BEING LGBT IN ASIA: THAILAND COUNTRY REPORT

A Participatory Review and Analysis of the Legal and Social Environment for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons and Civil Society

USAID
FROM THE AMERICAN PEOPLE

UNDP
Empowered lives.
Resilient nations.

Proposed citation:
UNDP, USAID (2014). *Being LGBT in Asia: Thailand Country Report*. Bangkok.

This report was technically reviewed by UNDP and USAID as part of the 'Being LGBT in Asia' initiative. It is based on the observations of the author(s) of report on the Thailand National LGBT Community Dialogue held in Bangkok in March 2013, conversations with participants and a desk review of published literature. The views and opinions in this report do not necessarily reflect official policy positions of the United Nations Development Programme or the United States Agency for International Development.

UNDP partners with people at all levels of society to help build nations that can withstand crisis, and drive and sustain the kind of growth that improves the quality of life for everyone. On the ground in more than 170 countries and territories, we offer global perspective and local insight to help empower lives and build resilient nations.

Copyright © UNDP 2014
United Nations Development Programme
UNDP Asia-Pacific Regional Centre
United Nations Service Building, 3rd Floor
Rajdamnern Nok Avenue, Bangkok 10200, Thailand
Email: aprc.th@undp.org
Tel: +66 (0)2 304-9100
Fax: +66 (0)2 280-2700
Web: http://asia-pacific.undp.org/

Design: Safir Soeparna/Ian Mungall/UNDP.

BEING LGBT IN ASIA:
THAILAND COUNTRY REPORT

A Participatory Review and Analysis of the Legal and Social Environment for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons and Civil Society

Empowered lives.
Resilient nations.

CONTENTS

ACKNOWLEDGEMENTS 3

ACRONYMS 4

EXECUTIVE SUMMARY 5

INTRODUCTION 11

- LGBT HISTORY AND ADVOCACY IN THAILAND 12
- RECENT MILESTONES 15
- THE THAILAND NATIONAL LGBT COMMUNITY DIALOGUE 18
- BEING LGBT IN ASIA 19

OVERVIEW LGBT HUMAN RIGHTS IN THAILAND 20

- LAWS AND POLICIES 20
- SOCIAL AND CULTURAL ATTITUDES 29
- RELIGION 30

PROTECTION OF RIGHTS OF LGBT PEOPLE 32

- EMPLOYMENT AND HOUSING 33
- EDUCATION AND YOUNG PEOPLE 35
- HEALTH AND WELL-BEING 37
- FAMILY AND SOCIETY 40
- MEDIA AND INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) 43
- ORGANIZATIONAL CAPACITY 43

RECOMMENDATIONS 46

BIBLIOGRAPHY 52

ANNEX 1: LIST OF LGBT ORGANIZATIONS IN THAILAND 57

ANNEX 2: GLOSSARY OF THAI LGBT TERMS 61

ACKNOWLEDGEMENTS

This report documents the presentations and discussions made during the Thai National LGBT Community Dialogue held 21–22 March 2013 at the United Nations Convention Centre, Bangkok, Thailand. Additional information was gained from interviews with Dialogue participants and a desk review of published literature. Please note that due to frequent changes in LGBT community advocacy and politics, there may be recent developments that have not have been included in this report at the time of publication.

The organizers would like to gratefully acknowledge all the participants for their participation during the Dialogue and their provision of valuable inputs for the report. A list of organizations is included in the Annex 1 of this report.

The report was written by Kanokwan Tharawan (who was also the Dialogue rapporteur) and Rashima Kwatra with contributions from Anchallee Kaewwaen. Our thanks and gratitude to Anjana Suvarnananda who facilitated the Dialogue.

Valuable comments and inputs on drafts of the report were provided by Thomas White, Deputy Director, Governance and Vulnerable Populations Office, USAID Regional Development Mission Asia (RDMA) and Vy Lam, American Association for the Advancement of Science Fellow, USAID Washington, D.C.; and Edmund Settle, Policy Advisor and Saurav Jung Thapa, LGBT and Human Rights Technical Officer from the UNDP Asia-Pacific Regional Centre (APRC). Andy Quan was the report editor.

All photos in this report are of participants of the Thailand National LGBT Community Dialogue. They were provided by Rashima Kwatra, one of the report co-authors.

Finally, the Dialogue partners would like to recognize the outstanding contribution of Chumaporn Taengkliang, Pimsiri Petchnamrob, Prempreeda Pramoj Na Ayutthaya, Timo Ojanen, Nada Chaiyajit, Nicholas Booth and Li Zhou as well as the United Nations Economic and Social Commission for Asia and the Pacific, for ensuring the Dialogue was a success.

The Thailand National LGBT Community Dialogue and national report were supported by UNDP and USAID through the regional 'Being LGBT in Asia' initiative. Covering eight countries – Cambodia, China, Indonesia, Mongolia, Nepal, the Philippines, Thailand and Viet Nam – this joint learning initiative aims to better understand the contexts faced by LGBT people, but it will also review the needs of LGBT organizations, the space they operate in, and their capacity to engage on human rights and policy dialogues. Furthermore, the initiative endeavors to examine laws and policies, access to justice and health services, cross-border partnerships, and the role of new technologies to support LGBT advocates.

ACRONYMS

AIDS	Acquired Immunodeficiency Syndrome
ASEAN	Association of South East Asian Nations
CBO	Community-Based organization
CSO	Civil Society Organization
FTM	Female-to-Male
GID	Gender Identity Disorder
HIV	Human Immunodeficiency Virus
IDAHOT	International Day Against Homophobia and Transphobia
IGLHRC	International Gay and Lesbian Human Rights Commission
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
ILO	International Labour Organization
LGBT	Lesbian, gay, bisexual, and transgender
MSM	Men who have sex with men
MTF	Male-to-Female
NAC	National AIDS Commission
NGO	Non-Government Organization
NHRC	National Human Rights Commission
NHRI	National Human Rights Institution
PLHIV	People living with HIV
SOGI	Sexual orientation and gender identity
SRS	Sex-reassignment surgery (also known as sex-change operations, gender-reassignment, gender-confirmation and gender-affirmation surgery)
STI	Sexually Transmitted Infection
Transman	A female-to-male transgender person
Transwoman	A male-to-female transgender person
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNESCO	United Nations Educational, Scientific, and Cultural Organization
USAID	United States Agency for International Development
USG	United States Government
VCT	Voluntary Counselling and Testing
WHO	World Health Organization

EXECUTIVE SUMMARY

Screenshot of the sign for the Thailand national LGBT community dialogue

BACKGROUND

This report reviews the legal and social environment faced by lesbian, gay, bisexual and transgender (LGBT) people in Thailand. It encompasses the findings of the Thailand National LGBT Community Dialogue held in March 2013 in Bangkok, Thailand and additionally includes findings from a desk review, additional interviews, and analysis of published literature on LGBT issues in and about Thailand.

The National Dialogue was attended by 45 participants, including representatives of LGBT organizations from throughout Thailand, the National Human Rights Commission of Thailand, donor agencies, universities, non-governmental human rights institutions, legal aid organizations, and civil society organizations. The Dialogue was organized by the United Nations Development Programme (UNDP) in partnership with the United States Agency for International Development (USAID).

This report is a product of a broader initiative entitled 'Being LGBT in Asia: A Participatory Review and Analysis of the Legal and Social Environment for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons and Civil Society.' Launched on Human Rights Day, 10 December 2012, 'Being LGBT in Asia' is a first-of-its-kind Asia-wide learning effort undertaken with Asian grassroots LGBT organizations and community leaders alongside UNDP and USAID. With a focus on eight priority countries – Cambodia, China, Indonesia, Mongolia, Nepal, the Philippines, Thailand and Viet Nam – the effort examines LGBT lived experiences from a development and rights perspective.

'Being LGBT in Asia' has a number of objectives. It encourages networking between LGBT people across the region, building a knowledge baseline and developing an understanding of the capacity of LGBT organizations to engage in policy dialogue and community mobilization. Through this work, 'Being LGBT in Asia' promotes understanding of the inherent human rights of LGBT people and the stigma and discrimination faced regionally. It also outlines steps toward LGBT-inclusive development work for UNDP and the UN system; USAID and the US Government; and other development partners through research like this report and other social and multimedia products. Finally, this initiative highlights the views generated by LGBT participants at community dialogues, linking stakeholders who are working to enhance LGBT human rights across Asia.

A BRIEF HISTORY OF SEXUAL ORIENTATION AND GENDER IDENTITY ISSUES IN THAILAND

The history of homosexuality and transgender behaviours in Thailand has led to a complex and contradictory situation with the outward appearance of acceptance, and higher visibility of transgender people than in most countries, but with hostility and prejudice towards LGBT people, as well as institutionalized discrimination, still prevalent.

Incidents of gender and sexual behaviour that did not conform to heterosexual norms have been recorded as long ago as the 14th century in Thailand. Thai society in the 19th century was relatively androgynous relating to clothes and hairstyle. However, at this time, colonial Western norms of behaviour and thinking started to be adopted including the criminalization of homosexuality and sexuality being considered not a private matter but instead a part of social norms. In the 20th century, Thailand transitioned from an absolute monarchy in 1932 into a constitutional monarchy system of government. It adopted codes and concepts related to gender roles and sexuality as related to a social construction of morality. At the same time, gay communities were forming and homosexuality was becoming visible. Western expatriates contributed to this process after World War II and from the 50s and 60s, more information was available on gender and sexuality, LGBT people appeared in the media and gay-themed cultural materials such as books and films increasingly appeared.

Today's Thailand is contradictory. It is one where the Tourism Authority actively promotes the image of Thailand as a gay paradise but where discussions of sexuality in society are still taboo and there is limited sex education in schools. LGBT individuals tend to be more visible in urban settings than rural. LGBT people live within a society with strong pressure to be a good citizen and be filial to one's family. This is compounded with the notion that one's sexuality or gender must not go against accepted norms and should not bring shame to one's self and family.

FINDINGS

This report provides an overview of LGBT rights in Thailand as related broadly to laws and policies, social and cultural attitudes, and religion; and more specifically to employment and housing, education and young people, health and well-being, family and society, media and information communication technology (ICT), and the organizational capacity of LGBT organizations.

A summary of the overall context for LGBT rights in Thailand is as follows:

National laws and policies:

- Even though Thailand's Constitution and numerous ratified human rights resolutions and conventions prohibit discrimination, specific laws that refer to sexual orientation and gender identity do not exist.
- Sodomy was decriminalized in 1956.

- Homosexuality is no longer considered a mental illness by the Ministry of Health; however, transsexuality is still pathologized.
- A proposal to include sexual identities under the anti-discrimination clause of the 2007 constitution was rejected.
- Transgender individuals cannot change their gender on identity papers.
- Existing marriage laws specifically reference only men and women, reflecting a traditional interpretation of gender and family structure.
- All biological males in Thailand are required to serve in the military. However, transgender women, including any biological males who have undergone sexual reassignment surgery (SRS) or any form of surgery to physically appear more feminine, are not allowed to serve in the military. Until 2011, they were given a letter of dismissal stating 'Permanent Mental Disorder' as the cause. After much lobbying by the LGBT community, the letter now states the cause as "Gender Identity Disorder."
- Legal and policy reform is seen as difficult both because lawmakers tend to be conservative, and because the constitution and country's laws are seen as sacred.

Social and cultural attitudes:

- Although there is no overt persecution of LGBT people, Thai society does not wholly accept sexual and gender minorities. Attitudes towards LGBT individuals can be somewhat tolerant as long as LGBT people remain within certain social confines. Hostile attitudes may lurk below the surface of individuals and parts of society that do not express their views openly.
- There is a lack of understanding about the specific struggles and needs of LGBT people.
- Arguably, the greatest and often most important struggle that a Thai LGBT individual faces is that of family acceptance. Being respectful to the wishes of one's parents and upholding a family reputation is fundamental to how a Thai individual conducts their life, which can run counter to those with sexual orientation or gender identity that do not conform to social norms.

Religion:

- Religion is an important factor that contributes to Thai society's understanding and perception of sexual orientation and gender identity. The vast majority of Thais ascribe to Theravada Buddhism. This religion does have negative views of sexual orientation and gender identity that does not conform to social norms, viewing it either as a punishment for sins in past lives, or as a lack of ability to control sexual impulses and tendencies.
- Roughly five percent of the Thai population ascribes to Islam and are largely congregated in the southern provinces. Attitudes towards LGBT people tend to be more conservative and unfavorable in these areas. There is also less visibility and less LGBT-centred businesses and activism that takes place.

This report also looked at LGBT rights in the specific areas of employment and housing, education and young people, health and well-being, family affairs, media and information communication technology, and law, human rights and politics.

Employment and housing:

- Due to the gender roles Thais are expected to play in the workplace and in society at large, there were numerous accounts of LGBT people facing discrimination in employment settings. Many LGBT people, if possible, choose to remain closeted to avoid discrimination and stigma at work. For instance, there were multiple reports of LGBT individuals being denied promotions, being fired from their jobs after

disclosing their sexual orientation, as well as being asked inappropriate questions during interviews and job screenings due to their SOGI. Transgender people who cannot easily hide their identities suffer the most employment discrimination in Thailand, and are often limited to working in roles in hospitality, entertainment or the sex work industry. Furthermore, lack of relationship recognition also leads to same-sex couples having unequal status to heterosexual couples in areas such as the ability to access social services, spousal insurance and benefits, and joint bank loans.

Education and young people:

- SOGI issues are not included in formal sex education and are not integrated into the general national curriculum. Not only is SOGI not mentioned in sex education classes, but there are also reports of negative portrayals of LGBT people in school textbooks that label homosexuals as deviants. This leads to an unsafe educational environment for young LGBT persons, which is further exacerbated by punitive regulations and pressure for students to wear either 'male' or 'female' school uniforms based on their registered sex.

Health and well-being:

- There are many particular health and well-being issues that affect LGBT individuals in Thailand including HIV, sexual-reassignment surgery and access to health services. Clear research and evidence shows that men who have sex with men and transgender women bear a disproportionate burden of HIV in Thailand. The extent to which other sexual and gender minority groups are affected by HIV is less well-documented. Sexual-reassignment surgery is available in Thailand, with indication that Thailand performs the greatest number of male-to-female (MTF) SRS in the world. However, although MTF SRS is easily accessible in Thailand, female-to-male (FTM) SRS is not as easily accessible and as advanced. It is also more expensive. In terms of legislation, transgender individuals cannot change their sex on legal documents regardless of whether or not they have undergone SRS. In terms of organizational capacity, there is a lack of funding and programmes directed to researching and addressing health issues facing LGBT individuals outside the realm of HIV. Discrimination and stigma towards LGBT persons within the health system has also been reported.

Family and society:

- While some LGBT individuals can gain acceptance from families by being filial, conforming to accepted family roles and being a "good person", those who do not choose or are unable to fill these roles can face challenges. While there is some appearance of acceptance for LGBT persons in Thai society, many face discrimination from family, education, media, legal, government, economic and religious structures, institutions and establishments. There is a great juxtaposition between how Thailand is portrayed globally as a haven for LGBT tourism and the actual acceptance of LGBT persons within Thailand itself.

Media and information and communication technology:

- Thai media generally portrays LGBT people in a negative way, or as stock characters or comic relief on television shows. In order to promote a positive image of Thailand's attitudes towards LGBT people, there is a real lack of official media reporting on incidences of harassment, discrimination and violence towards LGBT people.

A final area of exploration by the Dialogue was in examining the organizational capacity of Thai LGBT organizations. Organizations register with the Ministry of Interior and the process can be difficult due to bureaucratic requirements, such as a police clearance and the need to have three board members working for the organization on a voluntary basis (Chaninat & Leeds, 2014). Organizations must register as a local foundation, association, or as a Foreign Private Organization as the term Non-Governmental Organization is not officially used. This registration process is tedious and daunting for many organizations as they often have to give evidence of financial sustainability, at least 200,000 Thai Baht, at the time of registration (Chaninat & Leeds, 2014). This becomes an issue for organizations working on LGBT human rights, as they are newer and less well-established than organizations that work on HIV issues. This is historically because LGBT issues have been looked at through a public health lens. Thus, LGBT organizations working on the prevention and treatment of HIV have received more national and international funding. Support is therefore needed for smaller groups, those that focus on non-HIV issues and those working with marginalized LGBT sub-groups. In addition to this, stronger networking and collaboration is needed between LGBT groups and organizations to form a clear direction for advocacy.

The participants at the national dialogue

RECOMMENDATIONS

The recommendations presented in the report are based on the National Dialogue as well as from the research of authors of the report. The recommendations generally seek to improve the context for human rights for LGBT individuals and communities in all of the areas described above through directly addressing human rights issues as well as research and advocacy around neglected issues.

The key recommendations include: the official recognition of transgender individuals and allowing them to change their sex on legal documents; respect for their citizenship rights; the enactment of anti-discrimination laws to protect the rights and dignity of LGBT persons, and the ability for LGBT individuals to register their relationships and have them be recognized by law. This recognition will allow LGBT persons to access the same social benefits

available to married heterosexual couples and will also help in areas such as employment and housing, as well as in promoting the equal rights of LGBT citizens to the broader society.

The Thai government and its relevant ministries are also asked to support LGBT human rights, for example:

- The Ministry of Finance ensuring equal access to benefits and compensation for LGBT couples as heterosexual couples
- The Ministry of Education protecting the basic rights of all students to equal access to education and protection from discrimination
- The Ministry of Health developing a wide range of LGBT health services accessible in all provinces.

Recommendations to improve the rights of transgender individuals include:

- Allowing transgender individuals to change their gender identity on legal documents
- Providing transgender individuals with comprehensive and targeted health care services
- Ensuring that transgender students can choose their own uniforms

Examples of recommendations in other areas include:

- Religion: For LGBT organizations to host forums to discuss religion, spirituality, sexual orientation and gender identity
- Employment: To establish a civil society organization to address issues of LGBT employment
- Housing: For the State and other relevant institutions to ensure equal access and rights to safe and affordable housing for LGBT individuals
- Education: For official school curriculums to include SOGI issues and awareness
- Health: To develop a curriculum of LGBT health services for health providers
- Family: To provide counseling centres and services to support LGBT individuals and their families, and to conduct social surveys about the specific needs of LGBT families
- Media: To establish a working committee to monitor the media portrayal of LGBT persons
- Organizational capacity: For LGBT community organizations to collaborate better with each other and to work with non-LGBT allies and partners for advocacy
- Funding: For external donors to support non-registered organizations to receive funding and to establish new organizations.

INTRODUCTION

Lesbian, gay, bisexual and transgender (LGBT) people all over the world continue to face challenges. Examples include a lack of employment opportunities (Sears & Mallory, 2011), and prejudice when accessing health care (Winter, 2012), housing (Grant, Mottet & Tanis, 2011) and education (Burns, 2011). In other instances, "corrective rapes" are committed against lesbians (Brown, 2012), while the killing of members of the LGBT community continues in different countries despite increasing calls for equality and freedom from all forms of discriminations and oppression. Transgender Europe reported in 2012 that 1083 transgender people became victims of homicide from 2008 to 2012.

In 2011, the UN Human Rights Council (HRC) adopted resolution 17/19, which paved the way for the United Nations Office of the High Commissioner for Human Rights (OHCHR) to issue the first UN report on human rights and sexual orientation and gender identity (SOGI). In the report, evidence of the discrimination faced by people because of their sexual orientation or gender identity was presented including inequities in employment, access to health treatment, care, and support (TCS) and education, as well as criminalization, physical violence and murder (OHCHR, 2011). High Commissioner Navi Pillay challenged UN member states to help write a new chapter in UN history by ending the discrimination faced by LGBT people.

This call was echoed in a speech delivered in December 2011 by former US Secretary of State Hillary Clinton on LGBT rights on International Human Rights Day. As Clinton emphasized, LGBT people are an "invisible minority" who are arrested, beaten, terrorized and even executed. Many "are treated with contempt and violence by their fellow citizens while authorities empowered to protect them look the other way or, too often, even join in the abuse". In 2009, for instance, a bill was introduced in Uganda that called for life in prison for homosexual offences. After much delay, sadly, in December 2013 the Uganda Anti-Homosexuality Act 2014 was passed by parliament and signed into law by the President in February 2014. Same-sex relations and marriage can be penalized by life imprisonment; even the 'promotion' of homosexuality is punishable by jail.

Meanwhile, in June 2013, a law was passed in Russia with a clause banning "the propagandizing of non-traditional sexual relations among minors", with prescribed fines for providing information about homosexuality to people under 18 ranging from 4000 rubles (US$121) for an individual to 1 million for organizations (BBC, 2013). To date, 83 countries and territories still criminalize same-sex sexual behaviour; seven countries have a death penalty for same-sex relations; fewer than 50 countries punish anti-gay discrimination in full or in part; and only 19 countries ban discrimination based on gender identity (USAID, n.d.).

On 6 December 2011, US President Barack Obama issued a Memorandum on International Initiatives to Advance the Human Rights of LGBT Persons. This memorandum directed all agencies engaged abroad to ensure that US diplomacy and foreign assistance promote and protect the human rights of LGBT persons.

On 7 March 2012, UN Secretary-General Ban Ki-moon delivered a message during a Human Rights Council meeting on violence and discrimination based on SOGI. He noted the pattern of violence and discrimination directed at people just because they are LGBT. He said, "This is a monumental tragedy for those affected – and a stain on our collective conscience. It is also a violation of international law." More importantly, the Secretary-General stressed that "the time has come" to take action.

LGBT HISTORY AND ADVOCACY IN THAILAND

Homosexuality and transgenderism have had a long presence in Thai history. There are numerous accounts of behaviours that do not conform to heterosexual norms, but they have not been formally documented, as they are seen by official bodies, such as the government and religious and educational establishments, as perverse and abnormal. These accounts contradict the Thai norms of morality, a culture of saving "face" and Theravada Buddhist practices. Homosexuality and transgender identities in Thailand have become a tolerated subculture, but society's attitude towards this community falls well short of acceptance (Jackson 1999). It is yet to be formally addressed and included in national legislation and public policies (History of Thai LGBTs, 2009).

Theravada Buddhism, the religion to which the majority of Thai people follow, heavily influences Thailand's culture, traditions, and collective social values and attitudes. For this reason, scholars exploring contemporary concepts of sexual and gender diversity in Thailand have looked at the mention of these concepts in Buddhist scriptures and practices. Buddhist accounts that describe male non-heteronormative[1] behaviour can be found in the Buddhist Jataka scriptures, also known as the Pali Canon (Jackson, 2006). Specific mention is made of four gender types, male, female, *ubhatpbyanjanaka* and *pandaka*, the latter two meaning hermaphrodite (or an individual containing both male and female organs), and male transvestites and homosexuals (Jackson, 1997a) Contemporary accounts of these concepts are often translated using the Thai term *kathoey*, which encompasses the following sexual orientation and gender identities: hermaphrodites, transvestites and transsexuals, and homosexuals (Jackson 1997a.) Peter A. Jackson, an eminent scholar on Thai culture, religion, and sexuality argues that, "whether or not Buddhism has been instrumental in influencing the development of the popular Thai notion, a very similar mixing of physical and psychological sex, gender behaviours and sexuality occurs both in the Pali terms *pandaka* and in the Thai term *kathoey*. Both terms are parts of conceptual schemes in which people regarded as exhibiting physiological or culturally ascribed features of the opposite

1 "Heteronormative" refers to the heterosexual behaviour and social norms that society considers as "normal". It can refer not only to sexual behaviour but also to the social roles expected of heterosexuals.

sex are categorized together. If Buddhism was not the source of the popular Thai conception of *kathoey* then at the very least it has reinforced a markedly similar pre-existing Thai cultural concept" (Jackson, 1997a.)

Furthermore, numerous wall murals found in temples predating the Rattanakosin era (1782 AD–present) also depict homosexual behaviour among Thai men and women (Hauser, n.d.). There are also verbal accounts of homosexuality and non-heteronormative behaviour common among both male and female members of the Thai Court. These incidents date back to the Ayutthaya period (1351–1767 AD) in King Trailok's reign, as he issued a royal decree forbidding same-sex behaviour or *Len-Peuen* among female courtiers. The punishment was to receive 50 lashes from a leather whip, getting a tattoo around the neck and to be paraded around the palace walls. *Len-Sawat* was the old term for homosexuality among male court members. One famous case is the story of a courtier named *Hmom Kraisorn* and his alleged intimacy with another male courtier who was also a palace performer (History of Thai LGBTs, 2009).

In 1932, Thailand went from an absolute monarchial state to a constitutional monarchy. During this time the concept of a "national culture" became heavily propagated and has ultimately influenced public perspectives to this day. Traditional concepts of gender were one of the tools implemented by the state as a mechanism to establish social order (Barme, 1993 and Winichakul, 1994). Accordingly, there are clear definitions of how "Thai women and men" should express their sexuality and the establishment of the modern state of Thailand included systematically imposing "modern" concepts of sexual orientation and gender identity through new state institutions such as schools, the police and the military. Older and more flexible understandings of sexual orientation and gender identity were replaced with something more rigid but understood to be "modern" and how things should be. These social perceptions of gender identities and orientation remain to this day, including the Buddhist context for how a person's virtue is judged and how a person expresses themselves sexually.

Sociological concepts about gender roles play a powerful role in the moral constructs of a good or bad person in Thai society, determining whether a person gains or loses their sense of personal pride and belonging. It thus comes as no surprise that the chief value driving Thai people is a personal sense of virtue. This gives individuals a sense of pride as they adhere to indoctrinated gender roles to reflect their good character and morals. "Westernization" attempts at developing Thailand were modeled after the emerging Victorian middle-class movement in Europe and were based on virtuous characteristics of sexuality (Mosse, 1985), thus adding sexuality to gender as a concept to be judged. Additionally, Peter A. Jackson, a leading scholar on Thai gender and sexuality, proposes that this was done to portray Thailand as a "civilized nation" to colonial powers as part of a national survival strategy (Jackson, 2003). The introduction of Western concepts of sexuality challenged Thailand's moral concepts of gender, which were less formalized, belonging to pre-colonial feudalistic times.

The days shortly after the removal of absolute monarchy and the institutionalization of Thailand's first constitution, saw the increase in the visibility of homosexuality and the formation of various casual gay communities. In response to this, there was also an increase in news coverage on homosexuality, mostly sensationalistic. Also at this time, gay men and transgender women resorted to sex work and criminal activity as a result of socioeconomic discrimination. Unfortunately, this type of activity also made this group a target for debasement and exploitation in the media. For example, early publications such as the Sri Kung Daily's 20 June 1935 edition reported on a gay

brothel managed and owned by an individual named Karun Phasuk, also known as "Thua Dam," or "Black Bean" in English. The article received much traction and the portrayal of the brothel, homosexuality and transgender individuals in this article was so detrimental that the term *thua dam* today refers to the act of sodomy and is used in a derogatory manner. The media's sensationalizing of homosexuality continued into the post-World War II period where the LGBT individual's public image became synonymous to that of immoral and criminal behaviour. This has shaped social perceptions that non-heteronormative behaviour is an act of perversion and mental disorder (Jackson, 1997b)

LGBT persons and identities increased and diversified further with the influx of Western expatriates from diverse backgrounds after the Second World War (History of Thai LGBT, 2009). The rapid increase in media in the 1950s and the impact of globalization in the decades that followed also provided more visibility and information on gender and sexuality. This also brought about the emergence of contemporary LGBT activists and the development of their sexual identities.

The modern Thai conceptualization of SOGI, its commercialization and cultures continued to develop through the introduction of new media and expanding media coverage. The 1960s witnessed the first wave of "outing"[2] gay men, lesbians and kathoeys through sensationalist press coverage in Thai and English (Jackson, 2011). The purpose of these "outings" were to humiliate individuals and show them as unfit members of society. They were effectively used as public examples of what the model Thai citizen should not be. These negative portrayals were mitigated by the emergence of LGBT-centred media such as gay-themed books in the 1970s and gay magazines and films in the 1980s, as well as the expansion of gay saunas and other LGBT enterprises in the 1990s, and mainstreaming of sexual and gender diversity all contributed to the modern understanding and representation of SOGI in Thailand (Jackson, 2011). Additionally, Thailand's economic growth in the late 20th century influenced the development of contemporary LGBT life, where much of modern Thai LGBT culture centres on the capitalization of LGBT commerce (Jackson, 2011). Thailand has since become a travel destination for foreign LGBT tourists, a movement supported and promoted by the Thai Tourism Authority, and continues to be a destination for sex tourism with booming red-light districts and bars promoting gay men and transgender women.

Because of the greater visibility of and public discourse on people of diverse sexual and gender identity and expression, LGBT individuals today enjoy more freedom in expressing their identities beyond the masculine/feminine dichotomy. Global advocacy for LGBT rights, increased trends of global acceptance of diverse sexual orientations and gender identities, and greater access to information through the Internet and social media, has also influenced Thai society, more particularly Thai youth, to be more understanding of Thai LGBT people.

However, homophobia can still be expressed in both direct and indirect ways. Thailand today, with its multitude of gay bars, saunas, transgender woman beauty pageant shows, and availability of gender-reaffirming surgery among other factors is often seen as a gay paradise to those from foreign nations. However, this is only an image projected on the surface, often by Thailand's Tourism Authority, to attract foreign LGBT tourists. Additionally this image may seem accurate, as Thais are not known to be confrontational. Thus, if there is any animosity towards LGBT persons, it will not be directly communicated (Jackson, 1999). However, even though this is generally true,

2 i.e. revealing their names and associating them with sexual identities

there have also been instances of direct animosity towards LGBT people in Thailand. For example, a gay pride parade held in Chiang Mai, Thailand in 2009 was forcefully broken up and individuals held hostage by political protestors (Bangkok Post, 2009). Not only were there threats of violence and protestors yelling homophobic insults at the pride-goers, the organizers of the event had to apologize to the protestors for "offending Thai culture" (Ault, 2009). Even though organizers of the event had been previously reassured by local authorities that the pride march could take place, police did not prevent the protestors from disrupting the march nor did they protect the marchers themselves (Ault, 2009.)

Often the extent of tolerance of homosexuality is linked to a collective understanding of morality and virtuousness. In Thailand, this is closely linked to Theravada Buddhist teachings of being a good person and performing good deeds. It can thus be argued that for some Thai people, including LGBT individuals, it is acceptable to be gay, lesbian, or kathoey as long as one is a "good" citizen and performs one's duties to the family and the nation. Thailand's patriarchal society has a strict adherence to codes of morality as well as to gender and familial roles. At the centre of many peoples' lives is the family, and being a "good" citizen often means fulfilling familial duties and responsibilities as well as upholding the family's reputation. Asserting one's sexual identity may go against accepted norms of morality and bring shame to one's family.

Discussions of sexuality in general are taboo. Sex education in Thai schools is addressed from a biological perspective with little discussion of sexual wellbeing or sexual health; current school textbooks still describe homosexuality as an illness or abnormality. In fact, some Thai school textbooks even go as far as warning students to stay away from LGBT "sexual deviants" in school. This has been influenced by Victorian norms of propriety. Traditional portrayals of sex and sensuality in classical Thai literature have been in a very playful and unassuming manner; it was not originally a factor that invalidated a person's sense of worth or virtue. However, sexuality became taboo when it became associated with moral conduct and when sex became considered uncouth to be spoken about in a public and open arena.

The discussion of homosexuality, sexuality and gender, and acceptance of diverse sexual orientation and gender identity varies within different family and geographic settings. The reaction or experience one goes through because of their SOGI is often distinct and relative to one's own environment. However, because of filial obligations and duties to the family, it can be argued that perhaps what is most important to individual LGBT persons is the level of acceptance from within their own family.

RECENT MILESTONES

Despite great challenges, the LGBT movement in Thailand has been dynamic and much has been achieved n the past twenty years. With great activism and determination, the community has been able to overcome a multitude of challenges and have built a positive momentum towards achieving equality for LGBT people. Some of the opportunities and challenges that have faced LGBT people in recent history are as follows:

- In December 1996, Rajabhat Institute Council, "the collective governing body of all Thailand's teachers colleges, declared that it would bar homosexuals from enrolling in any of its colleges nationwide (IGLHRC, 1999)." "Sexually abnormal people" was included in the list of disqualifications for students to be able to enroll in any of Thailand's teachers colleges. One

of the "inappropriate" qualifications listed was sexual deviancy. After much opposition from human rights groups, and successful campaigning by Anjaree group, the Commission on Justice and Human Rights of the Thai Parliament lifted the ban and psychiatrists publicly stated that homosexuality was not a mental illness.

- In 1999 there was a Ministerial Announcement in which, "the Public Relations Department circulated a directive to all television stations on April 27th, asking for their 'cooperation' not to screen shows featuring transvestites and transsexuals 'to prevent innocent youngsters from imitating unfavourable examples.'" (Jackson, 2002) Chanthaluk Ruksayu, along with other LGBT activists campaigned with letters, and challenged this announcement. The announcement was widely criticized by journalists as well as media stations. Shortly after, the ministry claimed that the announcement was a misunderstanding. The advocacy and criticism ignited public debate, which concluded that there needed to be more balanced and less discriminatory representation of sexual minorities in the media (Jackson, 2002).
- On 29 January 2002, The Thai Department of Mental Health issued a letter to LGBT community groups acknowledging that homosexuality is not a mental disorder and had already been taken out of the ICD-10 by the World Health Organization. However, even with this acknowledgement from the Department of Mental Health, many schools continue to use textbooks that depict people of diverse gender identity and sexual orientation as unnatural.
- In 2007 Rainbow Sky Organization called for a worldwide boycott of Accor Hotels after a transgender woman was refused entry from a club in a Novotel Hotel in Bangkok. The individual, Sutthirat Simsiriwong, also submitted a claim to National Human Rights Commissioner Naiyana Supapung (Nation 2007). The issue and advocacy efforts were widely reported in the media. After a public apology to Sutthirat by the manager of the hotel, the organization called an end to the boycott (Sanders, 2011).
- In 2007, although the constitution itself did not include the term sexual orientation or gender identity as clauses of protection from discrimination, the statement of intentions document which accompanies the 2007 constitution explicitly states that reference to "gender" in the anti-discrimination article (article 30 of the constitution) also covers homosexuals, bisexuals, hermaphrodites, transgender people, and post-operative transsexuals (Chanta-lak, 2007)
- Before The Criminal Code Amendment Act (No.19) B.E. 2550 issued in 2007, the definition of rape in Thailand only encompassed vaginal rape by a man on a woman that is not his wife (ILO, 2014). In 2007, a loose LGBT ad hoc campaign group, which included the organizations Anjaree, Nada Chiyajit, and other independent activists such as Natee Teerarojjanapongs, in collaboration with the women's movement, was able to petition to change the definition of rape. It had been an ongoing effort by the women's movement to redefine rape and have women protected from marital rape, so it was a good opportunity for LGBT organizations to collaborate. During the military-appointed interim government in power at the time, the definition of rape was amended to include marital rape as well other forms of rape between two people, including rape between two men (ILO, 2014 and Sanders, 2011). This amendment also protected transgender individuals (Sanders, 2011).
- In 2008, the LGBT community petitioned the courts to allow transgender individuals to change their honorific titles from Mr to Ms. It is mandatory on Thai legal documents to have an honorific title that matches your birth gender. This is true even for transgender individuals

who have undergone sexual reassignment surgery. This petition was in conjunction with advocacy efforts from the women's movement to allow a woman to decide whether or no to change her honorific title from *Nang Saaw* (Miss) to *Nang* (Mrs). The court ruled in favor of the latter but opted not to make a definitive decision on the former (Sanders, 11). Currently, only individuals who are intersex are able to "correct" their honorific titles, once they have undergone surgery and chosen a gender (ILO, 2014).

- In a ruling in 2010 at the UN General Assembly, countries opposing sexual orientation and gender identity rights campaigned to remove the words "including sexual orientation" as grounds for protection against extra judicial killings (IGLHRC 2012). During the time of the General Assembly, LGBT groups approached the Thai Human Rights Commission and asked them to pressure the foreign ministry to rule against this vote, held two protests, as well as delivered a letter to the Cabinet. Regardless of civil society's efforts, Thailand abstained from voting in the ruling. However this advocacy urged the Thai government to rule in favor of the 2012 General Assembly resolution **A/C.3/67/L.36** on extrajudicial killings, which reintroduced sexual orientation and gender identity into the resolution (UN 2012).

- In 2010, the gay-themed film, *Insect in the Backyard*, which was also directed by a transgender woman, was banned by the Thai Culture Ministry's National Film Board (Nation, 2010). The movie was thought by the board as a "disruption of national order and public morals," and was banned using Article 29 of the Film Act 2010 (Bangkok Post, 2010). According to the director, "the ban is a signal to film-makers that gay-themed films featuring negative portrayals of Thai society will be taboo" (Nation, 2010). The filmmaker appealed the decision. The case has been pending in the Constitutional Court for three years. This instance is the first time since the enactment of the Film Act 2008 that a movie was banned because it dealt with the issue of sexual orientation and gender identity. Other LGBT films have also been banned because they were accused to contain indecent or pornographic content, which is outlawed in Thailand according to Section 287 of the Thai Penal Code, which prohibits the production, distribution, and possession of pornography.

- Military conscription is mandatory for every male in Thailand. As transgender women are born biologically male, they are also required to present themselves for service. However until 2011, transgender women who had undergone some form of physical transformation were exempted from service and branded as having a "permanent mental disorder" in their military service forms (Sanders, 2011). This document, which labeled transgender mentally ill, barred many transgender women from accessing employment and caused further stigmatization and discrimination against transgender women. The NHRC, along with Sapaan, Rainbow Sky, and Bangkok Rainbow petitioned with the military to have the language changed (Sanders, 2011). In September 2011, following a court decision and advocacy efforts from LGBT groups, the Ministry of Defense ceased to brand transgender women "permanently mentally ill" and instead as having "Gender Identity Disorder." It is uncertain whether or not transgender women who were required to appear for military service before 2011 are able to change the language on their exemption documents.

- On 21 October 2012, the Department of Local Administration of the Ministry of Interior issues administrative regulations allowing individuals born intersex to change their gender titles.

The request will only be granted with medical proof of intersexuality at birth and after gender confirmation surgery[3].

- On 21 August 2013, Ramkhamhaeng University becomes the first university in Thailand to allow all students to dress according to their chosen gender during examinations. Students are required to submit a letter of request one semester in advance, which will be considered on a case-by-case basis (Liljas, 2014).
- 18 September 2013: The Rights and Liberties Protection Department and Parliamentary House Committee on Justice and Human Rights drafted a same-sex civil union bill which was submitted to the House of Representatives to vote on. The progress of the bill has stalled since then. It was widely accepted that this bill did not reflect the needs of the Thai LGBT community (Nation, 2013) as it did not address transgender issues and excluded key issues such as parental rights. Decision on the bill's passage was postponed indefinitely.
- December 2013: The SOGIE Rights Party of Thailand was founded by various members of the LGBT community. The party is currently in the process of registration (Evans, 2013).
- 16 January 2014: Members of the Thai LGBT community from various organizations in collaboration with the Law Reform Commission of Thailand convened to form a small committee, which will draft a second Civil Partnership Registration Union bill, that is gender-neutral and encompasses rights to children, benefits, insurance, and other benefits. This bill, if passed as is, will be available for same-sex or heterosexual partners to register their unions.

THE THAILAND NATIONAL LGBT COMMUNITY DIALOGUE

The Thailand National LGBT Community Dialogue was held in Bangkok, Thailand, 21–22 March 2013 as the first key activity of the Thailand component of 'Being LGBT in Asia'. The Dialogue was organized in collaboration with the UN Economic and Social Commission for Asia and the Pacific (ESCAP) and LGBT community leaders, comprising community-based and non-governmental organizations working to address HIV among gay men, transgender women and other men who have sex with men (MSM), as well as other organizations working with lesbians, bisexual women and transgender men, and organizations working on human rights based on sexual orientation and gender identity (SOGI).

The National Dialogue was attended by 45 participants, including representatives from LGBT organizations from across Thailand, the National Human Rights Commission, donor agencies, universities, non-governmental human rights institutions, legal aid organizations and civil society organizations.

This report encompasses the findings of the Dialogue and additionally includes findings from a desk review, personal interviews and analysis of published literature on LGBT issues in and about Thailand. Following the Executive Summary, the report's introduction is followed by a brief history of LGBT advocacy in Thailand including a historical perspective on diverse sexual orientations and gender identities and a review of the LGBT movement's development over the past decades. An overview of LGBT rights related to laws and policies, social and cultural attitudes, and religion

3 Also known as 'sex reassignment', 'sex change' and 'gender confirmation' surgery.

is provided, along with an exploration of social acceptance and how the Thai State's mentality towards sexual and gender minority individuals affects the rights of LGBT communities.

The examination of the protection of LGBT rights in Thailand is mainly derived from discussion groups at the national dialogue and covers the areas of employment and housing, lack of access to marital benefits, education and young people, health and well-being, family affairs, and media and information communication technology (ICT). Case studies that illustrate relevant human rights contexts have been included, mostly based on reports from dialogue participants as well as from previously published work. A final section reports on the findings of a survey on the capacity of LGBT organizations in Thailand.

BEING LGBT IN ASIA

'Being LGBT in Asia: A Participatory Review and Analysis of the Legal and Social Environment for LGBT Persons and Civil Society', a collaboration between UNDP and USAID's regional office in Bangkok, seeks to understand, map and analyse the situation of LGBT rights in communities and countries by producing an analysis and review of the situation of the LGBT community and their human rights in specific countries in Asia. The initiative comes in the midst of human rights challenges faced by LGBT people worldwide, but increasing international engagement with the UN Secretary-General, UNDP Administrator, UN High Commissioner for Human Rights, US President, and US Secretary of State's expressing concerns about protecting the rights of LGBT people.

By developing important new knowledge and connections, 'Being LGBT in Asia' seeks to improve the networking of LGBT organizations in South, East, and Southeast Asia and to inform policy and programming in the development context through a participatory process that emphasizes innovative approaches, including the use of videos, the internet, and social media platforms. The initiative aims to achieve two-way learning, establish a baseline vis-à-vis legal and human rights issues, and empower LGBT participants. It will also help to create multimedia and social media tools and resources, encourage youth leaders to engage and support LGBT civil society, and to improve the capacity of the US Government and the UN family to work with LGBT civil society organizations across Asia.

An important objective of 'Being LGBT in Asia' is bringing together emerging communities of practice among individuals and organizations working on LGBT issues throughout the region, in the eight focus countries in particular, including development partners, governments, LGBT civil society organizations, and faith-based organizations. By investing in and developing a network of creative interactions among agencies and grassroots development partners, stakeholders will be better positioned in the future to realize LGBT-inclusive development approaches and programming. In each country, the national community dialogue is the first key activity of the initiative.

OVERVIEW OF LGBT HUMAN RIGHTS IN THAILAND

The following section provides an overview of LGBT human rights in Thailand in relation to laws and policies, social and cultural attitudes, and religion. The overview draws primarily from desk research and the expert knowledge of the report writers.

LAWS AND POLICIES

"All persons are equal before the law and shall enjoy equal protection under the law. Men and women shall enjoy equal rights. Unjust discrimination against a person on the grounds of the difference in origin, race, language, sex, age, physical or health condition, personal status, economic or social standing, religious belief, education, or Constitutional political views, shall not be permitted."

Article 30, Constitution of the Kingdom of Thailand

The Thai legal system is based on civil law with significant influence from common law. It has been operational since before Thailand's democratic constitution was promulgated in 1932. Prior to this, the country was governed under an absolute monarchy that implemented an uncodified constitution. Governance of state and civil affairs today falls under constitutional, criminal, and administrative laws.

Thai people often take a very apathetic and almost apprehensive approach towards law and law reform. Due to severe limitations of freedom of expression and censorship laws, especially during periods of military rule such as at present, many individuals are cautious about engaging in activism and law reform. Traditional Thai attitudes make legal reform difficult as the constitution and laws are sometimes perceived as bring sacred and unchangeable. As such, enacting legal reforms to protect LGBT people's rights will be extremely difficult.

However, both the Thai Constitution and numerous ratified human rights resolutions and conventions provide the basis to treat LGBT citizens with the same rights as other Thai citizens. According to the 2007 Thai Constitution, all citizens are entitled to receive protection from the State and must not be discriminated against for any reason, especially by the State itself. For example, citizens must not be discriminated on the basis of gender, age, disabilities, race, birthplace, and religion.

Moreover, if situations arise where a Thai citizen faces discrimination or is denied his or her basic rights under the constitutional law, each and every government office must perform their duties in enacting, applying and interpreting laws that correspond to the intentions of the constitution - that all people enjoy equal rights as citizens. Additionally, Thailand has ratified and supported multiple United Nations human rights resolutions and conventions, including the 2011 landmark resolution on human rights violations based on sexual orientation and gender identity (L9/rev1) (ISHR, 2011).

Still, current legislative policies are failing to protect the rights of its LGBT citizens and grant them equal citizenship with prominent examples being the absence of state recognition of LGBT unions, the way in which name titles are still separated into two genders, male and female, and the lack of laws protecting LGBT people from hate crimes or discrimination even though LGBT civil society is currently advocating for these legal protections.

Early Thai laws criminalized sexual acts rather than sexual identity or orientation, however private, adult, consensual and non-commercial sodomy was decriminalized in 1956. There is no evidence of laws against cross-dressing or for cross-gender behaviour.

Though Thailand has a reputation as one of the most tolerant countries in Asia towards LGBT individuals, legal recognition and protections remain far from liberal. Many legislators and legal practitioners come from conservative backgrounds, and believe in the traditional heterosexual family structure and gender roles. Administrative policies and legal reforms during the recent history of Thai law bear roots from those of the nineteenth and twentieth centuries (Leeds, n.d.). There is now some measure of legal reform in contemporary society exemplified by reforms within the Thai legal system to promote and protect civil rights, freedom, and liberty by the enactment of a new constitution in 1997. An influence cited in these changes was international: Thailand is playing a greater role in a globalized community and economy and thus needs to harmonize laws with more liberal countries.

Currently, LGBT individuals are excluded from enjoying basic rights and protections that heterosexual counterparts are entitled to. The Thai constitution does not specifically include a clause on anti-discrimination based on sexual orientation or gender identity. In the drafting of the 2007 constitution, several LGBT organizations and activists rallied for the inclusion of the term "sexual identities" as part of the constitution's anti-discrimination clause.

However, the Constitution Drafting Assembly (CDA) rejected the proposal. Instead, an 'Intentions of the Constitution of the Kingdom of Thailand' was issued by the CDA which stated, "Differences in *phet* [sex], in addition to meaning the differences between men and women, this also denotes the differences between individuals in sexual identity or gender or sexual diversity, which may be different from the *phet* in which the person was born. Consequently, the above are not specifically provided for in section 30 because the word *phet* already denotes the above meanings and the individuals within the above categories should not be discriminated against" (Sanders, 2011). Although some view this mention of SOGI in the statement of intent of the constitution as a victory, others advocate for clearly specifying "sexual orientation and gender identity" within the constitution itself.

A clear indication of the weakness of the intentions document is the government's lack of acknowledgement of the many reported incidences of violence against LGBT persons. According to the International Gay and Lesbian Human Rights Commission (IGLHRC), from 2006 to 2012, 15 lesbians were brutally murdered. However, "Thai law doesn't include the designation 'hate crime,' and the government has dismissed the cases reported by IGLHRC as 'crimes of passion,' or 'love gone sour'" (Liljas 2014). Confirming this statement, Dr Tairjing Sripanich, one of Thailand's National Human Rights Commissioners, stated, "Sometimes law enforcement is less interested when a gay or lesbian person is killed — they may think that it's a case of jealousy" (Liljas 2014). Furthermore, the National Human Rights Commission's (NHRC) 'Summary of the Human Rights Situations and Performance Report of the Year 2012,' notes that, "There are continuous campaigns on promotion of the rights of the LGBT; however, violation of human rights and unjust treatment of the LGBT groups still exist" (NHRC Thailand, 2012).

Thai legislation has traditionally been drafted based on a binary concept of gender. Transgender and intersex individuals have frequently been left out of human rights and policy discourse (Ocha, 2011). In 2007, while the LGBT community was advocating for the mention of "sexual identity" in Article 30 of Thailand's constitution, groups were also pushing for an amendment in the law that would allow transgender individuals to change their titles in personal identity documents. Discussions and divisions arose on whether or not the change, should the amendment be passed, be restricted to only transgender individuals who have undergone complete sexual reassignment surgery or if it should be available for transgender individuals regardless of their transition stage (Sanders, 2011). The National Legislative Assembly (NLA) deferred decision on the act and it is unknown whether there is still ongoing advocacy on this issue. Although civil society was unable to succeed in this front, transgender women are reported to have had success in focusing on the issue of sensitivity to gender identity in the process of military drafting.

Advocacy at this time was assisted by National Human Rights Commissioner Naiyana Suphapung, "an essential figure, able to support LGBT organizing and put the NHRC publicly behind LGBT rights. When she became a commissioner in 2001 there was no functioning LGBT network in Thailand. With her support, a working relationship among the various LGBT NGOs and individual activists came into being, laying the groundwork for the lobbying in 2007" (Sanders, 2011).

Despite all the setbacks, there have also been advances and encouraging progress in Thailand. In 2013, the Thai government worked with leaders of the LGBT community to draft a civil partnership bill for same sex couples. However, this bill was stalled after it was introduced into a Parliamentary Committee. Members of the LGBT community felt the language of the bill incorrect, for example,

that the term "same-sex" can exclude transgender marriages. The bill also excluded key benefits such as parental rights.

Currently, CSOs are in the process of redrafting a gender-neutral civil partnership bill with the Law Reform Commission of Thailand. Until this or similar legislation is passed, same-sex couples lack fundamental benefits that other Thai citizens receive, such as the rights to make health care decisions for their partners; nor are same-sex couples eligible for employee benefits or health insurance policies, joint financial loans, inheritance, and adoption or other parental rights related to recognized partnerships.

LAWS PERTAINING TO THE LGBT INDIVIDUAL IN THAILAND

Legal Status: Decriminalization

Thailand decriminalized homosexuality in 1956 when it allowed private and consensual non-commercial sodomy among adults.

At that time, legal practitioners were inexperienced in handling sodomy cases. There were attempts to present sodomy as a roadblock to national development. This law came to be acknowledged as costly and unnecessary because though it existed, there were no actual prosecutions.

Legal Status: Mental Health

LGBT individuals were considered mentally disturbed and barred from military service until 2005 when the military terminated its 1954 mental disorder law targeted towards LGBT individuals. Although the military no longer brands LGBT people with a "permanent mental disorder," they still use a semi-pejorative term to describe LGBT individuals, "Gender not in accordance with birth sex (Gender Identity Disorder in English.)" In addition to this, transsexualism remains pathologized under the International Classification of Diseases's 10th revision (ICD-10) endorsed by the World Health Assembly in 1990.

The Department of Mental Health depathologized homosexuality by adopting ICD-10 after ICD-9. The Department of Mental Health, after requests from the LGBT community, affirmed the change. However, following the WHO, transsexualism continues to be pathologized.

Prior to 2011, the military dismissed transsexual military recruits for having a 'permanent mental disorder.' At present, the military may still dismiss recruits who demonstrate clear feminine physical characteristics, on claims that their genders are not in accordance with their birth sex or have Gender Identity Disorder (GID). With the previous classification of "permanent mental disorder", many transsexual or gay recruits were denied access to employment, as military documents are required to be presented for job applications.

Sexual Orientation and Gender Identity:

There are no current laws which protect LGBT individuals from hate crimes, civil rights violations or discriminatory practices. Though there are limited official state reports of these violations, they are frequently reported in newspapers, websites and social media.

A collaborative statement between local LGBT activists and the International Gay and Lesbian Human Rights Commission (IGLHRC) delivered to the Thai Government on 27 March 2012 called for immediate investigations into numerous cases of murders of lesbians between 2006 and 2012.

Constitutional Protections:

The 2007 Constitution and its Document of Intention provides guidelines for protecting the rights of LGBT individuals, although it is not yet implemented in practice.

Article 30 of the Constitution's Intentions document is the only Thai legislation that refers to LGBT identities. A Constitutional Drafting Assembly (CDA) was formed after the 2006 coup to modify the contents of the 1997 Constitution. Activists at the time, led by the Sexual Diversity Network, pushed for the amendment to the original article to include the term "sexual diversity" which was later amended to sexual identity (Sanders, 2011).

In practice, the article alongside its Document of Intentions have since been widely referred to as a lobbying tool for advocacy and to raise awareness to members of the public and National Legislative Assembly (NLA) who still lack understanding of the concepts of gender and sexual diversity (Sanitsuda, 2007). However, it has not been effective to protect LGBT individuals from overt discrimination. There continue to be bars, restaurants, and other institutions that do not allow Kathoeys to enter. Additionally, there are no specific provisions that would allow individuals to utilize this article in a claim of discrimination.

Same-Sex Unions and Family Law:

Same-sex marriage and families, civil unions or domestic partnerships have no current legal recognition. There is no legal prohibition on LGBT parenthood and child adoptions are treated as single-parent cases.

Laws concerning family matters are found in the Civil and Commercial Code of Thailand.

Gender Identity:

There is a strong Thai belief that a person's identity is tied to their biological gender at the moment of birth. This is reflected through society's lack of legal recognition for sexual minorities.

This belief, which largely stems from the lack of knowledge on gender diversity and fluidity, strongly influences laws on gender titles. Thus the right to change an individual's gender title is reserved only for intersex persons who provide a medical document certifying their condition.

Sexual reassignment surgery (SRS) is not criminalized or discriminated against, and is in fact a common practice in Thailand, provided that the person is over 18 years with parental consent, or 20 years old. In addition, two statements from psychiatrists (of which one is required to be Thai) stating that the surgery is an advisable medical procedure. However, female-to-male gender-affirming surgery is much less accessible and more expensive than male-to-female SRS. Additionally, even after an individual undergoes SRS, there is no legal method to change one's sex on official documents or on academic degrees already received.

Numerous clauses in Thai law use the terms "man" and "woman" to refer to gender.

The Civil and Commercial Code, Title II: Persons, Chapter I: Natural Persons, Part I: Personality, Section 15 states: "Personality begins with the full completion of birth as a living child and ends with death."

This article reflects the current social and legal mentalities towards identity. It also exemplifies the legal and social adherence to binary gender identities as signified by the gender titles of all Thai citizens.

In 2007, transgender activists began to push for legislative reforms on gender titles. Naiyana Suphaphung, National Human Rights Commissioner at the time, suggested limiting the right to change gender titles to post-operative individuals. To this day the transgender community debates "transgender identity" and whether it should apply to pre-operational transwomen or transmen. This sometimes creates conflict within the community as not all individuals have the economic power to undergo SRS or hormonal treatment and SRS is not covered under the government's free health care system) (Sanders, 2011).

Suggestions made at a parliamentary subcommittee meeting stated that the law should require genital surgery before a request for title change is granted, but there are concerns from society as to how this would affect the implementation of other laws, mainly relating to security and identity. (Phetdee, 2008).

Media and Censorship:

There are no laws that directly prohibit coverage of LGBT issues in the media, publications and public messages, yet much LGBT content is either censored or sensationalized in the media.

Pornography claims have also been used against LGBT-themed media deemed inappropriate for minors. Gay magazines were also being confiscated by the police as "obscene publications" during and after the Social Order Campaign (Jackson, 2009). During Thailand's Social Order Campaign, many gay saunas were raided and banned from providing their clients with free condoms. The owners of these establishments were warned that should police find condoms in the premises, they would be charged with operating sex establishments (CDC, 2003). In 2012, the LGBT community was angered at a local bookstore chain (Se-ed Books's) policy to ban or label publications with LGBT content in the same category as pornography. Activists mobilized against this with much support from both LGBT and non-LGBT communities. The bookstore issued a letter to its publishers on its screening standards, classifying all LGBT content as erotica and inappropriate material for minors (Issara News, 2013).

This case exemplifies the tense relations between mainstream media and LGBT issues. Newspapers like Thairath are notorious for its headlines saturated with derogatory and sensational intent towards LGBT stories, particularly those concerned with murder and violence.

Most censorship towards homosexuality is by those who believe they are protecting the public image of the country. Filmmakers successfully pressured the government to reform the outdated Thai Film Act of 1930 in 2007 (Ünaldi, 2011). The previous act required theater owners and broadcasters to submit their films to a Film Censorship Board for evaluation. Any parts, or entire movies, that were deemed to debase cultural or moral norms or public image were censored or banned. The new system is based on a series of ratings. Reactions to the new system have been mixed as the new rating system still includes a 'banned' category.

Health and Well-Being:

Thailand adopted universal health insurance in 2002 but this did not cover access to antiretroviral therapy until 2007.

In 2007, the Thai government broadened the definition of a sexual assault or rape victims to include women and men. The government also prohibited marital rape, with the law stipulating that women or men can be victims.

The Thai universal health care coverage scheme was enacted with the intention to provide health coverage for those excluded from the market-driven health care system. HIV was initially not covered by the scheme until 2006 when the triple-

drug antiretroviral therapy (ART) was integrated into the scheme as a health care standard for people living with HIV (Sakunphanit, T & Suwanrada (2011).

In recent years Thailand has seen an alarming rise of sexual violence cases, prompting the government to reform its rape laws. Section 276 of the Criminal Code now mandates a 4–20 year sentence and fines of up to 40,000 Baht, in incidences of rape and now also includes cases involving those of the same gender as well as matrimonial rape (Thailand Law, 2013). These amendments came after the 2006 coup when a military government was in office. Aside from lobbying for amendments to Article 30 mentioned above, activists Anjana Suvarnananda and Natee Teerarojjanapongs also campaigned for changes that brought about recognition of transgender victims of sexual assault and rape (Sanders, 2011).

SPECIFIC LAWS ON MARRIAGE

Qualifications for Marriage Registration According to Thai Law

1. *The person must be above the legal age of 17 years old and must be accompanied by parents or legal guardian whose consent is deemed necessary. In the case of the person being under the legal age of 17, a court approval is needed for marriage registration while those above the age of 20 may carry out the registration on their own behalf.*
2. *The person must not be mentally or physically disabled.*
3. *The person(s) must not be of the same parentage.*
4. *The person(s) must not be registered in marriage with another person.*
5. *Adoptive parents may not enter into marriage with their adopted children.*
6. *A widowed woman may enter into a marriage only after her previous marriage has officially ended for no less than 310 days, except in the case of bearing child within the duration of the previous marriage. The new marriage certificate will only be granted upon the presentation of medical proof that she is without child.*
7. *The court may grant marriage registrations to those men and women below the age of 17.*

The Ministry of Interior's civil registration system provides guidelines for marriage registration. These guidelines are then released to the public through the Department of Provincial Administration's website [http://www.dopa.go.th/]. These regulations state that marriage must be a union between two persons: one biological male, and one biological female.

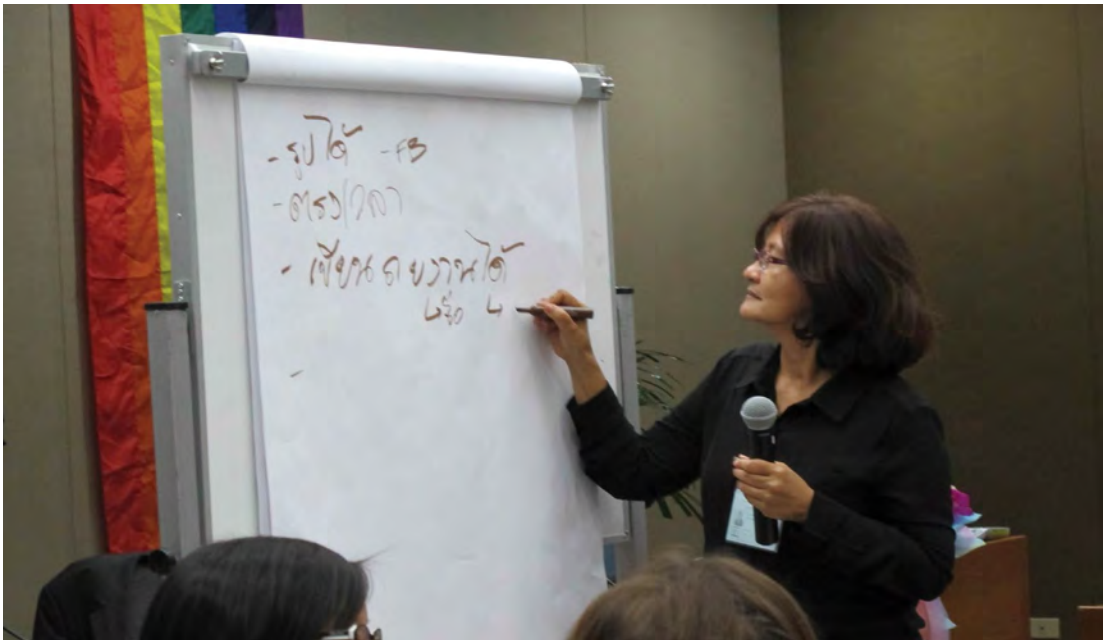
While the woman may choose to use either Miss (Ms) or Missis (Mrs) honorific titles according to the Form of Address for Women Act, B.E. 2551 (2008), article 5, a married woman can choose the title Nang (Missis) or Nang Sao (Miss) and notify the registrar under the law on family registration. At the same time women's organizations were pushing for the option to choose between Miss or Missis, LGBT communities were petitioning for the ability to change honorific titles for transgender

individuals from Mr to Ms or Ms to Mr, which are mandatory on Thai legal documents. However, the petition for transgender individuals to change their honorific titles was dismissed.

According to the 5th book of the Civil and Penal Code, Family, Chapter 2 Conditions of Marriage, Article 1458 states that a marriage can only take place if a man and a woman have agreed to take each other as husband and wife, and declared it publicly in the presence of a registrar who then records it.

The government administrators, registrars and the general public understanding of the term "husband and wife" for men and women according to Book 5 of the Civil Code regarding marriage registration, refers to a biological male as the husband and a biological female as the wife, clearly allowing no room for any other form of interpretation. In addition, this could be interpreted as a basic concept deeply embedded and rooted in the laws governing marriage in Thailand, as well as in the understanding of marriage by authorities, jurists, and society at large. It is a concept rooted in the belief that humans can only be identified as one of two genders, "male" and "female". Thus, if it occurs that two people have chosen to live together as husband and wife, that cohabitation (by law) must be strictly between one "male" and a "female" only.

This mentality may be a reason for the Department of Provincial Administration's "Qualifications for Marriage Registration" that excludes mention of gender within much of the text. This is due to the Department of Interior's assumptions that all Thai persons who have the need to register their marriages are only couples of one male and one female. It can be argued that this is because the Thai State remains convinced that Thai society should not allow the "unnatural" notion of same-sex couples registering marriages as "man and wife." Allowing for such unnatural marriages, such as those between two individuals of the same sex, challenges the Thai understanding of the family structure, that marriage is reserved for one "man" and one "woman." Being a society that thrives on tradition, patriarchy, inflexible gender roles, and non-confrontation, the idea of allowing same-sex marriages would inevitably disturb the societal status quo. In keeping with tradition, marriage has thus been restricted only to heterosexual couples.



Facilitator of the national dialogue taking notes.

However, this raises questions of whether current laws are in contradiction to principles of constitutional law, which emphasizes the protection and equality of the civil rights that each and every Thai person is entitled to. LGBT persons who want their unions acknowledged and registered as marriages are indisputably being denied equal consideration in society and in the law.

SOCIAL AND CULTURAL ATTITUDES

LGBT behaviour and people who are seen as "abnormal" or "deviant" are not accepted by the norms of Thai society. There are those who choose not to conform to the accepted gender norms and societal constructs and there are also those who passively accept their situations out of the need to become a "good" person as mandated by prevailing social norms.

Common terminology used to address LGBT people in Thai society are: persons of the third gender, purple folk, *tom*, *dee*, gay, men who love men, *kathoey*, *khon kham phet*, *saw praphet song,* women who love women, lesbian, and bisexual (Ojanen, 2009). Although many of these terms were coined with a pejorative connotation, the LGBT community has normalized most by taking ownership of them. Often LGBT individuals are segregated into a group referred to as the "other gender" and considered inherently abnormal because they do not fit into the sexuality and gender constructs widely accepted by society.

Although there is no overt persecution, albeit no protection either, of LGBT people, Thai society does not wholly accept sexual and gender minorities. Attitudes towards LGBT individuals can be somewhat tolerant as long as LGBT people remain within certain social confines and are not particularly visible. Hostile attitudes may lurk below the surface of individuals and parts of society that do not express their views openly. For example, a community member who attended the dialogue noted a conversation he had with a taxi driver who said to him of Dr. Seri Wongmontha, an outspoken gay media persona and supporter of Thailand's People's Alliance for Democracy political party, "if he doesn't know what sex he is, how could he possibly know his politics?"

It can be generally stated that there is a lack of understanding of human rights principles by Thai society. This translates into a frequent lack of understanding or sympathy for LGBT individuals who face discrimination. Examples include discrimination in health care settings, in dealings with persons of authority, in education, in the pursuit of employment, and in being prohibited from entering certain establishments. Though society may tolerate LGBT individuals, there is a lack of understanding about the specific struggles and needs of this minority group (Ojanen 2009).

More effective strategies for increasing understanding and acceptance of LGBT people would be to build empathy with them rather than using human rights discourse, and to use the language and framing devices of morality. With a government survey conducted nationwide in 2012 showing that over 60% of respondents were opposed to same-sex marriage (Bangkok Post, 2013), could it be argued that marriage is a moral good, one that is useful for stability in society, rather than arguing for the "right" to be married?

Arguably, the greatest and often most important struggle that Thai LGBT individuals face is the struggle for family acceptance. Being respectful to the wishes of one's parents and upholding a family reputation is fundamental to how a Thai individual conducts their life. The fear of bringing shame to the family and parents lead many LGBT people to remain closeted, move away from home, and struggle with self-stigma (Samakkeekarom & Taesombat, 2013). However, this is not

always the case. Some families fully accept their LGBT children and do not view their child's sexual orientation or gender identity as a reason to disown them. A 2006 study conducted by Sam Winter, in which 198 transgender women were surveyed, found that "relatively few parents seemed at any time to react to their offspring's transgender with rejection" (Winter, 2006). In these cases, acceptance often stems from the understanding that regardless of their child's sexual orientation or gender identity, they are still able to perform their filial duties towards their parents. These include financial support, looking after one's parents, getting married and having children, among other duties (this topic is expounded upon in the Family Affairs section of this report.) As stated by Community participant 71 in the aforementioned study, "My father can accept me if I don't cause a problem for society or for the family" (Winter 2006).

RELIGION

Religion is an important factor that contributes to Thai society's understanding and perception of sexual orientation and gender identity. Thailand is a religiously homogenous country in which 94.6 per cent of the population ascribes to Theravada Buddhism. Second to Buddhism, 4.6 per cent of Thailand's population, mainly aggregated in the South, is Muslim, and the rest are Christian, Hindu and other religions (CIA World Factbook).

Although views on homosexuality are not explicitly mentioned in the Buddha's discourses, one of the Buddhist five teachings of Right Conduct states that one must "abstain from sexual misconduct." Thai Theravada Buddhist practices do not allow women to ordain as monks; therefore, much of the discourse around sexuality and sexual deviancy has focused on men who have sex with men, masculinity, and what is deemed as correct sexual conduct for men. These views are exclusively directed towards lay Buddhists, as ordained monks are expected to completely abstain from all forms of sexual activity. However, it is important to note that it is deeply rooted in Thai Theravada Buddhist beliefs that in order to attain Nibbana (also known as nirvana; enlightenment), one must transcend all forms of sexuality and desire (Robinson 2010). In respect to monks and ordination, sexual lust is often presented in a negative and sinful light.

Thailand's conservative Buddhist population has two divergent views on same-sex activity. One view, which is arguably more tolerant of homosexual activity, holds that people are born as a sexual or gender minority as punishment for committing immoral sins, specifically marriage transgression, in their past lives. In this belief, homosexuality is not associated with free will or with biological preconditions but rather is a consequence of past immorality (Likhitpreechakul 2009). This can create a sense of self-oppression for religious LGBT persons as they may develop the belief that they are undeserving of better treatment from society and thus continue dwelling in their bad karma for the entirety of their lives. In the 2006 study by Sam Winter, 48.4% of 198 transgender women surveyed "believed (strongly or otherwise) that transgender was a karmic response" (Winter 2006). Additionally, many LGBT persons believe that in order to overcome their bad karma, they must continually repent and perform good deeds to become more virtuous individuals. By accepting their fates and living with this enforced social stigma, many LGBT people are not aware that they are effectively being discriminated against by society. Winter's study also found that "for some participants, karmic action was evident in the difficulties that accompanied being transgendered." For example, Community participant number 137 stated, "The Buddhists believe that if we aren't happy in our lives that comes from bad karma. For myself, I am always unhappy"

(Winter, 2006) and, "some noted that one should not fight against karma," as stated by Community participant 57, "I must accept what I am" (Winter, 2006).

Alternately, another commonly held belief is grounded in will rather than on karmic retribution. In this belief, homosexual individuals are viewed as being unable to control their sexual impulses and tendencies, and actively engage in immoral sexual activities that are not between a male and female. This latter belief is less tolerant of homosexuality, and is grounded in Buddhism's acknowledgement of only male and female gender identities as well as the ideal masculine and feminine traits. Post-operative or gender-expressing transgender women, or kathoeys, are not allowed to enter into monkhood. Furthermore, common attributes associated with both men who have sex with men and transgender individuals include being promiscuous, perverted, morally defective and sexually deviant. This second belief leads many parents, who do not accept their son's sexual orientation or gender identity, to force their children into monkhood in the hopes that the monastic life will cure their child of his immoral sexual tendencies, teach him to control his sexual appetite and reconfirm his masculinity and manhood.

Religion also impacts the way that Thailand's Muslim minority population views homosexuality. Participants at the dialogue expressed great difficulties in being LGBT and expressing their SOGI in their majority Muslim hometowns. Many of them felt the need to migrate to larger cities where LGBT identities were more widely visible. Reconciling between their faith and their SOGI was also a challenge.

PROTECTION OF RIGHTS OF LGBT PEOPLE

Findings and recommendations of the dialogue being presented by participants

The following section provides an overview of the protection of the rights of LGBT people in six areas: employment and housing; education and young people; health and well-being; family affairs and social and cultural attitudes; media and information and communication technology; and the organizational capacity of LGBT organizations.

EMPLOYMENT AND HOUSING

With the lack of legislation protecting against discrimination based on sexual orientation or gender identity, most LGBT individuals in Thailand opt to stay closeted in order not to jeopardize their opportunities of securing employment and progressing in their career. This fear and hesitation about being open about their sexual orientation and identity is due to stigmatization and negative reactions from family members. Those who have visible non-heterosexual identities abide by the social norms designated for heterosexual identities. Preliminary research findings by the International Labour Office (ILO) on workplace discrimination based on sexual orientation and gender identity, that was focused on three countries including Thailand, showed that:

> "Discrimination and harassment are commonplace for LGBT workers. Discrimination often begins in education, which hampers future employment prospects. It continues in access to employment and throughout the employment cycle. Discrimination, harassment and exclusion from the labour market often happen on the basis of non-conformity with preconceptions of how women and men are expected to behave. Often women who are perceived to be masculine, or men who are perceived to be feminine, in behaviour or appearance suffer discrimination or harassment on the basis of their perceived sexual orientation. The majority of LGBT workers choose to conceal their sexual orientation in the workplace, which causes stress and can have negative consequences on productivity and career progression" (ILO, 2013).

The transgender community faces the most stigmatization and systematic discrimination of all LGBT subgroups in terms of employment. The fact that transgender women who have undergone sexual reconstructive surgery are unable to legally change their gender and name on official documents poses a big problem for this community. The inability to change their identity and name, coupled with societal transphobia, limits transgender individuals to employment in low-level jobs in entertainment, as store clerks, beauticians, waitresses, and in the sex industry. An ILO report focused on employment discrimination against LGBT individuals in Thailand found that, "in the private sector, transgender job applicants are often given psychological tests not given to other applicants, and transgender and *tom* applicants are often asked about their sexuality in job interviews and subsequently denied the job" (ILO, 2014).

Although transwomen are evident in the entertainment industry, they are commonly used for comic relief and are the subject of demeaning humour. Because of the visibility of transgender individuals in entertainment and hospitality positions in Thailand, outsiders have the misconception that transgender people are widely accepted. However, in this case, visibility does not mean equality.

Some challenges faced by LGBT persons in relation to employment and housing stem from the lack of legal recognition for same-sex partnerships. Only through legally recognized marriages between a man and a woman do Thai citizens gain access to social services and benefits. Without this basic yet fundamental recognition, LGBT partners are unable to receive marital benefits afforded to their heterosexual peers and face difficulties applying for joint loans and housing as well as in in accessing health care plans and insurance from their partner's employer.

In the case study below, this lack of access and rights to these benefits is well illustrated. In another case study, Boonprasert describes how a lesbian couple was denied a bank loan because their bank did not recognize their relationship, preventing them from receiving a joint loan as well as combining their income to strengthen their loan application. The problem is not strictly legal but also involves social prejudice, as heterosexual couples at the bank are not required to be legally registered.

CASE STUDY #1

UNEQUAL EMPLOYEE FINANCIAL BENEFITS

One lesbian couple described in the book, *Violated Lives: Narratives from LGBTs and International Human Rights Law* (Boonprasert, 2011; page 19) provide an example of discrimination where they could not access employee benefits available to heterosexual couples. In this instance, a lesbian government official was unable to receive official state benefits to care for her life partner in times of sickness because she was a woman and her partner was not a man. The story also demonstrated how one partner's life was endangered because their relationship was not recognized by the health system.

"I am a lesbian working at a certain government office. The state benefits for lower government officials have been my inspiration to fight and work for society. An unexpected thing happened one day, my lover got into an accident. Her motorcycle smashed into a pick-up and she lay there on the street, motionless and covered in blood. By the time the ambulance arrived, I thought I had lost her. I took her to the hospital. The first and foremost thing I should have done for her is to ensure her immediate medical attention. The doctors informed me that only relatives bear the right to authorize all forms of medical assistance. What was I to do? I am merely a life partner, non-existent in the eyes of others. I have no authority over her health, as I was not wed to her as a heterosexual couple. Her relatives live in a different province. What was I to do? Am I to lose her? I contacted her relatives and paid their air travel expenses to accommodate their swift arrival. Her surgery fees were so high. I contacted the financial department of my organization, but was denied my benefit to medical assistance allowance for my partner as the Ministry of Finance's regulations denies this benefit for same-sex couples" (Boonprasert, 2011; page 19).

In the case study above, the story of a lesbian couple illustrates challenges and successes in both employment and housing, but also how socio-economic comfort can interfere with political advocacy.

CASE STUDY #2

KIM AND TAEN: PARTNERS IN LIFE AND WORK

The case study of Kim and Taen tells how an independent lesbian couple found happiness together in housing and employment.

"My parents are from China. I am the youngest. Everyone in my family is employed and we have sufficient assets. I was quite spoiled into not having much responsibility. But then as I lived with my partner, initially we shared an apartment before we built our bungalow. I've suggested that we start some sort of business with them [our relatives]. She insisted on living with me. After living together for a while, I made a daily earning while she worked at a factory. . . it seemed fated that we got on quite well even if we lived in a small bungalow (laughs). . . soon my eldest sister had to help us manage our place because relatives from Bangkok would start to question our whereabouts. It wasn't right for relatives to come visit at our bungalow so my sister invested in this building for us.

Once done, we started to sell some goods. My sister herself came up with the thought of investing in goods to sell, while I went out to purchase her orders. Then we would help each other sell the goods in front of our shop. In the past we would hire someone to walk around and sell the goods. My sister would then manage all the profits. She would manage all expenses and

payments. I think we are quite comfortable now. We have no debts, and we have been working together like this for almost 20 years. Our relatives don't even mind anymore. They think it's because our fates are compatible with each other. We live and enter into profitable commerce together well. The Chinese would normally see things this way."

The term "enter into profitable commerce well" in Kim's story above refers to owning a mid-sized grocery shop in a small community, which is situated in a new three-storey shop house. The ground floor is used for business, the mezzanine for storage, the second floor for dining and living area, while the third floor for the bedroom of Kim, aged 58, and her 47-year-old partner, Taen. Aside from this grocery shop, Kim and Taen also own two six-room dormitories and three small rental homes. Kim shared that it has been almost 20 years since they started seeing each other. Taen turned down the opportunity of moving in with Kim's affluent family. She dreamed of having her own home, and constantly tried to tell Kim how gorgeous that piece of land was. "It would be nice to build a house around here," she would say. Kim added that she always felt that Taen would be happiest owning her own land and home. The apartment and rental home business thus started to emerge 10 years ago in answer to that dream. While Kim spoke of Taen with much adoration, Taen shared her complete story of assisting Kim in her grocery shop.

"I didn't want to hire anyone who Kim would not approve of. She has a bad mouth [humorous laughter]... but really... no one knew what a kind-hearted person she is. So it had to be me, because I knew her heart the most."

Taen continued to share how she also took other responsibilities like delivering (cooking) gas to customers' homes, driving around to purchase goods to sell at the grocery, setting up shop in the morning and closing at night. When asked why each responsibility has been assigned as thus, Taen answered with sincerity that Kim was not quite well. Taen wanted to do all the work so that Kim would not have to exert herself too much. Taen didn't want Kim to get too tired, so she would have good health and a long life.

The relationship of Kim and Taen shows the depth of their life partnership, which stems from their profound love and affection for each other, and also from the need to see a loved one find happiness. It transcends any rules and norms dictated by society.

The story of Kim and Taen also highlights a common sentiment in the Thai LGBT community: those who are comfortable in their lives see little need for advocacy. Without needing government welfare support, and with sufficient financial capability to conduct their lives, they are not politically active. While this may be the case the world-over for LGBT people who are socially and financially comfortable, it is a very Thai sentiment to not "ruffle feathers" and to feel that laws are not changeable.

This stands in stark contrast to many LGBT persons all over Thailand who find their lives entwined with legal matters and the need for social protection and welfare. This sentiment of indifference, in which Thai society sees minimal importance in legal affairs, has dramatically impeded and affected the way in which LGBT rights advocacy has progressed.

EDUCATION AND YOUNG PEOPLE

As an overview of the Thai educational system, the Thai government administers free basic education of 12 years through the Ministry of Education under the Basic Education Core Curriculum 2008. Students attend a mandatory 12 years of schooling divided into six years of primary and another six years of secondary education. Education is divided into four key stages in Thailand: the first three years in elementary school, Prathom 1–3; the second level, Prathom 4 through 6; the

third level, Matthayom 1–3. The upper secondary level of schooling consists of Matthayom 4–6 and is divided into academic and vocational tracks. Public schools are administrated by the government while private institutions are often run by Catholic and Protestant Christian Organizations. Outside the capital, village and sub-district schools usually provide pre-school kindergarten (*anuban*) and elementary classes, while in the district towns, district schools provide education from kindergarten to age 14 and separate secondary schools for ages 11 through 17.

Schools in rural areas are generally less well equipped than the schools in the cities. The standard of instruction can be much lower. This situation creates gaps in equal access to quality education.

BARRIERS TO EDUCATION FOR LGBT STUDENTS

There are many issues faced by LGBT individuals in academic institutions. This not only involves admissions, but also school regulations and curriculums, and the treatment of LGBT individuals by their teachers and peers. School regulations also do not protect LGBT individuals from harassment and bullying that is based on their sexual orientation or gender identity. A recent study conducted by UNESCO, in partnership with Plan International and Mahidol University, "found that a third of 2000 surveyed LGBT students had been physically harassed, a fourth sexually. Only a minority had previously told anyone about the bullying, even though it had caused many of them to be depressed and 7% to attempt suicide" (Mahidol University, Plan, UNESCO, 2014). The same study found that bullying could range anywhere from verbal abuse, such as teasing, to physical abuse, such as rape. Additionally it was reported that "*Toms* (masculine girls) seemed to be the least liked group in schools; some schools mentioned specifically anti-tom hate groups" (Mahidol University, Plan, UNESCO, 2014).

Currently, in public school systems from primary to higher education, there is no mandated curriculum on sexual diversity. Moreover there is no comprehensive and sufficient curriculum on sexual and reproductive health. Sex, in Thai society, is regarded as a taboo subject, one that is not willingly addressed in the academic environment.

The vast majority of educational institutions require students to wear uniforms. This policy upholds that individuals legally registered as girls or women must wear skirts and individuals registered as men must wear pants. Thus, transgender men and women, who dress and express their gender opposite to their sex at birth, may either be refused entry into educational programmes during intake interviews or, if accepted, be forced to dress in their biological gender student uniform (NHRC, 2008).

In 2009, the University Presidents Council of Thailand issued a resolution that mandated university students "wear clothing appropriate to their gender" (Nation Multimedia, 2012a). This regulation poses many barriers for transgender students. Not only does it perpetuate the idea that gender is binary and anything existing outside of these norms should be punished, but individuals dressed opposite to their registered sex are unable to sit for exams or submit coursework for review, effectively denying their basic right to education. This discrimination causes many transgender individuals to drop out of school and suffer from mental trauma and unease. Non-LGBT youth become indoctrinated in this environment of discrimination, while transgender and other LGBT youth undergo experiences that often result in situations of self-discrimination and heightened self-stigma.

These negative emotional and mental abuses may traumatize the individual for many years, even an entire lifetime, and can force students to find solace in unhealthy environments and people. Furthermore, because many LGBT individuals are unable to withstand the bullying and harassment at school, and are forced to drop out, they are left without an adequate education or a degree. Left in this position, some individuals turn to sex work or other forms of high-risk behaviour and risky employment in order to make ends meet.

After facing multiple instances of being unable to sit for his exams for refusing to wear a skirt, Kaona Sawakun, a transgender man, filed a complaint with his school administration and then with the National Human Rights Commission of Thailand, reporting it as a violation of his human rights and right to self-expression. He was successful in his attempts and won the right for students to wear their uniform of choice during examinations, granted they had a letter of approval from the administration. Students would need to ask for permission at the beginning of every semester. To date, 17 individuals have requested this allowance at his school.

Although some institutions, such as Thammasat University, have allowed transgender women to receive their graduation diploma in their dress of choice, this leniency remains an anomaly in Thai education institutions. Associate Professor Dr Piniti Ratanakul, deputy secretary-general of the Office of Higher Education Commission stated, "I do not wish to see students of any other university demanding such rights, because the regulations on this matter differ from institute to institute. I personally believe that students' uniforms are holy and special and one should take appropriateness into consideration" (Nation Multimedia, 2012b). In 2003, in response to Thammasat University granting transgender women to wear male uniforms, "tomboy" and transgender male students also demanded the right to wear pants in school, with one individual stating, "when I see that men come to class wearing skirts I just feel that's unfair. However, I do understand that in our current society men have more advantages" (Leach, 2013). The same rights were not offered to female-to-male transgender students, and the students remain barred from wearing pants to school. Furthermore, "teachers have told tomboy students to leave their class if they are wearing pants" (Leach 2013).

Another critical area of concern in education is the much-needed reform of the Thai curriculum, which lacks much, if any, regard for gender sensitivity. Not only does Thailand lack education on gender sensitivity, the "very conservative" social culture also means that "people deny issues of sexual activity among the young" (Bottollier-Depois, 2014). This means young people often engage in unsafe sexual practices and this increases their risk to HIV and other sexually transmitted diseases.

A current project lead by ForSOGI Organization aims to advocate for changes in lesson content currently found in Sex Education textbooks, which still label homosexual behaviour as "abnormal" and "sexually deviant".

HEALTH AND WELL-BEING

The health issues facing LGBT individuals are diverse and multidimensional. Issues facing LGBT individuals include a disproportionate burden of HIV, the pathologization of sexual orientation[4] and

4 This is no longer an official issue though individual practitioners' attitudes are still affected by the pathologization of the past (Ojanen, 2010).

gender identity, and the lack of legal recognition for same-sex couples which prevents transferable employment health benefits as well as the legal authority to make medical decisions for same-sex partners.

HIV

Thailand has seen an increase in the number of newly infected individuals; this burden has been disproportionately shared by gay men and other men who have sex with men (MSM), as well as transgender women. The "Thailand AIDS Progress Report 2012" noted that HIV prevalence among MSM in Bangkok was estimated at 31.3 per cent, with an average annual transmission rate of roughly 20 per cent, "with no indications of decline in the near future" (UNAIDS, 2012). The report also stated that the prevalence rate for MSM aged 25 and younger was 12.1%.

The rates of HIV incidence among transgender women was estimated at 10.4 per cent; however, due to inadequate research of this sub-population, the number is likely much higher. A recent UNDP and Asia-Pacific Transgender Network report titled "Lost in Transition: Transgender People, Rights and HIV Vulnerability in the Asia-Pacific Region" indicated that "HIV prevalence rates reach as high as 68% in trans communities" (UNDP, 2012).

Thailand has a lack of research and aggregate data on the prevalence or transmission rates of HIV among transgender men and lesbians, nor are these sexual minority groups included in national and NGO-funded HIV programmes. It is reported anecdotally that lesbian women may engage in sexual behaviour with the opposite gender either through coercion or sex work, if done so without protection this effectively increases their risk to HIV. Transmen who are gay may also engage in risky behaviour with gay men. As the receiving partner, they are at high risk of HIV transmission as well. More research is needed to ensure that these sexual minorities are not further marginalized by lack of attention relating to HIV risk.

In 2003, the 'Law and Order Campaign' introduced punitive and legal policies that punished the management of gay venues for providing condoms and lubricant. The "crack-downs on gay bars, clubs, and saunas featured highly public sauna raids, public humiliation, and public nudity of detained clients and workers, including sale of humiliating images to the Thai press. Most dangerous from a public health perspective was the equation of condom availability at gay venues with the "promotion of homosexuality". This policy was a complete reversal of the Thai 100 percent condom campaign, which had recognized that although sex work was illegal, condoms in sex venues were a public health good" (Beyrer, C., A. L. Wirtz, et al., 2011.) The campaign was regarded as a significant setback to Thailand's HIV response and there was a rapid spread of HIV during the years 2003–2007. Common HIV prevention tools rapidly disappeared from gay venues during this period. While the situation has changed, barriers to offering effective prevention services still exist" (APCOM, 2012).

Although men who have sex with men and transgender women carry much of the HIV burden, it was not until 2007 that national HIV programmes were created to address these vulnerable populations. Even so, by 2011 only 8.2 per cent of the national HIV prevention plan's budget was spent on MSM programming (MSM Country Snapshot Series: Thailand, UNDP 2012).

SEXUAL REASSIGNMENT SURGERY

Sexual-reassignment surgery (SRS) is legal and widely available in Thailand. However, this availability is mostly through surgeries for male-to-female transgender individuals and can be very costly. The transitioning process for transgender individuals includes multiple surgeries and various stages that are additional to genital reassignment surgery itself.

It is worthy to note that Thailand leads the world in the number of SRS operations and many individuals come to Thailand seeking it. Surgery for individuals wanting female-to-male sexual reassignment is more scarce, less advanced, and much more expensive. In order for an individual to receive SRS, they should present the surgeon or clinic with two psychiatric reports assuring that the individual has Gender Identity Disorder (GID) or is a transsexual, must live as the opposite gender for one year before surgery, and must be in good mental health to be able to cope with this transition (Ocha, 2013).

SRS is not covered in Thailand's universal access to health policy, even if diagnosed with GID, thus individuals are forced to pay for the surgery themselves. Male to female genital reassignment can cost 64,000–333,000 Thai Baht (USD 2000–10,000) (Ocha, 2013). In addition to this, breast implants can cost as much as 120,000 Thai Baht. Female-to-male transitional surgery can cost upwards of 86,000 Thai Baht for a double mastectomy as well as 250,000 for total phalloplasty (Transgender SRS Gender Reassignment Sex Change Surgery, 2012). There are non-governmental organizations, such as the Sister's Hands Project founded by Nok Yollada, Thailand's first transgender politician, that support free SRS to individuals seeking male-to-female gender reassignment surgery.

Although SRS and other forms of physical augmentation surgeries for gender-affirmation are possible, legal, and advanced in Thailand, the law does not allow transgender individuals to change their sex on legal documents. Thus, even if an individual has undergone a complete physical transformation, they continue to remain the sex assigned to them at birth on all official documents. As their physical appearance and legal documents appear contradictory, this poses a problem when seeking employment, while traveling, and in pursuing education; transgender individuals are also unable to marry their partner of choice if their partner is the same legal sex as themselves.

BARRIERS TO HEALTH AND WELL-BEING

There are funding limitations for LGBT sexual health as funds have historically been focused on HIV, specifically targeting gay men and other men who have sex with men, and transgender women. Success indicators of many internationally donor-funded programmes focus solely on the reduction of HIV infection rates, and do not allow for funds to be allocated for broader health and human rights programmes. Traditionally, health programmes directed towards LGBT individuals have not been inclusive of other issues, such as sexual and reproductive health and mental health, nor have they addressed the health needs of lesbians, transgender people, LGBT youth and the elderly. Donors and national policymakers feel it is most cost-effective to reduce mortality, and so focus on HIV as a potentially life-threatening disease.

However, it is time for national policies and foreign-funded projects to reflect on the health needs of the LGBT community as a whole. This means increased programming in a range of areas not specifically related to HIV, for example, access to hormone treatment for transgender men and women, access to couples' insurance policies for same-sex partners, and the legal ability for same-sex couples to make decisions for their partners in medical emergencies. Mental health is also a

neglected area. While WHO (2013) notes that national mental health plans should specify measures for specific vulnerable groups including LBGT persons, there is a lack in Thailand of relevant policies, such as sensitivity training for mental health practitioners and LGBT-specific anti-suicide campaigns.

The attitude of some health care providers who are prejudiced against LGBT persons also represents a barrier to health and well-being. Many LGBT individuals while seeking health care services have faced discrimination which includes, but is not limited to, unequal standards of health care given to LGBT persons, the disclosure of sensitive and private health information, the refusal of treatment, placing transgender persons in hospital wards opposite of their preferred gender identity, and the perception by health care professionals that LGBT persons are mentally unstable (Ojanen, 2010).

CASE STUDY #3

NADA'S STORY: BARRIERS TO HEALTH CARE

An example of barriers to health care is illustrated in Nada Chaiyajit's story from "Violated Lives: Narratives from LGBTIQs and International Human Rights Law". Nada was admitted with a high fever to a government hospital in the south of Thailand:

"I was sick with an incredibly high fever of 40 degrees Celsius to the point where I needed to be admitted to the hospital. When I was admitted I was forced to be admitted to the men's ward. I pleaded with the doctor to put me in the women's ward but he said that he was just the on-call doctor and did not have the authority to make that decision. He proceeded to wheel me off to the men's ward. I told him I had already undergone sexual reassignment surgery, to please let me stay in the women's ward as I felt very uncomfortable in the men's ward. The nurse also said it was not possible – because I had a man's name, I had to be put in the men's ward, and continued wheeling me there. I tried to hold on to the doorframe so that they couldn't push me through...

After that sickness I fell ill very frequently, but I never wanted to go to the hospital. Unless I was so sick that I couldn't withstand it, I would not go. Every time I went I was asked 'do you want to stay in the women's or men's ward?" Not only that, there was always an issue about using the restrooms, the kind of bedpan they would provide for me, everything was a discussion on how they should deal with me. All of the unawareness and lack of protocol on how to deal with a transgender woman like me was so taxing and deflating, I was tired of being in that situation. Not only that, the health practitioners and administrators always treated me with contempt, as if they were disappointed in me and had a problem with my gender.

There was one time, a nurse asked me 'why do you wait until your sickness and symptoms to get so bad before coming to the hospital?" I told the nurse it was because every time I had come I was harassed, I also felt like I was causing hardship for the health care professionals that were taking care of me, to have to deal with someone like me."

FAMILY AND SOCIETY

The treatment and attitudes towards LGBT individuals in Thai society, both at the level of the nuclear family and in larger society, are diverse and, at times, divergent. Factors that contribute to whether or not an LGBT individual is accepted by their family include but are not limited to: the socioeconomic standing of a family; whether or not there is a need for a child to marry; the culture of "saving face" – upholding a family's reputation in the eyes of society; filial responsibility and

expectations of children; and being a "good" person – accumulating good merit and conducting a virtuous life as outlined by Buddhist teachings.

CASE STUDY #4

PRAPHAI'S EXPERIENCE WITH HER FAMILY

Praphai is a 29-year-old transgender woman. Her partner is a young man her age whose name is Bancha. They have both been living as man and wife for five years. Praphai is a sexual and gender rights activist. She travels to give talks at every level of educational establishments to advocate for a better understanding of gender and safe sex among students. She has asked her father to co-facilitate her seminars many times, especially on issues advocating for better understanding between parents and their Kathoey children, and in cases of helping these parents learn how to care for their Kathoey children. Praphai shares her stories about childhood and life with her family, before the days she could call it a happy home.

"I must call myself lucky. My dad is a police officer. My mom, a teacher. My mom you see, already understood me. My dad, I'd admit, was diiiiiiiiiiiifficult (stretches the word with emphasis) to change. My dad co-facilitates (talks) with me now. I'm so proud. I have a very happy family now. . . When I was 13–14, my father cursed at me a lot. It was as if he hated me then. But what was I to do?... I acted normal. I cooked, cleaned, did my laundry. I did the chores I had since I was young. I'm close to my mother. As a daughter, I avoided my father...

[The author asks: Did your younger brother help with chores?] *No. He was a typical boy... I took over the house chores* (laughs). *I liked it too. Maybe it's because I thought it was my job more than it was his. These days, I still do all the chores. Like when mother had surgery, I also had to take care of her. I had to be there from when she was hospitalized to when she was recovering at home. Bancha was there too. He would sit and chat with my father. I took care of her till she recovered.... See, real life is like this. Father has to admit that he has a daughter and a son. I just fulfill my duties* ("as a daughter"). *It has been 20 years to this day that my father would say 'My son is Kathoey,' that he has accepted Bancha as a son-in-law. My father is so proud these days. He's like WOAH! My kid is always on TV, always in the news! (laughs)."*

The case study illustrates the importance of the family in the journey of acceptance for an LGBT individual, and how that acceptance can be supported by LGBT individuals playing traditional family roles. In this story of a transgender woman and her family, Praphai's own definition of being a "daughter" means she has fulfilled the duties of a good daughter without failure. Praphai has helped her mother with all the house chores since childhood. Between siblings, herself and her brother, Praphai was selected to oversee her parents' care because she is the "daughter". Praphai has expressed genuine acceptance and delight in performing the duties of a *daughter* according to traditional Thai gender norms.

The foremost duty of a child in Thai society is fulfilling one's filial obligations. Presence and care during sickness and the provision of food and sustenance are factors that define the virtuousness of an individual and the extent of family acceptance for numerous LGBT individuals. For example, although a woman may be born as a person society may consider an "abnormality" because she is attracted to the same gender, or although a biological male may transition into a transgender woman, or kathoey, individuals may still attain virtuousness by fulfilling the roles of a "good daughter" – one who maintains the filial duties towards her parents.

The manner in which Praphai adopted these roles illustrates how LGBT individuals can reconcile their queerness with their role in the collective Thai family system (Brett 2011.) In other case study, that of a transgender man, Pa Hmai is accepted by family and community because he fulfills society's gender expectation of a "man", taking care of his family and being dutiful. He was reported as supported by his community and running for upcoming Sub-district Administrative Elections, with the personal slogan "Count on me anytime, it's Pa Hmai, the man (in a woman's body)."

However, this overemphasis on serving the family needs and having one's acceptance by wider society be tied to conforming to stereotypical gender roles – such as that of a "good daughter" for a transwoman – is problematic. Many heterosexual and LGBT people who conform to accepted norms – such as the man's responsibility of providing for the family and the woman's of maintaining the household and rearing children – feel rewarded and virtuous by this adherence to these social norms and very much seek social validation for their behaviours. This imposes burdens on the many LGBT people who do not want to or are unable to fulfill these roles.

In the same way that individuals can fulfill accepted social roles, LGBT couples can also fit into an accepted societal norm. Wilson's (2004) study of Toms and Dees presents evidence of acceptance towards a daughter who is Tom and that accepting Tom-Dee relationships in Thai society varies with each family. Some have a need to see their daughters settled as early as possible and rush to marry them off (to men). Some have no desire to see their daughters married, while others do very well in accepting their Tom daughters, with the condition that they behave in a socially acceptable manner; maintain occupational responsibilities and good morals; provide economic support to the family, and care for parents. Mathana Chetmee's research (1996) on lesbians in Bangkok presents the idea that most Toms in Thai society are capable of sustaining themselves and are accepted by their own families as a result of not abandoning their familial duties as proper daughters who care for their parents (Sinnot, 2004).

Again, this situation provides an example of the complexity of acceptance for LGBT individuals in Thailand. On the one hand, a saturation and sufficient visibility of LGBT persons has allowed for a sense of tolerance or indifference to permeate Thai society. This indifference towards LGBT individuals and couples means that many couples are able to conduct their lives, cohabitate, and live as they please without too much interference or harassment from society even though society may not necessarily be tolerant or accepting.

At the same time that some LGBT individuals may be tolerated by society, many others often face discrimination. Thai family, education, media, legal, government, economic, and religious establishments do not readily accept sexual diversity in its citizens.

Thai parents often regard same-sex relationships as temporary and as ephemeral phases in their child's life. These relationships are viewed by society as being superficial and unable to evolve into anything substantial. Same-sex marriage and having a family, including adoption by same-sex couples as a non-traditional couple, is impossible under Thai law and unacceptable by traditional family standards.

"For gay men or MSM, there may be a passive, unspoken acknowledgement of their sexual orientation, but many do not explicitly 'come out' to family members. For transgender women, hiding their identity proves to be more difficult since they transgress gender norms and attract attention because of their appearance. Families may be ashamed of having a transgender child

and may encourage [them] to 'act normal' or 'act like a man' as many erroneously believe that being transgender is an illness that can be cured" (Purple Sky Network, 2011).

In some cases, the lack of acceptance by family members of an LGBT individual can result in harassment and abuse. In many cases, kathoey children are beaten and cursed at by their fathers (as in the case of Praphai), punished for being effeminate, and forced to leave the household for fear of shaming the family name. Lesbian youth are also at risk of correctional rape from their male family members as was documented in a case occurring in February 2012 when a father was arrested for the rape of his 14-year-old daughter (Liljas 2013). She was raped repeatedly for four years because she associated with Tom friends. Unfortunately, these abuses happen to individuals who are already vulnerable and suffer self-stigmatization and face discrimination from society. Just like any other child, they turn to their families for love, acceptance and trust in order to receive benefits and social security in the same manner as everyone else, only to be met with hostility and further discrimination. Incidences of discrimination and violence against LGBT individuals are also underreported. Often, the fear of family or social persecution, the shame, and a lack of faith in authorities and the law stop individuals from reporting their experiences of abuse.

MEDIA AND INFORMATION AND COMMUNICATION TECHNOLOGY (ICT)

Whether print media, radio or television, most forms of media are unclear on how to portray LGBT characters and persons. The current portrayals of LGBT people in the media are mostly negative. The media seldom presents glimpses into a person's life who has diverse sexual orientation or gender identity. Furthermore, very few attempts have been made to understand and present the complexities of sexual identity such as for transgender individuals. This omission contributes to the lack of positive coverage in the media of sexual and gender minorities. This is exemplified in the depiction of transgender women and gay men as stock characters of comic relief on television. In addition to this, media considers sexual diversity issues as unimportant even when the important issues arise. The low prioritization of LGBT issues by both traditional and new media contributes to a lack of understanding on the real lives of LGBT people and undermines the struggles they face.

Moreover, in order to protect the image of Thailand being a haven for LGBT individuals, Thai media does not regularly report incidences of harassment and discrimination. This is reported even less so in English language traditional media. As stated in the International Gay and Lesbian Human Rights Commission 2009 report, "Even long-term foreign residents aren't likely to have heard about, for example, a bisexual woman who was burned alive in 2006, and the rape, murder and burning of a lesbian last year. Both cases were reported only in the Thai dailies. Rarely will they pick up stories on constant harassment and discrimination against kathoeys, whose life options are severely limited. These "non-issues" are often brushed aside by Thais" (Likhitpreechakul 2009).

ORGANIZATIONAL CAPACITY

LGBT organizations are able to operate and register in Thailand. However, because the term Non-Governmental Organization is not used in Thai law they must register as a local foundation, association, or as a Foreign Private Organization. This registration process is tedious and daunting for many organizations, some of whom choose not to register. Furthermore, organizations must prove the ability to sustain themselves with proof of substantial financial capacity of at least

200,000 Thai Baht in the bank. As many organizations working on LGBT and intersex human rights issues are nascent or understaffed, they are unable to fundraise and meet these onerous requirements. This is problematic as external and international donors often specify that organizations must be registered to be eligible for funding. It is recommended that external donors create new mechanisms and indicators that would allow non-registered organizations to receive funding.

Organizations working on LGBT human rights are vastly underfunded and understaffed as compared to the more established organizations working on HIV. Their managerial and organizational capacities are fairly low. This can be attributed to the lack of attention and importance paid to LGBT human rights until very recently. Because of limited funds, many organizations are unable to employ full-time staff and are completely dependent on time and efforts volunteered by the community. Although this volunteerism creates a sense of solidarity among individuals and is appreciated, it generally means that projects are short-term and the level of advocacy needed to create concrete change is insufficient. LGBT organizations are in need of technical and managerial trainings as well as greater opportunities to receive funding.

It is also important to take into consideration the formation of these various organizations. Thailand's LGBT organizations are somewhat fractious. Because the different groups prioritize their own agendas, there are few cross-cutting programmes. Most of the MSM, gay, and transgender organizations such as Rainbow Sky Association Thailand and SWING were formed to deal with the HIV crisis, and to this day focus on health and welfare for their target communities, while lesbian organizations like Anjaree and Sapaan have their roots in feminism.

The LGBT community remains divergent in viewpoints and do not have a clear direction for LGBT rights advocacy. Different groups often pay importance to and prioritize the issues that most directly impact their community and identity. However, recent developments, such as the formation of the Sexual Orientation and Gender Identity and Expression Rights Party as well as the LGBT committee currently working with Thailand's Law and Reform Council to redraft the Civil Union Bill, show greater collaboration between lesbian, gay, bisexual, transgender and intersex activists as well as with other human rights organizations. However, further building on relationships, and establishing a functioning and strong network among the diverse groups, with a national agenda, would be beneficial in advancing LGBT human rights in Thailand.

Not only are there differences in terms of priorities and founding philosophies, but there is also a lack of understanding of LGBT communities with multiple vulnerabilities, such as intersex persons, those living with disabilities, the elderly, youth, and ethnic minorities among others. This can be attributed to the already limited capacities of existing organizations and the low visibility of vulnerable subgroups. It is recommended that more funding and attention be directed towards marginalized LGBT populations as well as more research conducted on the needs and rights of these groups.

As Thailand is developing and its economy strengthening, many international donor organizations are beginning to limit their funding to Thai organizations and some have entirely ended their support to organizations they had previously funded. This is causing problems for organizations that provide clinical services to the public, jeopardizing their established success and the services or medication they provide to their clients.

It is unlikely that this gap in funding will be filled by the government considering their lack of focus on LGBT issues (as exemplified by a lack of anti-discrimination policies) and their highly conservative parliament. However, it is imperative that organizations working on establishing the equality, dignity, and freedoms of LGBT and intersex individuals be supported to continue their efforts in protecting the human rights of these marginalized communities. With little to no national funding on these issues, Thailand's LGBT community and organizations are reliant on external and international funding and technical guidance.

Thailand's LGBT communities and organizations are vibrant, resilient, and committed in the cause for human rights. Even with the lack of capacities mentioned, they have persevered and won many uphill battles in protecting the rights for LGBT individuals. Their devotion and capabilities should not be overlooked.

RECOMMENDATIONS

The following section describes recommendations arising from the process of this report's development. They include a combination of recommendations from the Thailand national dialogue and from the best understanding of the three authors of the proceedings and priorities as expressed by participants and others before, during, and after the national dialogue. They also include recommendations based on the interpretation by the authors of LGBT rights and politics in Thailand at the present moment.

The recommendations range from broad to specific. Some specify who the recommendations should be implemented by; others do not. The topics generally fall under the same categories of topics discussed at the dialogue. Taken as a whole, they represent a picture of how all levels of Thai society, from government and official institutions to NGOs and LGBT organisations themselves, can contribute to improving human rights for LGBT individuals and communities in Thailand.

LAWS AND POLICIES

A strong set of recommendations relate to discrimination and other problems related to the lack of official recognition of same-sex relationships. This report recognizes the countless LGBT men and women who share their lives together without marriage registrations yet whose relationships are not acknowledged by and considered unnatural by the State and society. This perception drives LGBT people into the margins of society. Recognizing the equal rights to partnership of LGBT citizens also recognizes their rights as true and equal citizens. It is recommended that:

- Thailand officially recognize and enact legislation for LGBT couples to register and have recognition by law their relationships, which will then allow them to access the same social benefits available to married heterosexual couples.

- LGBT community organizations and allies explore whether this is a useful area of advocacy in Thailand, given how there are no current laws which protect LGBT individuals from hate crimes, civil rights violations, or discriminatory practices, yet there is little advocacy or attention in this area.
- LGBT community organizations and allies explore the range of laws and policies that are required in order to officially recognize changes in sex/gender.

RELIGION

Religion is recognized as an important factor in society in relationship to sexuality and gender. It is recommended that LGBT community organizations and allies host forums for discussing religion, spirituality, sexual orientation and gender identity and from those discussions, implement advocacy strategies to counter the stigma attached to sexual orientation and gender identity as it pertains to religion.

EMPLOYMENT AND HOUSING

Similar to the above recommendation on recognizing same-sex relationships, this recommendation notes how this recognition is necessary for employment rights. It is recommended that:

- The Ministry of Finance establish legal recognition and protection for same-sex partners on the same basis as heterosexual partners in order to ensure equal access to benefits, compensation, and health care for partners of civil workers.

- An organizational body is established to addresses issues of LGBT employment in Thailand. This can be initially implemented in Bangkok and its neighbouring provinces before expanding into other regions. Implementing this plan will involve liaising and arranging meetings with the International Labour Organization, the United States Agency for International Development, the United Nations Development Programme (UNDP) and the Ministry of Labor to gain access to funding and research data; and then to organize two-day meetings with LGBT networks, unions or labour networks, and the business sector. A final meeting of key stakeholders and funders will establish a partnership with an initial working timeframe of six months and an initial remit of providing education and information on labour rights.

Different recommendations, related to housing, aim to ensure that LGBT individuals have the same rights to housing as other Thai citizens. It is recommended that:

- Banks and other financial institutions grant the same access to services, housing, and financial resources to same-sex couples as opposite sex couples, regardless of the legal recognition of relationships.
- State and other relevant institutions ensure equal access and rights to safe and affordable housing for LGBT individuals, including the right to cohabitate without harassment and discrimination.
- Training and programmes on social welfare and private services, including banks and housing agencies, are introduced to increase understanding of the needs of LGBT persons and to ensure their equal treatment.

EDUCATION AND YOUNG PEOPLE

In order to make Thai educational institutions a safe and positive place for young LGBT Thai persons, sensitization and education is needed, as well as improvements in policy and curriculum development. At the level of the Ministry of Education, it is recommended that:

- The Ministry of Education be sensitized on the issues of sexual orientation and gender identity and promote educational policies that are inclusive and consistent with human dignity and equality.
- The Ministry of Education protects the basic right of all students to equal access to education and to protect them from exposure to any forms of discrimination based on their sexual orientation and/or gender identity.
- The Ministry of Education addresses the need for an LGBT sensitive anti-bullying policy at the ministerial level, as well as a model policy for individual schools to follow.

These rights should be reflected in national legislation.

A safe educational experience for young people is considered of key importance. Lobbying to achieve positive changes may involve formal complaints to the Ministry of Education, Department of Mental Health and the National Human Rights Commissions, and even demonstrations and rallies. Monitoring of the issues and progress is necessary as is working with the media for advocating on these issues.

At the policy level, it is recommended that:

- Sexual orientation and gender identity as well as other important issues regarding the respect, dignity, and equality of all human beings be included in the official school curriculum.
- Policies on gender-based uniforms be relaxed to allow individuals to wear the uniform of their choice.
- Gender-based evaluation criteria in physical education be removed.

At individual schools, it is recommended that:

- Teachers, school administrators and other individuals involved in education institutions be sensitized on the diversity of sexual orientation and gender identity, as well as be held accountable for their discriminatory actions towards LGBT students.
- It be ensured that students are allowed into classes, exam rooms and in public spaces regardless of their chosen uniform.
- Gender-neutral or transgender-friendly toilets and other necessary facilities be constructed that uphold the dignity of LGBT individuals.

HEALTH

A broad range of recommendations is aimed at LGBT organizations and funders towards establishing friendly, comprehensive and holistic health services for all LGBT individuals. LGBT organizations must first recognize the importance of a holistic health approach and seek resources to support it. Funding agencies should collaborate with organizations on the ground to develop health projects that address a broad array of LGBT health needs and concerns, in addition to HIV prevention, care, and treatment. Awareness and sensitivity about SOGI issues among healthcare providers should be improved. LGBT healthcare should be expanded beyond the traditional HIV prism, although HIV should continue to remain a central part of any health strategy for LGBT people. More specifically, it is recommended to:

- Develop a wide range of LGBT health services, accessible in all provinces. These services should cover issues such as sexual health for women who love women, counselling before and after sex-reassignment surgery, information and care during hormone treatment, care after sex-reassignment

surgery, and providing standard anatomical information to all patients regardless of their sexual orientation or gender identity.

- Develop a curriculum for LGBT health services for health providers.
- Provide standardized comprehensive health care services for transgender men and women, such as the use of hormones, the use of hormones with antiretroviral therapy or other drugs, and transgender men's health care.
- Develop more knowledge and research on HIV risk for LGBT populations beyond the priority focus of MSM and transgender women.
- Encourage health funding for LGBT communities for a broader range of issues than only the treatment of disease and for funding to be managed by communities, not only medical authorities
- Develop gender sensitivity on LGBT issues for mental health services as well as conduct sensitivity trainings for health care professionals.
- Encourage the state to allocate resources to raise awareness about sexual diversity, as well as hold the state accountable for human rights abuses and discrimination against individuals of diverse sexual orientation and gender identity in public health care settings.
- Ensure that gender mainstreaming policies for health and human rights include LGBT groups, including traditionally marginalized groups such as transgender men and women, and lesbian and bisexual women.
- Introduce easily accessible mechanisms for individuals to be able to choose who can make emergency health are decisions for them, as well as who can authorize medical assistance in hospitals.

FAMILY

Recommendations relating to families are both to encourage the families of LGBT individuals to be more accepting of them, and to support the families that LGBT individuals are creating. For families of LGBT individuals, it is recommended to:

- Disseminate information and promote education about diverse sexual orientations and gender identities in order to eliminate violence against LGBT persons.
- Provide counselling centres and services to support LGBT individuals and their families.

As part of the described education progress, it is recommended for LGBT community organizations to develop a project of an "LGBT model family" which can be used to education non-LGBT families and increase the public exposure of the legitimacy (and normality) of LGBT families. It is envisioned that this project will gradually extend to schools, hospitals and the larger community. Similarly, it is recommended for LGBT community organizations to:

- Conduct social surveys to learn about the specific needs of LGBT families, conducting them in spaces where communication is felt to be safe and open.
- Hold discussions with families that have LGBT members.
- Develop cooperation with academic institutions and human rights organizations to advocate on issues relevant to the rights of LGBT families.

On the policy level, numerous legislative changes are recommended to prevent discrimination against LGBT people and to make their relationships legal:

- Revise the Civil and Commercial Code, and the Family and Marriage Laws to recognize same-sex relationships and families.
- Allow for legal adoption of children by same-sex couples.

- Ensure legal recognition of same-sex parents of adoptive children, surrogate children, and stepchildren.
- Amend the Civil and Commercial Code so that all language is gender-neutral and provides all Thai citizens equal access to protection and opportunities afforded by the law.

MEDIA

Media-related recommendations aim to reduce discrimination towards LGBT persons that is encouraged by negative portrayals in the media. Thus it was recommended to:

- Establish a working committee (a "sexual and gender diversity committee") to monitor the media portrayal of LGBT persons and issues in collaboration with the National Broadcasting and Telecommunication Commission (NBTC), and to counteract negative portrayals including by penalties for offending networks or media personnel.
- Advocate for policies to promote diversity and sensitivity of sexual orientation and gender identity issues within institutions that have the authority to do so (National Broadcasting and Telecommunications Commission and Thai PBS Channel Audience Council Members).
- Collaborate with institutions with journalism and media studies courses:
    - » To build knowledge and capacity and train students on human rights and awareness of and sensitivity to gender and sexual orientation, and LGBT issues including through awards, certificates, and licenses. This may include a training test before receiving a broadcast license to report on gender identity, sexual orientation and minority and marginalized groups.
    - » To reduce sensationalistic and inaccurate reporting that generates programme ratings for programs.
    - » To empower LGBT persons to produce their own media.

It was also recommended for LGBT community organizations to support the development of appropriate materials for the media to better understand LGBT issues, and for media to use to cover these issues.

ORGANIZATIONAL CAPACITY AND FUNDING

It is recommended broadly that the global fight for LGBT equality include the fight in Thailand for LGBT human rights. It is noted that LGBT organizations are in need of technical and managerial trainings as well as greater opportunities to receive funding and that Thai LGBT community groups need to work together more collaboratively and closely, building relations and establishing a strong, functioning network among diverse groups with a national agenda; this would be beneficial in advancing human rights in Thailand.

External donors can play a key role in this by creating new mechanisms and indicators that would allow non-registered organizations to receive funding and to direct more funding and attention towards marginalized LGBT populations, as well as to facilitate more research on the needs and rights of these groups. Along with generally providing support for advocacy and policy-making, helping to procure additional funding, and allocating funding for LGBT issues beyond HIV, it was also recommended that donors allocate funding with the aims to:

- Support organizations in the acquisition of full-time staff members to ensure effectiveness of operations and operational stability.
- Establish new organizations.
- Foster self-development opportunities and political capacity building for organization staff members and activists.
- Promote and support holistic health care services.

- Employ and build the capacity of grassroots level activists to raise awareness of LGBT issues at the grassroots level.
- Establish legal aid funding as a means of providing assistance to LGBT persons in need of legal assistance.

It was also recommended to fund the following areas:

- LGBT knowledge-building campaigns for those working in health issues.
- Local research and collection of data to support advocacy programs.
- Media production to support advocacy campaigns for various organizations.

Funding is not the only issue relevant to community organizations. Thai LGBT community organizations need to build a sense of unity and collaboration while overcoming differences in opinion and approach. This may involve finding methods to achieve joint understanding between activists and negotiators to find agreement between those opposed to each other.

Smart advocacy will involve timing advocacy to match ongoing social and political trends, using the media to highlight progress and development to the general public, and lobbying non-LGBT allies and partners to expand their advocacy to include LGBT issues, or the LGBT sub-groups and working parties.

LGBT community groups need to promote the political involvement and activism of the community, as well as the civil sector on SOGI issues. They should use accessible mechanisms and services to reach the LGBT community, such as providing education on community law. They should develop awareness of further marginalized sectors of the LGBT community including transgender people, lesbians, ethnic groups (Thai and non-Thai), the elderly, the underprivileged, and the rural community.

High-level advocacy is also recommended, including pressuring the government by monitoring issues and presenting issues through United Nations Mechanisms such as the Universal Periodic Review (UPR), and other mechanisms of the United Nations Office of the High Commissioner on Human Rights (UNOHCR).

BIBLIOGRAPHY

Asia-Pacific Coalition on Male Sexual Health [APCOM] (2012) *MSM Country Snapshot Series: THAILAND*. Retrieved 17 Mar 2014 from http://www.apcom.org/ids-document/msm-country-snapshot-series-thailand

Bangkok Post (2009) 'Rak Chiang Mai 51: A pride or a disgrace for Chiang Mai?' Retrieved 9 May 2014 from http://www.bangkokpost.com/blogs/index.php/2009/02/24/rak-chiang-mai-51-a-pride-or-a-disgrace-?blog=63

Bangkok Post (2013) 'Panel Talk on Same-Sex Law' in Lifestyle Section. 16 July 2013. Retrieved 18 March 2014 from http://www.bangkokpost.com/lifestyle/family/360049/panel-talk-on-same-sex-law

Barme, S. (1993) *Luang Wichit Wathakan and the Creation of a Thai Identity*. Singapore: Institute of Southeast Asian Studies.

BBC (2013) Q&A: Gay rights in Russia (13 August 2013). Retrieved 29 August 2013 from http://www.bbc.co.uk/news/ world-europe-23604142

Berlant, L. and Michael W. (1995) 'What Does LGBTIQ Theory Teach Us about X?' PMLA 110, 3: pp. 343–9.

Beyrer, C., A. L. Wirtz, et al. (2011). The Global HIV Epidemics among Men Who Have Sex with Men. Washington, The World Bank.

Boonprasert, J. (2011) *Violated Lives: Narratives from LGBTIQs and International Human Rights Law*. Bangkok.

Bottollier-Depois, A. (2014) 'Thai teen pregnancy on the rise as sex education misses the young.' *AFP* 16 January 2014. *Google News*. Retrieved 19 March 2014 from http://www.google.com/hostednews/afp/article/ALeqM5i_mCI567zXJdQ0r7v1ywf0aFPMFQ?docId=eb04c8f5-2ef8-4bcc-ac3a-c3733c0710ba

Brett, F. (2011) Love of Siam. In *Queer Bangkok after the Millennium: Beyond Twentieth-Century Paradigms*, Jackson, P., ed. Hong Kong: Hong Kong University Press. pp. 80–98

Brown, R. (2012). Corrective Rape in South Africa: A Continuing Plight Despite an International Human Rights Response. *2012 Annual Survey of International & Comparative Law (Spring, 2012)*. Golden Gate University School of Law.

Burns, C. (2011). Fact Sheet: LGBT Discrimination in Higher Education Financial Aid. Center for American Progress. Retrieved 20 August 2013 from http://www.americanprogress.org/wp-content/uploads/issues/2011/08/pdf/lgbt_factsheet.pdf.

Butler, J. (1994) 'Against Proper Objects.' *Difference: A Journal of Feminist Cultural Studies* 6, 2–3: pp. 1–26.

CDC National Prevention Information Network. (2003) Thailand: Vanishing Condoms Spark Alarm. 16 December 2003. *TheBody.com*. Retrieved 10 May 2014 from http://www.thebody.com/content/art29417

Chakrabarty, D. (2000) *Provincializing Europe: Postcolonial Thought and Historical Difference*. Princeton: Princeton University Press.

Chaninat & Leeds (2014) Thailand Non-Government Organization. Retrieved 8 July 2014, from http://www.thailand-lawyer.com/Thailand-NGO.html

Chetmee, M. (1996) *Lesbian Lives and Families.* M.A. Dissertation. Sociology and Anthropology Studies. Bangkok: Faculty of Sociology and Anthropology. Thammasat University.

Clifford, J. (1988) *The Predicament of Culture: Twentieth-Century Ethnography Literature, and Art*. Cambridge, Massachusetts: Harvard University Press.

Feigenblatt, O. (2010) 'Resisting Universalistic Feminist and Queer Hegemonic Discourses: An *Emic* Model of Thai Gender and Sexuality'. RCAPS Working Paper No. 10–1

Fishel, T. (1999) 'Romances of the Sixth Reign: Gender, Sexuality, and Siamese Nationalism.' In *Genders and Sexualities in Modern Thailand.* Peter Jackson and Nerida Cook, eds. Chiang Mai: Silkworm Books. pp. 63–77

Grant, J. M., Mottet, L. A., Tanis, J. et al. (2011) Injustice at Every Turn: A Report of the National Transgender Discrimination Survey. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force. Retrieved from www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf

Halperin, D. (1995) *Saint Foucault: Towards a Gay Hagiography*. New York: Oxford University Press.

Hauser, S. (n.d.) Transsexuality in Northern Thailand-historical notes. *Sjon Hauser de Thailandspecialist RSS*. Retrieved 25 March 2014 from http://www.sjonhauser.nl/transsexuality-in-northern-thailand-historical-notes.html

History of Thai LGBTs (2009) Origins of Homosexuality in Thailand. 8 Sept 2009. Retrieved 25 March 2014. http://www.dek-d.com/board/view/1410188

Intathep, L. (2013) 'Hundreds back civil unions for gay couples: Same-sex partners in push for equal rights.' *Bangkok Post*. Retrieved 17 March 2014 from http://www99.bangkokpost.com/news/local/335059/hundreds-back-civil-unions-for-gay-couples

International Gay and Lesbian Human Rights Commission [IGLHRC] (2012). Governments Condemn Extrajudicial Executions in Seminal UN Vote. Retrieved 9 May 2014 from http://iglhrc.org/content/governments-condemn-extrajudicial-executions-seminal-un-vote

International Gay and Lesbian Human Rights Commission [IGLHRC]: Asylum Program (1999) *Country Packet Supporting Documentation for Asylum Claims: Thailand #2, Status of Sexual Minorities*. Retrieved 9 May 2014 from http://www.asylumlaw.org/docs/sexualminorities/Thailand%202%20SO%20[96-99].pdf

International Labour Organization [ILO] (2013) *Discrimination at Work on the Basis of Sexual Orientation and Gender Identity: Results of Pilot Research*. Retrieved 15 March 2014 from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_221728.pdf

International Labour Organization [ILO] (2014) *Gender Identity and Sexual Orientation: Promoting Rights, Diversity, and Equality in the World of Work (PRIDE) Project*. Thailand. Bangkok

ISHR (2011) Historic decision: Council passes first-ever resolution on sexual orientation & gender identity. International Service for Human Rights. 17 June 2011. Retrieved 14 March 2014 from http://www.ishr.ch/news/historic-decision-council-passes-first-ever-resolution-sexual-orientation-gender-identity#Votes

Issara News (2012) 'Opposed! Se-ed Bans Homosexual Books from Shelves, Biased.' 6 Dec 2012. Retrieved 27 Mar 2014 from http://www.isranews.org/isranews-news/item/18060-SEED.html

Jackson, P. (1997a). Male Homosexuality and Transgenderism in the Thai Buddhist Tradition, in *"Queer Dharma: Voices of Gey Buddhists."* Retrieved 26 June 2014 from http://www.enabling.org/ia/vipassana/Archive/J/Jackson/homoBuddhaJackson.html

Jackson, P.A. (1997b), 'Thai Research on Male Homosexuality and Transgenderism and the Cultural Limits of Foucaultian Analysis', *Journal of the History of Sexuality*, vol. 8, no. 1, pp. 52–85

Jackson, P.A. (1999). Tolerant but unaccepting: the myth of a Thai 'gay' paradise. In *Gender and sexualities in modern Thailand*. Jackson, P. and Cook, N., eds. Chiang Mai: Silkworm Books.

Jackson, P. A. (2011) 'Queer Bangkok after the Millennium; Beyond Twentieth-Century Paradigms', in *Queer Bangkok: Twenty-First-Century Markets, Media, and Rights*, Peter A. Jackson (ed.), Hong Kong: Hong Kong University Press. pp. 8–9

Jackson, P.A. (2002). 'Offending Images: Gender and Sexual Minorities, and State Control of the Media in Thailand', in *Media Fortunes, Changing Times: ASEAN States in Transition*, Heng, RHK, ed., Institute of Southeast Asian Studies (ISEAS), Singapore, pp. 201–230.

Jackson, P.A. 2003, 'Performative Genders, Perverse Desires: A Bio-History of Thailand's Same-Sex and Transgender Cultures', *Intersections: Gender and Sexuality in Asia and the Pacific*, vol. 9, no. August 2003, pp. 1–52.

Jackson, P.A. Jackson, P & Duanwises, N, eds., (2009) *Thai Gay and Kathoey Media: Claiming Space for Voices of Sexual and Gender Diversity*, Thai Health Promotion Foundation, Bangkok.

Jagose, A. (1996) *LGBTIQ Theory: An Introduction.* New York: New York University Press.

Leach, A. (2013) 'LGBTI global news 24-7'. *Gay Star News.* 5 February 2013. Retrieved 19 March 2014 from http://www.gaystarnews.com/article/thai-tomboy-students-demand-right-wear-pants050213

Likhitpreechakul, P. (2009) 'Without equality, tolerance for gays is just a myth.' *Nation Multimedia.* 3 April 2009. Retrieved 14 March 2014 from http://www.nationmultimedia.com/2009/04/03/opinion/opinion_30099543.php

Liljas, P. (2014) 'Thailand's Intolerance of Its Own LGBT Community Will Surprise You'. *TIME.* 5 March 2014. Retrieved 13 March 2014 from http://time.com/12603/thailands-intolerance-of-its-own-lgbt-community-will-surprise-you/

Mahidol University, Plan International, UNESCO. (2014) *Bullying targeting secondary students who are or are perceived to be transgender or same-sex attracted: Types, prevalence, impact, motivation and preventive measures in 5 provinces of Thailand.* Bangkok, Thailand.

Mosse, G L. (1985) *Nationalism and Sexuality: Middle-Class Morality and Sexual Norms in Modern Europe.* Madison: The University of Madison Press.

Nation Multimedia (2007). 'Gays take on Novotel in club row.' (n.d.).*The Nation Newspaper*. Retrieved 9 May 2014 from http://nationmultimedia.com/2007/06/28/headlines/headlines_30037988.php

Nation Multimedia (2012) 'Not all follow TU's lead on cross-dressing grads.' *The Nation*. 18 August 2012. Retrieved 19 March 2014 from http://www.nationmultimedia.com/national/Not-all-follow-TUs-lead-on-cross-dressing-grads-30188603.html

Nation Multimedia (2012) 'Transvestite Grads Get The Nod.' *The Nation.* 17 August 2012. Retrieved 19 March 2014 from http://www.nationmultimedia.com/national/Transvestite-grads-get-the-nod-30188520.html

Nation Multimedia. (2010). 'Film board bans "Insects in the Backyard"' *The Nation*. Retrieved 9 May 2014 from http://www.nationmultimedia.com/2010/12/23/national/Film-board-bans-Insects-in-the-Backyard-30145028.html

National Human Rights Commission of Thailand [NHRC] (2012) *Summary of the Human Rights Situations and Performance Report of the Year 2012*. Retrieved 15 March 2014 from http://www.nhrc.or.th/en/file/HumanRightsSituation_AnnualReport/02.pdf

Ocha, W. (2013) 'Rethinking Gender: Negotiating Future Queer Rights in Thailand.' *Gender Technology and Development* 17.1.2013. pp. 79–104. Retrieved from http://gtd.sagepub.com.ezproxy.cul.columbia.edu/content/17/1/79.full.pdf+html.

Office of the High Commissioner of Human Rights (OHCHR) (2011), "Discriminatory Laws and Practices and Acts of Violence against Individuals Based on their Sexual Orientation and Gender Identity", 17 November 2011 report submitted to the Human Rights Council. Retrieved 27 August 2013, from http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/ Session19/A-HRC-19-41_en.pdf.

Ojanen, T. (2009) Sexual/gender minorities in Thailand: Identities, challenges, and voluntary-sector counseling. June 2009. Retrieved 13 March 2014 from http://www.academia.edu/3120339/Sexual_gender_minorities_in_Thailand_Identities_challenges_and_voluntary-sector_counseling

Ojanen, T. (2010) *Mental Health Services and Sexual/Gender Minority Clients in Bangkok, Thailand: Views by Users and Service Providers.* Bangkok: Assumption University.

Phetdee, W. (2008) 'Women to Get Choice of Mrs, Miss.' *The Nation* (Bangkok) 8 Feb 2008, sec. A:4.

Prokati, K. (n.d.) LGBT Stories and the Law in General. OSKNETWORK . Retrieved 25 March 2014 from http://www.osknetwork.com/modules.php?name=News&file=article&sid=216

Purple Sky Network (2011) Addressing Stigma and Discrimination in Thailand. *Purple Sky Network Newsletter*, *9*, 3. Retrieved 15 March 2014, from http://www.purplesky.asia/web/newsletter_view.php?id=9

Reynolds, C., ed. (1991) *National Identity and its Defenders, Thailand, 1939–1989.* Monash Papers on Southeast Asia No.25. Melbourne: Centre of Southeast Asian Studies, Monash University.

Rithdee, K. (2010) 'Insect in the Backyard', *Bangkok Post.* Retrieved 9 May 2014 from http://pages.citebite.com/i2a6l7w1lxkh

Robinson, B. (2010) Buddhism and Homosexuality: Theravada Buddhism. Zen Buddhism. Mahayana Buddhism in China. 5 July 2010. Retrieved 14 March 2014 from http://www.religioustolerance.org/hom_budd1.htm

Rubin, G. (1984) Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality. In *Pleasure and Danger: Exploring Female Sexuality*. Carole Vance (editor). Boston: Routledge and Kegan Paul.

Sakunphanit, T. & Suwanrada (2011) Impact Analysis, Increased Access to Care. The Universal Coverage Scheme - Thailand. W.; ILO - SU/SSC (UNDP). P. 396

Samakkeekarom, R & Taesombat, J. (2013) Couple Life. Family Building Among LGBT People: Types, Acceptance and Needs. *Quality of Life and Law Journal.* Mahidol University 9(2). July–December 2013:

Sanders, D (2011) Constitutional Drafting Assembly. The Rainbow Lobby: The Sexual Diversity Network and the Military-Installed Government. In *Queer Bangkok: 21st Century Markets, Media, and Rights*. Peter Jackson, ed. pp. 240–245.

Sanders, D. (2011) The Rainbow Lobby. In *Queer Bangkok after the Millennium: Beyond Twentieth-Century Paradigms*, Jackson, P., ed., Hong Kong: Hong Kong University Press. pp. 240–250

Sanitsuda, E (2007) Activists Want Gay Rights in Charter. *Bangkok Post.* 27 May 2007. p. 4.

Sears, B. & Mallory, C. (2011, July). Documented Evidence of Employment Discrimination and Its Effects on LGBT People. The Williams Institute. Retrieved 30 August 2013 from http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-Discrimination-July-20111.pdf

Sinnot. (2004) *Toms and Dees: Transgender Identity and Female Same-Sex Relationships in Thailand*. Honolulu: University of Hawaii Press. pp. 115–131

Thailand Law (2013) 'Rape Laws in Thailand.' Thailand Law RSS. n.p., 16 June 2013. Retrieved 27 Mar. 2014 from http://www.thailandlaw.org/rape-laws-in-thailand.html

Transgender SRS Gender Reassignment Sex Change Surgery (2012) Thailand Transgender SRS Sexual Reassignment Gender Surgery in Bangkok Hospitals. Retrieved 27 March 2014 from http://www.thailand-srs.com/sexual-reassignment-surgery-bangkok.php

Ünaldi, S. (2011) Back in the Spotlight, The Cinematic Regime of Representation of Kathoeys and Gay Men in Thailand. In *Queer Bangkok: 21st Century Markets, Media, and Rights*. Peter Jackson, ed. p. 61

United Nations (2012). United Nations Official Document. Press Release. *UN News Center*. Retrieved 9 May 2014 from http://www.un.org/ga/search/view_doc.asp?symbol=A/C.3/67/L.36%20Press%20Release

United Nations Development Programme [UNDP] (2012) *Lost in Transition: Transgender People, Rights and HIV Vulnerability in the Asia-Pacific Region*. Retrieved from: http://www.undp.org/content/dam/undp/library/hivaids/Lost%20in%20translation.pdf

United Nations Development Programme [UNDP] (2012) Thailand AIDS Response Progress Report 2012: Reporting period: 2010–2011. Retrieved from: http://www.unaids.org/en/dataanalysis/knowyourresponse/countryprogressreports/2012countries/ce_TH_Narrative_Report[1].pdf

United States Agency for International Development. (n.d.) LGBT Global Development Partnership: Promoting Lesbian, Gay, Bisexual, and Transgender Inclusive Development. Retrieved 20 August 2013 from http://www.usaid.gov/sites/default/files/documents/2496/USAID%20Fact%20Sheet%20LGBT%20Global%20Partnership.pdf

Wilson, A. (2004) *The Intimate Economies of Bangkok: Tomboys, Tycoons, and Avon Ladies in the Global City*. Berkeley: University of California Press.

Winichaikul, T. (1994) *Siam Mapped*. Honolulu: University of Hawaii Press.

Winter, C. (2012) Responding to LGBT Health Disparities. Ryan Barker & Thomas McAuliffe (Eds.). Missouri Foundation for Health. Retrieved 23 August 2012 from http://www.mffh.org/mm/files/LGBTHealthEquityReport.pdf

Winter, S. (2006) Thai Transgenders in Focus: Their Beliefs About Attitudes Towards and Origins of Transgender. *International Journal of Transgenderism*, Vol. 9 (2) 2006. The Haworth Press, Inc.

ANNEX 1: LIST OF LGBT ORGANIZATIONS IN THAILAND

ORGANIZATION	PHONE	EMAIL	MAILING ADDRESS
Anjaree	+66-86-995-9525	anjana42@gmail.com	20/49 Paholyothin Rd. Soi 11, Samsennai, Phayathai, Bangkok 10400, Thailand
APCOM	+66-2-259-3734	midnight@apcom.org	23/6 Soi Napasab 2, Sukhumvit 36, Klongton, Klongtoei Bangkok 10110, Thailand
APN+	+66-2-2557477	apnplus.communication@gmail.com	Unit 301, 51/2 Ruamrudee Building III, Soi Ruamrudee, Ploenchit Road. Bangkok 10330 Thailand
Asia Pacific Transgender Network (APTN)	+66-82-653-3999	natt.aptn@gmail.com	420/1 Satharanasukwisit Bldg. Mahidol University, Ratchawithi Rd, Phayathai, Ratchathewi, Bangkok 10400 Thailand
Bangkok Rainbow	+66-2-618-5168	bangkokrainbow@yahoo.com	Bangkok Rainbow Organization 218/16 Pradiphat Road Soi 18, Samsennai, Phayathai Bangkok 10400, Thailand
Buku Book	+66-85-489-6469	bukuthailand@gmail.com	2/3 Samukkee Rd. Banung district Maung Pattani, Thailand
For-SOGI	+66-81-340-5409	Forsogi.thai@gmail.com p.petchnamrob@gmail.com	4 Petchakasem24, Petchakasem Rd, Phasichareon, Bangkok, 10160, Thailand

ORGANIZATION	PHONE	EMAIL	MAILING ADDRESS
Galaya Club	+66-88-898-8549	galayaclub@gmail.com	
Gay Political Organization	+66-81-524-5245	adisorn.w@cimbthai.com	Chiang Mai, Thailand
Global Action for Trans Equality	+66-81-700-1776	rena@transactivists.org	
Health and Opportunity Network (HON)	+66-92-446-9243	thissadee.hon@gmail.com	193/335 Rungland Village, Pattaya sai sam road, Nongpue Banglamung distict, Chonburi province Thailand
LB Care	+66-2-719-8247	nada.chaiyajit@gmail.com	UM Tower 30th Floor 304, Ramkamhaeng Road, Bangkok, Thailand
Love Pattaya	+66-81-4232281	maynie@lovepattaya.com	29/8 M.4 Cg Residence Banglamung Chonburi 20260, Thailand
Mahidol University	+66-2-800-2840	timotapaniojanen@gmail.com	Faculty of Social Sciences and Humanities, Mahidol University, Salaya, Nakhon Pathom 73170, Thailand
MPLUS	+66-86-919-4840	mplus.foundation@gmail.com	142 Soi Chomjan Chiangmai-Hangdong Rd., Paded, Muang, Thailand
OCEAN		oceanmsm@gmail.com	
PACT Thailand	+66-2-254-7066	chatwut_w@yahoo.com	Bangkok, Thailand
Plan International	+66-2-259-8284	Maja.cabarrubia@plan-international.org	14th Floor, 253 Sukhumvit 21 Road (Asoke) Khlongtoey Bangkok, Thailand

ORGANIZATION	PHONE	EMAIL	MAILING ADDRESS
Purple Sky	+66-86-378-7560	rapeepun@purplesky.asia	Unit 201, 51/2 Ruamrudee Building III, Soi Ruamrudee, Ploenchit Road. Bangkok 10330 Thailand
Rainbow Sky Association of Thailand	+66-2-731-6532	danai@rsat.info	Nos. 1 and 3 Soi Ramkhamhaeng 97/2 Ramkhamhaeng Road, Bangkok 10240, Thailand
Saphaan Publishers	+66-85-041-8477	ipinkpride@gmail.com	Bangkok, Thailand
Silom Community Clinic	+66-2-644-6290	silom@silomclinic.in.th	Silom Clinic Hospital for Tropical Diseases, 12 Rajvithee 10400 Bangkok, Thailand
SISTERS Center for Transgenders	+66-82-855-1491	thitiyanun@psithailand.org	247/61-62 (South Pattaya) Moo 10, Soi PR Residence Hotel, Nongprue, Banglamuang, Chonburi 20260, Thailand
SOGIE Rights Party	+66-81-445-0163	Chumaporn.t@gmail.com	1/546 Nuan Chan Road, Klongkum, Bungkum, Bangkok 10230, Thailand
SWING	+66-81-626-6538, +66-2-632-9502	surangjanyam@yahoo.com	5th Floor, Building 3 Seop Patpong Rd. Bangkok 10500, Thailand
Tea Group	+66-82-339-5253	sattarah@gmail.com	1/546 Nuan Chan Road, Klongkum, Bungkum, Bangkok 10230, Thailand
Thai Transgender Alliance – Thai TGA	+66-86-597-4636	jtnote@gmail.com	c/o The Center for Health Policy Studies Faculty of Social Sciences and Humanities Mahidol University, 25/25 Buddhamonthon 4 Road Salaya, Nakhon Pathom 73170, Thailand

ORGANIZATION	PHONE	EMAIL	MAILING ADDRESS
Thai Transgender Wellbeing Association	+66-81-824-9063	preedapramoj@hotmail.com	Bangkok, Thailand
The Coalition on Democracy and Sexual Diversity	+66-92-967-6096	antichaa@gmail.com	1/546 Nuan Chan Road, Klongkum, Bungkum Bangkok 10230, Thailand
The Poz Foundation	+66-2-747-5638	center_poz@thepoz.org	38 Soi Udomsuk, Sukhumvit 103, Bangna Bangkok 10260 Thailand
The Sexual Diversity Network	+66-85-1393688	danai@rsat.info	Bangkok, Thailand
TLBz Sexperts	+66-87-709-7077	nada.chaiyajit@gmail.com	Online
Trans Female Association of Thailand		thaitransfemale@hotmail.com	https://www.facebook.com/tf101
Transmale Alliance of Thailand	+66-81-466-2559	kritipat.c@gmail.com	Bangkok, Thailand
Youth Lead		info@youth-lead.org thaw@youth-lead.org	75/12 Ocean Tower II 15th Floor Soi Sukhumvit 19, Klong Toey Nua, Wattana Bangkok 10110, Thailand
Youth Voices Count	+66-86-378-7560	vu@youthvoicescount.org	Unit 201, 51/2 Ruamrudee Building III, Soi Ruamrudee, Ploenchit Road. Bangkok 10330 Thailand

ANNEX 2: GLOSSARY OF THAI LGBT TERMS

This glossary of terms used to describe LGBT people in Thailand is from P.A. Jackson's 2011 book, "Queer Bangkok after the Millennium: Beyond Twentieth-Century Paradigms". Hong Kong: Hong Kong University Press.

- *Chai rak chai* (noun, formal) – Men who love men; the Thai rendering of "men who have sex with men" or MSM
- *Chao si-muang* (noun) – "purple people" or "lavender people"; an older collective expression for the kathoey, gay, and tom-dee communities
- *Chum-chon gay* (noun, colloquial) – gay community
- *Dee* (noun, colloquial) – from "lady", a feminine-identified woman who is the romantic and sexual partner of a tom (see below); a feminine lesbian
- *Ee-aep* (noun, slang) – a closeted gay man; a closeted queen
- *Fai rap* (noun, colloquial)- "the receptive partner", in ether male–male or female–female sex. Used in both gay and tom-dee communities
- *Fai ruk* (noun, colloquial) – the "active partner", in ether male–male or female–female sex. Used in both gay and *tom-dee* communities
- *Gay King* (noun, colloquial) – sexually active partner in a gay relationship
- *Gay Queen* (noun, colloquial) – sexually receptive partner in a gay relationship
- *Kathoey* (noun) – a transwoman; male to female transgender. Derogatory in some contexts.
- *Kham-phet* (adjective, formal) – transgender and/or transsexual
- *Kwan-lak-lai thang-phet* (noun, formal) – sexual and/or gender diversity
- *Les* (noun, colloquial) from "lesbian". In some instances denotes a woman who does not necessarily engage in gender role play, as either a masculine *tom* or feminine *dee*, in a romantic and sexual relationship with another woman. In other instances *les* may be understood as a feminine lesbian and conflated with *dee*.
- *Les King* (noun, colloquial) – from "lesbian" and "gay king", a *les* (see above) who is the sexually active partner
- *Les Queen* (noun, colloquial) – from "lesbian" and "gay queen", a *les* (see above) who is the sexually receptive partner
- *Phet* (noun) – generic term for sex, gender and sexuality
- *Phet-saphap* (noun, formal) – gender (literally "*phet* status")
- *Phet-withi* (noun, formal) – sexuality (literally "*phet* orientation")
- *Phu-chai* (noun) – a man; usually denotes a heterosexual man and is used in contrast to gay
- *Phu-ying* (noun) – a woman; usually denotes a heterosexual woman
- *Phu-yingpraphet sorng* (noun, colloquial) – "a second type of woman", more polite term than *kathoey* for male-to-female transgender persons
- *Rak phet diao-kan* (formal) – same-sex love; to love the same sex
- *Rak-ruam-phet* (formal, academic) – a biomedical and often pathologizing term for "homosexuality". Now resisted by Thai LGBT groups and replaced by *rak phet diao-kan* ("same-sex love").

- *Sangkhom gay* (noun, colloquial) – the gay scene, gay social life
- *Sao prophet sorng* (noun, colloquial) – "a second type of young woman", a more polite term than *kathoey* for younger male-to-female transgender persons
- *Si-muang* (noun) – purple, lavender; historically a colour associated with *kathoeys* and gay men
- *Si-rung* (noun) – rainbow colours; now has queer connotations as a collective symbolic marker of all Thai LGBT identities and communities
- *Tom* (noun, colloquial) – from "tomboy", a masculine woman whose romantic and sexual partner is a *dee* (see above)
- *Ying rak ying* (noun, formal) – a woman who loves women

Empowered lives.
Resilient nations.

United Nations Development Programme
UNDP Asia-Pacific Regional Centre
United Nations Service Building, 3rd Floor
Rajdamnern Nok Avenue, Bangkok 10200, Thailand
Email: aprc.th@undp.org
Tel: +66 (0)2 304-9100
Fax: +66 (0)2 280-2700
Web: http://asia-pacific.undp.org/

September 2014