



THAILAND

LGBT+ Business Climate Score

Out Leadership's snapshot of the current state of affairs for LGBT+ people, through the lens of international business.

The business Climate Score rating is out of ten possible points, and is based on ten independently verifiable indicators of the legal, cultural and business context for LGBT+ people.

7.5

0	1	2	3	4	5	6	7	8	9	10	
1. Are consensual homosexual acts between adults legal?				1 Yes ²		6. Is sex reassignment surgery at birth for intersex children prohibited?				0 No	
2. Are marriage or civil unions for same-sex couples available?				0.5 <i>The Civil Partnership Bill was approved by Thailand's Cabinet in July 2020 and is currently pending Parliamentary vote ^{2,3}</i>		7. Are sexual orientation and gender identity discrimination in the provision of goods and services prohibited?				1 Yes ⁵	
3. Is being LGBT+ punishable by death?				1 No		8. Is there a US State Department warning against travel for LGBT+ individuals?				1 No	
4. Are sexual orientation and gender identity discrimination in employment prohibited?				1 Yes ⁴		9. Do companies sponsor Pride?				0 No	
5. Can transgender people legally change their gender markers?				1 Yes		10. Are there laws prohibiting freedom of assembly or speech for LGBT+ people (i.e. "anti-propaganda laws", media gags, etc)?				1 No	

1. www.ft.com/content/bba4a4d2-f165-11e8-ae55-df4bf40f9d0d

2. Bangkok Post 8 July 2020 'Cabinet backs bill allowing same-sex unions'
www.bangkokpost.com/thailand/general/1947992/cabinet-backs-bill-allowing-same-sex-unions, retrieved 23 July 2020

3. www.channelnewsasia.com/news/asia/thailand-civil-partnership-lgbtqi-gender-equality-discrimination-12954614, retrieved 12 August 2020

4. Gender Equality Act B.E. 2558 (effective date: 9 September 2015).

5. Gender Equality Act B.E. 2558 (effective date: 9 September 2015).

How to Use This Brief

As a business leader, you have the opportunity to create change for LGBT+ people around the world – both within your organizations and in the countries where you do business. This brief provides valuable information to inform your conversations with:

Internal Staff: Ensure that staff at your company who do business in-country are aware of the laws and other regulations that impact LGBT+ people there, and that they've adopted the appropriate internal policies for their location.

Government Leaders: In your meetings with government leaders, particularly those focused on business expansion or diplomacy, we encourage you to bring up the information shared in this brief in an appropriate way, and help them understand how LGBT+ inclusive policies are part of your company's best practices, and acknowledged as global standards. You are the best person to judge whether you have the ability to have such a conversation with a local leader in an appropriate way. Your Government Affairs officer, Diversity & Inclusion head, or equivalent may be appropriate to include in these conversations.

In-country Business Partners: In conversations with business partners, when appropriate, ask them what they're doing to address LGBT+ inclusion, and help explain why inclusion positively impacts your ability to conduct business there.

Talking Points

According to a 2018 estimate, around 4.2million LGBT people live in Thailand.⁶

Bangkok is one of the most LGBT-friendly cities in Asia due to its LGBT dating scene, nightlife, openness and safety and in the past few years, the media profile shows a higher visibility of LGBT acceptance.

We have also seen the Thai government to initiated legislation protecting the right of the LGBT community. In 2015 the Thai government passed the Gender Equality Act B.E. 2558 prohibiting discrimination on the basis of gender identity and sexual orientation.⁷ More recently, on 8 July 2020, the Thai Cabinet approved a Civil Partnership Bill. The deputy director general of the Rights and Liberties Protection Department is confident that the bill will be approved by Parliament.⁸ However, these right will not equal the rights of heterosexual married couples in all respects. For example, the same-sex partner of a public servant who died would be ineligible to receive the same government pension and financial benefits allowed to a widowed spouse in a heterosexual marriage. As a result, the LGBT community's access to health care and insurance services would be restricted if their spouse deceased.⁹

However, we must bare in mind that it was only in 2002 that the Ministry of Health announced that homosexuality is no longer regarded as a mental illness. And whilst there is the appearance of acceptability of LGBT+, reports suggest LGBT+ individuals face hostility, prejudice and institutionalized discrimination, also in the workplace. Outside the tourism and entertainment industries, LGBT+ are treated less seriously, are overlooked for promotion opportunities and are very often barred from executive positions.¹⁰

6. 'LGBT rights in Thailand', https://Wikipedia.en.wikipedia.org/wiki/LGBT_rights_in_Thailand, retrieved 27 July 2020

7. www.ratchakitcha.soc.go.th/DATA/PDF/2558/A/018/17.PDF

8. Thanthong-Knight, Randy (8 July 2020), 'Thailand Leads Way in Southeast Asia With Same-Sex Union Bill', Bloomberg News, retrieved 27 July 2020.

9. <https://asia.nikkei.com/Spotlight/Society/Thailand-s-historic-LGBT-bill-exposes-rifts-inside-community>, retrieved 12 August 2020

10. Thongnoi, Jitsiree (7 June 2015), 'Trapped beneath the transgender glass ceiling', Bangkok Post, retrieved 27 July 2020



Current Status of LGBT+ People

Consensual same-sex relations were decriminalized in 1956¹¹

Since 2015, LGBT+ People have a legal right to anti-discriminations laws in employment, the provision of goods and services and in all other areas, including discrimination, hate speech.¹²

Although same-sex marriage is not legal, the Thai Cabinet has proposed a Civil Partnership Bill for approval by the Parliament.

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.

Since 2005, the Thai Armed Forces has allowed LGBT+ to serve in the military¹³

However, health providers can be prejudiced against LGBT+ individuals resulting in unequal standards of care given to LGBT+, disclosure of private information, refusal to provide care and/or placing transgender individuals in wards according to their birth assigned gender rather than the gender they identify with.¹⁴

Further, there are a number of rights that have not yet been granted to the LGBT+ community, including the right of adoption.

Legal Status of the Transgender and Gender-Diverse Communities

Gender reassignment surgery is legal and widely available in Thailand, but can be costly. Male-to-female reassignment surgery is more widely available (estimated cost in 2013 was 64,000-333,000 Thai Baht excluding the cost of breast implants) than female-to-male reassignment surgery (estimated cost in 2012 was 86,000 Thai Baht for a double mastectomy and 250,000 Thai Baht for a total phalloplasty)¹⁵

Gender reassignment surgery is not covered under Thailand's universal access to health policy.¹⁶

Thai law does not currently allow individuals to change their gender on legal documents (even after gender reassignment surgery). This poses difficulties in seeking employment, travelling and education as an individual's physical appearance does not match the gender assigned on legal documents.¹⁷ In July 2019, a proposal was presented to the National Assembly to allow an individual's legal gender to be changed on their official documentation.¹⁸ No bill has yet been proposed for this proposal.

Government Statements and Actions

On 13 March 2015 the Thai Parliament passed the Gender Equality Act B.E. 2558. This Act came into effect on 9 September 2015 and bans discrimination on the basis of gender identity and sexual orientation.¹⁹

The Thai Cabinet has proposed a Civil Partnership Bill for approval by the Parliament.²⁰

11. 'LGBT rights in Thailand', Wikipedia <https://en.wikipedia.org/wiki/LGBT_rights_in_Thailand#Legality_of_same-sex_sexual_activity>, retrieved 27 July 2020

12. 'LGBT rights in Thailand', Wikipedia <https://en.wikipedia.org/wiki/LGBT_rights_in_Thailand#Legality_of_same-sex_sexual_activity>, retrieved 27 July 2020

13. 'LGBT rights in Thailand', Wikipedia <https://en.wikipedia.org/wiki/LGBT_rights_in_Thailand#Military_service>, retrieved 27 July 2020.

14. Refworld report p40.

15, 16, 17. P 39 RefWorld report

18. Glauert, Rik (29 July 2019), 'Transgender activists in Thailand propose law to protect their rights', Gay Star News, retrieved 27 July 2020.

19. 'LGBT Rights in Thailand', Wikipedia <https://en.wikipedia.org/wiki/LGBT_rights_in_Thailand#Discrimination_protections>, retrieved 27 July 2020.

20. Thanthong-Knight, Randy (8 July 2020), 'Thailand Leads Way in Southeast Asia With Same-Sex Union Bill', Bloomberg News, retrieved 27 July 2020.

Impact of LGBT Discrimination on Business & Talent

1 • NO RISK

2 • LOW RISK

3 • MODERATE RISK

4 • NOTABLE RISK

5 • HIGH RISK

BRAND RISK **LOW**

In terms of supporting LGBT+ rights, there is may be some brand risk in particular as some Pride events were cancelled due to hostility and LGBT+ is commonly depicted in the Thai entertainment industry as comic relief.

CLIENT RISK **MODERATE**

Sexual orientation and gender identity discrimination in the provision of goods and services are prohibited. However, the UN has identified evidence of homophobic violence targeted towards LGBT+. In addition, LGBT+ is commonly depicted in the Thai entertainment industry as comic relief and therefore LGBT+ tend to be taken less seriously in the community.

TALENT RISK **LOW**

The Gender Equality Act aims to protect individuals in the work place and same-sex relations are legal. However, The Civil Partnership Bill is currently still pending Parliamentary vote.

MARKETING CHALLENGES **LOW**

LGBT+ is commonly depicted in the Thai entertainment industry as comic relief and therefore LGBT+ tend to be taken less seriously in the community. So far, we have not seen any corporate sponsorship of Pride.



Socio-Cultural Environment for LGBT+ People

Status of LGBT+ Organizing and Community

- Thailand has many LGBT clubs and bars and has been named second-best LGBT city in Asia in 2017.²¹
- Each year the Gay New Years White Party and gCircuit are held in Bangkok.²²
- LGBT Pride Month is also celebrated in Thailand and pride festivals will usually be organized. Pride festivals have been held in Bangkok and Phuket periodically since 1999. Chiang Mai held a pride parade on 21 February 2019, the first such event since 2009 when the pride parade had to be cancelled due to public hostility.²³

Cultural Views of the LGBT+ Community

- The United Nations Office of the High Commissioner for Human Rights has identified evidence of homophobic violence targeted towards LGBT+. This violence includes murder, beatings, kidnappings, rape and sexual assault against LGBT+ individuals.²⁴ There are also allegations that 'corrective rape' is being used 'to cure' lesbians.²⁵
- LGBT+ is commonly depicted in the Thai entertainment industry as comic relief and therefore LGBT+ tend to be taken less seriously in the community.²⁶

Local Leaders Advocating for Equality

As appropriate, Out Leadership encourages you and your company to engage in safe and cautious discussion with local leaders around LGBT+ equality and to leverage your firm's influence to support their work. Our partners at [Human Rights Watch and Outright Action International] are well networked with advocates in Thailand should your company be able to offer support.

²¹ <https://coconuts.co/bangkok/lifestyle/happy-pride-month-bangkok-named-second-best-lgbt-city-asia/>

²² Queer in the World. <<https://queerintheworld.com/gay-bangkok-travel-guide/>>, retrieved 29 July 2020.

²³ <https://prachatai.com/english/node/7941>

²⁴ <https://www.bangkokpost.com/opinion/opinion/1009557/we-need-to-fight-homophobia-at-home>

²⁵ <https://www.bangkokpost.com/opinion/opinion/1009557/we-need-to-fight-homophobia-at-home>

²⁶ Statement by Prempreeda Pramroj Na Ayutthaya, transgender rights activist and programme officer at UNESCO





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ROPES & GRAY

THAILAND

Victoria Lloyd
Lisa Kaltenbrunner
Lucy Wu

PHILIPPINES

Peng Yu
Boxin Wang
Vincenzo Volpe

MALAYSIA

Oliver Nip
Ruoxi Zhang
Ji Chen

TAIWAN

Katherine Wang
Ilan Wong
Leon Huang

MACQUARIE

PHILIPPINES

Therese Almario
Jon Angel
Gayle Mallillin

MALAYSIA

Nik Hadi Nik Mahmood

TAIWAN

Lilith Chou
Wei Cheong

OutLeadership.com
917.336.0604
info@outleadership.com

520 West 43rd Street New York, NY 10036

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Corporation