their legal name** under the Person Name Act. However, in practice, **attempted name changes may be denied** if they do not match a person's sex assigned at birth.

The **requirements** for a **legal name change** include **submitting an application** to the District Office and that the **name must not resemble the King or Queen's names** or be an **offensive term** under Sections 6 and 17 of the Person Name Act 1962.

Ministerial Regulation No. 75 2012, under the Military Enlistment Act 1954, **bans people with 'gender identity disorder' from military service**.

IMMIGRATION

Dependant visas are not available for same-sex partners of people working in Thailand.



A VIEW FROM THAILAND

Stonewall spoke to **Timo Ojanen**, an advisor with the **Foundation for SOGI Rights and Justice (FOR-SOGI)**. FOR-SOGI works in Thailand to promote and protect human rights for LGBT people through research, policy advocacy, strategic litigation, and awareness-raising campaigns.

Stonewall spoke to **Note Jetsada Taesombat**, Co-Founder and Executive Director of the **Foundation of Transgender Alliance for Human Rights (ThaiTGA)**. ThaiTGA works to advance the human rights of transgender people through advocacy, movement strengthening, and leadership development strategies.



ThaiTGA
The Foundation of Transgender Alliance for Human Rights



Everyday life

Timo: “In Thailand, levels of acceptance for LGBT people vary. Acceptance is higher in informal settings like bars than formal settings like workplaces. LGBT people face challenges including stereotypes, regressive legislation, and limited access to healthcare. HIV prevalence is high, and many LGBT people aren’t accepted by their families and face bullying at school.

Religion, class and cultural norms can impact LGBT people’s experiences. Transgender and gender non-conforming individuals face more discrimination. If you’re middle class or wealthy you can circumvent discrimination by starting a business or responding legally to discrimination. However, middle-class parents may also expect their children to conform to their career expectations. LGBT people can then feel pressured to work somewhere where they must behave and dress according to norms for the sex they were assigned at birth.”

Note: “While Thailand can be seen as a paradise for LGBT people, significant violence and discrimination exists, especially for trans people. The lack of legal gender recognition forces trans people to out themselves and makes accessing services impossible. The only legislation protecting trans people is the Gender Equality Act but getting justice through the Act takes a long time and it offers limited protection. Acceptance for trans people in Thailand is conditional: trans people who are from a good family, meet traditional beauty standards and have money are more likely to be accepted. Trans people experience more pressure to succeed to prove they deserve acceptance.”

LGBT Groups and Visibility

Timo: “LGBT groups can operate freely but registering with authorities can be challenging as they may consider groups ‘immoral’. Some advocacy targets for LGBT groups are equal marriage and legal gender recognition, non-discrimination in employment and education, access to LGBT-friendly health services, and appropriate coverage of LGBT topics in schools. Trans women, masculine lesbians and some famous gay men are quite visible. Bi people and feminine lesbians are invisible and, while trans women and gay characters are visible in the media, they are usually depicted problematically.”

Note: “While many organisations are working on trans issues, only two of them are formally registered. ThaiTGA’s focus is the draft legal gender recognition law. ThaiTGA are also developing an evidence base to support our work and creating guidelines for families on supporting trans family members.”

Workplaces

Timo: “Discrimination in hiring and promotion at work is common, with employers often not realising they are being discriminatory. Sexual harassment is also commonplace, affecting both women and gay and bi men. The frequency of this depends on the kind of organisation. Multinational companies tend to be safer, but factories or more informal work, for example, have higher risks. Organisations should implement discrimination

and harassment policies covering sexual orientation, gender identity and expression and clearly communicate these to staff. Employers should make a public commitment to being inclusive, but they need to find a way to communicate this clearly because the word ‘inclusive’ does not exist in Thai. This can include stating their support for LGBT people in media appearances or at conferences and partnering with local LGBT organisations to implement inclusive practices.

More widely, businesses should portray LGBT people positively by not tokenising or misrepresenting LGBT people in adverts. They can also join business networks addressing LGBT equality. Sharing best practice, such as inclusive HR practices, can also be helpful.”

Note: “Trans people face challenges both accessing and during employment. At universities, trans people are discouraged from studying subjects like medicine or law, regardless of their ability, as there’s an assumption that they won’t be successful. During job applications, trans people are often told they can only have the job if they present as the sex they were assigned at birth. At work, trans employees are treated according to the sex they were assigned at birth, for example when given uniforms or when sharing rooms when travelling.

To support trans staff, organisation’s policies should reflect trans staff’s needs. Recruitment should focus on ability, not gender identity. Job adverts should not specify applicant’s gender. HR staff need to be trained on trans identities as they are the first point of contact in recruitment. Many HR staff believe trans people are mentally ill, which influences hiring decisions and needs to be addressed.

More widely, businesses should try to actively support the LGBT rights movement. Employers need to work with local NGOs and the trans community to show that the LGBT community isn’t just being used for marketing.”

Healthcare

Timo: “Public healthcare is often overcrowded and staff can be insensitive, particularly to minorities such as LGBT people. Private healthcare is better but typically requires private health insurance or high payments. No sexual health services specifically address lesbian or bisexual women’s health. The situation is better for gay and bisexual men and trans women, with dedicated HIV testing and sexual health services in big cities. Some LGBT-friendly counselling services exist, mostly in Bangkok and as semi-professional hotline/online services, but these are often only available in Thai.”

Note: “Thai public healthcare doesn’t cover trans-specific treatments such as hormones or gender reassignment surgery. Many young people access hormones dangerously through the internet or black market. A few clinics and hospitals offer trans-specific support. Trans people in remote areas likely have no access to safe services. Some trans foreigners come to Thailand to get gender reassignment surgery but they should do thorough research because adverts can be dishonest.”

LGBT INCLUSION IN THE WORKPLACE

Stonewall's [Global Workplace Equality Index](#) is the definitive benchmarking tool for global LGBT workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBT inclusion work across the globe.

The Index evaluates an organisation's performance across eight areas of employment policy and practice. In line with these areas, in Thailand, employers can work to:

1. Implement LGBT-inclusive **policies and benefits**, such as anti-discrimination and bullying and harassment policies, transitioning at work policies, and equal partner and family benefits.
2. Carry out comprehensive **all-staff training** on sexual orientation and gender identity.
3. **Engage staff** by setting up local LGBT employee network groups and developing ally programmes.
4. Empower **senior leaders** to advance LGBT inclusion within your organisation and advocate for equality.
5. Assess whether you can **monitor** sexual orientation and gender identity data in order to understand and improve the experiences of LGBT employees.
6. Evaluate your **procurement** practices to ensure LGBT inclusion forms part of the tendering process and your engagement with potential and existing suppliers.
7. Work to understand the **local context** and support **local communities** by partnering with local LGBT groups.
8. Ensure your **mobility** policies account for employees' sexual orientation and gender identity and provide staff travelling to or from Thailand with adequate, LGBT-specific information.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Willis Towers Watson

Willis Towers Watson's anti-discrimination and bullying and harassment policies in Thailand are explicitly inclusive of LGBT people. Partners of employees all receive the same benefits, regardless of gender. To promote LGBT equality outside of the organisation, Willis Towers Watson sponsors a range of external events and runs sessions focusing on the LGBT community in Thailand. LGBT-specific training was run in the office, focusing on the rights of LGBT people and how to put the training into practice in workplaces in the region. Awareness-raising events were also held, including an IDAHOT event at the Embassy of the Netherlands that Willis Towers Watson sponsored and organised a session for, and a session in the Bangkok office on the benefits that promoting LGBT rights can have for staff. Willis Towers Watson has partnered with Out BKK to organise awareness-raising events. Finally, Willis Towers Watson in Thailand partnered with the Ho Chi Minh office to hold a session on LGBT rights in Ho Chi Minh, Vietnam.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

February – Gay Pride Chiang Mai www.facebook.com/cnxpride

Check the events websites for the most up-to-date information on dates.



FIND LGBT GROUPS AND COMMUNITIES

FOR-SOGI – a Thai non-governmental organisation working to promote human rights based on sexual orientation and gender identity and expression. www.forsogi.org

Out BKK – a business network raising awareness, providing advice and supporting career development for LGBT people in the workplace. www.facebook.com/outinBKK/

Rainbow Sky Association of Thailand – a local organisation working to promote human rights and legal protections for LGBT people in Thailand and support HIV and healthcare efforts. www.rsat.info

Togetherness for Equality and Action (TEA) – a lesbian, queer and bi women-led group that aims to empower LBT youth activists from traditionally marginalised communities. www.teagroup.org

Youth Voices Count – a network dedicated to empowering LGBT youth to advocate on health, safety, security and social acceptance in Asia and the Pacific. www.facebook.com/youthvoicescount



NATIONAL HUMAN RIGHTS INSTITUTION

National Human Rights Commission of Thailand – www.nhrc.or.th

The National Human Rights Commission of Thailand is Thailand's National Human Rights Institution where complaints about human rights violations on the grounds of sexual orientation and gender identity can be made.



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 55 ORGANISATIONS OPERATING IN THAILAND.

The **Global Diversity Champions** programme gives employers the tools they need to take a strategic and structured approach to LGBT equality initiatives globally and provides a network to keep them informed of legal changes and implications for their staff wherever they are in the world. Our team of workplace advisors offer tailored one-to-one advice on how to create LGBT-inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBT inclusion. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact memberships@stonewall.org.uk

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