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ECONOMIC
INCLUSION

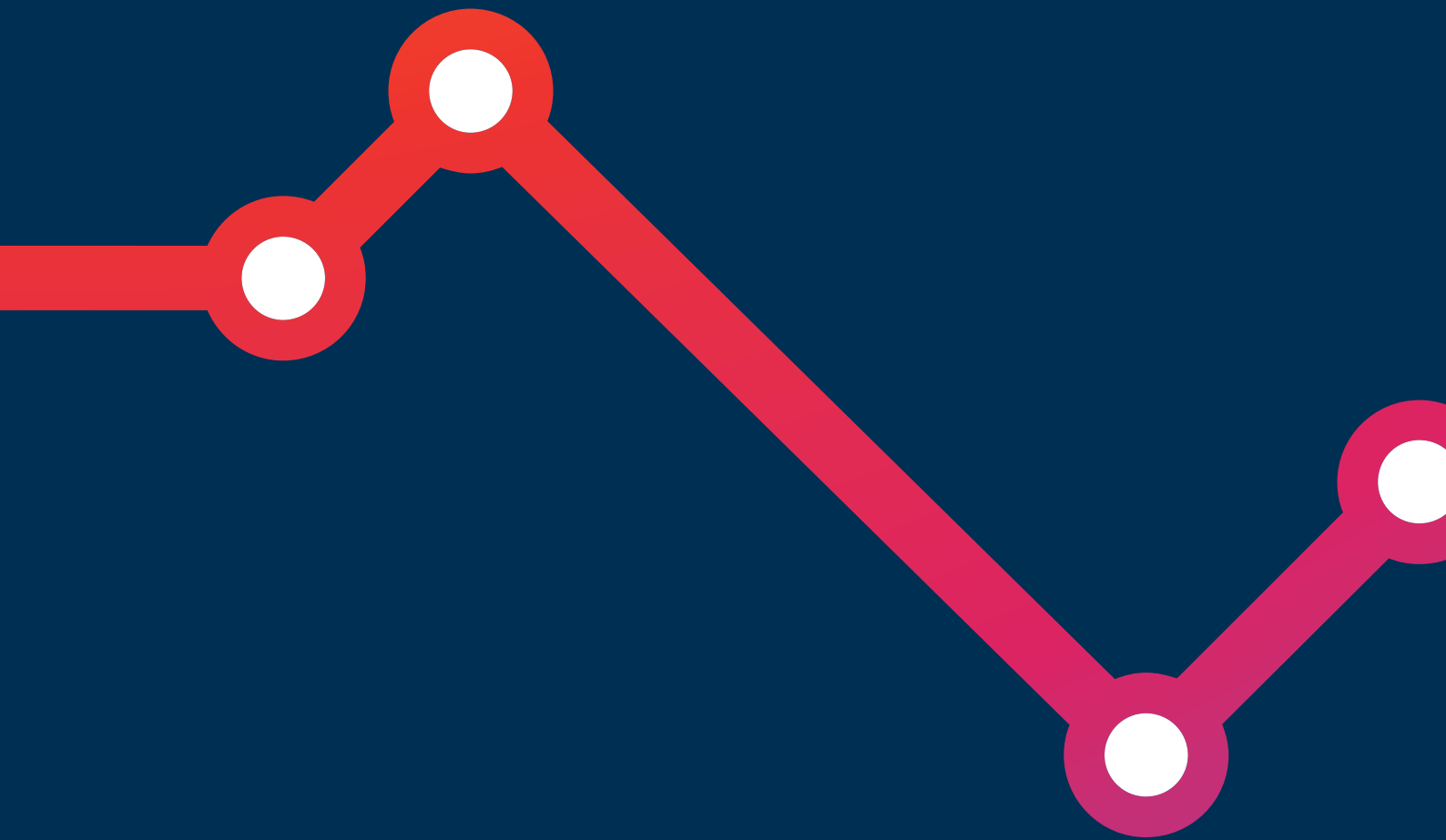
OF LGBTI GROUPS
IN THAILAND

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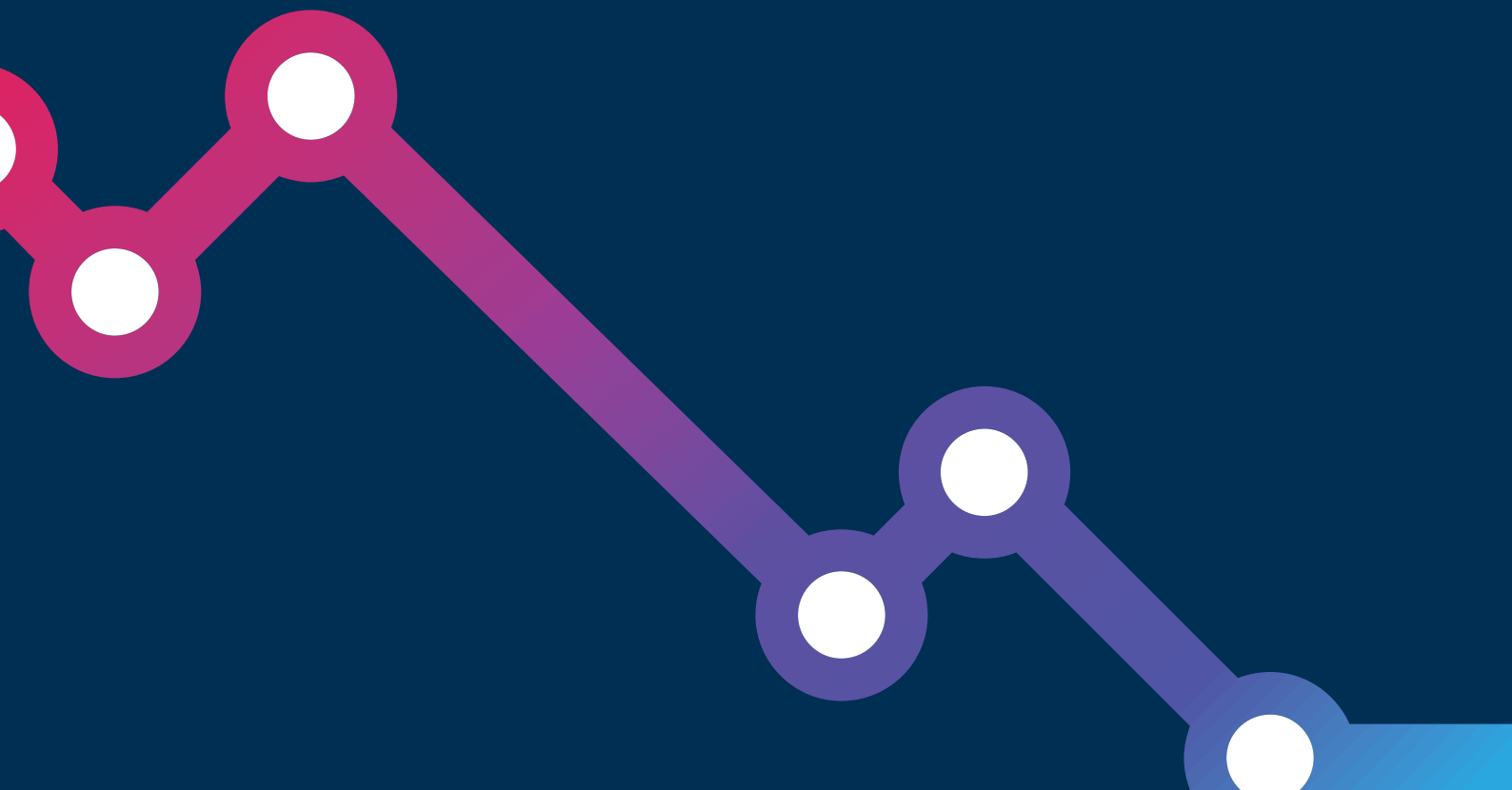
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ECONOMIC INCLUSION OF LGBTI GROUPS IN THAILAND



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Abbreviations

AIDS	acquired immune deficiency syndrome
HIV	human immunodeficiency virus
LGBTI	lesbian, gay, bisexual, transgender, and intersex
NGO	nongovernmental organization
SOGI	sexual orientation and gender identity
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNICEF	United Nations Children’s Fund
USAID U.S.	Agency for International Development
WHO	World Health Organization



Note: The LGBTI abbreviation is used in the report when all subcategories are represented in the referenced material or are being discussed generally. LGBT is used when intersex issues were not specifically incorporated— mostly in secondary research or in the analysis of findings. Additionally, the use of the SOGI abbreviation notes that the bulk of secondary research and analyzed data from the research focuses on sexual orientation and gender identity.

Glossary of Terms

Bisexual

A person who is sexually or romantically attracted to or has sex with people of more than one gender.

Bullying

Repeated aggressive behavior that intentionally inflicts injury or discomfort through physical contact, verbal attacks, fighting, or psychological manipulation. Bullying involves an imbalance of power and can include teasing, taunting, and use of hurtful names, physical violence, or social exclusion. Bullying may be direct, such as one child demanding money or possessions from another, or indirect, such as a group of students spreading rumors.

Cisgender

A term used to describe a person whose gender identity aligns with those typically associated with the sex assigned to them at birth.

Gay

A person who is primarily sexually or romantically attracted to or has sex with someone of the same gender. Commonly used for men.

Gender

The social attributes and opportunities associated with being male and female. It encompasses the relationships between women and men and girls and boys as well as the relations between women and those between men.

Homophobia

Fear, discomfort, intolerance, or hatred of homosexuality or sexually diverse people.

Homophobic bullying

Bullying that is based on actual or perceived sexual orientation or gender identity.

Homophobic violence

Violence that is based on actual or perceived sexual orientation or gender identity.

Intersex

An umbrella term for people born with sex characteristics, such as physical, hormonal, or chromosomal features that do not fit typical binary notions of male and female bodies. Intersex persons may have any sexual orientation or gender identity.

Lesbian

A self-identified woman who is sexually or romantically attracted to or has sex with other women.

MSM

Men who have sex with men. They may or may not identify as “gay” or “homosexual.”

School-related gender-based violence

Acts or threats of sexual, physical, or psychological violence occurring in and around schools that are perpetrated as a result of gender norms and stereotypes and typically facilitated by an imbalance in physical strength or power.

Sexual orientation gender identity (SOGI)

a person’s physical, mental, romantic, or emotional attraction (sexual orientation), and a person’s internal sense of gender (gender identity). A person’s gender identity may differ from the sex assigned at birth.

Stigma

Opinions or judgments held by individuals or society that negatively reflects on a person or group. Discrimination occurs when stigma is acted on.

Tom

An adaptation of the English “tomboy” used in the Thai language to describe a female who may inwardly feel more like a man. Toms may appear masculine in appearance.

Transgender

An umbrella term for people whose gender identity or expression differs from the sex assigned at birth. Transgender identity does not depend on medical procedures. It includes, for example, people assigned female at birth but who identify as a man (female to male or transgender man) and people assigned male at birth but who identify as a woman (male to female or transgender woman).

Executive Summary

Thailand is widely considered progressive among developing and middle-income countries regarding the inclusion of lesbian, gay, bisexual, transgender, or intersex (LGBTI) people. Yet, a growing body of research shows they still experience discrimination, limited job and housing opportunities, and barriers to accessing many common services.

Most information on sexual orientation and gender identity (SOGI) in Thailand is qualitative in nature. A new study led by the World Bank, in partnership with Thammasat University, Love Frankie, and the Nordic Trust Fund, includes the first endeavor to gather and analyze quantitative data on economic and financial outcomes for a large, statistically significant sample of LGBTI people in Thailand. Qualitative data from in-depth “live story” interviews with 19 SOGI-diverse participants from across each of Thailand’s main regions complement the online survey data and provide further insights into the lives of LGBTI respondents. For the first time in Thailand, the study also presents information on non-LGBTI people and their attitudes toward LGBTI groups, based on survey responses from a statistically representative non-LGBTI reference group.

The study focuses on how LGBTI people fare in Thai society economically and financially: their opportunities and inclusion, or discrimination and exclusion. It highlights outcomes for the LGBTI and non-LGBTI population in the labor, housing, and financial markets, along with LGBTI people’s challenges in their access to education, health, and government services. Based on the study’s results, international experience, and literature reviews, the report offers policy and programmatic options to widen opportunities for the LGBTI population and share prosperity among all the people in Thailand.

Responses from LGBTI Community

When responding to the study’s online survey, 60 percent of transgender people, 30 percent of lesbians, and 20 percent of gay men report discrimination at work. More than half assert their job applications were rejected because of their LGBTI identity. An intersex person from Bangkok said:

“

I applied, but they told me, ‘This position is for women only, you’re not a woman.’ So, they couldn’t hire me. ‘I know that you’re skilled, people praise you, but for this position, the leadership wants a real woman, you’re not a woman, you have a male personal title.

—
Intersex individual, 27,
Greater Bangkok

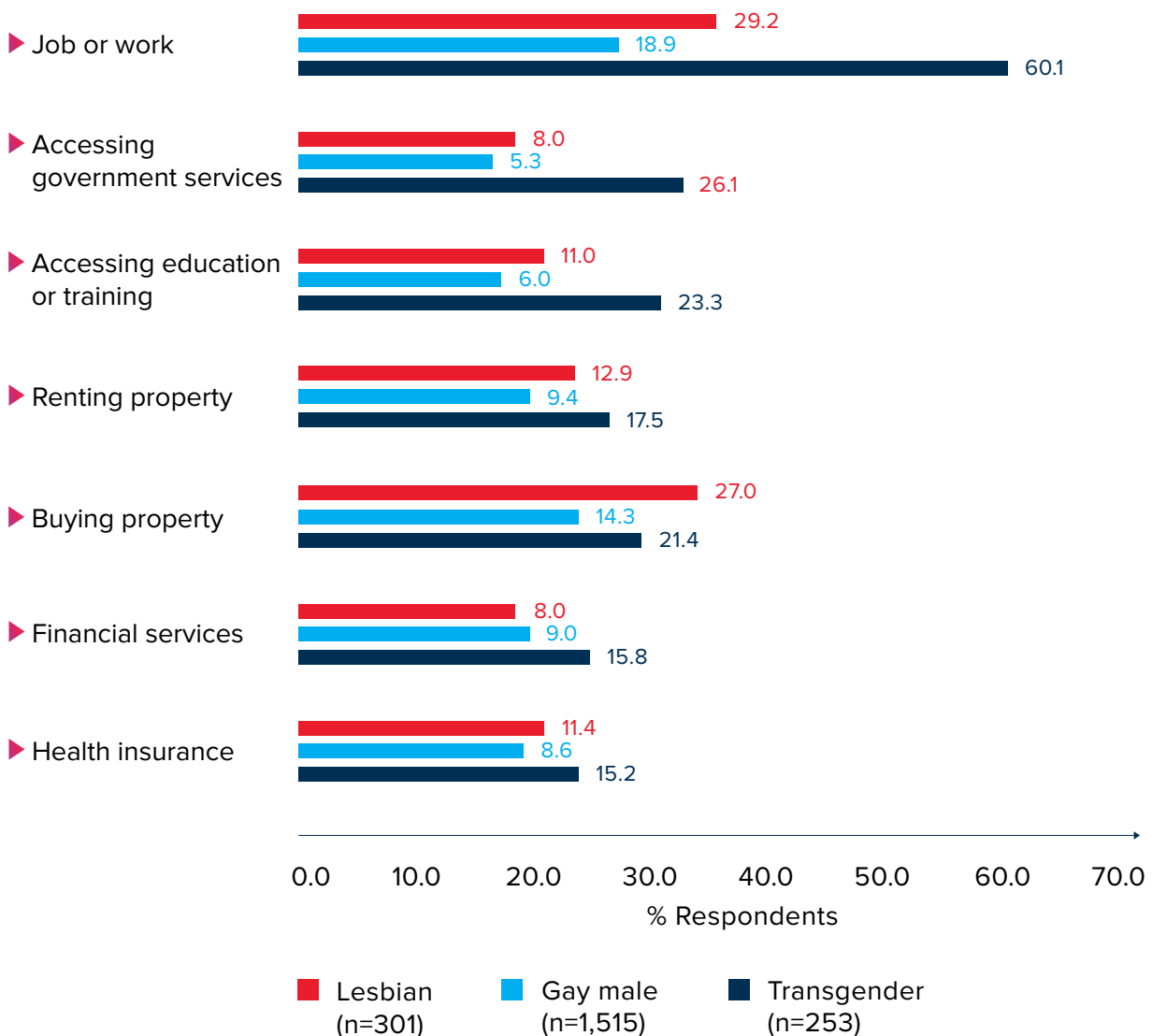
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Executive Summary

These findings are in contrast with the progress that Thailand has made in developing legislation to stop LGBTI discrimination. Thailand also is a signatory of the United Nations Committee on the Elimination of Discrimination Against Women, which also formulates general recommendations against discrimination that includes sexual orientation and gender identity. Thailand also adopted the Gender Equality Act of 2015, which makes it illegal to discriminate against people who look different in appearance from their sex at birth.

Nonetheless, significant numbers of LGBTI participants in the survey report discrimination in accessing jobs, government services, education or training, and health services as well as buying or renting property. Figure 1 shows the responses to the online survey from 3,502 people living in Thailand: 1,200 non-LGBTI people and 2,302 LGBTI people who identify themselves as gay male, lesbian, transgender, intersex, or other in their sexual orientation and gender identity. The survey is the largest quantitative data collection effort on the economic inclusion of LGBTI people in Thailand and the Asia-Pacific region.

Figure 1. LGBTI People in Thailand Report Discrimination in All Dimensions of Economic and Social Life, by Subgroup (in percent)



Key Survey Results

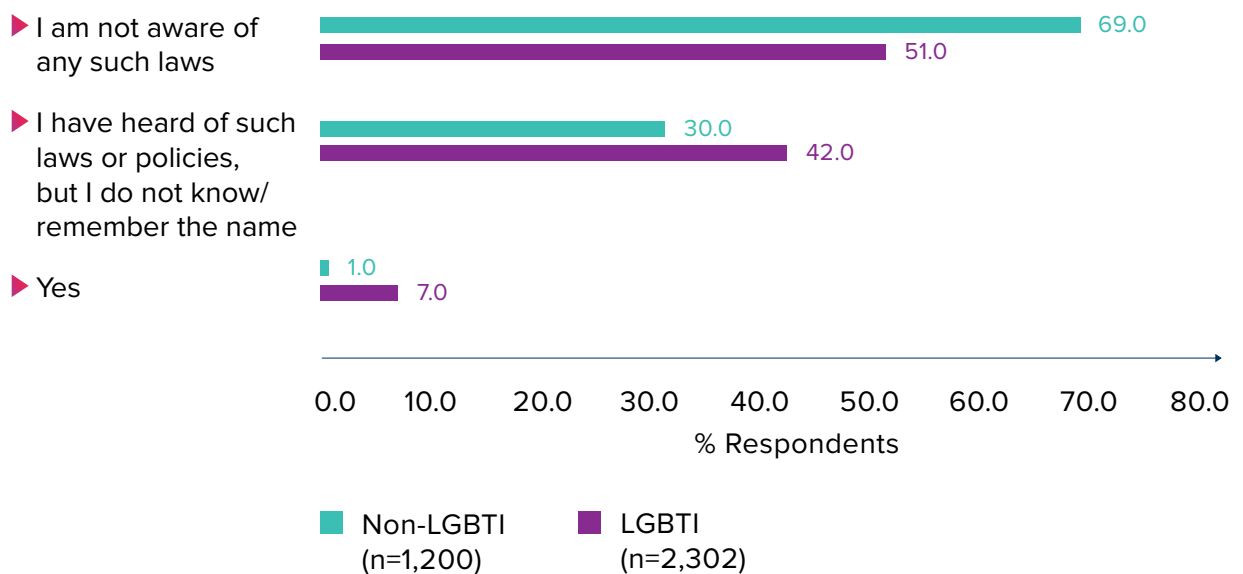
Among the results, five stand out as key findings around the question of how LGBTI people are faring economically and financially in Thai society today.



Few LGBTI and non-LGBTI people surveyed are aware of laws prohibiting anti-LGBTI discrimination

Result 1: Only 7 percent of LGBTI and only 1 percent of non-LGBTI survey participants say they are aware of laws in Thailand prohibiting anti-LGBTI discrimination. More than half (51 percent) of LGBTI respondents and more than two-thirds (69 percent) of non-LGBTI respondents report they are not aware of any such laws (see figure 2). Thailand adopted specific legal protections for LGBTI people, including through the Gender Equality Act of 2015.

Figure 2. Most Respondents Are Not Aware of Laws Prohibiting Discrimination and Exclusion (in percent)

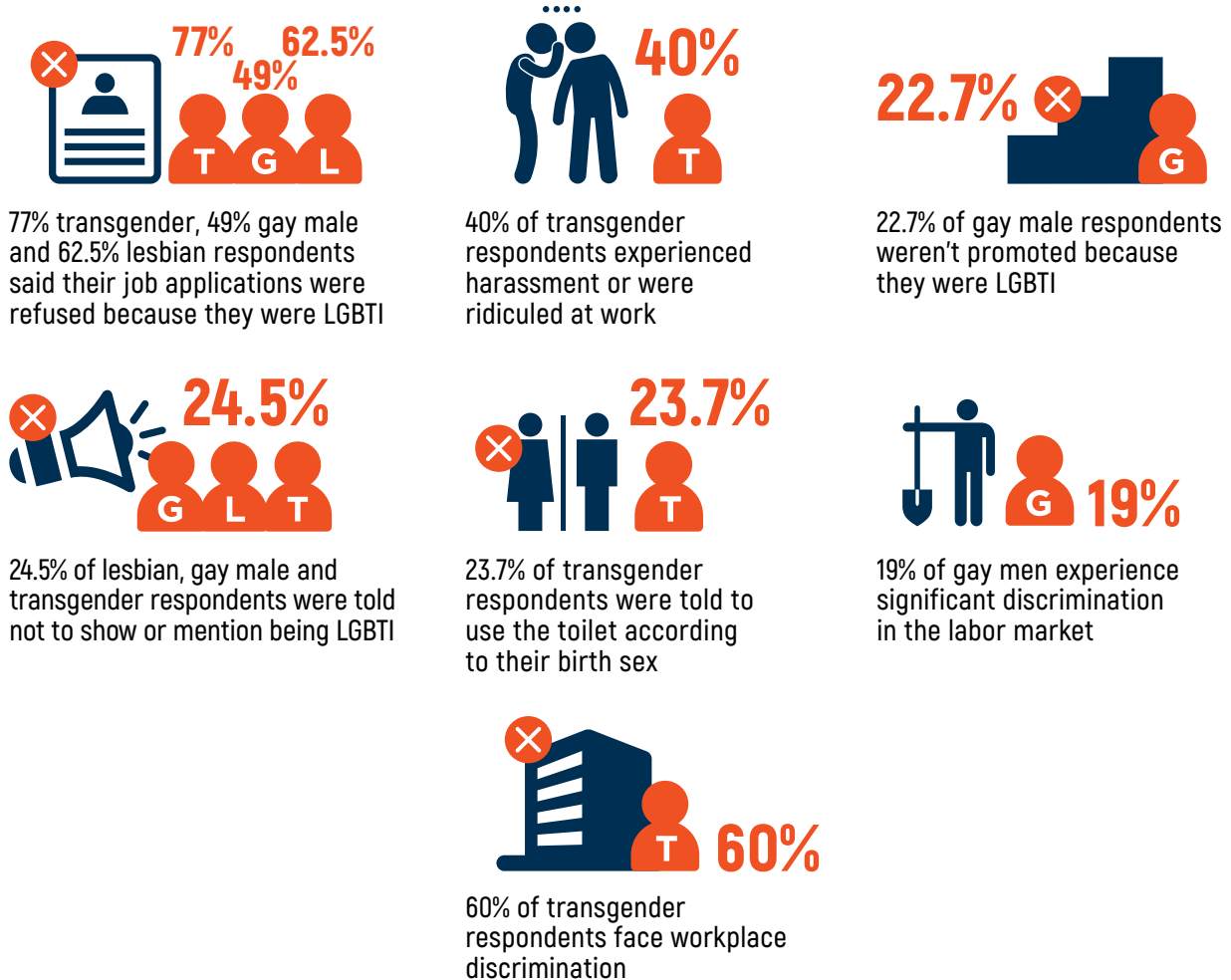


Result 2: LGBTI survey respondents report the most severe discrimination in the labor market, followed by the housing market when renting or buying property (see figure 1). Job discrimination of lesbian, gay, and transgender respondents takes many forms, most commonly application rejection and harassment at work (see figure 3). Transgender respondents fare the worst: 77 percent of respondents report the rejection of job applications because of gender identity; 40 percent report being harassed. About half (49 percent) of gay men and 62 percent of lesbians report application rejection because of their sexual orientation or gender identity. About one-fifth of gay men say they were overlooked for a promotion or denied certain work benefits for being LGBTI.

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Figure 3. Discrimination in the Labor Market Is Widely Reported by LGBTI Survey Respondents

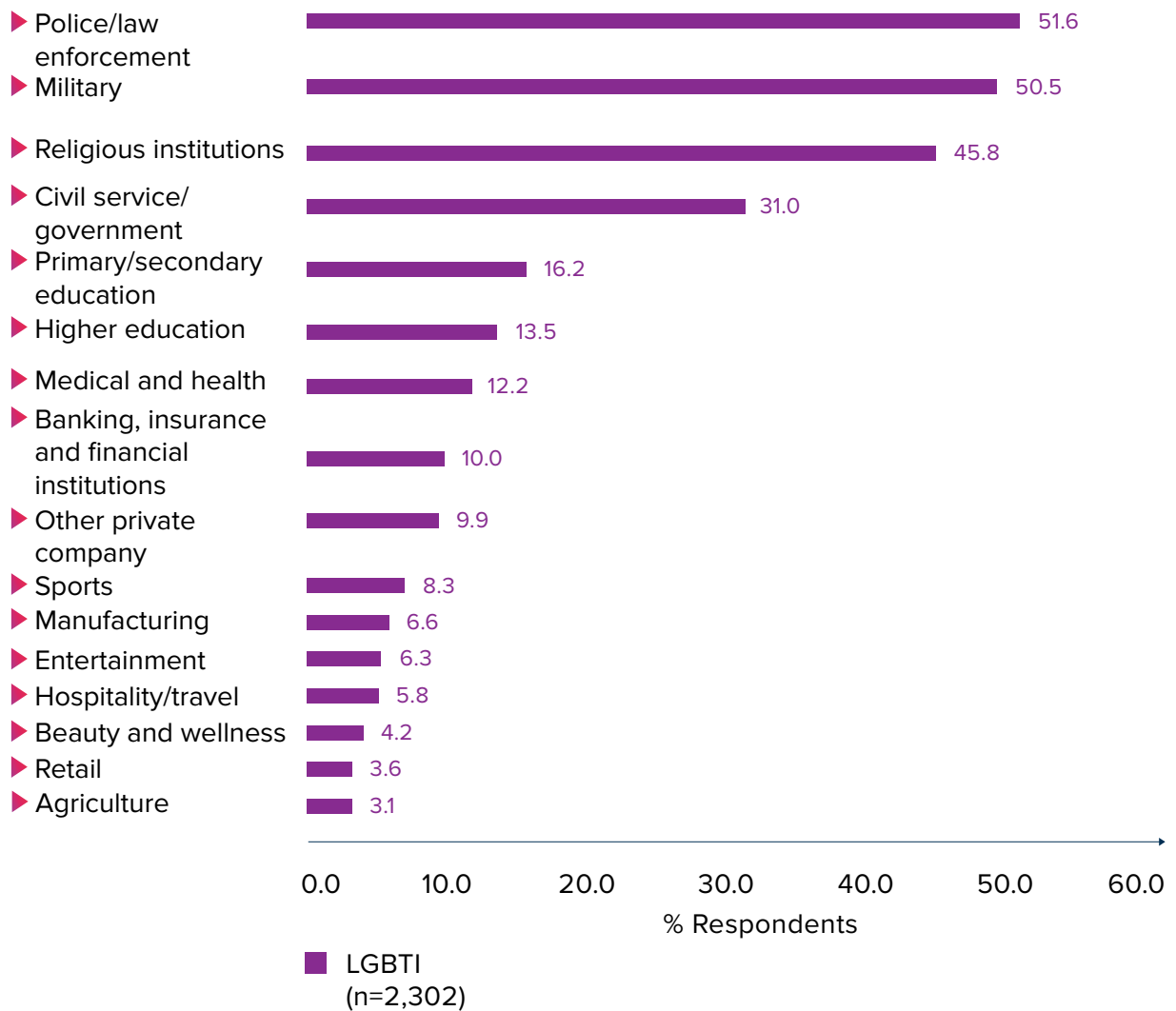
For all regions, discrimination in the labor market is experienced extensively by LGBTI:



Job and work discrimination varies across occupations and sectors. The police and law enforcement, the military, and religious institutions are particularly inaccessible for LGBTI people (figure 4). By contrast, agriculture, retail, and beauty and wellness are more accessible. This finding indicates potential occupational segregation by SOGI and low mobility of LGBTI people in the labor market.

More than half (nearly 53 percent) of all LGBTI respondents report emotional problems, including depression, anxiety, and frustration because of discrimination or exclusion in the labor market.

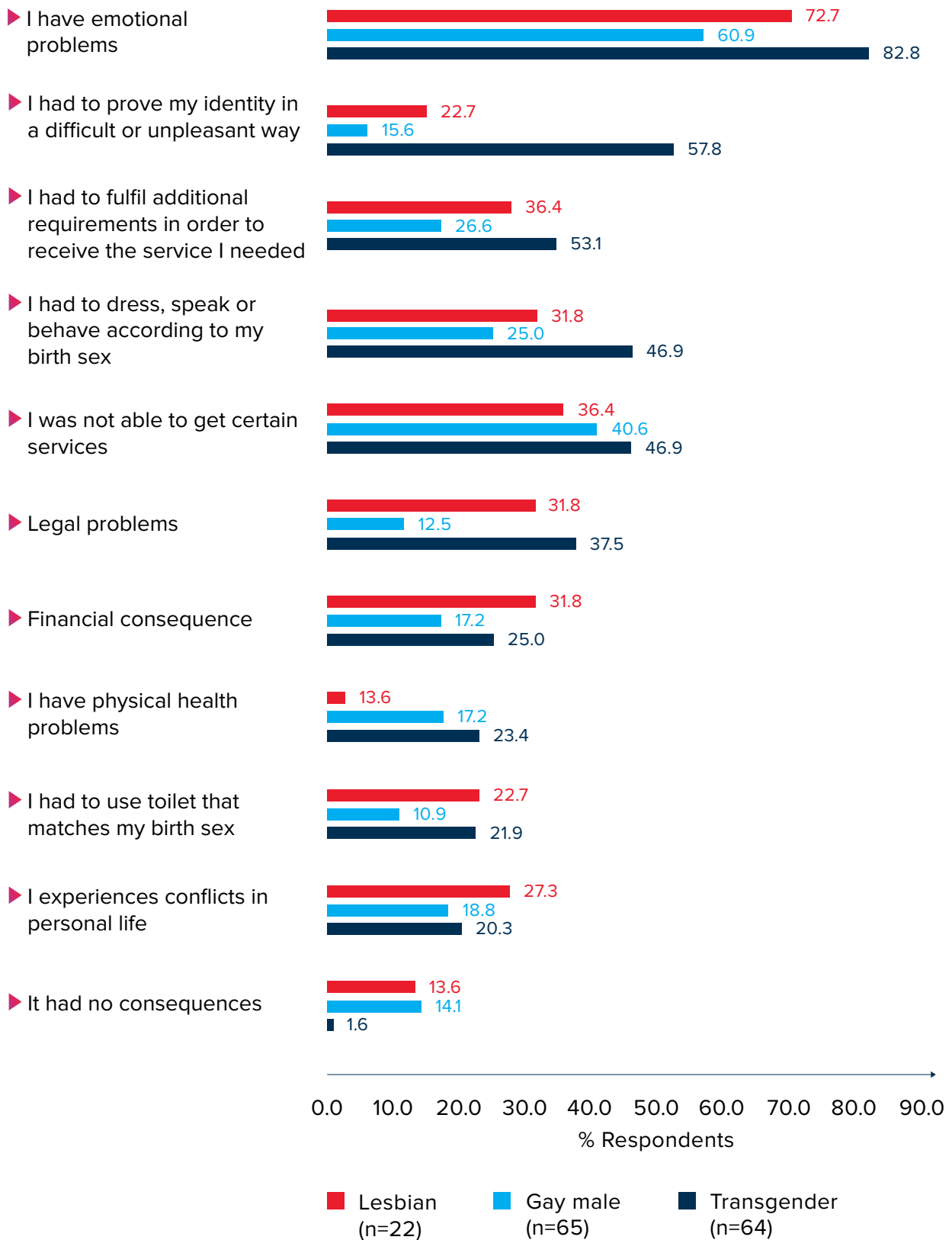
Figure 4. Sectors Where Openly LGBTI Respondents Report Finding It Hard or Impossible to Have a Job (in percent)



Result 3: LGBTI respondents face major challenges in accessing government services, such as obtaining identity cards, passports, and other personal documentation. Most important, 40.6 percent of gay men, 36.4 percent of lesbians, and 46.9 percent of transgender people participating in the survey report they could not obtain the services they sought from the government (see figure 5). Half of LGBTI respondents report being treated disrespectfully when accessing government services, and more than 30 percent say they were harassed or ridiculed and faced more requirements to gain access to the services they needed. Large groups of LGBTI respondents suffered financial, emotional, personal, or legal difficulties because of discrimination in seeking government services.

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Figure 5. Consequences of Discrimination When Accessing Government Services, by Subgroup (in percent)



Result 4: Among LGBTI respondents, transgender people report the most frequent and severe discrimination and exclusion in society. Lesbians report worse outcomes than gay men. For example, 60 percent of transgender people report experiencing job discrimination in contrast to 29 percent of lesbians and 19 percent of gay men. The same pattern—the highest discrimination against transgender persons followed by lesbians and then gay men—also emerges across accessing government services, education and training, life or health insurance, and financial products as well as renting property. The only exception is buying real estate, where lesbians experience the most discrimination, followed by transgender persons and gay men. A transgender woman and a gay man report:

“

The main problem is my personal title. When I have to deal with the bank, they usually have a problem with my ID card because it still says Mister. The photo is also an old one. They usually feel suspicious and have to investigate more.

—
Transgender woman, 20,
Central Thailand

”

“

Transgender people are treated unequally in the community. They are looked down on as second-class citizens.

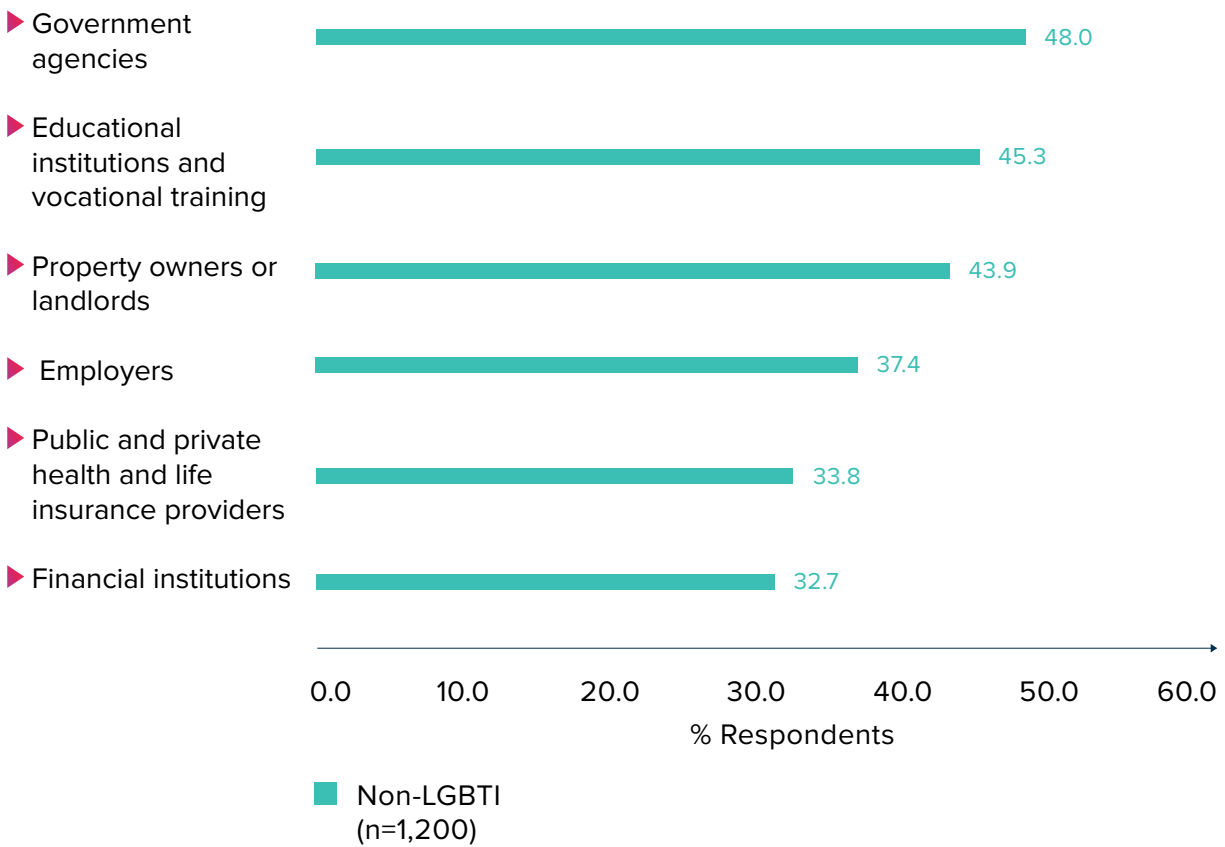
—
Gay man, 26, South Thailand

”

Result 5: More than one-third (37.4 percent) of non-LGBTI survey respondents find it acceptable for employers to discriminate against LGBTI individuals. Almost half (48 percent) found it reasonable for LGBTI people to experience some form of discrimination when seeking government services (see figure 6).

Executive Summary

Figure 6. Proportion of Non-LGBTI Respondents Who Believe Some Form of LGBTI Discrimination Is Acceptable (in percent)



Options for Improving Inclusion of LGBTI People in Thailand's Society

Thailand is well placed to become a global leader on LGBTI inclusion and a model for other countries in Asia. Moving from tolerance to full economic and social inclusion calls for more policy and programmatic action toward greater awareness and implementation and advancement of the country's legal framework. This report offers options for policy and program action that take into account international and national experience and good practice, with a view toward ending discrimination and promoting equality, fairness, and shared prosperity among all Thai citizens.

Policy and program options with specific actions in six focus areas are summarized in table 1, along with possible lead responsibilities and timing.

Table 1. LGBTI Inclusion in Thailand: Policy Options		
Recommended Policy Actions	Lead Agencies and Organizations	Timing
Focus Area: Public Policy Awareness		
<p>1. Develop and implement a public campaign to promote awareness of gender equality legislation, SOGI and LGBTI rights, and SOGI nondiscrimination laws and policies across government, the private sector, civil society, media organizations, and throughout society at large. Specifically:</p> <p>a. Conduct training, raise awareness, and build capacity on gender equality, LGBTI, and SOGI issues in the labor, education, health, and other key services provided by ministries and government agencies.</p> <p>b. Sensitize government employees, teachers, doctors, and other education and health sector staff about SOGI nondiscrimination laws and policies.</p> <p>2. As part of transforming Thailand and promoting the new, modern “Thailand 4.0” at home and internationally, establish a high-level government commitment to LGBTI inclusion and affirm equal rights and equal rights and opportunities for all Thais, regardless of their sex, sexual orientation, or gender identity. Consider, for example, a public statement by the head of state or government, or the assignment of nationwide responsibility for LGBTI inclusion to an “LGBTI champion.” regardless of their sex, sexual orientation, or gender identity. Consider, for example, a public statement by the head of state or government, or the assignment of nationwide responsibility for LGBTI inclusion to an “LGBTI champion.”</p>	<p>Primary:</p> <ul style="list-style-type: none"> • Ministry of Social Development and Human Security <p>In collaboration with:</p> <ul style="list-style-type: none"> • Ministry of Justice • Ministry of Labor • Committee on the Determination of the Unfair Gender Discrimination • Human Rights Commission and other line agencies • Office of Public Servants, Prime Minister’s Office • Ministry of Information and Communication Technology • Thai Journalists Association, Office of National Broadcast and Telecommunications, and other relevant news agencies 	Short and medium term
Focus Area: LGBTI Equality and SOGI Nondiscrimination in Employment		
<p>1. Develop and implement an equality and nondiscrimination in employment and occupation law to guarantee nondiscrimination based on SOGI status.</p> <p>2. Establish an effective enforcement and monitoring mechanism for compliance with new legislation and provide redress in cases of discrimination, particularly for transgender people.</p>	<p>Primary:</p> <ul style="list-style-type: none"> • Ministry of Labor <p>In collaboration with:</p> <ul style="list-style-type: none"> • Committee on Unfair Gender Discrimination Complaints • Ministry of Social Development and Human Security • Private sector resource groups 	Medium term

Table 1. LGBTI Inclusion in Thailand: Policy Options

Recommended Policy Actions	Lead Agencies and Organizations	Timing
<ol style="list-style-type: none"> 3. Establish and promote the role of the Equal Employment Opportunity Commission as a complaint mechanism at the national level. 4. Encourage social dialogue between private sector employers, employee resource groups, and LGBTI workers to protect the rights of LGBTI employees and promote SOGI nondiscrimination. 		
Focus Area: Equality in LGBTI Health Care		
<ol style="list-style-type: none"> 1. Develop guidance and include a SOGI nondiscrimination component in health service delivery personnel training. 2. Develop and implement a measure preventing private health insurers from inquiring about sexual orientation and gender identity. 3. Develop and implement legal measures requiring private life insurers to issue life insurance policies that allow partners—married or unmarried—of any sex and gender identity to be beneficiaries. 	<p>Primary:</p> <ul style="list-style-type: none"> • Ministry of Health <p>In collaboration with:</p> <ul style="list-style-type: none"> • Department of Health • Department of Mental Health • Department of Health Services Support • Ministry of Justice • Office of Insurance Commission at the Ministry of Commerce • Office of Social Security Administration • Private sector (insurance companies) 	<p>Short and medium term</p>
Focus Area: Equality in LGBTI Inclusive Education for All		
<ol style="list-style-type: none"> 1. Incorporate gender equality and SOGI nondiscrimination guidance in pre- and in-service training for current and new school administrators and teachers. 2. Raise awareness of the whole school community about SOGI nondiscrimination, violence reporting, and referral mechanisms, and build its capacity to prevent and respond to violence and SOGI-based discrimination, including bullying and cyber-bullying. 	<p>Primary:</p> <ul style="list-style-type: none"> • Ministry of Education <p>In collaboration with:</p> <ul style="list-style-type: none"> • Ministry of Social Development and Human Security • Committee on Consideration of Unfair Gender Discrimination • Bangkok Metropolitan Administration • Other institutions overseeing education systems including the Departments of Local Administration, which oversee local schools in some subdistricts 	<p>Short and medium term</p>

Table 1. LGBTI Inclusion in Thailand: Policy Options		
Recommended Policy Actions	Lead Agencies and Organizations	Timing
Focus Area: Equality of Legal Rights		
<ol style="list-style-type: none"> 1. Adopt a national gender recognition law. 2. Adopt a national same-sex partnerships law. A best practice partnerships law will permit and validate stable partnerships between any two persons, on an equal basis regardless of their sex, sexual orientation, or gender identity. 3. Fully integrate SOGI in the Gender Equality Act of 2015 and in the promotion of gender equality in national plans and policies generally. 4. Explicitly include lesbians and bisexual and transgender women in all efforts to promote gender equality, women's rights, and women's empowerment and to prevent violence against women and girls. 5. Strengthen and enforce legal protection against all forms of gender-based violence, including against any LGBTI or other person of diverse SOGI status. 	<p>Primary:</p> <ul style="list-style-type: none"> • Ministry of Justice <p>In collaboration with:</p> <ul style="list-style-type: none"> • Department of Rights and Liberty • Ministry of Justice, Human Rights commission, and other line agencies 	Medium term
Focus Area: Research to Fill Knowledge Gaps		
<ol style="list-style-type: none"> 1. Collect SOGI-disaggregated quantitative data among key sectors. 2. Develop an integrated database that combines cases and data on LGBTI exclusion from relevant government agencies and civil society organizations. 3. Add sections on SOGI to national surveys and registry data from line ministries. 4. Analyze best practices in preventing and responding to violence on the basis of SOGI, particularly in Thai schools, to build an inclusive society for all. 5. Evaluate various policies and programs addressing SOGI in Thailand. 6. Systematically collect data on reporting of violence against LGBTI people. 7. Fund research to quantify the economic and financial cost to society of exclusion and disadvantaged treatment of LGBTI people and the benefits of inclusion. 	<p>Primary:</p> <ul style="list-style-type: none"> • Ministry of Social Development and Human Security <p>In collaboration with:</p> <ul style="list-style-type: none"> • Ministry of Education • National Statistical Office and other line agencies • National and academic research institutions • Nongovernmental organizations 	Short and medium term

Exclusion based on sexual orientation and gender identity continues to be a concern in both developed and developing countries. Sexual and gender minorities are likely to be overrepresented in the bottom 40 percent of income distribution, and evidence suggests that people with non-normative sexual orientation and gender identity (SOGI) can have lower education outcomes because of bullying, stigma, and higher unemployment rates, and may lack access to adequate health and financial services (Badgett 2014; Ojanen 2009; Mahidol University, Plan International Thailand, and UNESCO 2014; UNDP and USAID 2014; Suriyasarn 2014; Ojanen, Ratanashevorn, and Boonkerd 2016). Despite proactive steps toward inclusion the country has taken to date, lesbian, gay, bisexual, transgender, and intersex (LGBTI) people continue to experience these challenges in Thailand, with each subgroup affected differently (UNDP and USAID 2014; Suriyasarn 2014).

Much of the existing research on SOGI issues in Thailand, and around the world, is qualitative. Therefore, to close this gap, the World Bank—in partnership with the Faculty of Learning Sciences and Education at Thammasat University, Love Frankie,¹ and the Nordic Trust Fund²—collected new quantitative data. This study offers the first analysis to date of quantitative data on economic and financial outcomes for LGBTI people in Thailand. The data collection focused on the labor, insurance, housing, and finance markets, and access to education and health services. To be able to look beyond numbers, the researchers also used a qualitative lens and conducted detailed interviews.

The following dimensions were studied:

- ▶ Challenges and opportunities for LGBTI people;
- ▶ Types and consequences of discrimination against LGBTI people;
- ▶ Perceptions of discrimination, and knowledge of laws; and
- ▶ Attitudes and behaviors of LGBTI people and non-LGBTI people.

¹ A Bangkok-based social change agency.

² A large part of this work was financed by the Nordic Trust Fund, which is a knowledge and learning platform for World Bank staff that promotes a human rights-based approach to development. For more information, visit <http://www.worldbank.org/en/programs/nordic-trust-fund>.

02

How Was the Research Done?

The study is based on a quantitative approach, supported by qualitative data.¹ A survey was placed online² to reach as many LGBTI respondents as possible through nonprobability sampling.

The LGBTI respondents were identified and recruited into the sample through an innovative use of social media platforms, including B-Change, a social enterprise with connections to various groups in the LGBTI community, and “Hornet,” an app geared toward gay, bisexual, and same-sex loving men.³

Why an online survey?

In situations of stigma and social exclusion, online methods foster access to populations considered hard-to-reach and are safer for participants as well as researchers to use. An online survey also decreases the chances of respondents answering in a manner that would seem to be socially desirable to the data collectors.

The qualitative component explored the extent of discrimination experienced by LGBTI individuals in Thailand when they access markets and services. A desk review⁴ of the available literature was followed by semi-structured “life-story” interviews with 19 LGBTI participants—gay men, lesbians, transgender men and women, bisexual men and women, and intersex people—from different socioeconomic, educational, and professional and geographic backgrounds.⁵ These interviews focused on experiences ranging from childhood to adulthood when accessing markets and services, such as financial, education, and health care services and the housing and labor markets.

¹ The research methodology for the study was informed by a series of consultations conducted in Thailand from February to November 2016 with about 50 relevant stakeholders, multilateral and international organizations, LGBTI nongovernmental organizations, experts, academics, and LGBTI people.

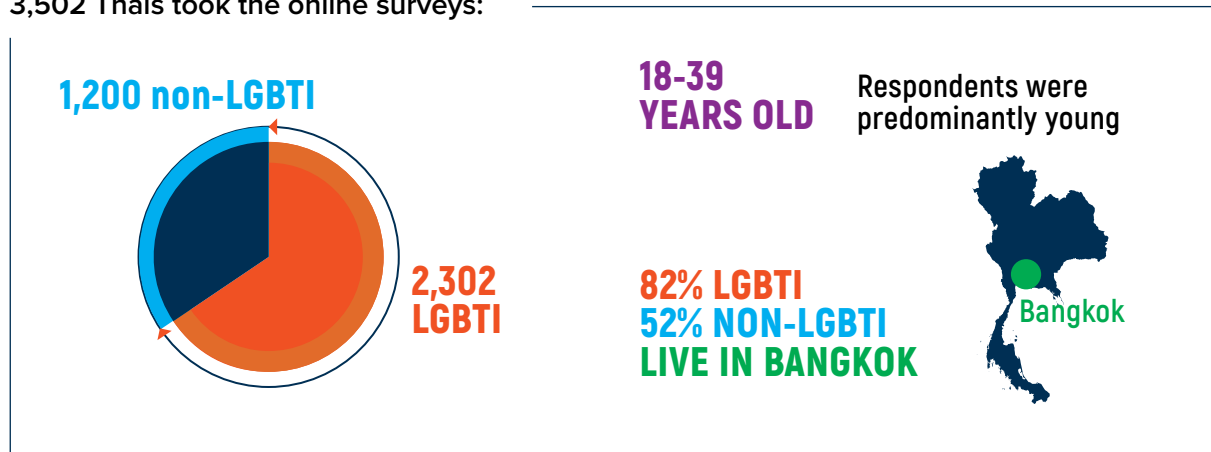
² The LGBTI survey was launched on November 28, 2016 at the International Lesbian, Gay, Bisexual, Trans, and Intersex Association (ILGA) Conference in Bangkok and closed on February 10, 2017. The non-LGBTI survey was launched on December 3, 2016 and remained open until December 15. Both surveys were tested and disseminated in the Thai language.

³ An active member of the Thai LGBTI community helped disseminate the online survey links to Thai LGBTI individuals. A Facebook page dedicated to the survey was established, and connection with fan pages, site administrators of private Facebook groups, and influencers in the LGBTI community in Thailand was initiated. A series of clips, photos, and GIF images was created to better market the survey. When using Hornet, the survey was sent to all users in the form of an email blast to their inboxes. The email could only be deleted after it was opened. Since 99 percent of Hornet users are gay men, this option was used to reach the quota set for that group. The blast was sent out on 3 February, and by 5 February, there were 1,309 completes.

⁴ The literature review included a desk review of published, peer-reviewed materials and a review of gray literature (e.g., publicly available reports and policy statements) in the Thai language as well as in English. However, the desk review of available literature did not include a systematic search of the numerous unpublished, Thai-language graduate theses that discuss LGBTI topics but are mostly available as hard copies only, scattered across Thailand’s numerous university libraries.

⁵ Geographic regions are Central, Greater Bangkok, North, Northeast, and South.

3,502 Thais took the online surveys:



The online survey captured 3,502 responses of people living in Thailand: 1,200 non-LGBTI people and 2,302 LGBTI people who identified themselves within a range of sexual orientation and gender identities, which were regrouped as gay male, lesbian, transgender, intersex, and other. All participants were sampled based on age (i.e., 18 to 24 years, 25 to 34 years, 35 to 44 years, over 45 years); geography (five regions: Central, Greater Bangkok, North, Northeast, and South); and gender (male, female), with a minimum quota of 30 for each. The bulk of respondents were young, urban men, a bias that is common in online surveys. The average age for the LGBTI sample was 30, representing mostly two age groups: 18 to 24 and 25 to 29. Younger respondents residing in Greater Bangkok were initially overrepresented in the sample. The survey was calibrated to more closely represent the population distribution of Thailand. See appendixes A and B for more details.

Limitations of the Study

One of the major limitations of the research was the lack of pre-existing accurate estimates of Thai lesbian, gay, and transgender populations. Estimates of LGBTI subgroups have ranged from as low as 1 percent (Sittitrai et al. 1992) to as high as 30 percent (Jackson 1999a) of the general population—depending on the operational definition, group sampled, and method of data collection. More research is required to identify more reliable estimates of the Thai LGBTI population in general, with a particular need for research focused on the intersex population.

Although online data collection fosters greater access to hard-to-reach populations, as a technology, the internet and smartphones remain unavailable, inaccessible, and unaffordable to much of the world's population (World Bank Group 2016a). A digital divide exists along income, age, location, and gender axes. Namely, in some regions, the internet is more accessible to wealthier, urban, and younger men. Concurrently, national and regional online research on LGBTI issues tends to follow this pattern. Survey responses were therefore biased toward socioeconomically secure gay and bisexual men, and particularly those living in urban settings. Finally, while utmost effort was undertaken by the research team to ensure the study captures the diversity and intersectionality of the Thai population, the quantitative surveys captured predominantly young and urban respondents. While the in-depth interviews documented difficult-to-reach stories of diverse LGBTI people, it was not possible to locate participants of groups of interest, such as LGBTI people in the informal sector or a greater number of intersex and bisexual participants.

Note: In a 1990 survey (Sittitrai et al. 1992), only 0.2 percent of men and 0.9 percent of women report their sexual behaviors had been exclusively with the same sex, whereas 3.3 percent of men and 1.2 percent of women report some sexual experiences with a member of their own sex. The rounded estimate that 3 percent of Thai men have sex with men has been used in projecting the development of the HIV epidemic (A2 and the Thai Working Group on HIV/AIDS Projections 2008). In a 2006 survey (Chamratrithirong et al. 2007, 60) sampling data from 6,048 respondents, 99 percent of men and 98 percent of women considered themselves heterosexual. The highest estimates for any self-reported same-sex experience were reported among Thai Royal Army recruits. In 1996, these estimates ranged from 9 percent to 31 percent, depending on the province. However, many of these men did not identify as gay or bisexual, but simply reported at least one same-sex sexual experience (Jackson 1999a).

03

Thailand: Societal and Legal Context

Thailand is well placed to become one of the global leaders regarding tolerance toward sexual and gender minorities. Yet, getting from tolerance all the way to full economic and social inclusion will demand additional policy action with the emphasis on implementing the country's legal framework and raising awareness (Badgett et al. 2014; UNDP and USAID 2014; UNESCO 2015, 2016). As this report shows, a vast policy agenda lies ahead for promoting inclusion and nondiscrimination in access to specific services and markets.

Societal Context

Given its established networks of national and international nongovernmental organizations (NGOs) and intergovernmental bodies working on LGBTI issues, and the presence of a significant commercial sector catering particularly to gay men, Thailand's society is reputed to be accepting and tolerant (Jackson 1999b). Yet, the increasing visibility of LGBTI people in the media and on the streets coexists alongside the taboos of sexual activity and gender expression framed in public discussion. Discrimination is found across multiple socioeconomic spheres with greater vulnerability experienced by people who live at the intersections of categories related to social disadvantage, such as class, ability, and citizenship status (Ojanen 2009; Burford and Kindon 2015; Mahidol University, Plan International Thailand, and UNESCO 2014; Suriyasarn 2014; UNDP and USAID 2014).

Patriarchal values remain entrenched in many areas of Thai social life, with women accorded a subordinate social position (UN 2017; Ministry of Public Health 2009; WHO 2005). This adds to the stigma experienced by lesbian, bisexual, and transgender women (Ojanen 2009). Evidence also shows that people who deviate from normative gender expectations (e.g., feminine men, masculine women) frequently experience social consequences such as homophobic and transphobic exclusion, and in some cases, outright physical violence (Suriyasarn 2014; Mahidol University, Plan International Thailand, and UNESCO 2014).

Each LGBTI subgroup seems to have a different status, with those who are most visible at expressing non-normative SOGI—namely transgender people and others who do not embody prevailing gender norms—facing the most discrimination (Ojanen 2009).

Table 3.1 summarizes types of SOGI discrimination based on a review of the literature in relevant sectors: education, employment (particularly the formal sector), health care and insurance, government services, and financial services.

Table 3.1. Sector-Specific Issues Affecting LGBTI individuals in Thailand as Identified Through Literature Review

Sector or Area	Type of Exclusion or Discrimination
<p>Education</p>	<ul style="list-style-type: none"> • Discrimination in student selection and discouragement from studying certain fields (particularly transgender students) • Physical, sexual and verbal violence, bullying and harassment of lesbian, gay, bisexual, transgender, and intersex (LGBTI) students • Biased and stigmatizing coverage of LGBTI topics in education • Inflexible regulations regarding access to toilets and mandatory gendered uniforms and hairstyles • Lack of antibullying policies and insufficient school level protections of LGBTI students • Lack of awareness among school staff about the problem
<p>Employment</p>	<ul style="list-style-type: none"> • Rejections, a hostile work environment, limited freedom of gender expression at work, and limited career advancement opportunities • Exclusion based on the visible differences in gender presentation, particularly transgender men, toms, and transgender women • Discrimination most common in the formal sector, especially the civil service • Sexual harassment at the workplace • Stigma against LGBTI individuals living with the human immunodeficiency virus (HIV); compulsory HIV testing during the application phase or an involuntary HIV test during employment
<p>Health Care and Insurance</p>	<ul style="list-style-type: none"> • Exclusion of gender-affirming surgeries in the Social Security Scheme • Restriction in access to hormone replacement therapy and other kinds of treatment under public health insurance • Limited access to private health and life insurance and to private health insurance companies because of high premiums and strict policies • Labeling and stereotyping of transgender women and gay men as “high-risk” for contracting HIV • Overcharging LGBTI individuals a higher premium in private life and health insurance • Most insurance companies do not issue life insurance policies with a same-sex partner as beneficiary • Placement of transgender patients in a ward that matches their sex at birth rather than gender presentation • Gender-affirming services not covered by private or public insurance

Sector or Area	Type of Exclusion or Discrimination
	<ul style="list-style-type: none"> • Requirement of additional proof of identity matching sex at birth for transgender people seeking health care services • Limited specialized services for men who have sex with men (i.e., MSMs), transgender women, and men only, and no specific services for lesbians or bisexual women • Insufficient geographic coverage, problems with confidentiality, privacy, and staff attitudes
Government Services	<ul style="list-style-type: none"> • The inability to change one’s legal sex • Requirement for transgender persons to prove their identity in ways not required from cisgender persons (e.g., bringing in a relative or village elder to a government office to prove the transgender individual’s identity) • Entry to a foreign country denied because the sex recorded in a passport does not match the person’s appearance
Financial Services	<ul style="list-style-type: none"> • Inability to obtain joint bank loans by same-sex couples • Challenges in receiving payment from the Provident Fund Act, 2530 B.E. (1987) by same-sex partners or unofficially adopted children

Sources: Education—Ojanen (2009); UNDP and USAID (2014); Mahidol University, Plan International Thailand, and UNESCO (2014); Suriyasarn (2014), Wongwareethip (2016). *Employment*—Suriyasarn (2014), Ojanen (2009). *Healthcare and insurance*—Sakunphanit (2008), Ojanen (2010), Suriyasarn (2014). *Government services*—Preechasilpakul (2013). *Financial services*—Boonprasert (2011) and Suriyasarn (2014).



Note: The literature review was conducted by the Faculty of Learning Sciences and Education at Thammasat University, Bangkok. Data on discrimination in financial services are limited and largely based on anecdotal cases.

Legal Context

For decades, Thailand has not criminalized relations between individuals of the same sex,⁸ although the legal protection or accommodation of the needs of LGBTI individuals at the same time was limited (Preechasilpakul 2013; Ojanen 2009). More recently, antidiscrimination clauses based on sex in the Constitution of the Kingdom of Thailand were re-interpreted as covering LGBTI characteristics, and several laws and regulations were passed to provide additional protection against discrimination (see box on antidiscrimination clauses in the constitution). The Royal Thai Government had made efforts toward creating a more inclusive society, with the Rights and Liberties Protection Department focusing on equal access, regardless of their gender, sexual orientation, and sexual expression. Patriarchal values remain entrenched in many areas of Thai social life, with women accorded a subordinate social position (UN 2017; Ministry of Public Health 2009; WHO

⁸ In contrast to prevailing Western understandings, where sex, gender, sexual orientation, gender identity, and gender expression form separate and independent dimensions, Thai *phet* (gender) tend to be understood as fixed, mutually exclusive combinations of these characteristics. For example, a male person identifying as gay may be understood to be a different *phet* than a heterosexual man by virtue of being attracted to men. However, this understanding only applies to everyday discourse, and in Thailand only men and women are legally recognized as distinct *phet* (Preechasilpakul 2013).

Antidiscrimination Clauses in the Constitution of the Kingdom of Thailand

In the 2006 constitution, Article 30 outlines a general antidiscrimination clause that states that origin, race, language, sex, age, physical or health condition, personal status, economic or social standing, religious belief, education, or political views may not be grounds for unequal treatment. Although sexual orientation and gender identity were not explicitly mentioned, *phet* (gender) was. A document outlining the intentions of the constitution explained that discrimination based on “sexual identity or gender or sexual diversity” were covered by the ban on discriminating on the basis of *phet*. However, following the 2014 military coup, the 2006 constitution was abrogated, and the existing constitutional protection afforded to LGBTI individuals was eliminated. The 2017 Constitution of the Kingdom of Thailand B.E. 2560 prohibits discrimination based on sex by using almost the same wording as Article 30 of the 2006 constitution, without specific reference to gender identity or sexual orientation.

Result 1

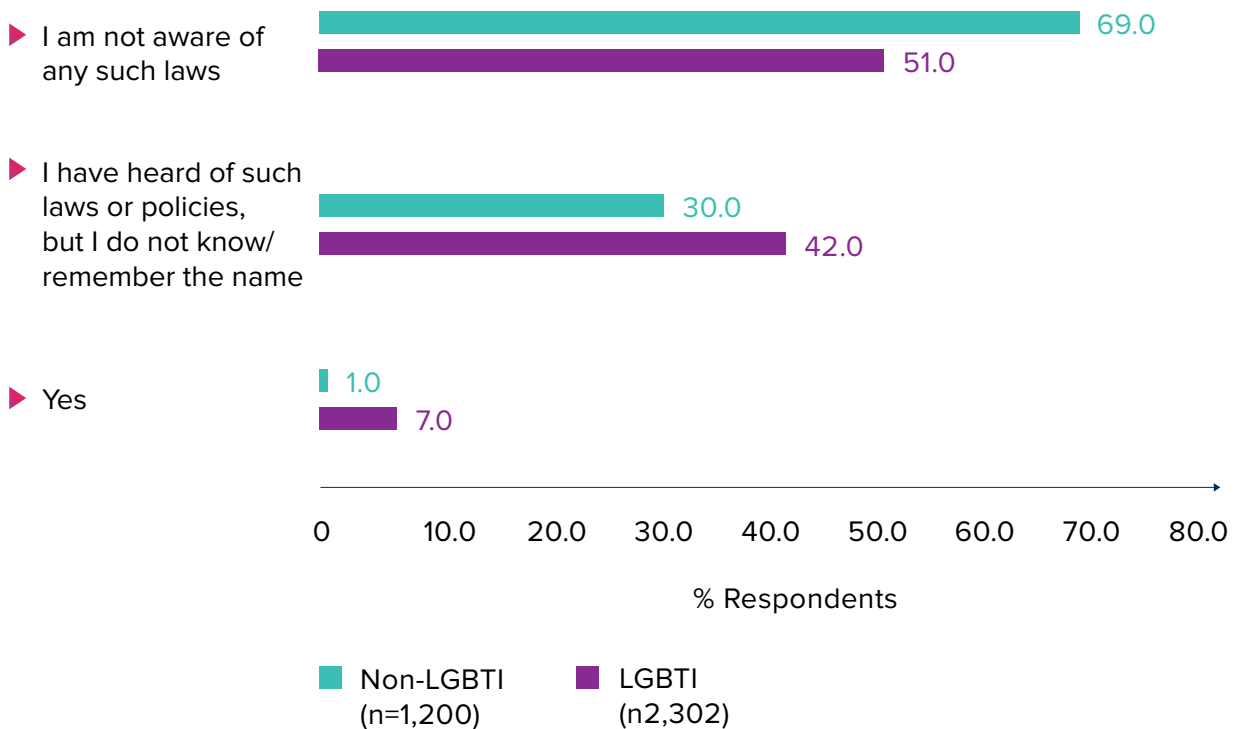
Only 7% of LGBTI and only 1% of non-LGBTI participants in the survey say they are aware of existing laws in Thailand that prohibit anti-LGBTI discrimination. More than half (51%) of LGBTI respondents and more than two-thirds (69%) of non-LGBTI respondents reported they are not aware of any such laws.

The adoption of the Gender Equality Act of 2015 was a landmark achievement for Thailand in both gender equality and recognition that addressing SOGI is important for the overall development of the country. The law makes it illegal to discriminate against a person “due to the fact that the person is male or female or of a different appearance from his/her own sex by birth” (Article 3), though it is unclear whether its protection extends to sexual orientation. Along with this law, the Gender Equality Promotion Fund was established by the government at the Department of Women’s Affairs and Family Development, along with committees to promote public awareness and to eliminate all forms of discrimination.

As of now, the Thai law does not provide legal recognition or a prohibition of same-sex partnerships and unions (Sanders 2011). There is also no recognition of hate crimes under the law, and no constitutional law addressing antidiscrimination based on sexual orientation or gender identity (OutRight Action International 2012). Two sexes—male and female—are recognized (Preechasilpakul 2013). Transgender men and women are unable to enter a heterosexual marriage under existing marriage legislation or to have related rights and benefits. Transgender people, including those who have undergone gender-affirming surgery, also cannot legally change their personal title or legal sex on state documents (Chokrungvaranont et al. 2014). Intersex individuals may change their legal sex after gender affirming surgery, provided they have documentation from a health care provider certifying their original legal sex had been incorrectly assigned (iLaw 2012).

The results of this study indicate there is very little awareness of—and familiarity with—national antidiscrimination laws and policies, both among the LGBTI and non-LGBTI samples. As shown in figure 3.1, only 1 percent of non-LGBTI respondents and only 7 percent of LGBTI respondents were aware of any national antidiscrimination laws or policies in Thailand and able to name them. Meanwhile, 69 percent of non-LGBTI and about half of LGBTI respondents (51 percent) were not aware at all. Smaller percentages of respondents heard of such laws or policies but did not know or could not remember their name (non-LGBTI, 30 percent; LGBTI, 42 percent).

Figure 3.1 Most Respondents Are Not Aware of Laws Prohibiting Discrimination and Exclusion (in percent)



Source: World Bank analysis of survey data.

04

Challenges in Accessing the Labor Market

Highlights

- ▶ Job discrimination of lesbian, gay, and transgender respondents takes many forms, most commonly application rejection and harassment at work. Transgender respondents fare the worst.
- ▶ LGBTI respondents highlighted the police force and law enforcement, the military, and religious institutions as particularly inaccessible for them.
- ▶ More than half of all surveyed LGBTI respondents report emotional problems because of discrimination or exclusion in the labor markets, including depression, anxiety, and frustration.
- ▶ More than one-third of non-LGBTI respondents believe it is acceptable for employers to discriminate against LGBTI individuals under certain circumstances.

At the basic level, work can serve to guarantee financial security, and to a greater extent, it can also provide a sense of purpose and fulfillment. Discrimination in the labor market or in the process of gaining employment can have debilitating effects not only on an individual's income, but also on psychological and emotional well-being. Additionally, a denial of employment to talented and productive individuals based on biases is an economically inefficient outcome.



EMPLOYMENT

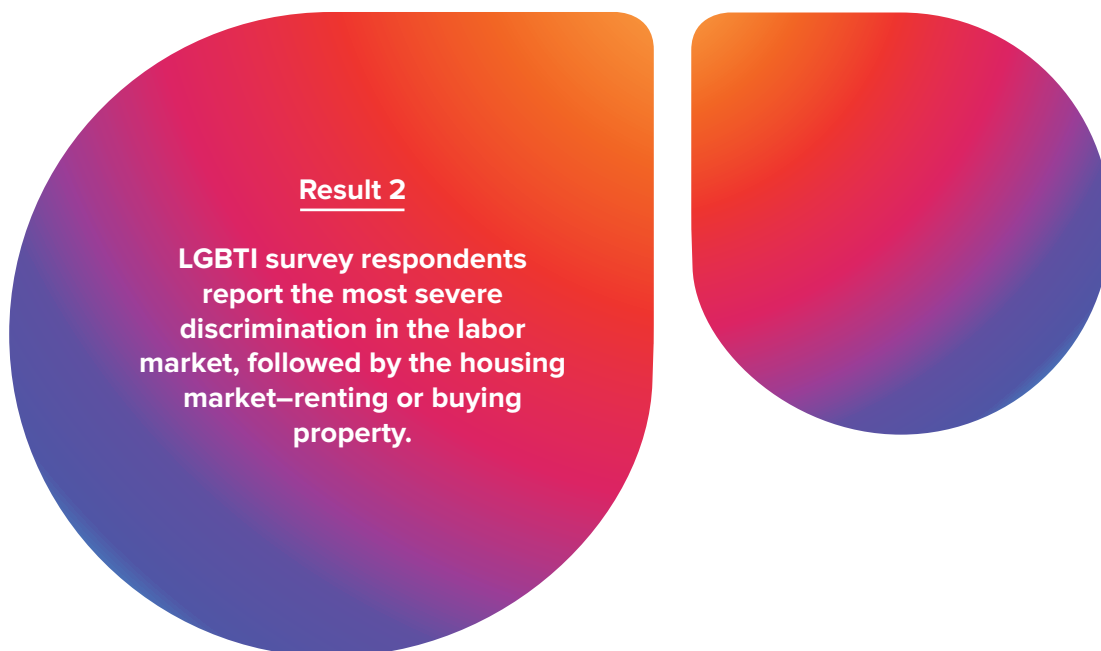
Applying for jobs, accessing jobs, leadership roles

While the results of this study—given the lack of census data on LGBTI population in Thailand—are not nationally representative, they serve as a basis for comparing perceptions and attitudes and an opportunity to identify openings for more successful inclusion in the labor market. This chapter quantifies the degree of self-reported discrimination, documents the experience of discrimination across sectors, and explores attitudes of the non-LGBTI population toward LGBTI people. Finally, it describes the psychological impacts of labor market discrimination.

Challenges in Accessing the Labor Market

Incidence of Discrimination

Being LGBTI increases the likelihood of being discriminated against in the labor market. This finding is statistically significant at 1 percent after accounting for education, income location, type of work, type of employer, and sex.¹ These factors are accounted for in a multivariate regression analysis framework, described in appendix C.



Variation is found in the incidence of discrimination in the labor market within the LGBTI population. Given the lack of administrative or census data on the LGBTI population in Thailand, it is difficult to determine whether differences in the number of respondents are due to the respective size of the populations of each group or if the method of data collection led to systematic biases in participation within the LGBTI community. With these caveats in mind, the data indicate a larger percentage of transgender individuals face discrimination in the labor market in contrast to gay men or lesbians. About 60 percent of transgender respondents report facing discrimination in the labor market, which is twice as high as lesbian respondents (29 percent) and more than three times as high as gay respondents (18.9 percent).

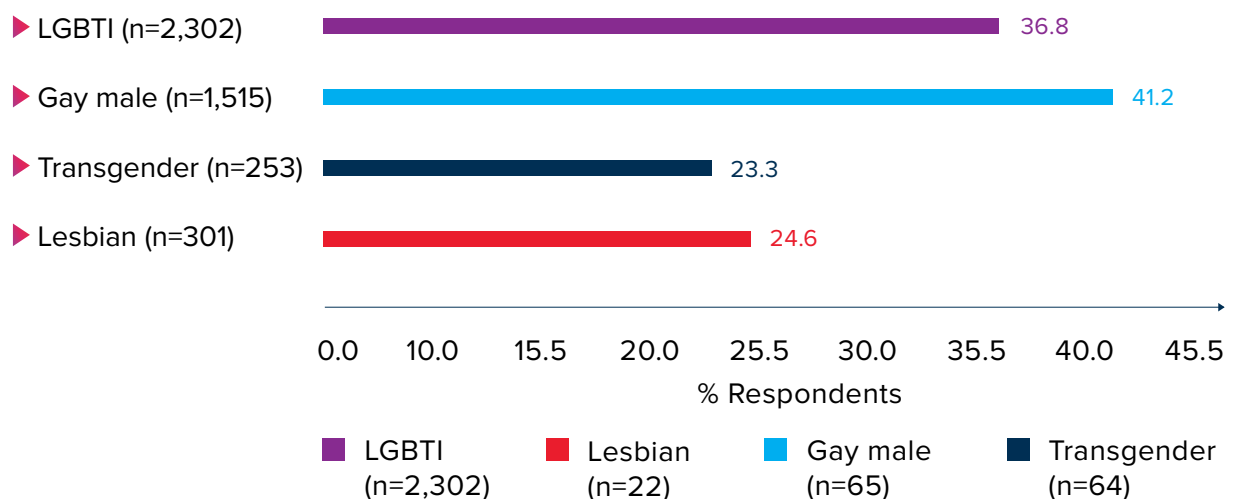


¹ Given the global evidence of gender discrimination, much of the labor market’s “discrimination gap” could be explained by the proportion of females in the LGBTI and non-LGBTI groups.

The finding that transgender individuals are more likely to face labor discrimination is also reflected in other studies. In the 2012 European Union Agency for Fundamental Rights (FRA) report that involved 93,079 LGBTI individuals across the European Union and Croatia, the percentage of respondents who consider discrimination against transgender individuals is “very widespread” or “fairly widespread” is 83 percent (FRA 2013). The corresponding percentage for gay men and lesbians is 72 percent and 52 percent, respectively. However, unlike the 2012 study, this World Bank study finds discrimination to be more widespread for lesbian respondents than for gay men. Aksoy, Carpenter, and Frank (2016), analyzing individual-based labor force participation data, record a penalty for lesbians in the labor market but not for gay men.

Greater discrimination in the labor market reported by transgender individuals may be due to their difficulty with or unwillingness to hide their identity. In each of the subgroups, the percentage of respondents indicating they hid their identity when applying for jobs is an inversion of the discrimination incidence rates. On average, 36.8 percent of LGBTI individuals indicate they hid being LGBTI when applying for a job. The highest was among gay respondents (41.2 percent), followed by lesbian respondents (24.6 percent) and transgender (23.3 percent) as shown in figure 4.1.

Figure 4.1. LGBTI Respondents Who Hid Their Identity When Applying for a Job, by Subgroup (in percent)



Source: World Bank analysis of survey data.

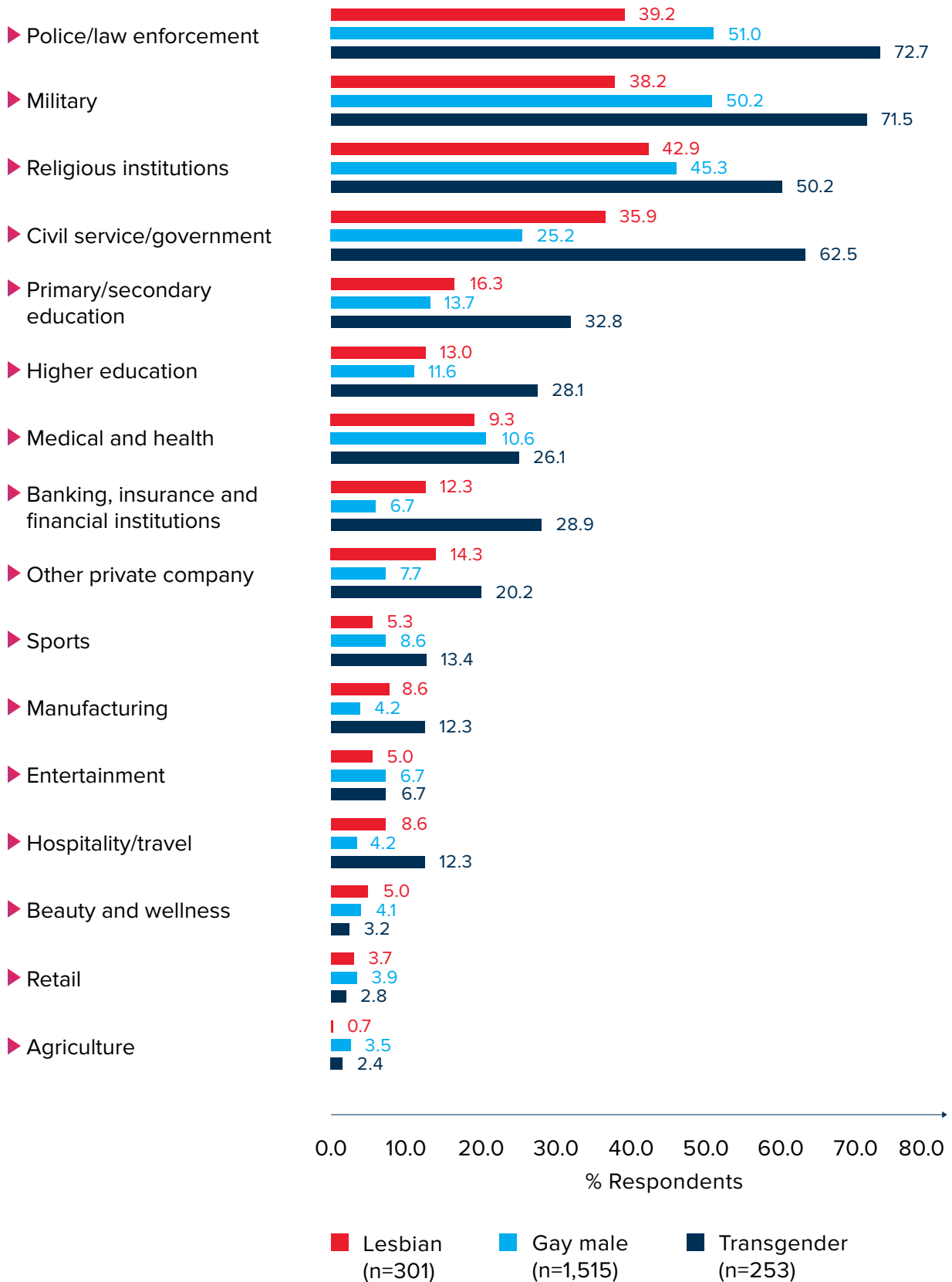
A Closer Look at Individual Sectors

There is consistency in the top three picks of the most inaccessible sectors for LGBTI respondents. Both non-LGBTI and LGBTI respondents picked police and law enforcement, the military, and religious institutions as the most inaccessible sectors for LGBTI, although the order of importance among these three categories differs. Non-LGBTI respondents pick the military, religious institutions, and police and law enforcement in decreasing order of importance in contrast to LGBTI respondents who pick police and law enforcement and the military followed by religious institutions (figure 4.2). LGBTI respondents picked agriculture, retail, and beauty and wellness as the more accessible sectors of the 16.

Sector inaccessibility varies among transgender, gay men, and lesbian responses. In all the most restrictive sectors, transgender individuals report much higher rates of inaccessibility, followed by gay men and lesbians. Furthermore, while the top three most inaccessible sectors are the same for gay men and lesbians, a larger proportion of transgender individuals pick the civil service and government sector over religious institutions.

Challenges in Accessing the Labor Market

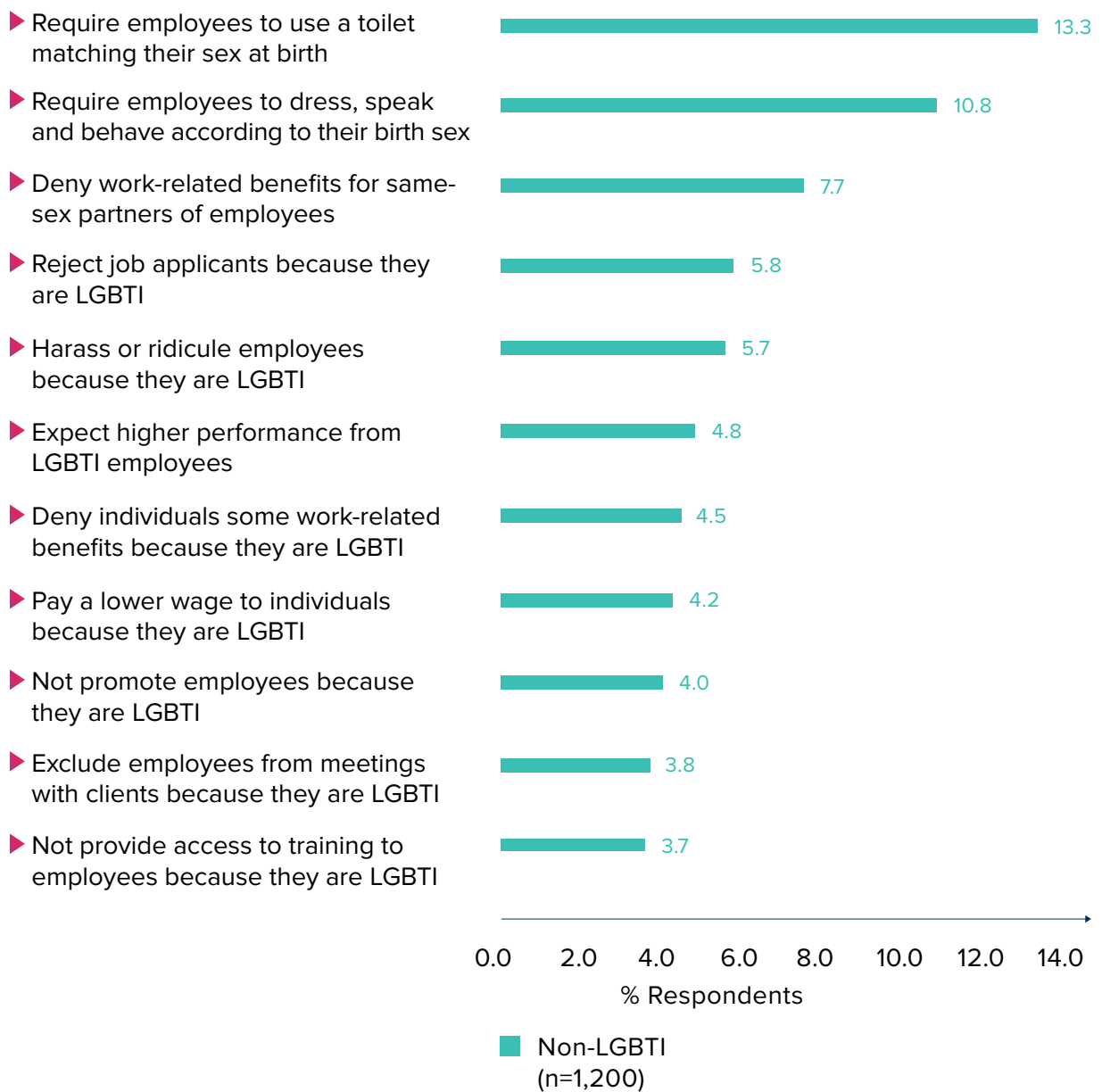
Figure 4.2. Sectors Where Openly Lesbian, Gay Men, and Transgender Persons Perceive It Hard or Impossible to Have a Job (in percent)



Source: World Bank analysis of survey data.

More than one-third of non-LGBTI respondents believe it is acceptable for employers to discriminate against LGBTI individuals under certain circumstances (figure 4.3). The top three acceptable employer discriminations include requiring employees to use a toilet matching their sex at birth (13.3 percent of respondents); require employees to dress, speak, and behave accordingly to their birth sex (10.8 percent); and deny work-related benefits for same-sex partners of employees (7.7 percent). The negative attitudes are rounded off with outright rejection of job applicants because they are LGBTI, and harassment or subjecting individuals to ridicule because they are LGBTI. This evidence indicates a need to promote a change in attitudes and social norms consistent with Thailand’s legal framework and national aspirations.

Figure 4.3. Non-LGBTI Beliefs of What Is Reasonable for Employers to Do in the Workplace (in percent)



Source: World Bank analysis of survey data.

Challenges in Accessing the Labor Market

Result 5

More than one-third of non-LGBTI survey respondents find it acceptable for employers to discriminate against LGBTI individuals.

Manifestations of Discrimination in the Labor Market

Application rejections, harassment, and pressure to hide SOGI were the common forms of work discrimination faced by the respondents. Of the LGBTI participants who experienced discrimination at work or when applying for a job, 58.6 percent indicated that being LGBTI resulted in their job application being refused. Around 40 percent were harassed or ridiculed at their workplace for being LGBTI, while 24.5 percent were told not to show or mention they were LGBTI (see figure 4.4). Furthermore, 20.9 percent indicate being overlooked for a promotion, and 19.1 percent were denied certain work benefits for being LGBTI. Only 5.9 percent of respondents indicated the discrimination they faced was unrelated to being LGBTI, while 10.6 percent were not sure.

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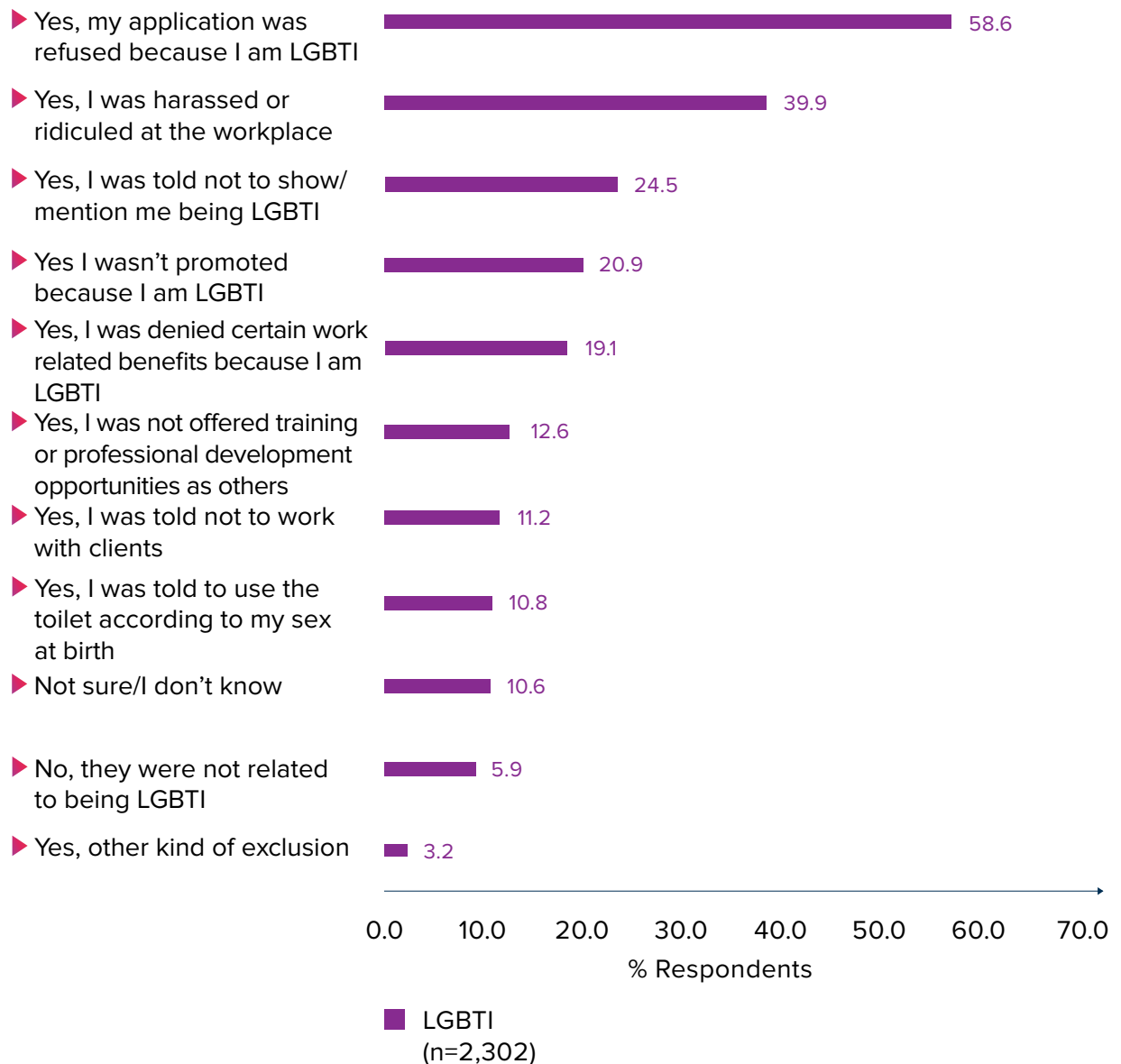
They asked me if I could wear a skirt and [feminine] cut shoes on the day of the interview. In my heart I thought, ‘come on, I’m already calling myself a man,’ so I didn’t take their good salary.

—

Transgender man, 32,
Greater Bangkok

”

Figure 4.4. Discrimination Experienced by LGBTI Respondents at Work or When Applying for a Job (in percent)

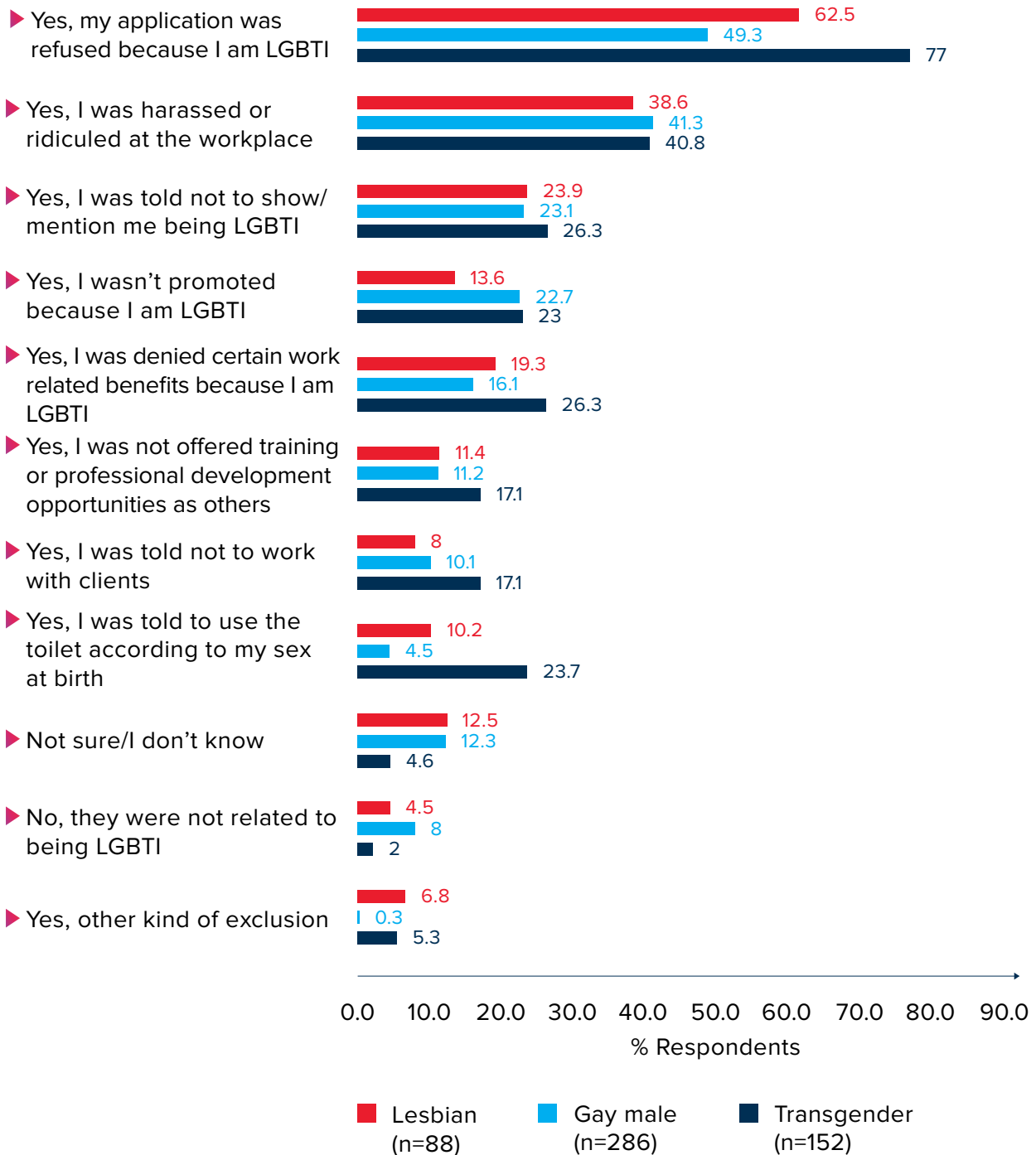


Source: World Bank analysis of survey data.

There is heterogeneity in the forms of discrimination faced by subgroups. The top three forms of discrimination are consistent across the three subgroups with job application rejection being first, followed by workplace harassment and pressure to hide identity (figure 4.5). Variation is also seen in application rejection. For instance, 77 percent of transgender respondents were rejected in contrast to 49.3 percent for gay men and 62.5 percent for lesbians. Little variation in workplace harassment is found with the corresponding percentages for transgender, gay men, and lesbian subgroups being 40.8, 41.3, and 38.6 percent, respectively. Transgender respondents report higher rates than gay men and lesbians in 7 of 9 specific forms of discrimination. One notable area is discrimination in using the toilet where 23.7 percent of transgender respondents faced discrimination in contrast to 4.5 percent of gay men and 10.2 percent of lesbians.

Challenges in Accessing the Labor Market

Figure 4.5. Forms of Discrimination at Work or When Applying for a Job, by Subgroup (in percent)

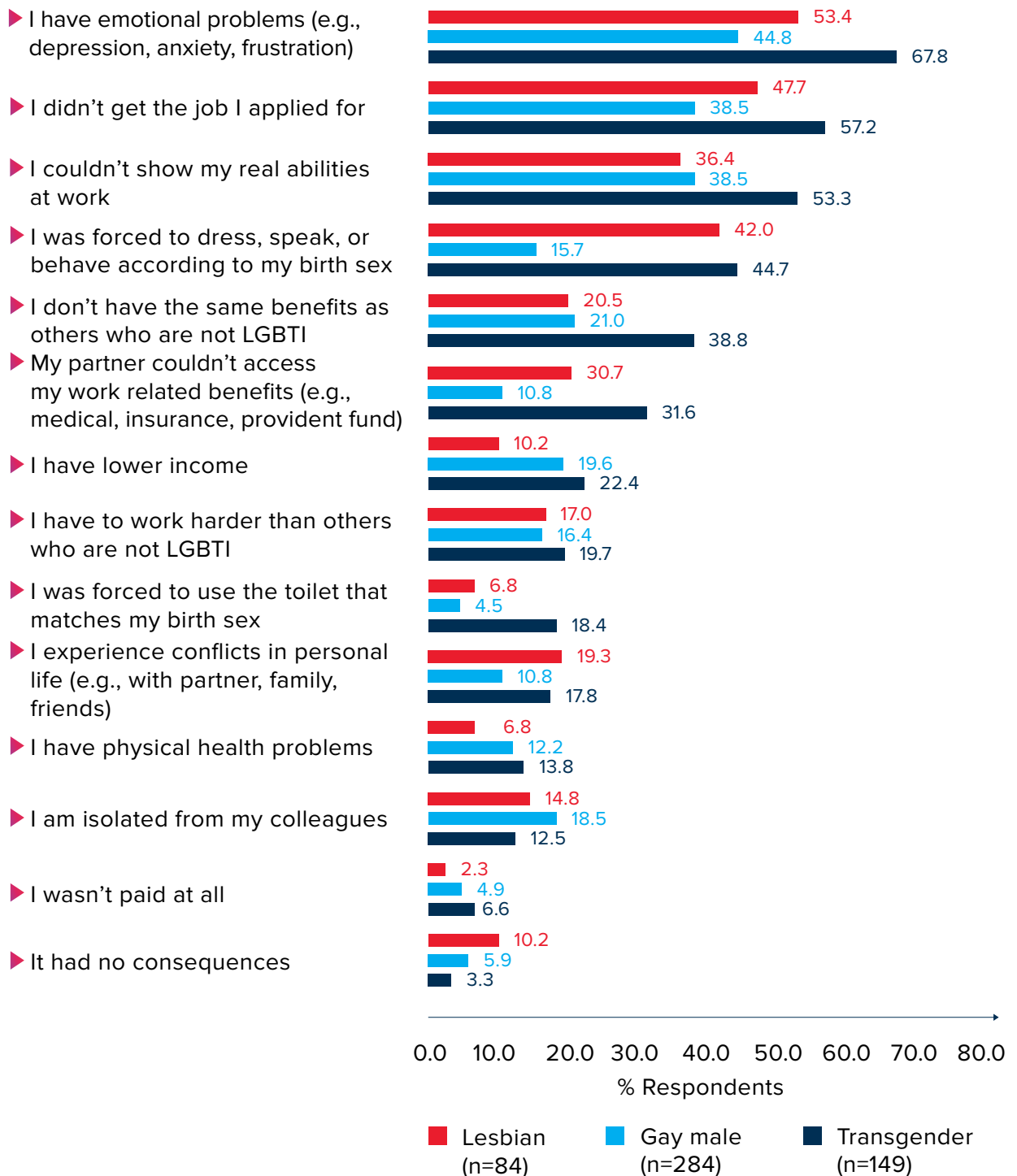


Source: World Bank analysis of survey data.

Consequences of Discrimination

Discrimination can have various consequences ranging from denial of work to psychological concerns such as depression. The majority of LGBTI respondents who faced discrimination report having emotional problems as a result (figure 4.6). Discrimination also led to jobs being denied to LGBTI respondents (45.1 percent) and undermined the ability of respondents to show their capabilities at work (42.3 percent). Only 5.8 percent of respondents indicate no consequences.

Figure 4.6. Consequences of Discrimination at Work or When Applying for a Job, by Subgroup (in percent)



Source: World Bank analysis of survey data.

Challenges in Accessing the Labor Market

The consequences of discrimination differ among subgroups. The top two consequences across subgroups are having emotional problems and not getting a job (see figure 4.6). Transgender individuals more frequently cited both consequences in contrast to either gay men or lesbian respondents. Over two-thirds of transgender respondents faced emotional problems because of discrimination, followed by 53.4 percent of lesbians and 44.8 percent of gay men. The third highest consequence for transgender and gay men was being unable to show their full abilities at work. Lesbian respondents cited pressure to behave according to the norms of their sex at birth.

Discrimination in the labor market poses challenges to the full economic inclusion of LGBTI respondents. They mention specific economic impacts, such as reduced earnings and having to work harder, in addition to psychological and emotional distress. This finding is consistent with the gender discrimination literature and suggests that government policies and programs to promote more equal opportunity would be important. Partnerships with the private sector and company resource groups are also promising approaches.²

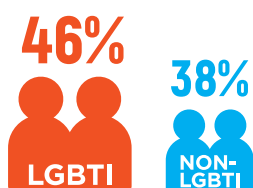
² OUTBKK is a non-profit LGBTI community founded in order to address and serve the many multi-faceted needs of the LGBTIQ+ community within Bangkok, as well as the LGBTI+ community in Thailand as a whole (<https://www.outbkk.org>). Workplace Pride is a not for profit foundation dedicated to improving the lives of lesbians, gay men, and bisexual, transgender, and intersex people in workplaces all over the world (<http://workplacepride.org>).

05

Access to Services and Markets

Highlights

- ▶ LGBTI respondents face major challenges in accessing government services, such as obtaining identity cards, passports, and other personal documentation: 41 percent of gay men, 36 percent of lesbians, and 47 percent of transgender individuals report they were unable to obtain the public services they sought.
- ▶ Transgender individuals report more discrimination and exclusion than gay men and lesbian respondents across several dimensions, particularly in education and vocational training and access to health and insurance services.
- ▶ Lesbians have worse outcomes than gay men, most notably in acquiring property and financial assets.
- ▶ Significant numbers of LGBTI respondents report having faced discrimination in the housing market and in obtaining finance.
- ▶ Those who report discrimination in access to life or health insurance, and to education, also experienced lower incomes.



LGBTI experience more discrimination than non-LGBTI respondents (46% LGBTI, 38% non-LGBTI)



Discrimination is worse for the transgender community



Lesbians say they face the most discrimination when buying property and in the labor market

Chapter 5 presents findings from the online survey regarding access to health care services, insurance, educational institutions, vocational training, finance, housing, and government services.

According to the flagship World Bank report *Inclusion Matters: The Foundation for Shared Prosperity*, a sustainable path toward ending poverty and promoting shared prosperity involves creating an inclusive society, not only in relation to economic welfare but also regarding the voice and empowerment of all groups (World Bank 2013). Using services is crucial for minorities to partake fully in society, validate their dignity, and support their full potential. Unobstructed use of services, such as health and education, can be vital to the well-being of the most vulnerable people. International studies show that sexual minority students who experienced high levels of in-school victimization based on their sexual orientation or gender expression also had poorer health and educational outcomes (Kosciw 2012).



GOVERNMENT SERVICES

Accessing documentation and civic services

Access to Government Services

Within the confines of the data, this section examines challenges that LGBTI people experience when accessing government services (obtaining identity cards, passports, and other personal documentation), the health sector (buying and using insurance and accessing health services and treatments), educational institutions or vocational training opportunities (applying for courses or programs, studying at educational institutions, or getting vocational training), finance (using and accessing banking services and products), and housing (renting or buying individually as well as with a partner).¹

More than half of the LGBTI survey respondents report being treated disrespectfully when accessing government services (54.4 percent), and 44.4 percent note they were asked irrelevant questions. More than 30 percent of LGBTI respondents were asked to dress, speak, and behave according to their birth sex or to prove their identity in a difficult way; were harassed or ridiculed; or faced additional requirements to be able to access the services they needed (figure 5.1). Being treated disrespectfully was understood, in the context of the survey, as being “looked down upon” or subjected to additional requirements or rude treatment.

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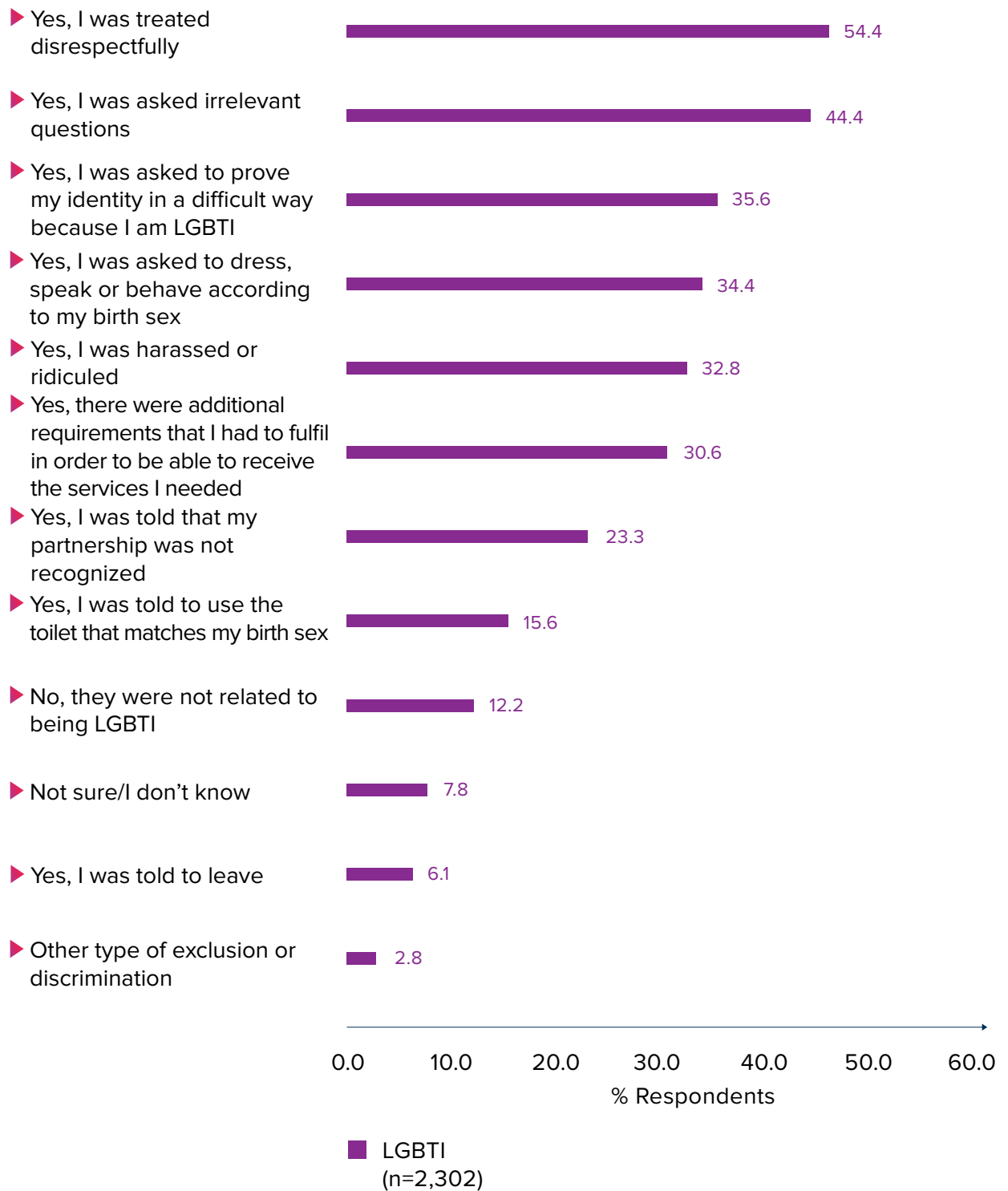
We have been very careful in public. We just behave well. We don't create any discomfort for others. We don't do things that might make people feel repelled by us.

—
Lesbian, 57,
Greater Bangkok

”

¹ In addition to discrimination and exclusion in these areas, many participants reported they faced discrimination and violence within their own families and romantic relationships as well as in religious institutions, hospitals, and public spaces.

Figure 5.1. Incidence of Discrimination When Accessing Government Services (in percent)



Source: World Bank analysis of survey data.

Access to Services and Markets

Transgender people, in particular, face barriers in accessing public services. For example, transgender people can't change their sex legally, which causes difficulty in proving their identity when needing to use a service they are theoretically entitled to. Another common problem is being denied entry to a foreign country because the sex recorded on their passports does not match their appearance, yet they can't have their passports reissued (Preechasilpakul 2013).

Half of LGBTI respondents report being treated disrespectfully when accessing government services, and more than 30 percent say they were harassed or ridiculed and faced additional requirements to obtain the services they needed. More specifically, 40.6 percent of gay men, 36.4 percent of lesbians, and 46.9 percent of transgender people participating in the survey report they were unable to obtain the services they sought from the government (see figure 5.2). Many LGBTI respondents suffered financial, emotional, personal, or legal difficulties because of discrimination faced in seeking government services.

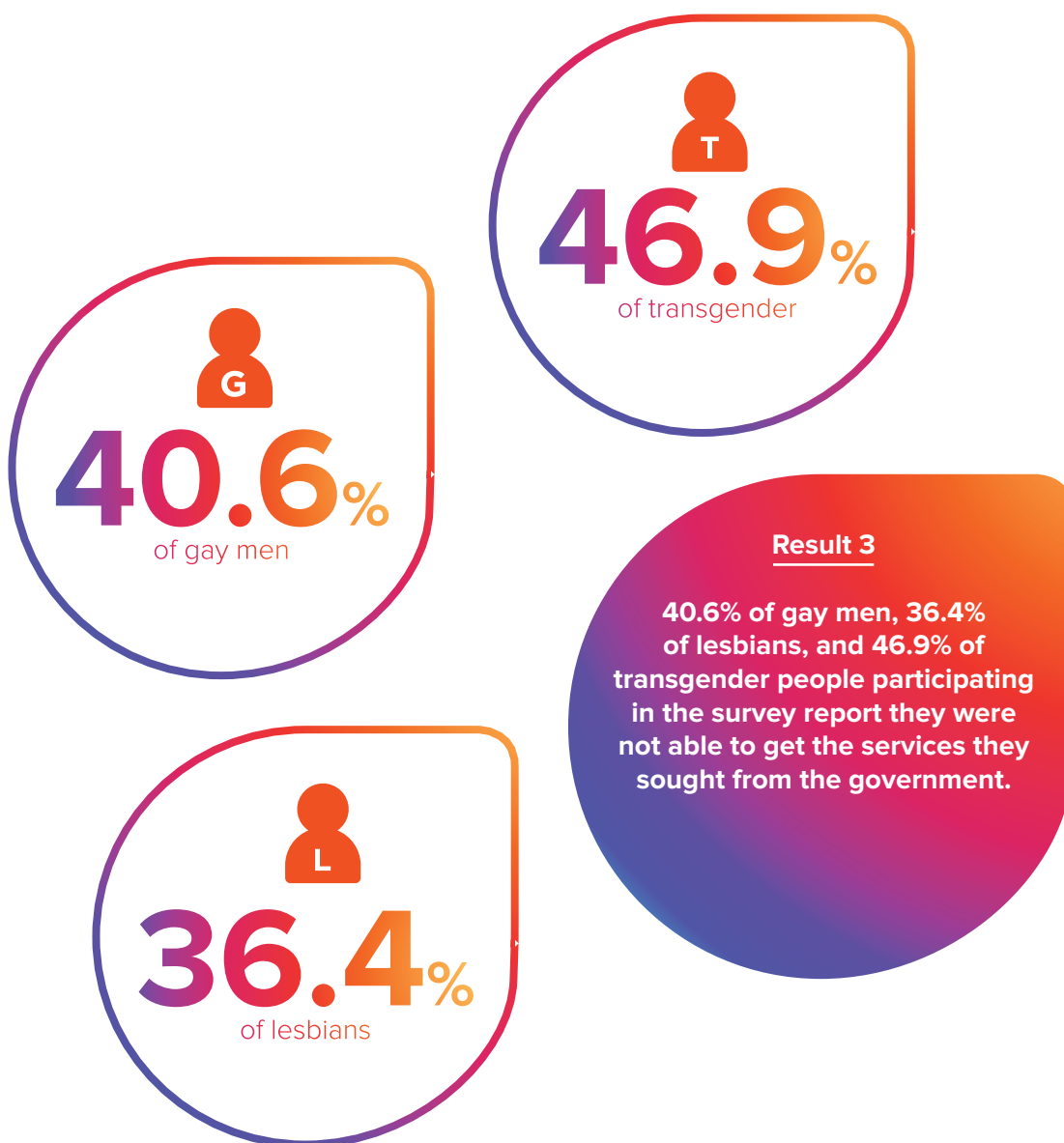
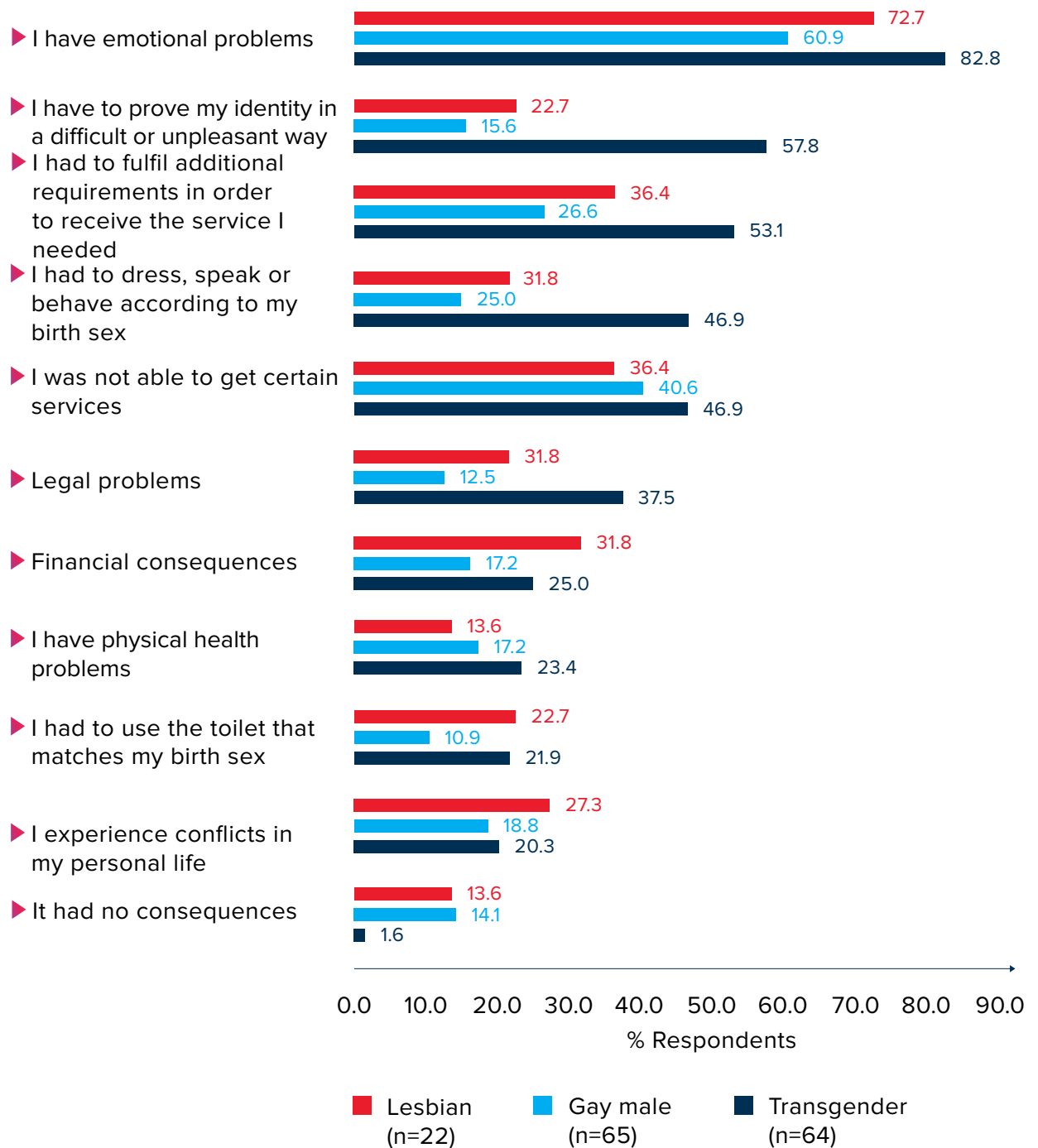


Figure 5.2. Consequences of Discrimination When Accessing Government Services, by Subgroup (in percent)

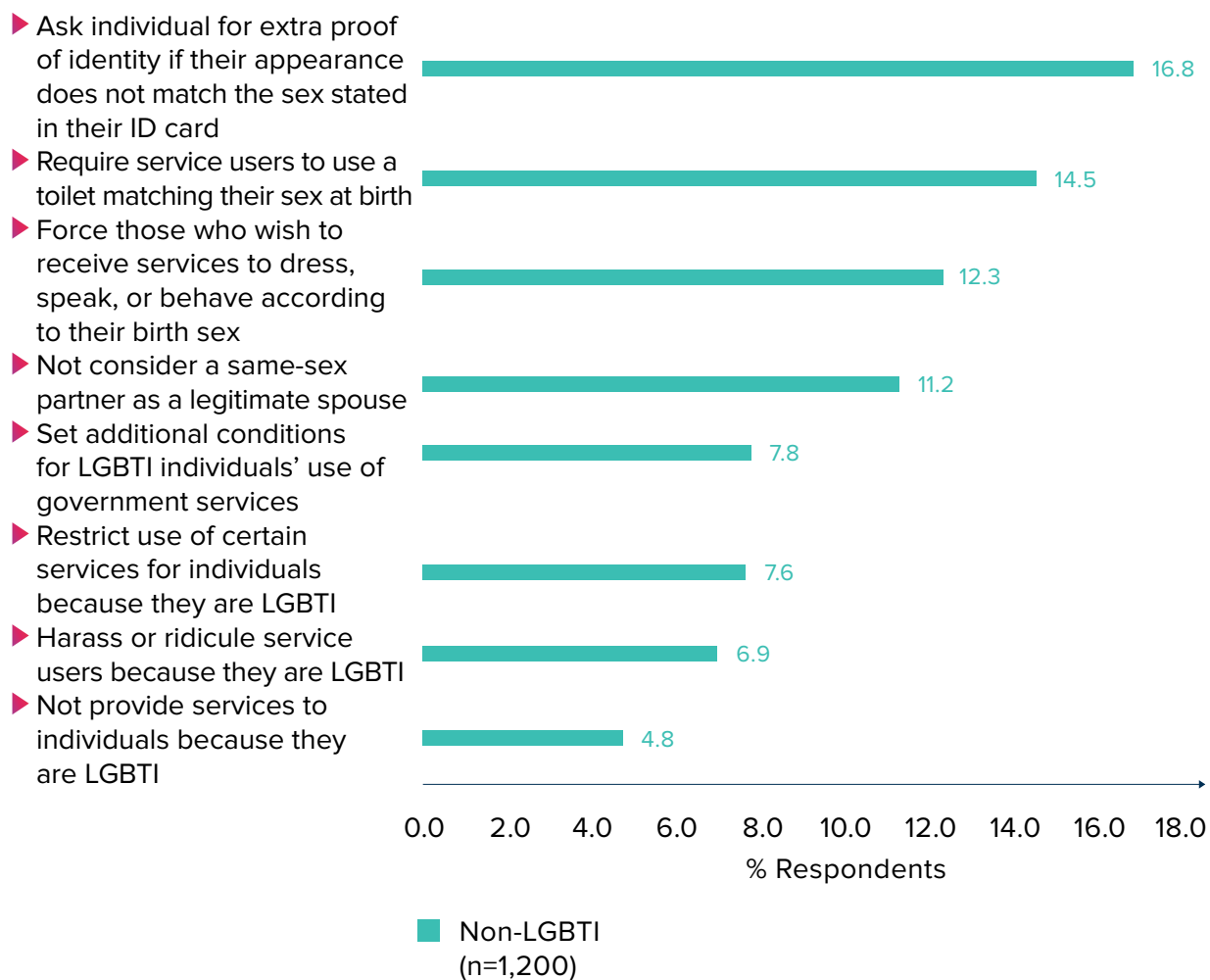


Source: World Bank analysis of survey data.

Access to Services and Markets

Close to half of non-LGBTI respondents believe it is acceptable for government services to discriminate against LGBTI people in some form. Nearly 5 percent say it is acceptable to deny services to individuals if they are LGBTI (figure 5.3). However, another 52 percent did not believe discrimination against LGBTI people was justified when accessing government services.

Figure 5.3. Acceptable Discrimination in Government Services Against LGBTI (in percent)



Source: World Bank analysis of survey data.

Respondents also consider discrimination acceptable against LGBTI people who apply for a course or training program (45.3 percent) and those buying property (43.9 percent). About 1 in 3 non-LGBTI respondents also agree it is reasonable to discriminate based on sexual orientation and gender identity when LGBTI people seek private insurance coverage (33.8 percent) or financial services (32.7 percent).



HEALTH INSURANCE

Accessing health services and treatments

Access to Health Services and Insurance

The results indicate that LGBTI respondents who face discrimination in obtaining education and training, as well as in accessing life or health insurance, have lower incomes than LGBTI respondents who do not experience discrimination. Our analysis shows that being LGBTI does not seem to influence negatively the level of income per se, after controlling for other characteristics.² Yet, LGBTI survey respondents who experience discrimination have lower probability of being in a high-income bracket.

Discrimination in obtaining life or health insurance is found to coincide with a 4.6 percent decrease in the probability of attaining 60,000 Thai baht or more in annual income.³ LGBTI individuals who face discrimination in the health sector are likely to earn less than their peers who do not face discrimination. The qualitative analysis meanwhile shows that health insurance is a particular area of discrimination where LGBTI individuals feel especially vulnerable.

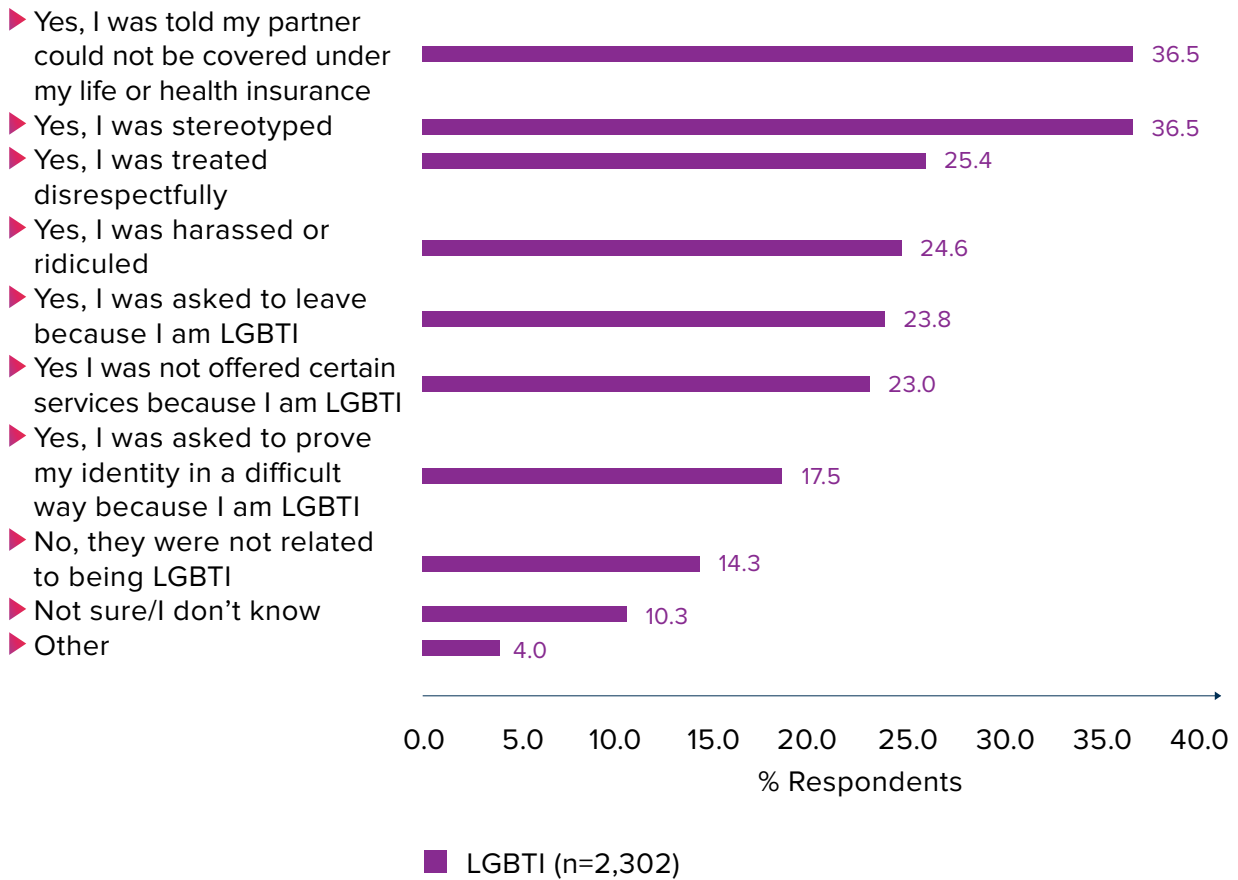
Discrimination in accessing private health and life insurance is reported more frequently by the transgender community. Survey results show 15.2 percent of transgender respondents experienced discrimination when getting or using private life or health insurance, followed by 11.4 percent of lesbians and 8.6 percent of gay men. Figure 5.4 shows the most prevalent incidents of LGBTI discrimination, with 36.5 percent of respondents either being stereotyped or unable to cover their partners under life or health insurance plans. When attempting to obtain services, 23.8 percent of respondents were asked to leave the premises because of their SOGI status.

² Other characteristics: education, type of job, type of organization, region (Greater Bangkok treated as a separate region, regional fixed effects), urban; LGBTI (and interaction terms), and age and sex discrimination.

³ This estimation controls for age, education level, area of residence (Greater Bangkok), and other factors.

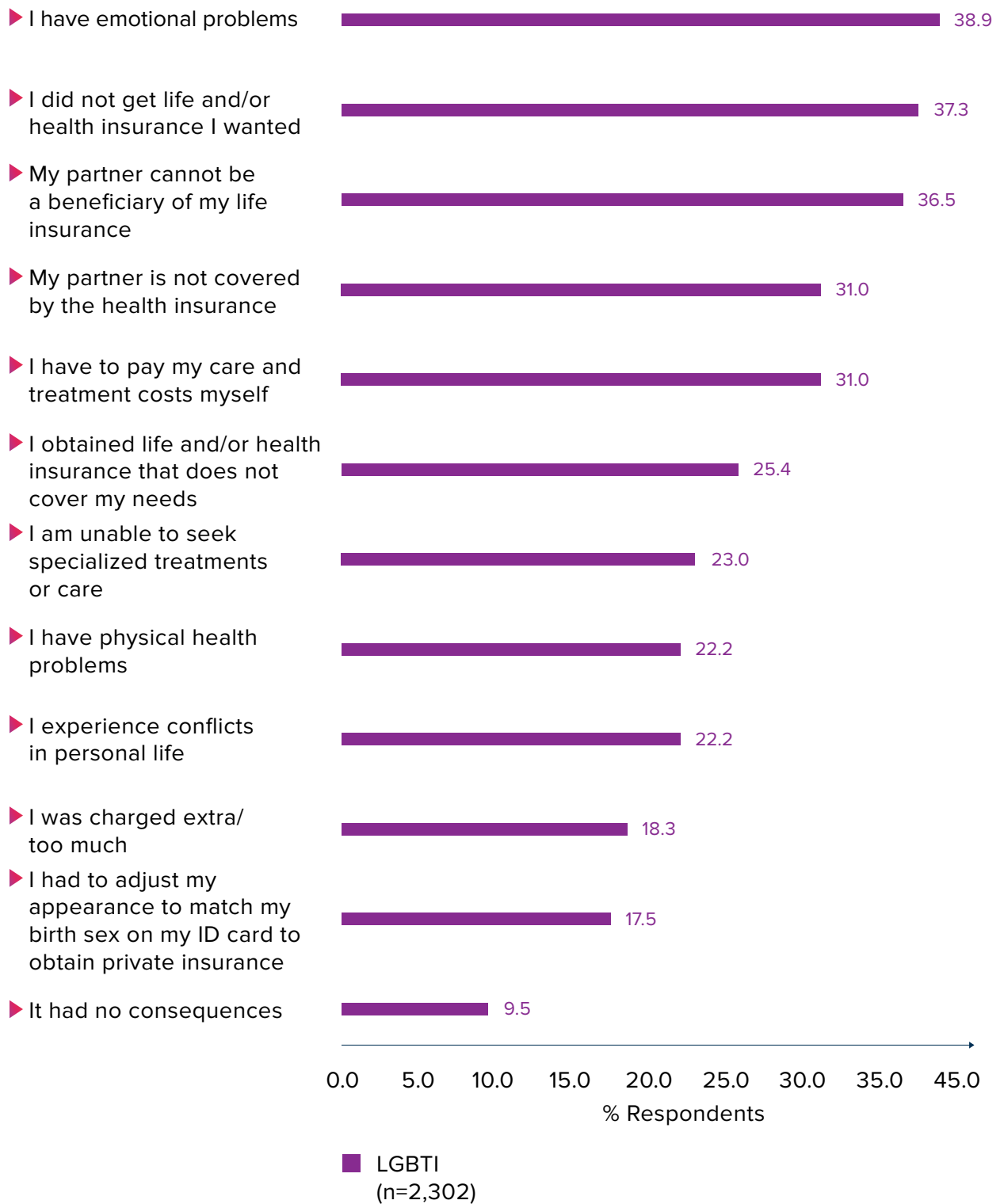
Access to Services and Markets

Figure 5.4. Incidence of LGBTI Discrimination in Accessing Health and Insurance Services (in percent)



Source: World Bank analysis of survey data.

Figure 5.5. Consequences of Discrimination When Accessing Health and Insurance Services (in percent)



Source: World Bank analysis of survey data.



EDUCATION

Applying for or studying at education and vocational training institutions

Access to Educational Institutions and Vocational Training

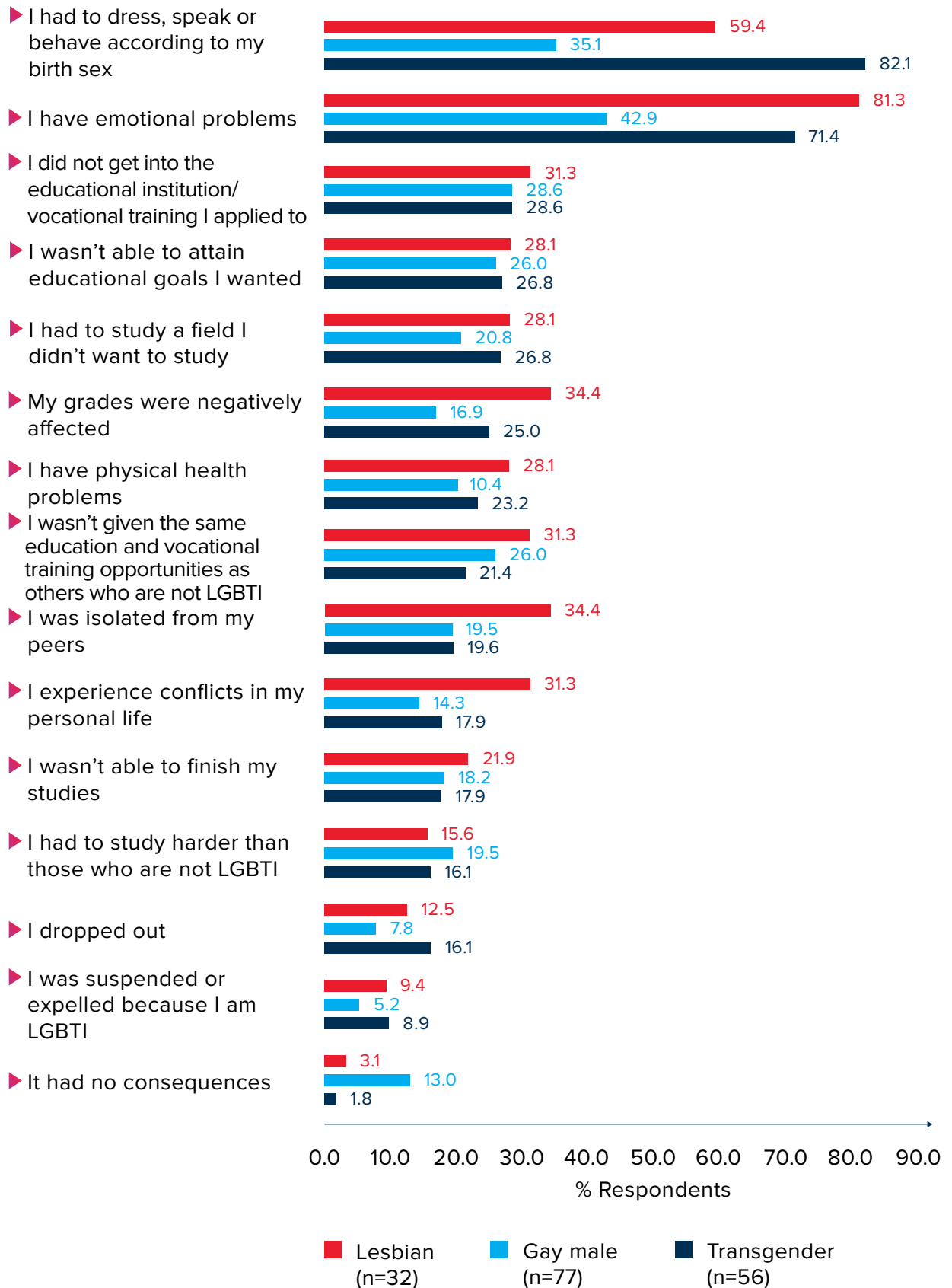
LGBTI respondents who face discrimination in education are likely to earn less than those who do not. This discrimination was found to coincide with a 2.5 percent decrease in the probability of attaining an income of 60,000 Thai baht or more annually within the sample. It can also be expected that those who experience bullying (including physical, verbal, and sexual harassment, all reported in the qualitative data) may revert to coping strategies such as social isolation and withdrawal as well as hiding one's SOGI status, skipping classes, and even leaving school. In fact, LGBTI respondents who experienced discrimination also have lower probability of completing a bachelor's degree.

Attaining a bachelor's degree correlates with higher future income, yet those LGBTI respondents who experience some forms of discrimination are less likely to complete undergraduate education than those LGBTI respondents who do not experience discrimination. This is consistent with international evidence, which shows that discrimination based on SOGI and other factors (e.g., race, religion, or gender) in gaining access to education and other services is also associated with fewer economic opportunities (IGLHRC 2014; Dis-Aguen undated; GALANG Philippines 2015; World Bank 2013; Ferreira and Peragine 2015).

In accessing education or training, discrimination was most frequently experienced by transgender respondents (23.3 percent), followed by lesbians (11 percent) and gay men (6 percent). The recent expansion of employment in Thailand was accompanied by significant improvements in the educational attainment of the labor force (World Bank Group 2016b), pointing to the ever-growing importance of an inclusive education sector from early childhood to adulthood. At the same time, interrupted or incomplete education, as well as physical and mental illness and risk to overall well-being, are linked with decrease in individual socioeconomic opportunities and distorted educational opportunities. This, in turn, can lead to life-long consequences for financial, employment, career, and broader economic prospects.

The most frequently experienced consequence of discrimination in education by LGBTI respondents was having emotional problems (52.3 percent for all subgroups combined). Nearly half of respondents were asked to “dress, speak, or behave” according to their birth sex. Over one-quarter of respondents attributed discrimination as the reason for not getting into the institution they applied to, and over one-fifth report they had to study a field they did not intend to. Figure 5.6 shows that lesbian and transgender respondents suffered the most severe adverse consequences of discrimination when accessing educational institutions or vocational training.

Figure 5.6. Consequences of Discrimination in Accessing Educational Institutions or Vocational Training, by Subgroup (in percent)



Source: World Bank analysis of survey data.



FINANCE

Accessing banking products and services

Access to Finance

While most LGBTI survey participants did not report significant barriers associated with being LGBTI in accessing basic financial services, such as opening bank accounts and debit cards, transgender participants struggled—these transactions often require identification. In the survey, transgender men and women report they were questioned by bank staff more than cisgender customers, and 18.7 percent transgender men report discrimination when accessing financial products.

Appearance and gender nonconformity serves as a trigger for discrimination and exclusion in access to financial services. Between 12 and 19 percent of the non-LGBTI sample feel it is reasonable to ask for more information to prove one's identity, or to ask an individual to dress and act like one's birth sex. Figure 5.7 shows the frequency with which lesbian, gay men and transgender clients were asked to prove their identity or to dress differently while accessing financial services.

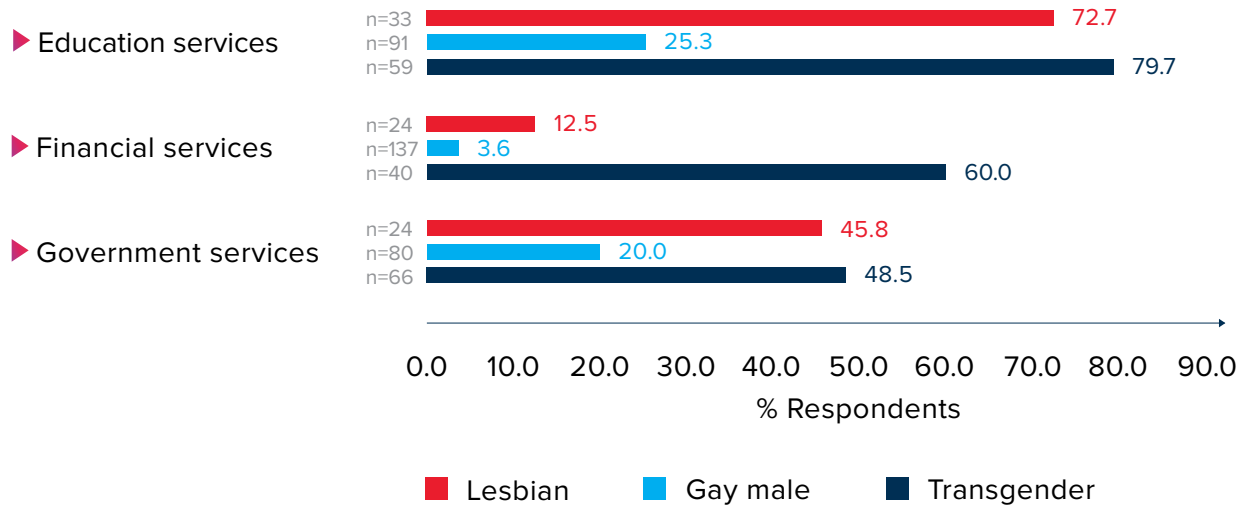
“

The main problem is my personal title. When I have to deal with the bank, they usually have a problem with my ID card because it still says Mister. The photo is also an old one. They usually feel suspicious and have to investigate more.

—
Transgender woman, 20,
Central Thailand

”

Figure 5.7. Comparison of Discrimination Related to Identity in Accessing Financial Services, Education Services, and Government Services, by Subgroup (in percent)



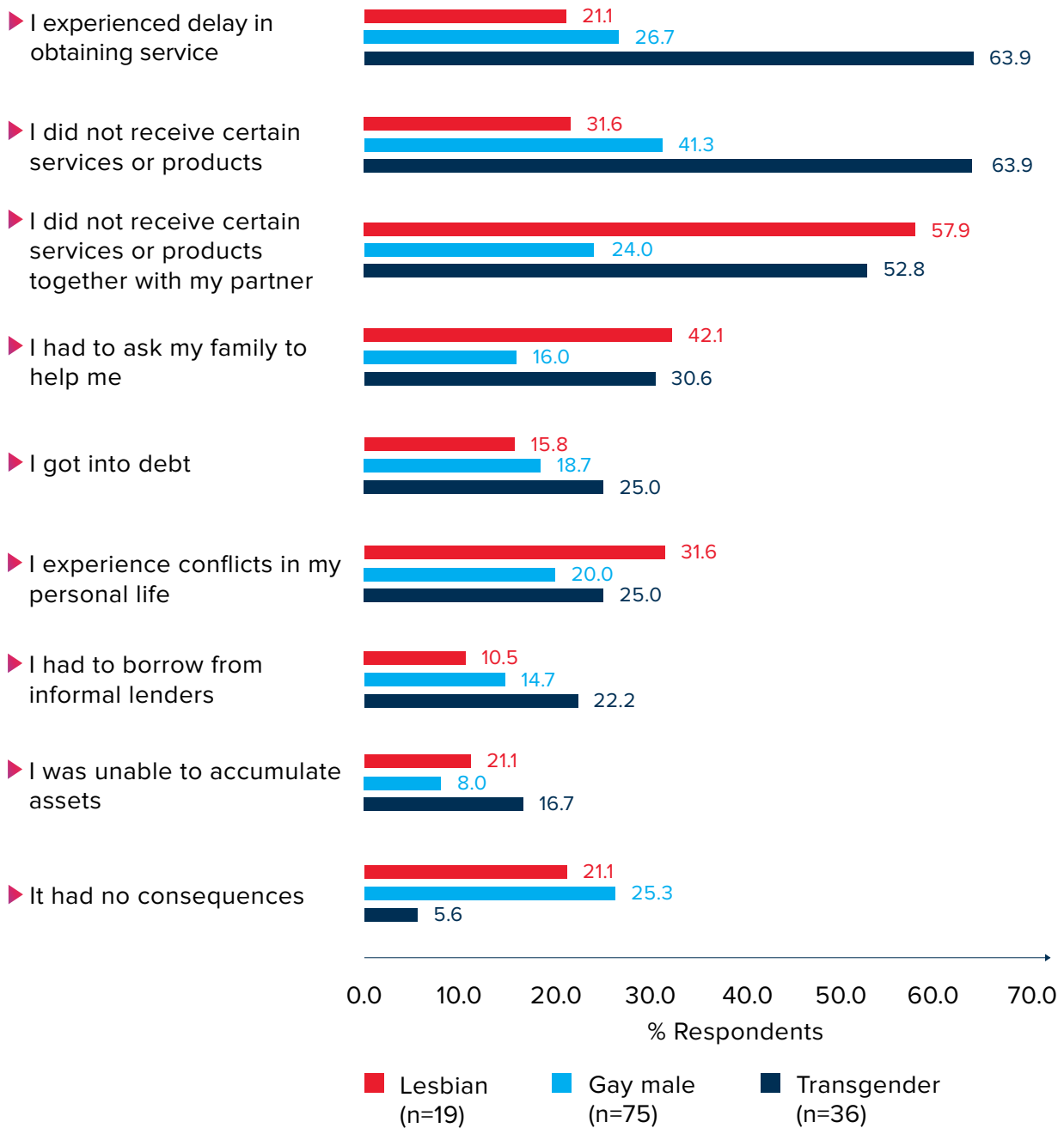
Source: World Bank analysis of survey data.

Discrimination in the financial sector restricts access of LGBTI people to certain products and services, as reported by more than 30 percent of respondents. Figure 5.8 summarizes by subgroup the different ways in which LGBTI individuals report being underserved in the financial sector, ranging from experiencing delays to having to use informal lenders.



Access to Services and Markets

Figure 5.8. Consequences of Discrimination When Accessing Financial Services, by Subgroup (in percent)



Source: World Bank analysis of survey data.



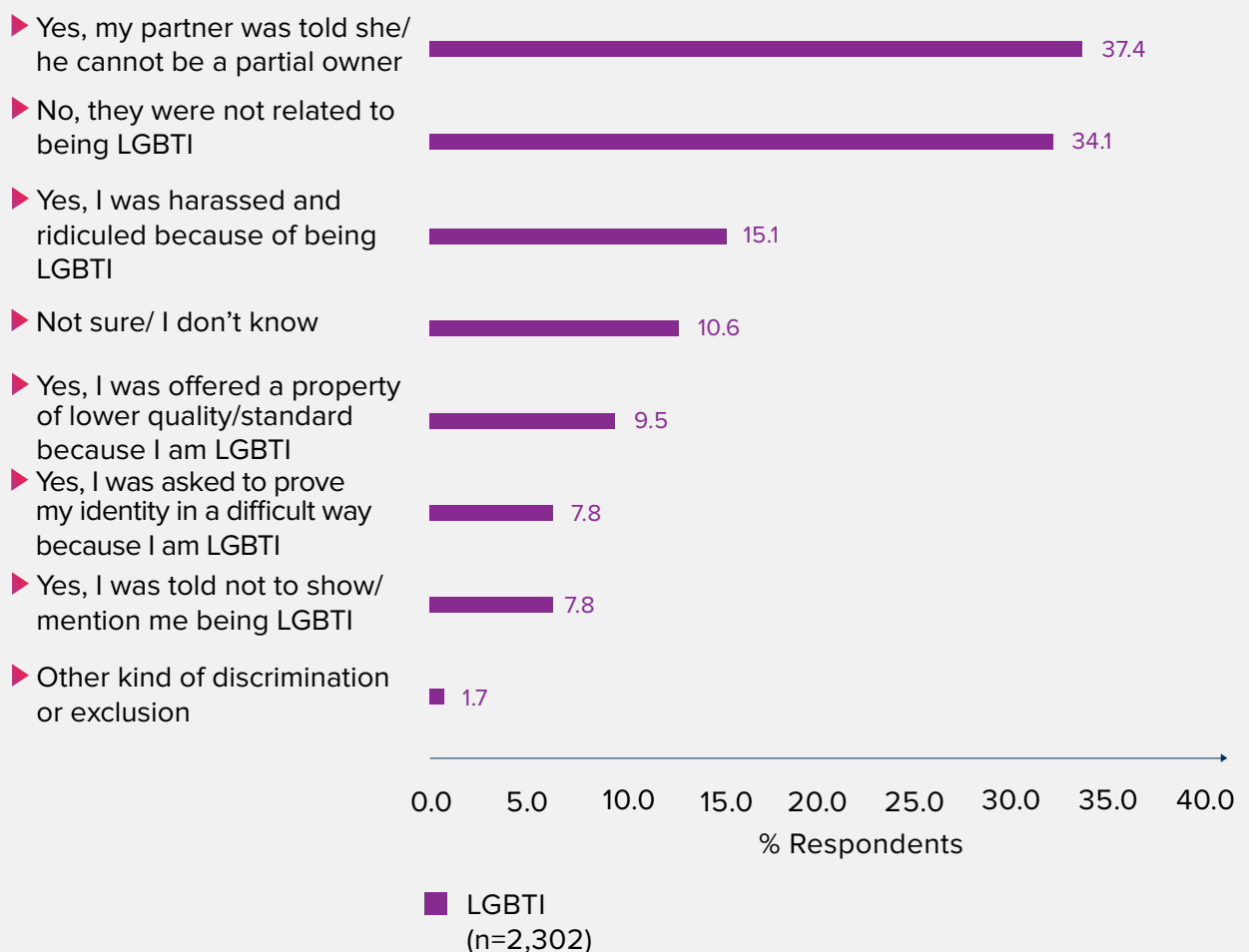
HOUSING

Renting or buying individually or with a partner

Access to Housing

Lesbians in the survey report the highest level of discrimination when buying property, followed by the transgender community and gay men (14 percent). About 37 percent of all LGBTI respondents say they were told they could not co-own or buy property together with their partners (figure 5.9). When trying to buy property, about 15 percent of respondents say they were harassed or ridiculed because of their sexual orientation or gender identity, and 25 percent report the same when trying to rent. About 7 percent to 9.5 percent of all LGBTI individuals report experiencing other types of discrimination similar to those in other sectors, such as having to prove their identity according to their sex at birth or being asked not to show their SOGI status. A disaggregation by subgroup in figure 5.10 shows that lesbians were most frequently told their partners could not be partial owners of property.

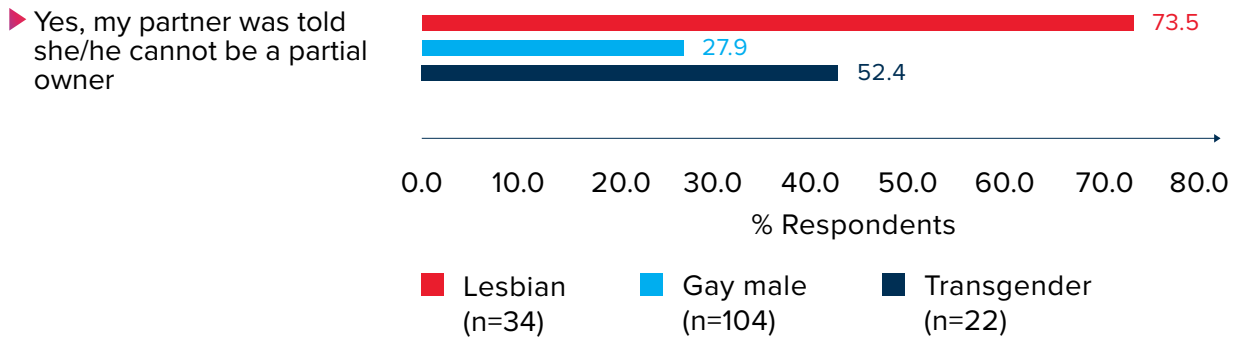
Figure 5.9. Incidence of Discrimination When Buying Property (in percent)



Source: World Bank analysis of survey data.

Access to Services and Markets

Figure 5.10. Lesbians Report Most Difficulties in Co-Owning With Their Partner When Buying Property (in percent)



Source: World Bank analysis of survey data.

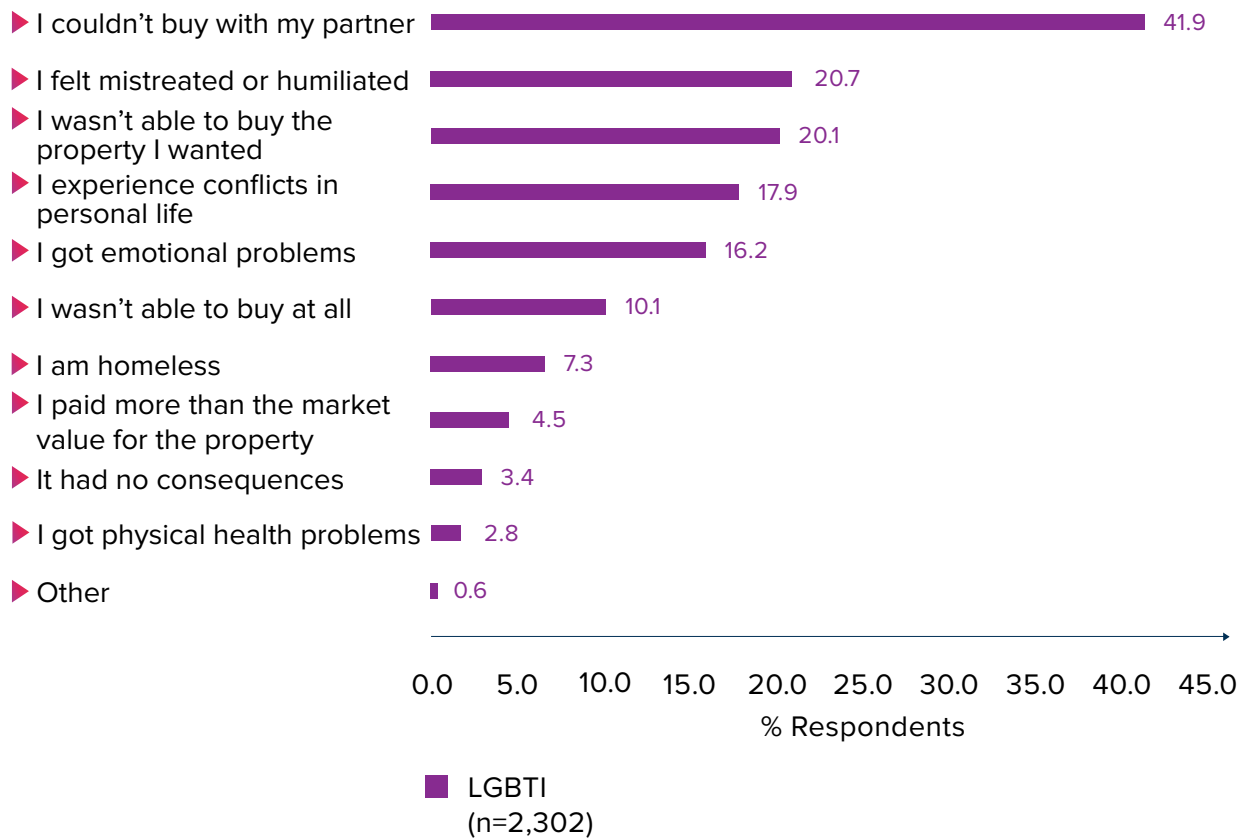
Depending on their personal resources (e.g., income, family background, or identity), participants report differing experiences in relation to housing. About one-quarter report being harassed or ridiculed when trying to rent, 19.4 percent were told their partners could not move in when renting, 11.3 percent had to hide their identity to continue living in a property, and 9.7 percent had to pay more than others who were not LGBTI.

Result 4

Transgender people report the most frequent and severe discrimination and exclusion among LGBTI participants in the survey. Lesbians report worse outcomes than gay men.

The top consequence of discrimination for LGBTI respondents who sought to buy property was being unable to co-own with their partners (41.9 percent). Discrimination also took a mental toll on the respondents, as 16.2 percent report having emotional problems as a result, and about one-fifth felt mistreated or humiliated. About 7 percent of survey respondents said they were homeless because of SOGI discrimination (figure 5.11).

Figure 5.11. Consequences of Discrimination When Buying Property (in percent)



Source: World Bank analysis of survey data.

06

Moving Forward— Policy Options

Discrimination, stigma, social exclusion, and violence rob individuals of dignity and prevent them from capitalizing on opportunities to lead a better life. This report shows that LGBTI people in Thailand, and most notably, lesbian, gay, and transgender individuals, may experience significant levels of discrimination and exclusion, which may keep their human capital underutilized. Because of unequal treatment, they may be unable to take full advantage of services such as education and health insurance. Labor market discrimination and challenges limiting LGBTI groups and their ability to excel at their workplace may impact their income levels. All of this undermines their well-being and potential contribution to the markets that underpin Thailand's economic growth.

Policy options in chapter 6 address the main domains of exclusion identified in the report. These policy considerations are also mindful of Thailand's goals under: (i) the Sustainable Development Goals, which embody a powerful commitment to achieving a life of dignity for all; (ii) Committee on the Elimination of Discrimination against Women, which adopted general recommendations that include sexual orientation and gender identity; and (iii) the Gender Equality Act of 2015, which makes it illegal to discriminate against a person based on being male or female or of a different appearance from his or her sex by birth. These policy options take into account international and national experiences and practices.

Six focus areas are suggested with specific policy actions based on best international practices that could be useful within Thailand's context. Activities range from short to long term and are designed to help ensure an inclusive and cohesive environment for all Thai citizens, despite their sexual orientation and gender identity and expression.

Focus Area 1: Public Policy Awareness

Promoting positive messages about inclusion of LGBTI people can help shift perceptions and social norms. National and local campaigns using mass media, as well as specialized communication techniques to provide the public with the necessary knowledge about gender equality, SOGI and LGBTI rights, and SOGI nondiscrimination can reduce discrimination and violence based on SOGI status. A national campaign could aim to (i) promote awareness of gender equality legislation and SOGI and LGBTI rights; (ii) promote awareness of SOGI nondiscrimination laws and policies across government, the private sector, civil society, and media organizations, and throughout society at large; (iii) show a commitment from the government to address SOGI and promote LGBTI inclusion; and potentially (iv) launch specific policies and programs addressing the economic inclusion of LGBTI people in Thailand. To this extent, three policy actions are proposed under Focus Area 1.

Policy Action 1

Raise awareness and build capacity in key ministries and civil service positions. Essential measures include conducting training, raising awareness, and building capacity on gender equality and LGBTI and SOGI issues for staff in the Ministry of Education, Ministry of Labor, and Ministry of Health, with a special focus on civil servants at points-of-service, such as civil registry. These efforts can be department, agency, or ministry based. They may include campaigns or public events drawing attention to international or national days that recognize and celebrate LGBTI people, links to information about SOGI or services, and SOGI awareness-raising trainings and workshops to build the capacity of government employees to adequately and cordially address the needs of LGBTI people.

These activities may also involve social and print media for broader community sensitization and mobilization. All of them would best be delivered with the commitment and support of senior leadership and through the creation of safe spaces where employees have an opportunity to engage in honest and open discussions.

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Thailand's Capacity Strengthening Workshop

The World Bank, in collaboration with the Ministry of Social Development and Human Security, successfully piloted a three-day capacity strengthening workshop for implementation of the Gender Equality Act B.E. 2558. Developed for and tailored to the special needs of key ministries and civil service positions, the workshop consists of several modules seeking to make participants understand the concept of gender identity and fluidity, taking into account elements of gender norms, roles, and identities, and sexual orientation. It provides a platform for participants to learn about impacts of stigmatization, discrimination, and violence, and to foster an understanding on how to treat one another and communicate with respect for human dignity. Furthermore, the workshop focus is to facilitate a better understanding of social and economic inclusion and diversity issues, including stigma, discrimination, and violence as experienced in Thailand, with an opportunity to examine Thai social and cultural elements. It aims to build skills that help recognize and address discrimination in areas such as education, employment, the labor market, health, social protection, and security, within the framework of costs resulting from social and economic exclusion.

The workshop also introduces international human rights principles relating to gender equality, including the Universal Declaration of Human Rights; International Covenant on Civil and Political Rights; International Covenant on Economic, Social, and Cultural Rights; Convention on the Elimination of all Forms of Discrimination against Women; and the Yogyakarta Principle. It instructs participants on human rights principles and Thailand's State Obligations. It also formulates a clear understanding about the Gender Equality Act B.E. 2558 and reaffirms the Thai government's commitment to eliminate SOGI-based discrimination and violence.

Policy Action 2

Sensitize government employees, teachers, doctors, and other education and health sector staff about SOGI nondiscrimination laws and policies. It is crucial to guarantee that all staff members are aware of the specific protections and particular needs and vulnerabilities of LGBTI children and people. This can be achieved through specific mandatory training, workshops that analyze discrimination cases, and codes of conduct that encompass the laws and policies protecting LGBTI groups.

Suggested sensitization, training, awareness raising, and capacity building efforts may be government-initiated but conducted in partnership with LGBTI NGOs. These community organizations often bring valuable expertise and experience on how to address stigma, discrimination, and violence because of SOGI status.

Training by the Williams Institute to Reduce SOGI-Based Stigma

The Williams Institute is dedicated to conducting rigorous, independent research on sexual orientation and gender identity law and public policy. Through its Judicial Education Program, it has trained more than 5,000 judges and court and justice system personnel from every U.S. state, judges in Croatia, El Salvador, Montenegro, Serbia, and the Caribbean, and those at international judicial conferences.

The program draws on the intellectual and material resources of the University of California, Los Angeles, one of the world's leading research universities, and the Institute's wide network of academic, legal, and policy experts. This work has helped inform regional and international policy debates, connect policy makers and community leaders with research, and provide law enforcement and other government officials with critical training. Training is also offered to leaders and emerging scholars. Thousands of lawyers, legislators, community and business leaders, and law students have attended trainings, conferences, and educational panels.

The formats for the Institute's trainings vary but normally include a peer-to-peer component where participants are grouped by profession, field, and expertise (e.g., judges, prosecutors, law enforcement). This separation ensures a comfortable, productive, and nonvulnerable learning space in which to incorporate new knowledge about sexual and gender minorities and to discuss subjects that may be culturally or socially difficult. Peers have an affinity with each other that is unique and can create the conditions of closeness consistent with the contact hypothesis. The development of relevant curricula and formats would be done in coordination with stakeholders and local personnel. Pedagogical methods may be lectures, small groups, exercises, film, or presentations. Trainings are based on the most up-to-date and rigorous data on LGBTI populations and often include multiple categories of substantive information:

- Understanding the realities of LGBTI people by presenting accurate social science evidence and data;
- Common legal issues within LGBTI communities (hate crimes, discrimination, domestic violence) as relevant to the purposes of the grant;
- A review of relevant legal standards; and
- Information about the needs of LGBTI people as litigants and witnesses and other roles that LGBTI people might have when interacting with court staff.

Source: Retrieved from <https://williamsinstitute.law.ucla.edu/judicial-training-program/>.

Policy Action 3

Thailand has the potential to become a global leader on LGBTI inclusion. As part of transforming Thailand and promoting the new, modern “Thailand 4.0” at home and internationally, the government may wish to **establish a high-level commitment to LGBTI inclusion** and affirm equal rights and opportunities for all Thais regardless of their sex, sexual orientation, or gender identity. Potential instruments to cement such a high-level commitment include a public statement by the head of state or government or the assignment of nationwide responsibility for promoting inclusion to an LGBTI champion.

Focus Area 2: LGBTI Equality and SOGI Nondiscrimination in Employment

Policy makers can use the study as a guide to help identify specific avenues for eliminating labor market discrimination faced by LGBTI people. The study’s LGBTI sample frequently report having job applications rejected because of their sexual orientation or gender identity. Four policy actions are outlined under Focus Area 2.

Policy Action 1

Develop and implement an equality and nondiscrimination in employment and occupation law to guarantee nondiscrimination based on SOGI status. Attention needs to be paid to employment-related discrimination experienced by those who manage to succeed in entering the formal workplace and launching their careers. Research in Thailand by Suriyasarn (2014) and international experience show that developing antidiscrimination legislation specific to employment, and ensuring effective implementation mechanisms are in place and acted on, can be effective. Such legislation should specifically address direct and indirect discrimination in employment and occupations, and promote equality of opportunity and treatment among all sectors and population groups in the workforce, including LGBTI workers. Further, it should prohibit discrimination in laws, regulations, rules, policies, and practices concerning employment and occupation by institutions, enterprises, and employers in both the public and private sectors. Finally, the staff of the Ministry of Labor should become fully familiarized with regulations relating to antidiscrimination and SOGI.

Policy Action 2

Establish an effective enforcement and monitoring mechanism for compliance with new legislation and provide redress in cases of discrimination, particularly for transgender people. Monitoring could include special modules in labor surveys asking similar questions to the ones in the study’s online surveys. Monitoring could also include exit polls or audits regarding case management for victims who decide to report acts of discrimination.

Effective Monitoring, Compliance, and Enforcement

To build an effective monitoring, compliance, and enforcement system:

- Establish key definitions;
- Define the objective and scope;
- Establish the key principles on which the system will be based;
- Establish core elements, including activities and methodologies;
- Ensure availability of competent staff;
- Make available reliable funding sources; and
- Build monitoring arrangements and impact assessment mechanisms.

Source: UNCTAD (2016).

Policy Action 3

Establish and promote the role of the Equal Employment Opportunity Commission as a complaint mechanism at the national level. It is crucial to establish and link to existing mechanisms an independent Equal Employment Opportunity Commission to function as an advisory and monitoring body as well as a complaint mechanism at the national level. The Commission, comprising tripartite members of all genders with sufficient employment and gender expertise, would monitor discrimination in employment and occupation, and make policy recommendations to the government.

Policy Action 4

Encourage social dialogue between private sector employers, employee resource groups, and LGBTI workers to protect the rights of LGBTI employees and promote SOGI nondiscrimination. Much of the discrimination that Thai LGBTI people experience is due to negative attitudes and behaviors of the general population. This is reinforced by biased and stigmatizing coverage of LGBTI topics in health and sexual education and the negative LGBTI stereotypes commonly portrayed in Thai social media, television, and movies. To counter this, social dialogue with LGBTI groups, workers' and employers' organizations, and the private sector could help spearhead proactive and sustained cooperation to promote equality and rights protection for LGBTI people.

LGBT Friendly Business Certification

In Colombia, the LGBT Chamber of Commerce offers “Friendly Biz” Certification to private companies and businesses that demonstrate they are open and accessible to the LGBT community. Through a five-stage process, institutional policies are created and a company’s management and employees are trained around inclusive and normalized customer service for LGBT consumers. Becoming certified means a company gains access to a variety of perks like networking with other members and corporate partners, access to special events and conferences, and the opportunity to build relationships with corporations, the federal government, and state agencies.

Source: <http://cclgbt.co/certificaciones/>.

Focus Area 3: Equality in LGBTI Health Care

Three policy actions are proposed under Focus Area 3.

Policy Action 1

Develop guidance and include a SOGI nondiscrimination component in health service delivery personnel training. Because all Thai citizens are covered through one or more of the three compulsory public insurance channels, the most important policy approach relevant to health insurance is to ensure that public health service delivery at point-of-service is nondiscriminatory as well as SOGI-sensitive and friendly. At a minimum, this step would require nondiscrimination components in training all health service delivery personnel. Guidelines and curricula could be developed for health and life insurance industries, which should also help raise awareness of guidelines under the Gender

Moving Forward—Policy Options

Equality Act of 2015 and its mechanism for handling discrimination and complaints.¹ The first step toward this policy action would be to support and then expand LGBT-sensitive and friendly service delivery models, such as the Thai Red Cross AIDS Research Center’s Tangerine Community Health Center² in Bangkok and the Gender Variation Clinic³ at the Ramathibodi Hospital’s Child and Adolescent Health Center.

Policy Action 2

Develop and implement a measure preventing private health insurers from inquiring about sexual orientation and gender identity. In the insurance arena, legal requirements can be explored to prevent private health insurers from inquiring about sexual orientation.

Policy Action 3

Develop and implement legal measures requiring private life insurers to issue life insurance policies that allow partners—married or unmarried—of any sex and gender identity to be beneficiaries.

Focus Area 4: Inclusive Education for All

Steps to ensure inclusive education for all students, despite perceived or real SOGI status or expression, and to minimize discrimination and harassment of LGBTI students would be in line with priorities spanning multiple Sustainable Development Goals, including Goal 4 (inclusive and equitable quality education and promotion of lifelong learning opportunities for all) and Goal 5 (tackling gender-based discrimination). These steps would also parallel efforts by United Nations agencies that categorized bullying as a special risk for vulnerable children and found that bullying is “a barrier to learning and to gaining access to the full cycle of schooling from early childhood to university.”⁴ UNESCO’s strategy is to ensure learning environments are safe, inclusive, and supportive for all (UNESCO 2017).

Two policy actions are proposed under Focus Area 4.

Policy Action 1

Incorporate gender equality and SOGI nondiscrimination guidance in pre- and in-service training for current and new school administrators and teachers. Teachers are, in most places, a trusted source of information and support. They do more than deliver curriculum. In many schools, they are also guidance counselors, mentors, school monitors, and sometimes school principals. Study findings indicate that teachers can be sources of language and behaviors found by students to be disrespectful or in violation of their rights to safety, nondiscrimination, and health. Evidence also shows that teachers can have a positive impact on LGBTI students, improving their self-esteem and contributing to less absenteeism, greater feelings of safety and belonging, and better academic achievement (Kosciw et al. 2012; Jones and Hillier 2012). Teachers, however, need support themselves to be inclusive and to teach inclusively (Ollis 2013). Training and support are also important for other staff, including school administrators, school counselors, nurses, and the wider school community.

¹ Thailand Gender Equality Act, <https://www.hrw.org/news/2015/09/21/thailand-gender-equality-act>.

² For more information about the Tangerine Clinic, go to: <https://www.facebook.com/pages/Tangerine-Community-Health-Center/1696908850533037>.

³ For more information, please see: <https://www.bangkokpost.com/print/431248/>.

⁴ The United Nations envoy calls for concerted efforts to eliminate bullying in all regions. <http://www.un.org/sustainabledevelopment/blog/2015/10/un-envoy-calls-for-concerted-efforts-to-eliminate-bullying-in-all-regions/>.

Chetana Teacher Trainers Pool—Nepal

In 2014, the Nepali NGO Blue Diamond Society (BDS), with support from World Bank, piloted a program to develop a pool of teachers to train other teachers and school administrators on “how to make schools safer for LGBTI students.” BDS has developed resources including a training manual and toolkit to facilitate further instruction of teachers, along with a frequently asked questions booklet.

The toolkit was developed in consultation with a wide range of experts including lawyers and teachers, and includes tools for principals, teachers, students, and parents. It has been used to train teachers in the Central, Eastern, and Western regions of Nepal, with support from the World Bank. Participants commit to assisting in the placement and involvement of LGBTI students; ensuring a flexible dress code and the availability of appropriate restrooms; including the designation of “other” as a gender option on forms; and ensuring the school environment is friendly and respectful toward LGBTI students. The trained teachers have developed the Chetana teacher trainer pool. The NGO-government partnership is providing a strong platform for a more inclusive education system in Nepal.

Sources: Blue Diamond Society (2013, 2015), Gurung (2015), Mehmood (2014), Gaylaxy (2014).



Note: The initial pool of 176 trained teachers went on to register as the NGO Chetana (“awareness”). They offer training on gender, sexuality, and gender identity with the aim of integrating topics on LGBT issues in curricula and school policies, and developing a friendlier educational environment for all learners.

Source: <http://cclgbt.co/certificaciones/>.

Policy Action 2

Raise awareness of the whole school community about SOGI nondiscrimination, violence reporting, and referral mechanisms, and build its capacity to prevent and respond to violence and SOGI-based discrimination, including bullying and cyber-bullying. Evidence suggests that school bullying, violence, and discrimination are best addressed through multifaceted or holistic whole-school approaches that strengthen the interconnected layers of a school system (Hawkins, Pepler, and Craig 2001; Scheckner et al. 2002; Smith et al. 2004). This includes establishing a supportive and inclusive school ethos and environment, strengthening curriculum delivery and teaching practice, and creating connections with parents, communities, and other stakeholders to improve social and emotional well-being at school. The rationale is that change is more likely to occur when the whole school community has a shared vision and commitment for inclusive environments (Jimerson and Huai 2010; Farrington and Ttofi 2009; Plog et al. 2010).

A whole school approach recognizes that bullying, violence, and discrimination are multifaceted problems that require multifaceted solutions. In practice, these programs will require more planning and (human and financial) resources, but they are more likely to be effective and sustainable. Additionally, the Ministry of Education could work closely with the Committee on Consideration of Unfair Gender Discrimination at the Ministry of Social Development and Human Security on the gradual roll-out of the principles under the Gender Equality Act of 2015. This work should include raising awareness of issues specific to SOGI, providing training on reporting and referral structures, and strengthening the overall complaint handling mechanism. In this way, school administrators, teachers, parents, and students themselves would be aware of—and could rely on—this important redress channel.

Preventing Discrimination Based on SOGI and Making Schools More Gender Responsive Environments for All Learners

UNESCO and Plan International are working with Path2Health, and MPlus piloted the Respect for All Project in two cities, Bangkok and Chiang Mai, to prevent school bullying and other forms of violence, and to make schools more gender responsive environments for all learners regardless of their SOGI status. Respect for All: Promoting Safe and Gender-Responsive Schools in Thailand is a three-year project funded by the Swedish National Office of Plan International and the Dutch Ministry of Education, Culture, and Science through UNESCO. It was developed to address the findings of a 2014 study on the issue, and is designed to test whole school approaches with the aim of embedding policies and practices into the curriculum and daily life of participating schools.

Source: Mahidol University, Plan International Thailand, and UNESCO (2014); UNESCO and Plan International Thailand (2015).

Focus Area 5: Equality of Legal Rights

Four policy actions are proposed under Focus Area 5.

Policy Action 1

Adopt a national gender recognition law. Many transgender people face problems in daily life—applying for a job, obtaining a passport or other government-issued documents, opening a bank account, accessing health or insurance services, and renting or buying a property—because their identification documents do not reflect their true self, and their chosen gender is not being legally recognized. Legal recognition of one’s gender identity is about a person’s recognition and protection before the law and ability to navigate through areas of daily life. This lack of gender recognition fosters widespread social exclusion, stigma, discrimination, and violence when individuals are perceived to deviate from gender norms because their gender identity or expression does not coincide with their sex assigned at birth (UNDP and APTN 2017).

Findings from the study confirm that transgender people’s dignity, equality, privacy, and security are severely compromised if their gender identity and expression are not recognized through legal and administrative processes. Gender identity recognition for transgender people builds on the principles stipulated in Thailand’s Gender Equality Act—in particular, Section 3.2C, which defines “gender discrimination,” clarifying that it is not limited to men and women, but also applies to people who have “a different appearance from his/her own sex by birth.” A gender recognition law goes beyond being an administrative act. It is essential for many transgender people to be able to participate in society and live a life of dignity, respect, and inclusion (UNDP and APTN 2017).

Best Practice: Argentina’s Gender Identity Law

The Argentinian “Ley de Identidad de Género” (Gender Identity Law) is a good example of gender recognition legislation that is human-rights compatible. The law was approved on May 8, 2012 and came into force in July 2012. It is being considered as one of the best laws on legal recognition of transgender identity worldwide. It is a ground breaking and unique piece of legislation that takes a human rights approach toward legal gender recognition. In short, the law: (i) respects the self-determination of transgender people; (ii) has no prerequisites such as infertility, gender reassignment surgery, divorce, or diagnosis; (iii) protects transgender people from disclosure of former name and gender; (iv) is open to anyone, and (v) is fast. The administrative procedure takes two to three weeks to complete. It further guarantees access to transgender-related health care on the basis of informed consent and guarantees coverage of medical intervention in the national health-care plan. According to official statistics, 3,000 new identification documents have been issued under the law in a year’s time, demonstrating the efficiency of the procedures. No cases of fraudulent use are known to date.

Moving Forward—Policy Options

The rights to recognition before the law, self-determination, autonomy, and privacy are set out in binding international human rights treaties including conventions widely ratified by countries in Asia.⁵ The Yogyakarta Principles, published in 2007, summarize the extent to which international human rights standards had been applied to issues relating to gender identity or sexual orientation at that time (ICJ 2007).⁶ Principle 3 focuses on the right to recognition before the law, noting that, “every person’s self-defined sexual orientation and gender identity is integral to their personality, and is one of the most basic aspects of self-determination, dignity, and freedom.” It addresses the impact that eligibility or procedural requirements have on undermining transgender people’s right to recognition before the law, stating that no one should be forced to undergo medical procedures, including surgeries, sterilization, or hormonal therapy, as a requirement for legal gender recognition. In addition, it notes that, “no status, such as marriage or parenthood, may be invoked as such to prevent the legal recognition of a person’s gender identity” (UNDP and USAID 2014).

Policy Action 2

Adapt a national same-sex partnerships law. A best practice partnerships law will permit and validate stable partnerships between any two persons, on an equal basis regardless of their sex, sexual orientation, or gender identity. Thai law allows only a man and a woman to be legally married. Couples of the same sex can’t register a marriage or partnership. Without legal recognition of a union, same-sex partners in Thailand are deprived of many legal spousal entitlements and benefits as well as the capacity to conduct legal transactions as legal spouses (Preechasilpakul 2013; Sanders 2011). This includes the right to co-manage spousal assets, the ability to use a spouse’s surname or receive an inheritance, tax deductions and welfare provisions, and alimony as well as making health-care decisions for partners, obtaining social security and life and health insurance benefits for spouses through an employer and the state, and obtaining joint financial loans (UNDP and USAID 2014; Preechasilpakul 2013; Sanders 2011). LGBTI partners are also deprived of adoption and other parental rights (Suriyasarn 2014).

The first step toward addressing this policy gap would be to revise the Civil and Commercial Code and family and marriage laws to recognize same-sex relationships and families and to allow same-sex couples to register their marriage or partnership.

⁵ Universal Declaration of Human Rights (UDHR) (1948), art. 6; International Covenant on Civil and Political Rights (ICCPR) (1966a), art. 16; Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979), art.15; and Convention on the Rights of Persons with Disabilities (CRPD) (2007), art 12. In addition, Article 8 of the Convention on the Rights of the Child (CRC) (1989) requires states to “respect the right of the child to preserve his or her identity.”

⁶ In 2017, there were proposals to update the Yogyakarta Principles to reflect these developments, including how gender identity and expression should be understood across human rights more broadly.

Elements of an Effective Same-Sex Partnership Law or Civil Union Law

Globally, and in the Asia-Pacific region, 26 countries recognize same-sex marriage, including middle-income countries such as Argentina, Brazil, and Colombia. Another 15 countries recognize same-sex civil unions, including middle-income countries such as Chile. These laws vary as to benefits and protections provided to same-sex couples. An effective same-sex partnership or civil union law in Thailand could cover the rights and obligations that come with a marriage contract, which at a minimum are:

- Shared rights and responsibilities when raising and supporting children
- The ability to retain legal custody of children if the other parent dies
- Merging of property and assets
- The ability of one spouse to inherit the couple's property and to have a right to certain tax and social security benefits
- The ability of a spouse to receive the same employer benefits available to heterosexual married couples
- The right of a partner to engage with medical personnel in making health decisions in the same way that opposite-sex married partners do

Policy Action 3

Fully integrate SOGI in the Gender Equality Act of 2015 and in the promotion of gender equality in national plans and policies generally.

An obstacle to integration that could be removed as a way forward is Article 17 of the Gender Equality Act. Discrimination is not considered unfair if it is done “to eliminate the obstacles or to encourage the persons to exercise their rights and freedom as other persons, or for protection of the persons’ safety and welfare, or for the compliance with religious principles, or for the national security” (Human Rights Watch 2015). Another area for improvement is Article 3—adding specifically the language that forbids discrimination based on sexual orientation.

Policy Action 4

Explicitly include lesbians and bisexual and transgender women in all efforts to promote gender equality, women’s rights, and women’s empowerment and to prevent violence against women and girls. Strengthen and enforce legal protection against all forms of gender-based violence, including against any LGBTI or other person of diverse SOGI status. To address the higher level of discrimination faced by lesbians and bisexual women, policy changes focused on laws and regulations addressing gender inequality between women and men should be considered, in line with the roll-out of the Gender Equality Act. Specifically, implementation should include elements focusing on nondiscrimination based on sexual orientation. A deep concern of transgender people, based on the survey, is the lack of an identification card and other documents matching their gender self-identification and presentation. Understanding how this challenge has been dealt with internationally through changes in laws or regulations could lead to insights for Thailand.

Gender on Official Documentation

In the United States, nearly one-third of transgender people said they were harassed, assaulted, or denied service because their identification documents did not match their “gender presentation” (James et al. 2016). Nowadays, U.S. state governments are beginning to recognize transgender or nonbinary gender identity. The District of Columbia began offering the gender-neutral choice of “X” on driver licenses and identification cards in 2017. It was following Oregon’s example. California’s Senate passed a law with the same aim, and similar legislation has been introduced in New York.

Focus Area 6: Research to Fill Knowledge Gaps

There is a significant data gap for the LGBTI population, particularly in the context of nationally representative surveys. It is crucial to develop and implement surveys or modules that collect data for both LGBTI and non-LGBTI people on a variety of issues and outcomes, and for these data to be fully comparable. In addition, research could be done to examine various policies and programs addressing violence based on SOGI in education settings. Seven Policy Actions are proposed under Focus Area 6.

Policy Action 1

Collect SOGI-disaggregated quantitative data among key sectors. Further exploration of different exclusion aspects of LGBTI populations in key sectors, particularly in labor markets, is also needed. Because of repeated rejections, hostile work environments, limited freedom of gender expression at work, or limited career advancement opportunities, LGBTI persons may delay entry into labor markets or opt out of formal jobs. Of great value would be data that would particularly focus on LGBTI community members who live at the intersections of other categories of social disadvantage, such as socioeconomic status, ethnicity, class, and geographical location.

Policy Action 2

Develop an integrated database that combines cases and data on LGBTI exclusion from relevant government agencies and civil society organizations. There is relatively little effort to bring together the wealth of existing research-based evidence on LGBTI exclusion in Thailand. Yet, a comprehensive and integrated database would lead to uncovering new insights, promoting the communication of complex data sets and analysis in an immersive and multidimensional Thai and international environment, and deriving new implications and actions for the government’s institutions, agencies, and other bodies. A way forward could be to create a LGBTI-specific data portal, a single point of access to a wide range of data on LGBTI with the purpose of improving accessibility and increasing their value. This gender data portal could be modeled after existing ones, from the World Bank Group and the Organisation for Economic Co-operation and Development.

Data Portals

Gender Data Portal, is the World Bank Group’s comprehensive source for the latest sex-disaggregated data and gender statistics covering demography, education, health, access to economic opportunities, public life and decision-making, and agency. The gender data portal of the Organisation for Economic Co-operation and Development includes selected indicators that shed light on gender inequalities in education, employment, entrepreneurship, governance, health and development. The portal also highlights the progress in achieving gender equality and where actions are most needed.

Policy Action 3

Add sections on SOGI to national surveys and registry data from line ministries. Although indicative evidence exists on discrimination, stigma, social exclusion, and violence of LGBTI people in Thailand, there continues to be a need for additional quantitative data disaggregated by SOGI status. This could be addressed by adding sections on SOGI to national surveys and registry data from line ministries including health, education, labor, and social development. A database tracking LGBTI inclusion, which would combine all data and cases from relevant government agencies and civil society organizations, could also be developed. Where this is not possible, international online surveys, adapted to the Thai context, including the Global School-Based Student Health Survey and the Multiple Indicator Cluster Surveys, clearly offer an alternative and can be cost-effective. Data can also be collected by universities, colleagues, and primary and secondary schools, for instance, by using school case reports as well as other academic and research institutions, as has been done in many places in Asia-Pacific and globally.

Inclusion of LGBTI People within National Surveys

Canada's Community Health Survey included questions about sexual identity beginning in 2003 followed by the General Social Survey on Victimization in 2004 (Beauchamp 2004). Its census includes information on same sex couples (Statistics Canada 2006a,b), and the British Columbia Adolescent Health Survey has collected sexual orientation data since 1992.

In India, the Census of India 2011 Household Schedule permits individual respondents to elect a sex indicator other than male or female. Data are not yet available from the census commissioner.

In Ireland, the Central Statistics Office collects information on same sex couples (Central Statistics Office 2012).

The Swedish National Public Health Survey includes transgender, heterosexual with some homosexual elements, bisexual, homosexual with some heterosexual elements (Ramsay *undated*).



Note: For more information about Canada's Community Health Survey, visit <http://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=3226>. British Columbia's Adolescent Health Survey can be accessed on the website of the McCreary Centre Society (<http://www.mcs.bc.ca/ahs>). India's census form (2011) is available at: http://censusindia.gov.in/2011-Schedule/Shedules/English_Household_schedule.pdf.

Policy Action 4

Analyze best practices in preventing and responding to discrimination and violence on the basis of SOGI, particularly in Thai schools, to build an inclusive society for all. These efforts could focus on capturing best practice in preventing and responding to discrimination of LGBTI people and promotion of broader gender equality to achieve full inclusion of LGBTI groups in practice. Efforts should be focused on capturing and analyzing best practices in preventing and responding to violence based on SOGI in Thai schools to build inclusive education for all students. There is also a need for studies that look at root causes of discrimination and cover the linkage between social norms and stigma that justify discrimination in access markets, services, and spaces.

Policy Action 5

Evaluate various policies and programs addressing SOGI in Thailand. More robust evaluations of policies and programs are needed to inform and scale up good practice in Thailand. The RGT should develop a better understanding of factors that contribute to more inclusive society and the benefits that are achieved by doing so at the individual, system and societal levels. More research on how social inclusion, informed by well-designed, fully implemented, and rigorously monitored and evaluated policies and programs, leads to better development outcomes is likely to also increase further sustained action in the country and beyond. Partnerships between government, academia, and NGOs, including LGBTI organizations, can ensure high-quality and relevant research. Evaluations should be ongoing and regular, and data used to inform such policies and programs.

Policy Action 6

Systematically collect data on reporting of violence against LGBTI people. The survey findings indicate that the overwhelming majority of LGBTI respondents who experienced discrimination or violence reported such acts to family and friends, as opposed to responsible, formal government established bodies, with more than half of all LGBTI respondents confiding in online sources or social media. While LGBTI people are, to a greater or lesser extent, protected by antidiscrimination legislation in Thailand, there is relatively little systematic and recurrent data collection on reporting of violence based on SOGI. There are examples of NGOs, equality bodies, and academic or policy researchers collecting such data. Increased collection of the registration of discrimination complaints by formal law enforcement channels and equality bodies, including the Human Rights Commission of Thailand, can be an effective way of filling the gap.

Policy Action 7

Fund research to quantify the economic and financial costs to society from the exclusion and disadvantaged treatment of LGBTI people and to show the benefits of inclusion. A growing body of literature, including from the Asia-Pacific region, demonstrates that violence based on SOGI affects national economies (World Bank Group 2013; Badgett 2014). The exclusion of LGBT people in India had significant economic impacts largely because of lower productivity stemming from discrimination in employment along with lost output from health disparities related to exclusion. Research that would quantify the cost of exclusion and disadvantages to the economy could be informative to policy makers in Thailand.



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Appendix A. Development, Testing, and Dissemination of Online Surveys

An incentive-based dynamic sampling approach was used to recruit survey participants in Thailand who did not identify as lesbian, gay, bisexual, transgender, or intersex (LGBTI). A survey was placed online to reach as many LGBTI respondents as possible through nonprobability sampling. The LGBTI respondents were identified and recruited for the sample through an innovative use of social media platforms.

To develop and pre-test LGBTI and non-LGBTI surveys, partnerships were established with local LGBTI organizations in four cities: Bangkok, Chiang Mai, Pattaya, and Phuket. Both surveys were then tested through in-person consultations and focus group discussions to ensure their practicality, pertinence, cultural sensitivity, and adequacy and appropriateness of user interface. Comments and feedback were collected and incorporated in the final version of both surveys, which were then uploaded onto the online platform and tested internally for functionality.

Online survey links were shared with more than 50 partner and local organizations or groups, along with an email in the Thai language explaining the project, a QR code,¹ a Facebook thumbnail, and a flyer that could be used in dissemination efforts. A “draw prize” incentive was created to ensure adequate uptake. In connection with fan pages and influencers in the LGBTI community, online site administrators of private Facebook groups were established to boost completion rates. In addition, a series of clips, photos, and GIF images was created to better market the survey to LGBTI people.

The non-LGBTI sample was recruited through an incentive-based dynamic sampling approach using programmatic media buying, an automated purchase of data-driven, targeted, and relevant ads using real-time systems, which spread the survey across different websites. The survey was placed through the most popular websites in Thailand. To encourage completion, both surveys were also disseminated through social media, including the Facebook page for the World Bank in Thailand.

Study Details

The study proposal was submitted for ethics review to the Institutional Review Board of Thammasat University in Thailand. After a round of comments and questions from the ethics committee, the proposal received concurrence on November 21, 2016. The World Bank team also engaged an information security expert to ensure the online surveys would align with digital best

¹ A QR code is a type of matrix barcode, which is a machine-readable optical label that contains information about the item to which it is attached.

Appendix A

practices and safety protocols. Further, the team undertook a light desk review of global literature (i.e., literature using online methods to measure the exclusion and rights of LGBTI people) in an effort to promote best practices on participant-driven categories and disaggregation according to non-normative sexual orientation, gender identity and expression, and sex characteristics, as well as sampling techniques.

The LGBTI survey used a quota sample with a target of $n = 400$ respondents from each subgroup, namely lesbians, gay men, and transgender individuals (a target total of 1,200).

Data Analysis

For both LGBTI and non-LGBTI surveys, the data cleaning process was performed by the third-party service provider that hosted the surveys as well as by the research partner organization, Love Frankie. The data from these two surveys were merged and uploaded to an SPSS file for analysis.

The analysis attempts to uncover two main relationships. One is whether LGBTI respondents who faced discrimination earn lower income than LGBTI respondents who didn't face discrimination. Similarly, data analysis examined if subgroups of LGBTI respondents facing discrimination achieved lower levels of education than those that didn't.

Discrimination is explored across seven areas: access to private life and health insurance, a job or work, financial services or products, government services, education or training, renting property, and buying property. Income is defined as a dichotomous variable that indicates whether an individual earns 60,000 Thai baht or more in annual income. Education is also a dichotomous variable that indicates whether an individual has attained a bachelor's degree. The sample for the analysis consists of 3,502 respondents, of which 2,302 respondents are LGBTI people.

The analysis adopts a regression analysis framework given several confounding factors might explain a simple comparison of averages of income and education between LGBTI people who faced discrimination and LGBTI people who didn't. Thus, a probit model is used with the binary measures of income and education as the dependent variable.

The main variables of interest are seven binary variables capturing each of the seven areas of discrimination. Several other factors are accounted for. For instance, the findings may capture differences in age or gender between LGBTI people who faced discrimination and those who didn't. Similarly, the location of respondent, occupation, and type of organization the individual works for could be significant determinants of income and education levels. Whether the LGBTI person is a member of the lesbian, transgender, or gay male targeted subgroup is controlled for in the analysis, given that different subgroups may have systematically different levels of income and education.

Finally, when the analysis explores the relationship between LGBTI discrimination and income, education is accounted for. Similarly, for the effect of LGBTI discrimination on education, income is taken into account.

Appendix B. Survey– Quotas per Group

Graphical and Tabular Representation of the Sample Composition Data

Of the 2,302 respondents to the lesbian, gay, bisexual, transgender, or intersex (LGBTI) survey, 66 percent (1,515) are cisgender gay men, 13 percent (301) lesbian, and 11 percent (253) transgender (see table B.1). The majority is highly educated: 71 percent have a bachelor’s degree or higher. Finally, although 42.8 percent of respondents were born in Bangkok, an additional 38.7 percent moved from regions outside of Bangkok—showing migrants to be a significant percentage of the sample. For 82 percent of all LGBTI respondents, Bangkok is their place of residence.

The non-LGBTI sample (n = 1,200) captured through the survey is young: 33 is the average age, with the majority of respondents representing two age groups—18 to 24 and 35 to 39 (see table B.2). About 60 percent of all non-LGBTI respondents are male. In terms of education, 35.8 percent of all non-LGBTI respondents have a bachelor’s degree, which makes them much less educated than the LGBTI sample. Half (51.9 percent) of the non-LGBTI sample also report living in the Greater Bangkok Area. The core set of the surveys for LGBTI and non-LGBTI is identical, and the methodology ensures comparability. The LGBTI population has an extra module. For those reporting discrimination, additional questions were asked to determine if they feel this is due to their sexual orientation and gender identity.

Table B.1. Composition of LGBTI and Non-LGBTI Survey Respondents

LGBTI	Number of Individuals	Percent of LGBTI
Transgender	253	10.99
Gay	1,515	65.81
Lesbian	301	13.08
Bisexual	161	6.99
Intersex	31	1.35
Other	41	1.78
Total	2,302	—
Non-LGBTI	Number of Individuals	Percent of Non-LGBTI
Male	716	59.67
Female	484	40.33
Total	1,200	—

Appendix B

Quotas per Group								
	18 to 24 year		25 to 34 year		35 to 44 year		Over 45 year	
	Proposed	Actual	Proposed	Actual	Proposed	Actual	Proposed	Actual
Grater Bangkok	15M 15F	75M 75F	15M 15F	75 M 75F	15M 15F	178M 93F	15M 15F	35M 17F
Noth	15M 15F	17M 16F	15M 15F	17M 16F	15M 15F	36M 25F	15M 15F	10M 1F
Notheast	15M 15F	20M 19F	15M 15F	20M 19F	15M 15F	38M 20F	15M 15F	11M 2F
Central	15M 15F	26M 25F	15M 15F	26M 25F	15M 15F	56M 9F	15M 15F	11M 6F
South	15M 15F	14M 13F	15M 15F	14M 13F	15M 15F	32M 11F	15M 15F	5M 4F
Total	150	300	150	300	150	498	150	102



Note: F = female; M = male.

Appendix C. Regression Analysis—LGBTI and Employment Discrimination

Table C.1. LGBTI and the Incidence of Job or Work Discrimination

Probit (marginal effects)	Job or Work Discrimination Y/N
	coef/se
LGBTI	0.084*** (0.025)
Education: Bachelor's degree and above Y/N	-0.085*** (0.008)
Age	-0.005*** (0.002)
Income 60,000 Thai baht and above Y/N	0.013 (0.015)
Urban	0.039 (0.045)
Sex at birth: Female	0.035 (0.022)
Work_Type==Full-time	-0.002 (0.010)
Org_Work==Public sector/government (e.g., civil servant, state employee, law enforcement)	-0.177*** (0.065)
Org_Work==State enterprise	-0.114* (0.068)

Appendix C

Org_Work==Private sector	-0.142** (0.072)
Org_Work==Other (e.g., cooperative or community enterprise, NGO staff)	-0.142** (0.064)
Work: Employer with employees	0.061*** (0.010)
Work: Entrepreneur without employees (self-employed)	0.049*** (0.016)
Work: Helping family business	0.058*** (0.018)
Work: Employee with a contract	-0.021** (0.009)
Work: Employee without contract (e.g., hired by the day)	-0.025** (0.010)
Work: volunteer	0.051** (0.023)
Work: intern	0.022 (0.024)
Work: student	-0.047** (0.020)
Region fixed effects	Yes
Number of observations	2,610



Note: Standard errors clustered by Thai region. LGBTI = lesbian, gay, bisexual, transgender, or intersex; NGO = nongovernmental organization; Y/N = yes/no; coef/se = standard error of the coefficient.
 * p < 0.1. ** p < 0.05 *** p < 0.01

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